sense, good judgment, and sensible discussion on both sides The great Calumet industrial region of Indiana has had an excellent record of peaceful negotiations on labor and racial problems over the years.

I include the article as follows:

GOOD ADVICE FOR BOTH SIDES

The very persons who most openly protested in advance the speech here of Negro civil rights leader Bayard Rustin in paying justifiable tribute to Gary's Curtis Strong last weekend will cheer considerable of what he said.

We hope, though, they will also understand it is advice which needs to be heard on both sides of the color line.

Because he was a black speaking to a primarily black audience, Rustin warned against those of his race who advocate separatism and advised that "it's time to stop blaming the white man for all our problems."

But the coin is also valid on its other side. It is likewise time for the whites to stop blaming the blacks for all of the nation's troubles, whether it's in the field of crime, narcotics, welfare confusion or political chaos.

While Rustin showed the courage to denounce by name such black revolutionaries and separatists as H. Rap Brown, Huey Newton and Bobby Seale, those whites who cheer that aspect of his speech should likewise have the courage to denounce such white extremists as George Wallace, Lester Maddox and others of their ilk.

His advice that "the only way blacks and whites are going to be uplifted from their present economic status is by holding a union card and getting to the ballot box" is also worth reading by members of this nation's two largest racial divisions.

Not everyone of either race, of course, needs to be in a union. That will depend in part on whether he is a worker or a representative of management regardless of color. But the idea that men with common goals need to work together without regard for skin color remains sound.

We called the tribute paid Strong "justifiable." That's because he is a man who, while standing up for men of his own Negro race, has recognized that its goals may best be attained by seeking to change the system gradually from within, working with whites as well as blacks in seeking the betterment of his people.

GOLDEN ANNIVERSARY OF THE DISABLED AMERICAN VETERANS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1971

Mr. BYRON. Mr. Speaker, today marks the golden anniversary of the Disabled American Veterans. It gives me great pleasure to be able to participate in the celebration of this anniversary and to commend the deeds of this worthy organization.

The Disabled American Veterans, Department of Maryland, is an especially active organization founded Aprli 16, 1945. It has over 5,000 members at the present time and is headed by Mr. Walter D. Hyle, Jr., department commander. The DAV, Department of Maryland participates in hospital work at five veterans and military hospitals in the State of Maryland. This program has expended over $10,000 in the last year and has involved 650 volunteers visiting and helping over 23,000 patients. A salvage program also assists needy veterans with clothing and furniture problems.

The Disabled American Veterans, Department of Maryand is presently active in the POW/MIA program. They have joined the national DAV effort to send millions of letters and cables to the North Vietnamese Embassy in Paris and to the North Vietnamese in Hanoi. These letters express the concern of the American people for the welfare and safe return of the American POW's and urge the North Vietnamese to abide by the provisions of the Geneva Convention. This is a commendable program—one which deserves the support of every American.

It is work such as this that commands the respect of the American people and makes the golden anniversary of the Disabled American Veterans a significant event for all of us.

SENATE—*Tuesday, March 2, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Bless the Lord, O my soul; and all that is within me, bless His holy name.

Bless the Lord, O my soul, and forget not all His benefits:

Who redeemeth thy life from destruction; who crowneth thee with lovingkindness and tender mercies.—Psalms 103: 1, 2, 4.

We thank Thee, O God, that Thy dwelling place is not in temples made with hands but in the human soul open to Thy presence. But here we thank Thee also for this visible temple of democracy and this forum of freedom. May it be so hallowed by the people that it may never again be tarnished by terrorists nor assaulted by anarchists, but preserved unscarred and undesecrated for generations yet to come.

Deliver us, O Lord, from excessive fear and the hysteria which makes judgment weak and the will impotent. Heal all sickness of soul and assuage the hurt of those who are distraught or discouraged. Make our leaders great and good and strong. Out of difficulties bring a new unity and a firm loyalty to the things that matter most for the welfare of the people, the enhancement of public order, and the dawning of a permanent peace.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 2, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 1, 1971, be approved.

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

ORDER FOR RECESS FROM WEDNESDAY, MARCH 3, 1971, UNTIL 11 A.M. THURSDAY, MARCH 4, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, Wednesday, it stand in recess until the hour of 11 o'clock on Thursday morning next; and that, immediately after the prayer, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 1 hour, for the purpose of conducting a colloquy.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

FURTHER CONCENTRATION OF POWER, EXECUTIVE PRIVILEGE, AND THE "KISSINGER SYNDROME"

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished senior Senator from Missouri (Mr. SYMINGTON) is recognized for not to exceed 1 hour.

Mr. SYMINGTON. Mr. President, in his state of the Union address this year President Nixon presented a series of proposals which he stated he believed would "reform the entire structure of American government so we can make it again fully responsive to the needs and the wishes of the American people."

The President cautioned that—

The further away government is from the people, the stronger government becomes and the weaker people become. And a nation with a strong government and a weak people is an empty shell;

And then he said:

Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

These statements could well lead the American public to believe that this administration is currently taking steps to return power to the people, and in that way give new meaning to the concept of participatory democracy.

With the possible exception of revenue sharing, however, both the proposals and the actions of this administration would appear to be oriented in the opposite direction — drawing increasing decisionmaking authority into the White House at the expense of the people and their elected representatives in Congress.

As but one example, President Nixon has now proposed a major reorganization of the existing Cabinet structure through the transformation of seven existing departments into four new superdepartments. One of those, Human Resources, would have a budget nearly as large as that of the Department of Defense.

In addition, proposals have been made for a general overhaul of present independent regulatory commissions by combining a number of such agencies; also by replacing the various boards of commissioners with single administrators, the latter appointed by the President.

Some reform of the growing Federal bureaucracy is overdue, but it is important that any such a merging of Executive power at highest levels does not result in the executive branch becoming less responsive to Congress, and therefore to the people. With the importance of such accountability in mind, let us hope that Congress, with an open mind, nevertheless takes a long hard look at these new proposals.

Three additional examples of the present trend toward concentration of authority in the White House are: First, the creation of a Domestic Council to "advise and assist the President in the formulation and coordination of national domestic policy," second, the establishment of an International Economic Council "to pull together military and economic aid, international trade, and monetary, financial, investment and commodities into a cohesive body of policy," and, third, the widening role of the Office of Management and Budget under the direction of Presidential Assistant George Shultz, former Secretary of Labor.

A glance at the proposed 1972 Federal budget provides ample statistical evidence of such concentration.

In the fiscal year 1968, Congress appropriated $3 million for the White House Office. This year that appropriation has tripled to $9,073,000—a figure apart from the operating expenses for the Executive Mansion.

During that same period the number of permanent positions authorized for the White House staff will more than double, from 250 to 540 employees. In addition, dozens of civil servants paid by their own agencies, including 15 from the State Department alone, are detailed to work in the White House.

In 1968, the former Bureau of the Budget operated with a budget of $9.5 million and had some 500 permanent employees. For the fiscal year 1972, however, the budget request for the new Office of Management and Budget is $19 million, double the money in 4 years with 693 authorized permanent positions.

In addition to the two new Councils previously referred to, there has been created, within the Office of the President, the Office of Telecommunications Policy. This new Office, with a budget request of some $2.6 million and a staff of 65, we are told is needed to coordinate the telecommunications activities of the executive branch; also to assure that the views of that branch on national telecommunications policies are effectively presented to the Congress and the Federal Communications Commission.

When pieced together, these typical examples establish a pattern of further concentration of authority in the White House, and in a manner that often makes it difficult, if not impossible, for Congress to meaningfully review, in accordance with its constitutional authority, the functioning of the executive branch.

Most disturbing is the concentration of foreign policy decisionmaking power in the White House, with a resultant obvious decline in the prestige and position of the Secretary of State and his Department; and it is this particular facet of this overall trend that I would explore more fully today.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. BYRD of West Virginia. I compliment the Senator on the address he is making. He has indicated that now he has reached a turning point in his speech, and will devote the rest of the speech to the impact on foreign policy which the executive branch is making increasingly, and to the lessening of impact on foreign policy by the legislative branch.

I wish to say that, with respect to the growing army of employees and the proliferation of agencies and offices and various adjuncts of this department or that department, I think the Senator is touching a very important and sensitive nerve. These agencies come up to Congress year after year. They approach the Appropriations Committees for funds with which to add 500 new employees, a thousand new employees, or 1,500, and they are generally allowed most of the new positions that they request. If they ask for a thousand and we allow them 800, they come back, in a supplemental bill, and request the remaining 200, or perhaps 300, and we allow those, while at the same time we pennypinch when it comes to providing our own research personnel. We do not want to add an additional person to our own staffs; we do not want to add any personnel to the committees' staffs.

Agencies downtown have ample personnel, they have computers, they have every advantage, and we are expected to cope with this mammoth executive organization, with its army of people, with its computers, and with all of its resources, and we dare not add a single staff member to this committee or to that subcommittee. I am not saying that all committee staff people earn their pay, or that all clerks to Senators earn theirs. I would imagine that some Senators might not fully earn theirs, from time to time. But, in any event, we just do not have the guts, when it comes to providing the resources, the personnel, the computers, the space, or whatever tools we need in the legislative branch to maintain our constitutional position of being an equal and coordinate branch—equal to each of the other two branches.

I think it is disgraceful that we are virtually cowards when it comes to providing for our own branch of Government. I do not see how we can possibly cope with the growing executive branch. I do not see how we can carry out our oversight function under the Constitution as long as we give the executive branch everything they ask for and do not provide adequately for our own branch, so that we might conduct research and carry out our own proper responsibilities under the Constitution.

I think that even if the Senator does not say another word, he has already made a good speech with respect to the proliferation and the growth in the executive branch, and I merely wish to take this opportunity to thank him and to compliment him, and to add my little bit with respect to the way we in the legislative branch let these people get by with this growth, and while we are afraid to add to the resources, the personnel, and the equipment that the legislative branch needs in order to carry out our constitutional responsibilities.

I thank the Senator for yielding.

Mr. SYMINGTON. Mr. President, I am very grateful to the able assistant majority leader. He knows only too well the problem he has outlined so well, because he is also a member of the Senate Appropriations Committee, and knows as much as any Member of this body of what he speaks. I am grateful for his contribution.

Mr. President, recently the New York Times carried a series of articles analyzing U.S. foreign policy, the men and forces which shape that policy, including the role of the executive branch and the Congress; and running through that series of seven articles was one central theme—the unique and unprecedentedly authoritative role of Presidential Adviser Henry Kissinger.

These articles illustrate the extraordinary influence of Dr. Kissinger in all aspects of foreign affairs—economic, military, and diplomatic. He emerges as clearly the most powerful man in the Nixon administration next to the President himself.

Under the present concept of executive privilege, however, he has never appeared before the proper committees of Congress to justify any of his decisions, although his domestic counterpart, Director Shultz, frequently testifies before congressional committees.

Under these circumstances it would seem appropriate to examine both the nature and the scope of Dr. Kissinger's present authority.

Dr. Kissinger is assistant to the President for national security affairs. In that position he heads the staff of the National Security Council. That staff consists of some 110 people.

The fiscal year 1972 budget request for the National Security Council staff is $2.3 million, almost four times the amount expended in 1968—the amount requested for outside consultants alone is nearly $500,000.

As outlined in the official U.S. Government Organization Manual, the function of the National Security Council is "to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security."

The staff of the Council was intended to advise the members of the Council. Instead, however, said staff operates as an in-house policy shop for the President himself.

With this broad mandate, Dr. Kissinger has established under the National Security Council a complex structure of six committees which formulate and review policy options on a wide range of subjects before they are forwarded to the President.

Dr. Kissinger himself is chairman of all six committees.

Although these committees have basically the same core membership—high level representatives from State, Defense, the Joint Chiefs, and the Central Intelligence Agency—perhaps the most powerful of the six committees is the Senior Review Group which, unlike the other more specialized committees, deals across the board with those most critical policy issues which are of special interest to Congress and the people as well as to the administration.

Another committee Dr. Kissinger chairs is entitled the Vietnam Special Studies Group. The area of concern of this committee is obvious, but its function somewhat nebulous.

Some say it is the advisory voice of Dr. Kissinger that has been heard the loudest with respect to all major decisions that involve the United States in Indochina—more so than that of either the Secretary of State or the Secretary of Defense; in fact reports have been circulated that one major military decision in this area was made within the White House, without prior consultation with the Joint Chiefs of Staff.

A Washington newspaperman reported that Dr. Kissinger and his Washington Special Action Group—another of the six committees—despite opposition from high ranking military, devised the plan for troops of Cambodia, South Vietnam, Laos and Thailand to drive into northern Cambodia and southern Laos.

Further with respect to the scope of Dr. Kissinger's authority, he is Chairman of the Verification Panel, a National Security Council panel which deals with the vital SALT negotiations; and according to an article in the Christian Science Monitor last December:

> The White House won't trust the State Department or even the Arms Control Agency with any part of the strategy on SALT. The Kissinger people believe that the toughest of all possible lines should be held against Moscow on this and they consider the State Department a profound security problem in these negotiations.
>
> The State Department has been much more willing, in the inner counsels, to suggest following up Soviet overtures which the White House considered meaningless.

Subsequent events and press reports would appear to bear out this purported influence of Dr. Kissinger's views; that is, the reported rejection by the United States of a Soviet proposal to limit ABM deployment; and also the fact that no U.S. response to the reported slowdown of Soviet SS–9 deployment has been forthcoming.

Requests to brief the Foreign Relations Committee on SALT had to be approved by the White House—that is, Dr. Kissinger—and it was Kissinger, rather than the Secretary of State or Director of the ACDA, who, when the administration finally decided to brief the Congress on SALT, came to Capitol Hill to brief, not the Armed Services Committee or the Foreign Relations Committee, but an informal leadership meeting.

Another committee chaired by Dr. Kissinger, the so-called 40 Committee—named for the Presidential directive which set it up—is described as one which supervises covert intelligence operations.

The remaining committee is the Defense Programs Review Committee. According to the Times articles, this committee has been established "to apply a blend of political, economic, and diplomatic assessments to defense budgeting and force levels." In practice, however, it would appear that said committee has been limited to the providing of broad budgetary guidance; and that so far the Secretary of Defense has been successful in preventing it from making decisions on basic weapons policy and other such matters.

Underlying all these six committees as well as the National Security Council staff, Dr. Kissinger has set up six interdepartmental groups according to specific regions of the world—Europe, the Middle East, Africa, and so forth. Each group is headed by an Assistant Secretary of State.

Under such an organizational setup, the line of functioning authority at these levels can only be somewhat hazy, and that condition in itself raises interesting questions.

As but one example, do these Assistant Secretaries of State, as heads of interdepartmental groups under the National Security Council, report directly to Dr. Kissinger, or do they report to the Secretary of State? If the former, anyone experienced in the actual operation of the executive branch knows that Dr. Kissinger is Secretary of State in everything but title, with this organizational arrangement a vital key to the formulation of foreign policy.

One result of the function of these interdepartmental groups has been to place certain broad categories of executive branch communicators beyond the reach of legitimately interested members of Congress. As example, on more than one occasion within the past year, members of the Foreign Relations Committee who sought to discuss pending policy matters with executive branch officials have been told by those officials that their ability to discuss the subject in meaningful terms was limited because it was a matter pending within the National Security Council process.

If, on the other hand, these Assistant Secretaries of State report to Dr. Kissinger as well as to Secretary Rogers, such a dual track system counters one of the basic principles of sound management, and can only lead to confusion and misunderstanding in the execution of policy.

Dr. Kissinger has other official powers. As example, he is a member of the new Council on International Economic Policy. This Presidential Council, noted previously, is designed to "pull together military and economic aid, international trade and monetary, financial, investment and commodities matters into a cohesive body of policy, taking into account the requirements of foreign policy."

If effective, this Council would put under direct Presidential control matters which heretofore have been handled in various executive agencies and departments, including the Department of State.

In the past it has been reported that the hard line approach Dr. Kissinger has taken with respect to trade with Eastern Europe has thwarted both State and Commerce Department proposals for more liberal trade policies toward Iron Curtain countries. In any case, as a member of this new Council, and with such a concentration of foreign economic policy decisions, it would appear that Dr. Kissinger's leverage in that area could well equal the authority he possesses in the other two areas of diplomacy and national security.

In addition to these official roles, it would appear that Dr. Kissinger has further authority. He is reported to have taken a summary of the world situation that had been prepared originally by the State Department for delivery by Secretary Rogers, and then redrafted and expanded it for release as President Nixon's 1969 State of the World Message. Neither Secretary Rogers nor any other representative of the State Department was present at the time of the official signing of this message.

It is reported that another relatively recent "takeover" development is that Dr. Kissinger and his staff now prepare answers for the President to probable foreign policy questions at news conferences, a function formerly performed by the Departments of State and Defense.

According to the Times articles, it was Dr. Kissinger whom the President selected to deal directly with the Soviet Union in connection with the possible installation of a submarine facility in Cuba; thus bypassing the Secretary of State, who reportedly had a more restrained view toward the matter.

Numerous other examples of Dr. Kissinger's role in the shaping of policy—official and unofficial—could be cited. Those delineated above, however, illus-

trate well the degree as well as the nature of his authority.

At this point, soemone might ask, in the vernacular, "So what?" Is there any danger resulting from this "Kissinger syndrome," this unprecedented concentration of authority into the hands of a man who consistently briefs various groups and individuals on matters of domestic and foreign policy; but because of his "Executive privilege" is equally consistent in refusing to testify, even in closed sessions before the proper committees of Congress?

Some degree of concentration of authority in the hands of the President and his advisers, particularly in the area of foreign policy, is no doubt necessary so as to deal with some situations requiring prompt Presidential decisions unique to the nuclear-space age in which we now live. Any legitimate need for such further concentration of decisionmaking authority, however, is now being expanded to the point where Congress as well as the American people are being increasingly denied access to pertinent facts about major foreign policy decisions; and therefore neither Congress nor the people have any real knowledge, let alone any voice, in the formulation of policy decisions which could well determine the Nation's future.

Policy decisions are no doubt easier for the executive to arrive at if not subject to congressional review, but that is not the manner in which a democracy is supposed to function. Only in a totalitarian state can refusal to disclose important policy decisions to the proper legislative representatives of the people be justified on grounds of expediency.

Such isolation from members of the Senate on the grounds of Executive privilege not only nullifies the basic constitutional concept of advice and consent, but also distorts the fundamental premise on which our country was founded—representative democracy.

How can those of us who are elected to represent the people, and in whose hands is the sole authority to appropriate those funds necessary for the executive branch to carry out policy, perform properly our constitutional function if we are barred from knowledge of the true reasons for said policy or policies.

This development is of particular concern in the field of foreign affairs. In that field the people are forced to rely more on the national security considerations—than is the case with respect to domestic affairs. Nevertheless it is in the former area that Congress is now being asked to appropriate increasingly more money so as to carry out policies and programs about which they have been receiving increasingly less knowledge.

Sitting as he does in such a broad seat of authority, Henry Kissinger is clearly the best-informed administration official on White House policy; and he is permitted to lobby the decisions of the executive branch to the news media, to representatives of foreign countries, to the Cabinet, to the military, to Government boards and commissions, and also to various private groups and individuals, without any accountability of any kind whatever to the Congress. In passing, only recently he expounded his views to all for 1 hour on a national CBS network show.

It is now clear that this development has placed the Senate, particularly the Foreign Relations and Appropriations Committees, and at times the Armed Services Committee in an awkward and often impotent position; for whereas it is becoming ever more obvious that Dr. Kissinger, not Secretary Rogers or the State Department, is the primary spokesman on foreign policy for this administration under the present interpretation of Executive privilege. Dr. Kissinger does not and apparently will not appear before the duly constituted committees of the Congress. As was recently demonstrated, neither will members of his staff even after they have attacked both the integrity and the competence of certain Senators and their staffs. That is a matter which will be discussed at a later time in more detail.

This lack of communication with the actual architect of our foreign policy has created a serious denigration in the position of the Foreign Relations Committee and the Senate in the performance of the latter's constitutional role of advice and consent, to the point where it is now little wonder that some view the appearance before the committee of the Secretary of State, or the head of the Arms Control and Disarmament Agency, as a rather empty exercise.

Further concentration of authority in the White House, particularly with respect to foreign policy, is not confined solely to the present administration, but these recent changes in the organization and functioning of the executive branch are rapidly accelerating a trend that has been developing over the years.

The Congress itself, however, is far from blameless in allowing this trend to gain its present momentum. As the chairman of the Foreign Relations Committee pointed out in a recent address:

> Out of a well-intentioned but misconceived notion of what patrotism and responsibility require in a time of world crisis, Congress has permitted the President to take over the two vital foreign policy powers which the Constitution vested in Congress: the power to initiate war and the Senate's power to consent or withhold consent from significant foreign commitments.

In the past several years, the Senate has taken significant steps in an effort to reassert its role in the conduct of foreign affairs. If the Senate is to have any real influence on foreign policy, however, its Members must first regain, and then utilize the constitutional authority which they have allowed to be preempted.

All of us know that the most effective congressional authority is the power of the purse; and only through the proper exercise of that power can the Congress regain its constitutional role in the formulation of policy.

Let us earnestly hope, therefore, that the Congress will review thoroughly all administration requests for the Nation's increasingly limited resources, particularly in the field of foreign economic, political and military policy.

We could well begin by taking a long hard look at the $2.3 million appropriation request for the "little State Department" currently in residence at the White House.

Once again, we recognize well the authority of the President to organize his staff so as to conduct our foreign policy—along with the flow of information and advice—in the manner which best suits him. But this should not be done in a way which prevents the Congress from receiving accountability from the responsible officers of the executive branch.

Mr. JAVITS. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the able senior Senator from New York.

Mr. JAVITS. Mr. President, this is a most provocative and interesting speech given by the Senator. In the last Congress he handled, in my judgment, one of the most important responsibilities of our Government; that of finding out what are the foreign policy commitments of the United States, and what we are doing about them, and how they expose us, and whether it is worthwhile being exposed to them—often it is. I serve on the subcommittee that he chairs.

I know Dr. Kissinger very well—and I think that is an important point in this colloquy—the frustration which the Senator from Missouri has faced, and I have faced, and committee members have faced in the invocation of "executive privilege." Many of us have felt denied information, even in executive session, necessary and proper for us to have so as to carry out our constitutional responsibilities as Senators.

The Senator is himself a man of high talent, very highly prized talent, so he has a great respect for talent in others. What troubles me is whether we are shooting at the right target, if we pick Dr. Kissinger and set him up as some kind of an eminence grise. He is an able man.

Moreover, he is in a tradition which is actually quite familiar in this country—and which is not so unique as may be implied. Woodrow Wilson had Colonel House. Franklin D. Roosevelt had Harry Hopkins. I think, in a sense, Averell Harriman served Harry Truman along somewhat the same lines. And, of course, McGeorge Bundy was believed to have exercised very great authority in the national security field under President Kennedy, as did Walt Rostow under President Johnson.

Now President Nixon has Henry Kissinger. The President knows a lot about foreign policy and he thinks he has got himself the best man there is to advise him.

It seems to me that these organizational things that the Senator speaks about, the President can choose to do if he wishes. That is his privilege as President. He does not have to tell us some things which we would like to know, even though we might think public policy dictates that he should tell us. This is especially so as regards the organization and conduct of his office—the Presidency. That is the basis of "Executive privilege." Why we should not hold the President himself responsible rather than Dr. Kissinger for the effect upon Congress of the organization of his Presidency, respecting international security

affairs. Dr. Kissinger is the President's man. The President can fire him tomorrow and get someone else. It is the President who is doing this, not Dr. Kissinger. By "this" I mean excessive use of Executive privilege so as to impede our work and our prerogatives. We had a situation which the Senator complained about before—and I supported him 100 percent—where an ambassador came before us and said that he had executive privilege. They told him not to testify.

We have legislative oversight over the State Department in the Foreign Relations Committee. We have a right to complain about the fact that the State Department is being denuded of the things it does, things for which we have a right to hold it accountable and that the President is organizing his office in such a way as to accomplish this. The invocation of Executive privilege in an excess way so as to interfere with our activities, is a matter the President is responsible for, rather than Henry Kissinger.

Henry Kissinger happens to be a very gifted man and he has the confidence of the President. If he brings peace to Vietnam and to this country, I suppose the President ought to erect a statue for him. That is his business.

I ask this question in good faith, because I know the man. I believe he is really trying to do his best within his ability to advise the President. Is not our proper target the President and the way he has set up the State Department?

Mr. SYMINGTON. Mr. President, it has been my privilege to serve many years with the able Senator from New York; also to work with him on our commitments subcommittee. No one has more respect than I for the ability of the Senator from New York.

I would not necessarily agree with some of the historical references he made to people who were close to former Presidents.

Let me say to my friend that I am sorry he has completely missed the basic thrust of my address this morning. I, too, have great admiration and respect for Dr. Kissinger, have known him perhaps as long as has the distinguished Senator from New York. He is one of the ablest men it has been my privilege to have as a friend.

These words this morning are not a criticism of Dr. Kissinger. I agree wholeheartedly with the opinion of the Senator from New York about the ability and patriotism of Dr. Kissinger—I was not looking for any personal target, either Dr. Kissinger or the President.

Based on previous experience in business and the executive branch of Government, what I was addressing myself to this morning was what I believe is an illogical, unsound, and potentially dangerous organizational structure in the Federal Government. It may be that the functioning of what I believe is an unsound structure can, because of the brilliance of the men involved, function adequately.

I will say, however, that I do not believe results justify any sweeping observation of that character.

Another friend for an equally long time is the distinguished Secretary of State, who, when I first came into Government, was counsel for the Military Preparedness Subcommittee of the Senate. I am talking about the Honorable William P. Rogers. His position is becoming very difficult with respect to what is going on, not because of any inefficiency, or desire for power, or careless thinking on the part of any individual; but because of the nature of the organization that has been set up and under which he functions.

I will not get into the details of that functioning this morning, or a discussion of the men who no doubt are able public servants. But I do believe that the organizational setup in the executive branch is not operating for the best interests of that branch, or the best interests of the Congress and our form of government.

That is the basic reason why I am making this talk this morning.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. SYMINGTON. I yield.

Mr. JAVITS. Mr. President, the Senator really does my heart good, for this reason. Had I not said what I had to say and had the Senator not said what he had to say, which is typical of his ability and fairness, I could see the headlines: "Symington Attacks Kissinger." That, of course, would not have been the thrust of the Senator's statement.

What do we do about it? We have a perfect right to tell the President that we do not like the way he is setting this up, and we have a perfect right to refuse any money that he asks us for either his office or Kissinger's office.

Our own judgment of what we really ought to do is to demand of the State Department the information we are entitled to get from them, information which the Secretary of State ought to have.

Thereby, we would know if there is any real inefficiency that exists through their not being put in the position of being able to do their job. We have legislative oversight over them.

I will say that as I now understand the thrust of what the Senator has in mind, as we negate the idea that this fellow Kissinger is some kind of conspirator who has enthralled the President—which is very important to negate, because he is not that kind of man and the President is not that kind of man—having done that, I would like to join with the Senator in pushing as hard as we can to secure the information.

We, as members of the Foreign Relations Committee, the Senate, and also the public, ought to have the information. If the State Department does not have it, the information ought to be made available to us as to why they do not have it, and thereby demonstrate, as the Senator is demonstrating, the defect in Government of which he is complaining.

Mr. SYMINGTON. Mr. President, let me make my position perhaps even more clear to the able Senator. I do not question the right of the President to have any member of his staff possess the type and character of authority Dr. Kissinger has, or even that of Mr. Lehman of Dr. Kissinger's staff, as they go out and lobby for the policies and programs of the executive department, domestic or foreign policy.

I do not question the fact that recently Dr. Kissinger gave a 1-hour interview on CBS, in which interview he answered, in great detail, many questions propounded to him by some of the more able news media people. But I do question the fact that when he does so, he nevertheless continues to refuse to come before the Senate Foreign Relations Committee, even in executive session, to report to the proper Members of the Senate under the advice-and-consent clause of the Constitution.

To me that is not representative government under our form of government.

This is said with some background, because I served on the National Security Council in two different positions. It would appear that the former Secretary of Labor in the domestic field does not fear the Congress as apparently Dr. Kissinger does, or the President, in the foreign policy field. Dr. Shultz, with greater power than other Directors of the Bureau of the Budget in the history of this country, nevertheless is willing to come down and discuss, in open session, before the proper committees of Congress, the domestic policies and programs of this administration. If the No. 1 man under the President in the White House on domestic issues is willing to discuss these matters in great detail, surely the No. 1 White House man on foreign policy, perhaps also on other policies, should be willing to do the same with the proper committees, in executive session.

Mr. JAVITS. Mr. President, will the Senator yield again?

Mr. SYMINGTON. I am glad to yield.

Mr. JAVITS. I thank the Senator. I think this is a very useful colloquy.

I think the point on which we differ is that Dr. Shultz is really the successor of the Director of the Budget.

Mr. SYMINGTON. I do not mean to interrupt, but the authority given Presidential Adviser Shultz is far more extensive than that of any previous Budget Director in the history of the United States.

Mr. JAVITS. I do not think the Senator changes what I said. He includes the duties which have heretofore been the subject of executive and public hearings. He is more than that, but he is also that.

On the other hand, Dr. Kissinger's job traditionally has been direct confidential adviser to the President. He deals with highly classified matters of national security. I have not checked the precedents, but I understand there always has been a great reluctance on the part of a President to have his adviser or emissary go before committees. No doubt there is a lot of abuse, also, of the use of "security classifications" to keep information away from us. That is another subject, and one which deserves hard scrutiny and corrective action.

The President himself does not have to come to us and he can instruct his personal man that he does not want him to appear either. But I do not believe Cabinet officers can do that.

I say we have a right to call Bill Rogers, whom I respect enormously. He has been a friend of mine as he has been of the Senator from Missouri, and I respect and admire his authority and I want to build him up. But I think we have a right to call him and say, "We hear on radio and television the following things emanating from the President. What do you know about it?" We can go after that hammer and tong. We have oversight over that Department, but the President, under the Constitution, is a separate official. We establish the State Department and the Secretary's office, by legislation. The Presidency is established by the Constitution.

Mr. SYMINGTON. If the Senator will yield, I do not have much time remaining and would make a further observation.

No doubt the Senator can obtain information from Dr. Kissinger any time he so desires. I do not begrudge him that opportunity, but happen to represent the millions of people in my State, and I am not getting adequate information, that needed prior to making a decision.

The able Senator from New York said this could be construed as a talk against Dr. Kissinger. Nothing could be further from my intent; but it could be construed as a talk for the prerogatives of the Senate under the Constitution, and it could be construed as a talk for the Secretary of State.

Wherever one goes in the afternoon or evening around this town one hears our very able Secretary of State laughed at. People say he is Secretary of State in title only. Now, there is something even more serious about that, based on my past experience, than just the difficulty of any one individual being placed in that position with his assistants and the public. If the Senator does not think this is affecting negatively the morale and capacity of other members of the State Department, I possess information he does not have.

Under this type and character of "cut-through" operation, serious deveolpments could occur in the world as it is today from the standpoint of the future of our country.

There has been criticism of our committee and other committees. That is unfortunate because I do not believe the recent criticism is justified. I do know also that a large majority of Senators who appropriate the money necessary to handle our foreign policies do not have the information that a member of any Board of Directors of a corporation would demand, if he were a good director before approving an appropriation of funds to be expended by the operating heads of that corporation.

The real power of the Congress lies in the power of the purse, and we have a right to request more information than we are receiving on subjects which come before my committees, information asked for only in executive session. It is true, and the Senator knows it, that on many basic policy matters we find out more from reading the newspapers than we do even in executive sessions.

I do not intend to just ride along with this administration or any other administration. I am not attacking any individual. I have great respect for these people as individuals. But I am criticizing the system which has now developed, a system which I believe could be very harmful, in the long run, to this country.

Fifteen or 20 years ago one of our more able Secretaries of State, Dean Acheson, wrote a book in which he said the greatest single change in the Government of the United States in this century was the further delegation of power of the legislative branch to the executive branch. That was before the Kennedy administration and the Johnson administration and the Nixon administration. If it was true then, I ask my able friend from New York how much more true would be justification for such a criticism today?

Mr. JAVITS. Mr. President, will the Senator yield again?

Mr. SYMINGTON. I yield.

Mr. JAVITS. If we do not have the information which we should have as a director on a board of directors, then we should not vote for the money; and if we cannot persuade our colleagues to that effect, then there is something deficient in us, because that is what our function should be. If we do not have enough information, then we should not act.

Mr. SYMINGTON. That is right.

Mr. JAVITS. The Senator said that I have more information.

Mr. SYMINGTON. I said the Senator could get more information.

Mr. JAVITS. I state flatly that is not a fact. The Senator can go to Dr. Kissinger just as I can and get exactly the same thing.

Finally, I am sorry to hear what the Senator said about Secretary of State Rogers. It is not the case, and if it were he would resign. He is that kind of man; he is a man of great dignity, an outstanding lawyer, and an outstanding public official. If that were true he would not stay on the job.

I would insist that in governmental organization the Department of State should have the full power and authority, notwithstanding Dr. Kissinger, that it is supposed to have under the organization of government.

Mr. SYMINGTON. Mr. President, as our time runs to the last allowable minute or two for this colloquy let me say to the Senator from New York, whom I respect a great deal, that it is much to the credit of Secretary Rogers that he does not resign. Some people in business resign when their company is not making a profit. I have just read a book by Barbara Tuchman, "Stilwell and the American Experience in China," which demonstrates that often patriots who are getting a bad deal believe they owe it to their country to stick around and do the best they can under unfavorable circumstances.

Mr. JAVITS. I thank the Senator. This colloquy has been extremely useful. I am happy to have been able to join the Senator in making it more so.

Mr. SYMINGTON. Mr. President, anything proposed which the Senator from New York joins is a plus for the Senator from Missouri. I am grateful to the Senator for this colloquy.

Mr. President, I yield the floor.

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed to the consideration of routine morning business for a period not to extend beyond 12 o'clock noon, and with speeches by Senators limited to 3 minutes.

IS VIETNAM A THREAT TO PRESIDENT NIXON?—ADDRESS BY SENATOR JAVITS BEFORE MID-AMERICA WORLD TRADE CONFERENCE, CHICAGO, ILL.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech I made in Chicago on Thursday, February 25, 1971, before the Mid-America World Trade Conference. The speech is entitled "Is Vietnam a Threat to President Nixon?" It was discussed throughout the country after I made it, and I think it should be made available to all who read the RECORD.

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

IS VIETNAM A THREAT TO PRESIDENT NIXON?

President Nixon was elected in November 1968 with an unmistakable national mandate to end the Vietnam war. Few Americans will forget the tragic experience of his predecessor. President Johnson was elected in 1964 by the biggest margin in history—only to be forced to announce his withdrawal from politics three and a half years later. President Johnson struggled as hard as any man could to mould American public opinion in support of the Vietnam war. In the end, his effort destroyed his Presidency and forced deep fissures in the American body politic which continue to scar our national life.

In his first two years in office, President Nixon has tried to meet the national demand for an end to the war by a process of gradual withdrawal of U.S. troops based on Vietnamization. The President's troop withdrawal program has generally succeeded in lowering the emotional pitch of the Vietnam issue. Nonetheless, feelings about Vietnam continue to run very deep and very strong in this country.

The big question is whether time is running out for President Nixon on the Vietnam issue, as in my judgment, it would be unrealistic for the President to assume that he is going to be given the same amount of freedom of maneuver that he had in his first two years on this issue.

I feel the time has come for a Republican Senator to post warnings that the ship of

state may be headed for the same rocks which broke up and sank the Presidency of President Johnson; and that there is yet the time and opportunity to steer another safer course for the nation. I consider these warnings to be prudent, as I feel the Nixon Administration has much to give the country in the two terms it normally would have. I do not want to see President Nixon beguiled by the same vision of a "victory" by military means which proved to be the undoing of Lyndon Johnson's presidency. What could our nation possibly win in Vietnam that would be worth the destruction and the division—economic, social and in morale—which this war is inflicting on our own nation?

To cite some examples, the Vietnam war has so weakened international confidence in the dollar that our world financial position is being jeopardized. It has so eroded the motivation of the American worker that our very productive and technological superiority—our greatest strength—is threatened. It has so dismayed American youth that large segments have lost faith in the essential effectiveness, decency and humanity of our society—in our culture—and even in our credibility. It has so strained our resources as to bring on a great inflation and a dangerous erosion of confidence in our economy resulting in serious unemployment.

Along with this we have the deep aggravation of our urban problems—leading to the near "bankruptcy" of city governments across America—and the deep sense of alienation and pessimism now so prevalent in what used to be known as the most optimistic nation in the world. And there are those 50,000 American lives lost and the 200,000 wounded and that $100-billion of treasure.

There are many indications that 1971 will prove to be the make-or-break year in Vietnam for the Nixon Administration. Some really hard choices which have been avoided or postponed over the past two years will have to be faced this year. In my judgment, how the President decides on these critical breaking-point issues could be a major factor in determining whether President Nixon is to be a two-term President.

I am deeply disturbed by implications of a goal of "military victory" in President Nixon's recent statements. In the President's February 18 press conference, he said: "Time is running out for the North Vietnamese, if they expect to negotiate with the United States", and added, "We are not going to make any more concessions."

On the same occasion, the President said: "I am not going to place any limitation upon the use of air power except, of course, to rule out . . . the use of tactical nuclear weapons."

In addition, the President refused to rule out the possibility of a South Vietnamese invasion of North Vietnam. He described the current South Vietnamese invasion of Laos as having been made possible by the invasion of Cambodia, and as a reflection of increased South Vietnamese and American military power in relation to the communist forces.

Clearly, the President must rely for such judgments on his military advisors. I think it is only prudent to note that essentially the same commanders advised President Johnson, too.

It is not that any American would deny that in war he wants "military victory" for the U.S., but it is that Vietnam is not our war and that we never went into Vietnam with any intention of unconditionally making war until a "military victory" is achieved.

Recently, I had occasion to reread a speech given by General Westmoreland to the National Press Club on November 21, 1967—just two months before the Tet Offensive of 1968 when the Vietcong succeeded in penetrating the American Embassy itself in the heart of Saigon.

On that occasion, General Westmoreland said the enemy ". . . sees the strength of his forces steadily declining." He further told us:

"It is significant that the enemy has not won a major battle in more than a year . . . he can fight his large forces only at the edges of his sanctuaries. . . . We have reached an important point when the end begins to come into view."

In a very trenchant article published in *Foreign Affairs* just before the Nixon Administration took office, the President's Advisor, Henry Kissinger, summed-up the flaws of the Johnson Administration approach:

"We fought a military war; our opponents fought a political one. . . . In the process, we lost sight of one of the cardinal maxims of guerrilla war: the guerrilla wins if he does not lose. The conventional army loses if it does not win."

It seems to me that the Nixon Administration faces the same dilemma now which faced the Johnson Administration in 1967. I am speaking here of the "winning" and "losing" syndrome which spurred President Johnson on to those measures of military escalation and insensitivity to public opinion which brought his political career to an end.

Our nation is facing its gravest internal crisis since 1861. The real issue could be whether we are going to win or lose America. In that context, it would be irrelevant whether we are going to "win" or "lose" in Vietnam.

The ability of the communist forces—with the help from Russia and China—to offset the constantly escalating American military effort of the Johnson years demonstrated that the illusion of "military victory" is a path to American frustration and disappointment.

It is time to redefine the Vietnam issue in terms of America's interests. I believe that there is now an unmistakable national conviction that the *American* interest can be best served by an orderly but complete withdrawal of American forces from Vietnam, not dependent on the pace of success in the Vietnamization program, and that this should be accomplished by mid 1972. If this does not become our national policy, I believe there is a good chance that the Congress will act to establish it by law.

The Vietnamization policy of the Administration suffers from a major defect. It gives veto power both to Saigon and to Hanoi. "Vietnamization" is tied to the concept of Saigon's readiness to hold up militarily on its own. In this sense, "readiness" has got to include "willingness," and here the political calculations of President Thieu, as well as his rivals, are bound to be a factor. I believe the time has long passed when Americans are prepared to condition U.S. withdrawal on the exigencies of Saigon politics, as well.

In addition to the veto given to Saigon, a veto has been given to Hanoi, for the President has said that the pace of U.S. disengagement will be related to the degree of military pressure applied on our forces by North Vietnam.

In his February 18 press conference President Nixon further expanded Hanoi's veto by declaring:

"As long as the North Vietnamese have any Americans as prisoners-of-war, there will be Americans in South Vietnam and enough Americans to give them an incentive to release the prisoners."

I will yield to no one in my solicitude for American prisoners-of-war, but I do not believe the only way to rescue our prisoners is to continue the war; the history of warfare teaches that prisoners are released when wars are ended.

In conclusion let me repeat my belief that time is closing in on the Administration with respect to ending the Vietnam war. In 1971, the President is facing the big moment of truth as to whether we are going to govern withdrawal from Vietnam according to the American interest, and without being dependent on the state of readiness of Saigon or the veto of Hanoi. There is also the question of whether he is going to give first priority to a search for "victory" through a series of military campaigns throughout Indochina. His generals may well be seeking to convince him that he will surely find that elusive pot of military gold at the end of one or another of those endless jungle trails.

The President seems under some temptation to go on with Vietnamization as a base of the Vietnam policy. If he does, there is grave danger that the American people may conclude that their mandate in 1968 was to end the war and that it has not been met. If this proves to be the case, President Nixon's reelection could be in grave danger—a contingency which I want to do all I can to help him to avoid.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the colloquy of 45 minutes with respect to the fiftieth anniversary of the Disabled American Veterans, which, under the previous order, is to be under the control of the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Kansas (Mr. DOLE), there be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will please 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the vote which will occur on the motion to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9, the able assistant to the Senator from Idaho (Mr. CHURCH), Mr. Wes Barthelmes, be granted the privilege of the floor.

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

MINORITY MEMBERSHIP ASSIGNMENTS TO THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. GRIFFIN. Mr. President, on behalf of the Republican leader, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 63

Resolved, That the following shall constitute the minority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to Senate Resolution 359 of the Ninety-first Congress: Mr. Roman L. Hruska; Mr. Jacob K. Javits; Mr. Peter H.

Dominick; Mr. Edward W. Brooke; Mr. Mark O. Hatfield; and Mr. Marlow W. Cook.

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

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

SPECIAL REVENUE SHARING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-56)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

Many of our State and local governments today are in serious financial difficulty. This has not diminished the growing demands on their financial resources, however: their needs continue, their populations increase and their social problems multiply. All these circumstances point to the need for outside assistance, and the Federal Government has tried to provide such assistance. But in doing so, it has frequently added to, rather than reduced, State burdens.

In the past decade, the Federal Government has turned increasingly to a complex system of grants for providing financial assistance to State and local governments. Today Federal aid programs account for one-fifth of State and local revenues. In theory this income should reduce the pressure on State and local budgets and it should free financial resources at those levels for use at those levels. In practice the reverse is commonly the case.

To qualify for Federal grants, States and local government units are frequently required to match Federal funding, often seriously restricting flexibility in the use of State and local resources. Recipients are placed in the position of having to accept Federal money with its concomitant restrictions on State funds, or receive no Federal money at all. Thus, we may find States and local governing units pursuing projects which may be of low priority to them simply because money for these projects is available, but the matching requirements for such grants may have to be met at the expense of programs of higher priority to the community.

In other cases, State and local agencies are required to maintain their financial commitment to a project in order to qualify for Federal grants to that project. The result, again, is diminished flexibility in the use of financial resources at the State and local levels.

Equally burdensome are project-by-project requirements for prior Federal approval of grants. These requirements often delay the availability of much needed funds; generate Federal, as well as State and local, bureaucratic delay, and inject needless confusion into the Federal, State and local relationship. Rigidity in adhering to exact requirements is rewarded, and new or imaginative ideas are frequently lost because they fail to fit exact bureaucratic guidelines.

Finally, Federal grants have proliferated to such a degree that simply discovering their availability is a bureaucratic chore all in itself. The processes of application frequently contribute to the difficulty, and delay the process, of obtaining grants to a degree which further aggravates the problem the money is designed to assuage. And, because the Federal Government, with all the best intentions, cannot really know the needs of the States and local governing units as well as the people who govern at those levels, these grants frequently cannot be aimed with real precision at the needs which exist at those levels.

Certain of these difficulties are most prevalent in the narrowly defined "categorical grants," and therefore I have long supported the concept of block grants which permit State and local governing units to receive financial assistance on the basis of what *they* know is necessary. This eliminates many of the problems of the categorical grants. The block grant does, however, retain other shortcomings: requirements for matching funds, maintenance of effort, and prior approval by the Federal Government. I believe the time has come to further reform our system of providing financial assistance, and to streamline, where we can, the system of grant aid by adopting a system of Special Revenue Sharing which provides the benefits of Federal assistance without the burdens of assistance built into the present grant programs.

The purposes of 130 of our narrowly based categorical grant programs now in existence can be reduced to six broad areas of national concern. In a series of special messages, of which this is the first, I will propose that funds be made available to States and localities to assist them in meeting their problems in the areas of law enforcement, manpower training, urban development, transportation, rural development and education, by converting these grants to Special Revenue Sharing. Funds for assistance in these areas, as I proposed in my State of the Union message, will include more than $10 billion of the money allocated for the narrow-purpose grants plus $1 billion of new funds. Special Revenue Sharing would require no matching funds, no maintenance of effort, no prior project approval and, within the six broad areas, recipients would have the authority to spend these funds on programs which are of the highest priority to them.

I am proposing today legislation for the first of these six Special Revenue Sharing programs. This legislation is directed to matters of primary concern in our national life: the control of crime and the improvement of this nation's system of criminal justice. Much has been accomplished in combating these problems, but much remains to be accomplished.

Part of the market progress of the past two years can be attributed to the Law Enforcement Assistance Administration (LEAA). The LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968 to aid State and local law enforcement agencies in funding programs for police, courts, corrections, control of organized crime, civil disorders, and other related crime problems. This is a national problem—but the basic responsibilities for solving this problem rest at the State and local level and the LEAA provides for Federal assistance to these levels of government.

This program is based on the assumption that those who bear responsibility at the State and local level are best qualified to identify their enforcement problems, and to set the priorities and develop the means to solve these problems. It is designed particularly to encourage and provide for experimentation and innovation in the search for more effective solutions to the crime problem. With LEAA assistance each State has developed, in partnership with local governments, a comprehensive statewide approach to improving law enforcement and reducing crime. Each State is receiving funds under this program, and is moving to execute its plans.

The program is effective. In the District of Columbia, LEAA assistance has played a role in achieving encouraging reductions in various categories of crime. With LEAA assistance, Oakland, California, has launched a unique effort against street crime using citizen-police cooperation. A feature of this effort has been more than thirty bilingual "citizen forums" in high-crime areas.

LEAA has launched the first major Federal research and development program in criminal justice. It has initiated the first nationwide computerized information system—Project SEARCH, which will help provide instant interstate information on offenders. It has funded the first national survey of crime victims, and the first national jail survey. In the six New England States a joint program is underway to collect and analyze intelligence information and plan a coordinated effort against organized crime in that area. This was funded by LEAA. LEAA assistance to the States for corrections has increased from $3 million in fiscal 1969 to over $68 million in fiscal 1970. This final year the total exceeds $100 million. In another area LEAA has initiated the first major Federal program to enable law enforcement and criminal justice personnel to continue their educations. More than nine hundred colleges are involved in this program.

I think it is clear that LEAA has assumed a vital and effective role in this area of Federal, State, and local concern. But, I believe it can and must be made more effective. Therefore, I am proposing amendments to the Law Enforcement Assistance legislation which I believe would strengthen and increase its effectiveness in the war on crime by increasing both the resources of State and local enforcement and judicial agencies, as well as their freedom to use the resources at their disposal.

MATCHING FUNDS

I propose that the requirement for matching funds be eliminated from LEAA

grants being converted to Special Revenue Sharing.

MAINTENANCE OF EFFORT

I propose that requirements for maintenance of effort be eliminated as a condition for receiving Special Revenue Sharing payments.

PRIOR PROJECT APPROVAL

I am recommending that State planning agencies continue to prepare comprehensive statewide law enforcement plans. These will continue to be submitted to LEAA for review and evaluation, to assist LEAA in its role of counseling State and local government agencies. I am proposing, however, that requirements for prior approval of these plans by LEAA be eliminated. Prior approval would not be required to receive Special Revenue Sharing funds.

COVERAGE

Special Revenue Sharing would replace the present LEAA action grants and their payment would be automatic. Special Revenue Sharing for law enforcement for the first full year would be $500 million. Fifteen percent of this would be in grants which can be awarded at the discretion of LEAA, and the remainder in grants awarded automatically on the basis of population.

CIVIL RIGHTS

I urge that the protection from discrimination now provided minorities under Title VI of the Civil Rights Act of 1964 be expressly extended to Special Revenue Sharing.

CONCLUSION

The changes provided in the LEAA legislation are not extensive. But I believe they will have a profound effect. They are designed to improve a good program which already has many of the elements we seek to obtain in other programs. Special Revenue Sharing will permit the needed improvements. And by further freeing State and local governments, both from the restrictions of onerous Federal control, and from the administrative and fiscal restrictions which accompany or result from much of our Federal assistance, we can release the creative capacities of each level of government in these areas of national concern.

RICHARD NIXON.

THE WHITE HOUSE, *March 2, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of James T. Lynn, of Ohio, to be Under Secretary of Commerce, which was referred to the Committee on Commerce.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on special pay for duty subject to hostile fire from the calendar year ended December 31, 1970; to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the U.S. Government Printing Office, fiscal year 1970, dated February 26, 1971 (with an accompanying report); to the Committee on Government Operations.

AMENDMENTS TO RULES OF PRACTICE AND REPORT OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, the amendments to the Rules of Civil Procedure for the U.S. District Courts, to the Rules of Criminal Procedure for the U.S. District Courts, and to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court, together with the report of the Judicial Conference of the United States (with accompanying papers and a report); to the Committee on the Judiciary.

REPORT ON CONTRACT MODIFICATIONS BY ATOMIC ENERGY COMMISSION

A letter from the Deputy General Manager, Atomic Energy Commission, reporting, pursuant to law, on actions taken under the authority of Public Law 85–804, approved August 28, 1958, which establishes regulations for entering into and amending or modifying contracts to facilitate the national defense for the calendar year ended December 31, 1970; to the Committee on the Judiciary.

REPORTS OF NATIONAL MEDIATION BOARD AND NATIONAL RAILROAD ADJUSTMENT BOARD

A letter from the Chairman, National Mediation Board, transmitting, pursuant to law, a report of the Board, including a report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1970 (with accompanying reports); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the City Commission of the City of Dunedin, Fla., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

Mr. PELL. Mr. President, the State of Rhode Island has been severely affected by the recession which has struck our economy.

In view of this situation, the General Assembly of Rhode Island has petitioned the Congress to extend unemployment benefit coverage for an additional 26 weeks.

I, therefore, ask unanimous consent that the resolution be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The resolution will be appropriately referred; and, without objection, the resolution will be printed in the RECORD:

The resolution was referred to the Committee on Finance, as follows:

RESOLUTION

Memorializing Congress in view of the present economic recession to enact such legislation necessary to extend unemployment benefit coverage an additional 26 weeks

Whereas, Rhode Island's rate of unemployment reached 6.4 per cent in mid-December, 1970; and

Whereas, During that same month the state paid out more money in unemployment compensation benefits than in any month in the 33-year history of this program; and

Whereas, The single most significant factor in the situation is that approximately 20 per cent of the payment went to persons who were covered under the 13 weeks of benefits which were extended as a result of a special session of the general assembly; and

Whereas, If these unemployed persons exhaust their extra-time benefits and are compelled to turn to welfare, then the states will face increased unforeseen expenditures of staggering proportions; and

Whereas, The causes of rising unemployment are directly traceable to the trends of the national economy which are molded by the policies of the federal government; and

Whereas, Since the causes are traceable to the federal government, the responsibility of bearing the cost rests directly with the federal government; and

Whereas, The states under such a federally funded program should maintain control as to disbursement of the funds to the unemployed and should be reimbursed for full costs, including interest over the period of the next succeeding four years; and

Whereas, Institution of such a plan would: a) eliminate the transition of unemployed workers to the welfare rolls; b) remove the cost burden of unemployment benefit payments from the local employers to the federal government; and c) allow the federal government to assume and extend over a longer period of time the cost of such a program; now, therefore, be it

Resolved, That the general assembly of the State of Rhode Island and Providence Plantations hereby memorializes the Congress to enact such legislation as would be necessary to extend payment of benefits to unemployed workers by as much as 26 additional weeks with the federal government assuming the entire cost; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in said Congress.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

S.J. Res. 55. Joint resolution to provide temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization (S. Rept. No. 92–24).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BYRD of West Virginia:

S. 1056. A bill to amend title II of the Social Security Act to provide a 12-percent across-the-board increase in benefits (with a minimum old-age or disability benefit of $100), and to provide for the financing of

such increase by raising the wage base to $9,000 and by making appropriate adjustments in the social security tax rates. Referred to the Committee on Finance.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1057. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, and to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen. Referred to the Committee on Agriculture and Forestry.

By Mr. CHILES:

S. 1058. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion. Referred to the Committee on Agriculture and Forestry.

By Mr. SCOTT:

S. 1059. A bill for the relief of Soccorso M. Tecce, and his wife, Bruna Tecce;

S. 1060. A bill for the relief of Angelo Luciano Colavita, his wife, Maria Carmela Colavita, and their son Antonio Colavita; and

S. 1061. A bill for the relief of Nesibi Tahtakilic. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. GRIFFIN, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SCOTT):

S. 1062. A bill to establish a National Foundation for Higher Education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BROCK:

S. 1063. A bill for the relief of Elisabetta Foglia. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. CHURCH, Mr. CANNON, Mr. HUMPHREY, Mr. INOUYE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MONDALE, and Mr. RANDOLPH):

S. 1064. A bill to provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country. Referred to the Committee on Labor and Public Welfare.

By Mr. HARRIS:

S. 1065. A bill for the relief of the owners of certain interests in lands located in Caddo County, Okla. Referred to the Committee on the Judiciary.

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

S. 1066. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska. Referred to the Committee on Interior and Insular Affairs.

S. 1067. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Absentee Delaware Tribe of Western Oklahoma, et al., in Indian Claims Commission docket No. 72 and the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1068. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1069. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1070. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission docket Nos. 316 and 193. Referred to the Committee on Interior and Insular Affairs.

By Mr. BOGGS (for himself, Mr. BROOKE, Mr. CASE, Mr. COTTON, Mr. ERVIN, Mr. HART, Mr. JAVITS, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RIBICOFF, Mr. ROTH, Mr. SCOTT, Mr. SPONG, and Mr. WILLIAMS):

S. 1071. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 1072. A bill to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 66 percent in the case of certain developing institutions. Referred to the Committee on Labor and Public Welfare.

S. 1073. A bill to consolidate and improve certain programs for higher education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 1074. A bill to authorize assistance to the States in establishing and carrying out programs of higher education student aid. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 1075. A bill to create a Senate Tax Reform Commission. Referred to the Committee on Finance.

By Mr. HARRIS:

S. 1076. A bill to provide for the striking of medals in commemoration of Jim Thorpe. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERCY (for himself and Mr. STEVENSON):

S. 1077. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area. Referred to the Committe on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 1078. A bill to amend chapter 55 of title 10, United States Code, in order to provide for the defense of certain malpractice and negligence suits brought against members of the Armed Forces for alleged acts or omissions committed while performing duties as physicians, dentists, nurses, pharmacists, or paramedical or other supporting medical personnel, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SPARKMAN:

S. 1079. A bill for the relief of Elizabeth C. Cruz. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1080. A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans. Referred to the Committee on Veterans' Affairs.

By Mr. BAYH:

S. 1081. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty. Referred to the Committee on Government Operations.

By Mr. CASE (for himself, Mr. BOGGS, Mr. GRAVEL, Mr. MUSKIE, Mr. PACKWOOD, and Mr. WILLIAMS):

S. 1082. A bill to regulate the discharge of wastes in territorial and international waters until 5 years after the date of enactment of this act, to prohibit such discharge thereafter, and to authorize research and demonstration projects to determine means of using and disposing of such waste. Held at the desk for future reference by unanimous consent.

By Mr. MONDALE:

S. 1083. A bill for the relief of Rosa Einisman, Adolfo, Rosa Maria, Isaac, Dona, and Karin Einisman. Referred to the Committee on the Judiciary.

S. 1084. A bill for the relief of Jorge Alvarez-diaz. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. METCALF, and Mr. YOUNG):

S. 1085. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer. Referred to the Committee on Agriculture and Forestry.

By Mr. SPONG:

S. 1086. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HRUSKA:

S. 1087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 1088. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce. Referred to the Committee on the Judiciary.

By Mr. HARRIS:

S.J. Res. 61. A joint resolution to authorize the President to proclaim April 16, 1971, as "Jim Thorpe Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1057. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, and to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen. Referred to the Committee on Agriculture and Forestry.

Mr. CHURCH. Mr. President, today, on behalf of my colleague from Idaho (Mr. JORDAN) and myself, I introduce legislation designed to update the current loan authority of the Farmers Home Administration and to allow the FHA to make loans to desert entrymen to the extent that FHA may now make loans to homestead entrymen.

We are all aware of the increasing cost of living in our Nation today. America's farmers struggle to meet the increased costs that face us all, but because they occupy that unenviable position—a producer who cannot set the price for his product—they are especially in need of aid to help them meet these rising costs.

The current limitation on farm operating loans of $35,000 was established in 1961 under the Consolidated Farmers Home Administration Act. Since 1961, changes in technology, in farming methods, in the size of the family farm, and in the cost of operations, have been im-

mense. During the last 7 years alone, the capital costs for farms and ranches have risen 79 percent. Feed costs have climbed 33 percent and outlays for fertilizers are up 64 percent.

Mr. President, last year, companion legislation to my bill, S. 3608, was passed by the Congress and signed into law by the President. This legislation increased FHA loan authority for farmownership loans from the then existing $60,000 to $100,000. I think that now is the time to accomplish the other half of the job. Idaho farmers I have spoken with overwhelmingly support increases in operating loan authority. The bill which I now introduce would increase that loan authority from the current $35,000 to $50,000.

The second part of this bill, Mr. President, would help in the development of desert land entries. For some time, the FHA has had the power to loan funds for the development of lands under the Homestead Act. Currently, no comparable authority exists to allow for loans to settlers developing desert land entries.

This bill would simply eliminate the discrimination, allowing loans to be made by the FHA to desert entrymen in the same manner they are made to homestead entrymen.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following the introductory remarks of its two sponsors.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

STATEMENT OF SENATOR LEN B. JORDAN

Mr. President, I am pleased to join my distinguished colleague, Senator CHURCH, as a co-sponsor of this bill to effect some needed revisions in Farmers Home Administration loan authority.

The first provision of this bill would increase the limit on farm operating loans from $35,000 to $50,000. This is a recognition of the need for increased credit in modern farm operations. It is even more of a necessity for western irrigation farms, which demand heavy investments in irrigation facilities and water payments in addition to the increasingly heavy financial requirements for modern mechanized farm equipment and farm operation.

The second provision of the bill seeks to eliminate a discriminatory feature of the existing FHA loan program. An Act of October 19, 1949 authorized the Farmers Home Administration to extend financial assistance to homestead entrymen, but such action has not been taken with respect to entrymen under the Desert Land Act, a similar land disposal program in the arid West. We seek to end this discrimination and enact this legislation to put all our farmers on the same basis so far as Federal farm loan availability is concerned.

This new loan authority should not involve any large amount of financial assistance, because the Desert Land entry program has been declining in its public land disposal accomplishments. Since 1955, an average of only 17,000 acres annually has been patented under the Desert Land Act.

However, a major credit challenge is presented to the average farmer who obtains an approved entry and seeks to remove desert land from the public domain and convert it into tax-paying private property. To get the entry acreage into production, the entryman has to clear the land, install a water supply and distribution system, and prepare, plant, and cultivate the farm land converted from the desert environment. This requires a heavy capital and operating investment, but until the land is actually brought into production, the entryman has not title and is unable to utilize the property as equity for a loan.

This legislation will make it possible for young farmers, veterans, and other qualified individuals without large financial resources to apply for and successfully develop a farm under this disposal program. There are still opportunities for them to do so in Idaho and other arid Western States if they can obtain credit and develop a water supply.

A similar bill won support from the Executive Branch and passed the House last session. I hope the Senate committee of reference will conduct hearings and act favorably on this bill during the present session.

S. 1057

A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, and to enable the Secretary of Agriculture to extend financial ssistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of section 313 of the Consolidated Farmers Home Administration Act of 1961, as amended, is amended by deleting the figure "$35,000" and inserting in lieu thereof "$50,000".

SEC. 2. (a) The first sentence of the Act entitled "An Act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes", approved October 19, 1949 (63 Stat. 883; 7 U.S.C. 1006a), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desertland entry".

(b) The last sentence of the first section of such Act is amended by striking out "reclamation project" and inserting in lieu thereof "reclamation project or to an entryman under the desertland laws".

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. GRIFFIN, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SCOTT):

S. 1062. A bill to establish a National Foundation for Higher Education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for appropriate reference the National Foundation for Higher Education Act. I introduce the bill on behalf of myself, the Senator from Vermont (Mr. PROUTY), the Senator from Maryland (Mr. BEALL), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the junior Senator from Pennsylvania (Mr. SCHWEIKER), and the senior Senator from Pennsylvania (Mr. SCOTT).

Mr. President, this is an administration bill. Although the bill itself does not provide an amount of funds, it is budgeted by the administration at $100 million. Its purpose is to encourage innovation in higher education. We simply cannot take for granted in modern times that education is a 4-year course for undergraduates; that it is a 3-year course for postgraduates; that there are certain norms and forms for doctorates or masters' degrees; or that only those within given age groups, to wit, roughly from 19 to 24 or 25, are appropriate students for higher education.

The bill would create a National Foundation for Higher Education with the Department of Health, Education, and Welfare as the Federal Government's principal agency for stimulating innovation and reform in postsecondary education and for the support of quality postsecondary programs.

At a time when some 8.2 million of our young people are enrolled at the Nation's colleges and universities and higher education has an annual budget of $26 billion—and both figures are steadily increasing—it is vital that innovation, reform and educational excellence be nurtured if postsecondary schooling is to be able to meet the challenge of this new age.

Under the bill, institutions of higher education will be able to undertake innovative programs which they heretofore have not been able to venture into because of the narrow confines of existing Federal programs and their own tight budgets. The Foundation will have authority to make grants, for example, for programs based on communications technology, developing cost-effective methods of instruction and operation, introducing reforms in the structure of academic professions and the recruitment and retention of faculties, new combinations of academic and experimental learning, and the creation of programs of study tailored to individual needs.

The recent announcement by the Carnegie Corp. and the Ford Foundation that they intend to spend $1.8 million in New York State to help start two new off-campus degree programs represents exactly the type of activity which the Foundation might undertake to help break down the walls which exist in some areas of the higher education community.

Some years ago Clark Kerr, as president of the University of California, observed:

I find that the three major administrative problems on a campus are sex for the students, athletics for the alumni and parking for the faculty.

In an era where enrollments have tripled since 1955, higher education budgets have doubled since 1960, and annual expenditures per student have been rising three times as fast as the cost of living. This no longer can be true.

Truly, in the years ahead, innovation is the key, if the Nation's colleges and universities are to be able to offer quality higher education to the growing number of our people of all ages and from all walks of life desirous and capable of achieving it. New models of teaching and learning must be developed. There must be a source of support for experimentation, for probings into new areas of scholarship, and for radically different kinds of education, time, and facilities in which to undertake them.

I ask unanimous consent that there be included at this point in my remarks a section-by-section analysis of the National Foundation for Higher Education Act of 1971, the pertinent excerpts from the President's February 22 message entitled "Expanding Opportunities for Higher Education," and the news story from the February 17 New York Times describing the Carnegie Corporation-

Ford Foundation program in New York State to which I earlier referred.

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

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL FOUNDATION FOR HIGHER EDUCATION ACT OF 1971

CITATION

This section provides that the Act may be cited as the "National Foundation for Higher Education Act of 1971."

Section 2. Establishment of National Foundation for Higher Education

Section 2 of the bill establishes in the Department of Health, Education, and Welfare a National Foundation for Higher Education. The President is authorized to appoint, with the advice and consent of the Senate, a Director of the Foundation who is to perform such duties as the Secretary of HEW prescribes.

Section 3. Purposes of the Foundation

Section 3 states that the purposes of the Foundation are—

(1) to encourage excellence, innovation, and reform in postsecondary education;

(2) to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning therein.

(3) to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances;

(4) to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and

(5) to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education.

Section 4. Higher Education Foundation Board

Section 4 authorizes the President to appoint, without regard to laws governing appointment in the competitive service, an 18 member Higher Education Foundation Board. The Board is to advise the Secretary and the Director with respect to matters of general policy arising in the administration of this Act and programs to be carried out under the Act. The Board is also to prepare an annual report to the Secretary on the current status and needs of postsecondary education in the United States. The Secretary is to transmit this report to the President with his recommendations.

Subsection (b) provides that there shall be 18 members on the Board, broadly representative of the general public and the education community. Members are to serve staggered three year terms, except that members appointed to fill a vacancy are to serve for the remainder of that term. Board members are to receive per diem and travel expenses while serving on the business of the Board.

Section 5. Assistance

Section 5 authorizes the Secretary to make grants to and contracts with public or private agencies, organizations, or institutions, or any combination thereof, in order to achieve the purposes of the Foundation. Grants may be made only to nonprofit private agencies, organizations, or institutions. Among the activities for which assistance may be awarded are—

(1) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

(2) the establishment of institutions and programs based on the technology of communications;

(3) the carrying out in postsecondary education institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

(4) the design and introduction of cost-effective methods of instruction and operation;

(5) the introduction of institutional reforms designed to expand individual opportunities for entering and re-entering institutions and pursuing programs of study tailored to individual needs;

(6) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties;

(7) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

(8) the development or revitalization of educational and training programs of national importance; and

(9) the alteration or remodeling of buildings to the extent necessary to achieve the objectives of any other activity assisted under section 5.

The Secretary is also authorized to make grants or contracts for studies in the field of postsecondary education, including studies related to postsecondary education finance, organization and management.

Section 6. Fellowships

Section 6 authorizes the Secretary to award fellowships and to pay stipends (including allowances for subsistence and other expenses for the fellows and their dependents) to fellowship holders where appropriate and necessary to carry out the purposes of the Act.

Section 7. General authority

Section 7 gives the Secretary the authority—

(1) to enter into contracts without performance or other bonds, and without regard to section 3709 of the Revised Statutes (dealing with solicitation of proposals).

(2) to make advance, progress, and other payments without regard to the provisions of Section 3648 of the Revised Statutes.

(3) to receive money and other property donated, bequeathed, or devised to the Foundation with or without a condition or restriction, including a condition that the Foundation use other funds for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purposes of the Act;

(4) to publish or arrange for the publication of information without regard to the provisions of section 501 of title 44, United States Code (requiring printing work to be done by the Government Printing Office).

(5) to accept and utilize the services of voluntary and uncompensated personnel, notwithstanding the provisions of section 3679(b) of the Revised Statutes, and to provide transportation and subsistence as authorized by section 5703 of title 5, U.S.C. for persons serving without compensation; and

(6) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct.

Section 8. Miscellaneous provisions

Section 8 in subsection (a) authorizes the Secretary to appoint and compensate such non-civil service technical and professional personnel as he deems necessary to accomplish the functions of the Foundation.

Subsection (b) authorizes the transfer of funds appropriated under this Act to any other Federal department or agency for use (in accordance with an interagency agreement) by such agency for purposes for which such transferred funds could be otherwise expended by the Secretary under this Act. The Secretary is likewise authorized to accept transferred funds from other Federal agencies for use under this Act.

Subsection (c) requires that all laborers and mechanics employed on construction projects assisted under this Act be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Section 9. Joint funding

Section 9 provides that, pursuant to regulations issued by the President, where funds are advanced by the Foundation and one or more other Federal agencies, any one agency may be designated to act for all in administering such funds. In such cases, any agency may waive a technical requirement which is inconsistent with similar requirements of the administering agency, or which the administering agency does not impose.

Section 10. Amendments to executive schedule

Section 10 amends section 5316 of title 5, U.S.C., relating to positions at Level V of the Executive Schedule, by striking out the Commissioner of Education and inserting the Director of the National Foundation for Higher Education.

Subsection (b) *of section 10* amends section 5315 of such title, relating to positions at Level IV of the Executive Schedule, by adding the Commissioner of Education.

Section 11. Availability of appropriations

Section 11 provides that funds appropriated to carry out this Act shall remain available until expended.

EXPANDING OPPORTUNITIES FOR HIGHER EDUCATION

(Message from the President of the United States)

To the Congress of the United States:

Nearly a year ago, in my first special message on higher education, I asked the Congress to join me in expanding higher education opportunities across the nation. First, I proposed to reform and increase aid to students. Second, I proposed a National Foundation for Higher Education designed to reform and strengthen post secondary education.

Neither house of Congress acted on these proposals. Now the time for action is growing short. Existing legislative authority for the basic Federal higher education programs expires at the end of the current fiscal year.

1971 can be a year of national debate on the goals and potentials of our system of higher education. It can be a time of opportunity to discover new concepts of mission and purpose, which are responsive to the diverse needs of the people of our country. I therefore again urge the Congress to join with me in expanding opportunities in two major ways:

* * * * *

RENEWAL, REFORM AND INNOVATION

If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent. While colleges and universities have made exceptional efforts to serve unprecedented numbers of students over the last decade, they must find additional ways to respond to a new set of challenges:

—All too often we have fallen prey to the myth that there is only one way to learn—by sitting in class, reading books, and listening to teachers. Those who learn best in other ways are rejected by the system.

—While the diversity of individuals seeking higher education has expanded in nearly every social dimension—age, class, ethnic background—higher education institutions have become increasingly uniform and less diverse.

—Increasingly, many colleges, and particularly universities, have become large, complex institutions which have lost their way. The servants of many masters and the managers of many enterprises, they are less and less able to perform their essential tasks well.

—At the present time, thousands of individuals of all ages and circumstances are excluded from higher education for no other reason than that the system is designed primarily for 18–22 year olds who can afford to go away to college.

—At the present time, institutional and social barriers discourage students from having sustained experiences before or during their college years which would help them get more out of college and plan for their future lives.

The relationship between the Federal Government and the universities has contributed little to meeting these needs because it has not been a genuine partnership. In many cases the Federal Government has hired universities to do work which has borne little natural relationship to the central functions of the institution. Too often, the Federal Government has been part of the problem rather than part of the solution.

Certain Federal agencies promote excellence, innovation, and reform in particular areas. The National Science Foundation has played a magnificent role in the public interest for science, and the National Institutes of Health have played a similar role for health.

The National Foundation for Higher Education would fulfill a new role in the Federal Government. It would have as its mandate a review of the overall needs of the American people for postsecondary education. It would have as its operating premises, the principles of selectivity and flexibility. Its constituency would include people as well as institutions—and not only the usual secondary student entering college, but also others—such as the person who wants to combine higher education with active work experience, or the one who has left school and wants to return.

The Foundation can do much to develop new approaches to higher education:

—New ways of "going to college." I am impressed with the need for new and innovative means of providing higher education to individuals of all ages and circumstances (Britain and Japan, for example, have already taken significant steps in the use of television for this purpose).

—New patterns of attending college. A theme of several recent reports is that students are isolated too long in school, and that breaking the educational "lockstep" would enable them to be better and more serious students (as were the GI's after World War II). If so, student bodies would reflect a greater mix of ages and experience, and colleges would be places for integrating rather than separating the generations.

—New approaches to diversify institutional missions. Colleges and universities increasingly have aspired to become complex and "well rounded" institutions providing a wide spectrum of general and specialized education. The Foundation could help institutions to strengthen their individuality and to focus on particular missions by encouraging and supporting excellence in specific areas—be it a field of research, professional training, minority education, or whatever.

CONCLUSION

These are but some of the new approaches to higher education which need to be pursued. A theme common to all of them is a new kind of engagement between all the citizens of our society and our system of higher education. All of us can make a contribution to bringing about such an engagement by taking part in a thoughtful national discussion about our priorities for higher education. Students and faculties can make a contribution by reexamining their goals and the means they choose to achieve them. The Federal Government can do its part by supporting access to higher education for all of our people and by providing the resources needed to help develop new forms of higher education which would be responsive to all of their needs.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1971.*

[From the New York Times, Feb. 17, 1971]

$1.8 MILLION TO AID OFF-CAMPUS STUDIES

(By M. S. Handler)

The Carnegie Corporation and the Ford Foundation have awarded the State University of New York and the State Education Department grants totaling $1.8-million to help start two new off-campus degree programs.

Th programs, if successful, could introduce radical changes in the structure of higher education in the United States.

The programs will permit off-campus students—adults who were unable to go to college—to earn degrees through independent study and examination outside the traditional patterns and rules of college education.

The foundations each provided $500,000 to the State University and $400,000 to the State Education Department, to be disbursed over two years. Governor Rockefeller, in a statement yesterday, praised the program, which will also require financial support from the State Legislature.

The general outlines of the off-campus degree programs, largely inspired by London University's external-degree program and Britain's new Open University, were discussed at a news conference yesterday.

The participants were Alan Pifer, president of the Carnegie Corporation, Harold Howe, 2d, vice president of the Ford Foundation, Dr. Ernst L. Boyer, Chancellor of the State University of New York, and Ewald B. Nyquist, Commissioner of the State Education Department. The conference was held at Governor Rockefeller's office at 22 West 55 Street.

Dr. Boyer said that the $1-million the University would receive would accelerate plans to establish an off-campus undergraduate college in the Albany area. Its function will be to administer the University's program.

Under faculty direction centered at many of the system's colleges, students of the new college will pursue individual programs of study through counseling, correspondence, occasional seminars and examinations.

NO TIME LIMIT SET

There will be no time limit on the number of years required for a degree. High school graduates will be eligible for the program, which will be available in combinations suited to the individual's needs and circumstances.

Chancellor Boyer estimated that at least 500 students would be enrolled in the academic year of 1971-72. He stressed the great reservoir of untapped talents among adults who did not get an opportunity to enter college because of financial or other reasons.

The State Education Department's $800,000 program, which will start at the same time, while substantially different from that the State University, will complement it by reaching another category of adults.

Under the department's program, the Board of Regents will award an associate or bachelor's degree to persons who pass the required number of college level examinations regardless of how they prepared for them.

Commissioner Nyquist said there were many men and women who had acquired more than a bachelor's knowledge in the working careers and were capable of taking examinations for degrees.

REGENTS TO AWARD DEGREES

The Board of Regents will award undergraduate degrees to persons, without regard to such considerations as age or place of residence within the state, who possess knowledge equivalent to that of a regular college graduate.

Mr. Pifer and Mr. Howe said the two New York State programs would be the largest off-campus degree experiments yet tried in the United States.

Mr. Pifer said the Carnegie Corporation and the Ford Foundation had for many years been interested in introducing greater flexibility in American higher education and that they were delighted when Mr. Nyquist and Dr. Boyer came forward with their specific program suggestions.

Pursuing its policy of greater flexibility in higher education, the Ford Foundation also announced yesterday two other grants—One, for $400,000, will go to 19 institutions participating in the planning and development of a new University Without Walls program. The other, for $300,000, will go to the Policy Insurance of Syracuse University to study the establishment of an external baccalaureate degree program coordinated through institutions in the counties of Onondaga, Madison, Oswego, Cayuga and Cortland.

By Mr. HARRIS (for himself, Mr. CHURCH, Mr. CANNON, Mr. HUMPHREY, Mr. INOUYE, Mr. McGOVERN, Mr. MAGNUSON, Mr. MONDALE, and Mr. RANDOLPH):

S. 1064. A bill to provide opportunities for American youth to serve in policy-making positions and to participate in National, State, and local programs of social and economic benefit to the country. Referred to the Committee on Labor and Public Welfare.

Mr. HARRIS. Mr. President, for myself and Senators CHURCH, CANNON, HUMPHREY, INOUYE, McGOVERN, MAGNUSON, MONDALE, and RANDOLPH, I introduce for appropriate reference the Youth Participation Act of 1971, a bill designed to encourage our private and public institutions to give attention to the growing generation gap now troubling the American political scene.

In 1970, Congress lowered the voting age to 18. This important step politically enfranchised our youth in Federal elections. But in other areas they remain alarmingly disenfranchised. American institutions undertake actions that deeply affect youth but they do not consult our young people except in confrontation or crisis. Nor is there evidence that we are making progress in ending this dangerous disaffection of one generation with another. To date, not enough American institutions have searched for solutions to the requirements of youth; instead, too many have taken half measures designed to pacify young people long enough for them to pass into adulthood.

I believe we must be more imaginative than this for two reasons. First, it is arguable that our young people will change their attitudes during adulthood. Experts have been telling us for years that the first mass-educated generation of Americans is different from earlier generations. It is time we began to explore the consequences of that likelihood. But second, even if our young people do change their views in adulthood, our society cannot tolerate the stark forms of generation confrontation we have witnessed in the past several years. Father

against son is not a satisfactory formula for preserving the stability of any nation, least of all our own.

Bruno Bettelheim, the distinguished University of Chicago sociologist, has trenchantly described the plight of young people today by contrasting it to the role of youth in the past. He writes:

For centuries most men lived on farms tilled by small landowners or serf-tenants, or else made a living as small artisans or shopkeepers. In those times economic success and often mere survival depended on the physical strength and skill of the head of the family. So it seemed "natural" that as a father's vigor declined, a son just reaching the prime of his strength should take over.

This passage makes clear the source of some of the frustration our youth feels today. In a world of automation and computers, youth's virtues—physical strength and mental alertness—take second place to the safer qualities of seniority and experience. No longer is it natural or even necessary for the older man to give way to the younger, whose rise is now often either resented or feared. In short, our altered economy has laid the foundation for a permanent generation conflict unless we take corrective action.

Moreover, although an economic asset to a family in the past, the young are now an enormous financial burden. As education costs continue to mount, few of us consider how demoralizing this trend must be for traditional family ties in America. We should ask ourselves, however, why it is necessary for society to increase the psychological stress of these family strains. Why do we effectively bar our young people from participation in every area of society except the educational system where dependence on parents is at once so painful and pronounced?

What can only be described as the unplanned obsolescence of human beings in modern society is another source of frustration among American youth. In the past a young man had assurance that if he mastered a certain body of knowledge or group of skills, this would serve him for the rest of his life.

But the pace of change now seems to exceed the human scale. Education becomes continuous and there is no guarantee that skills which people have acquired only after long years of effort will be useful in later life. It is not surprising that in these circumstances young people hesitate in the choice of a career, which may later prove either irrelevant or unneeded. Nor should we be astonished when they lose patience with parents who draw on the experience of a less-complex era in their effort to offer advice. Indeed, how can young people be expected to make reasonable career choices when we now limit their experience to that provided by our schools and universities?

In our own life there were certain completion points—confirmation, bar mitzvah, graduation day—that signified entry into the adult world. Today, we are in the process of creating a world of endless educational hurdles, none of which signifies final acceptance.

These, then, are the problems of youth. They assume an added dimension when we consider the nature of the new generation. This is the most mature, physically fit, mentally alert group of young people in world history. Surveys involving thousands of girls and boys have documented that primarily because of better diet, young people throughout the world are maturing earlier. The average age of physical maturity in American young people has dropped from 17 to between 12 and 13 in the last 100 years or so.

Physically mature at an early age, American youth are also vastly better educated than their parents. In 1940, only 37.8 percent of the age group 25 to 29 enjoyed an educational level of 4 years of high school or more. By 1970 this figure had risen to 75.4 percent.

Congress must ask the country to face these biological and educational facts of life. It would be a tragic mistake to tell these young people that society is unable to make use of their skills until they have finished their education. These young people are ready to participate now and at an earlier age than their elders.

If only as political realists, we should strive for imaginative programs to meet the needs of this new generation. Fortune in its January 1969 issue conducted a detailed survey of American youth. It concluded that although the number of campus radicals is small, the number of those prepared to follow them on specific issues is not. Labeled the "forerunners" by Fortune or the "concerned" by others, these young people may number as many as 2,300,000. We can tap their energy and talent for the public welfare. Or we can allow them to dissipate these in painful confrontation with authority. The choice is ours.

Some will argue that because the students are again quiet, there is no immediate need for action. This would be a very shortsighted view. We are dealing with fundamental, long-range problems that place unusual burdens on our young people. We must begin to cope with these problems or we may expect new difficulties. Moreover, we must keep in mind the example our youth will find in other countries. In 1968, youth sparked major outbreaks in more than 30 countries. Today one-half of the world's population is under the age of 25. Throughout the world youth is eager, impatient, ready to participate. The politically mature youth of our own country will not prove less so.

Recently, President Nixon proposed the creation of a new Federal youth agency which would create a new volunteer service corps to give young Americans an expanded opportunity to serve their country in work beneficial to the Nation's welfare. The proposal deserves support, but more is required in my view. We must aim at more permanent changes than the creation of a 1- to 2-year program for idealistic young people. We want to be certain when these young men and women return from that program, they find other opportunities to participate in community life. In short, we want community participation to be the rule for American youth, not a 2-year exception.

The Youth Participation Act of 1971 calls for the establishment of a Foundation on Youth Participation and a National Advisory Commission on Youth. The Foundation would be composed of a 12-member board of trustees. Members would be appointed by the President and confirmed by the Senate. Each member would serve for 3 years and eight of the 12 would be required to be under 30 years of age at the time of appointment.

Subject to supervision and direction by the board of trustees, the Foundation programs would be carried out by a director and deputy director. Both the Director and his Deputy would also be appointed by the President and confirmed by the Senate.

The Foundation, as its primary function, would make grants to public and nonprofit agencies which sponsor programs for youth that involve their active participation in planning and implementation. Foundation grants would serve as "seed money" to encourage local organizations to set up permanent programs for youth which involve their participation in planning and direction and which are funded from local sources. Foundation efforts would encourage industry and unions to invest in youth participation programs. Another Foundation function would be to offer technical assistance to those public and private agencies which contribute to its purposes. The Foundation also would be empowered to accept private donations furthering youth participation.

I offer the following as areas where the Foundation might play a creative role.

Open Enrollment: The coming trend in American higher education is open enrollment. California adopted this policy in 1960. New York State will soon follow. Moreover, the Carnegie Commission on Higher Education recently endorsed selective waiving of regular admissions standards to help achieve universal access to colleges and universities in the United States. How will American universities handle this new challenge? Surely youth has a role to play in preparing for this major revolution in American education. The Foundation might fund studies which would establish guidelines to insure that young people have a voice in the important decisions that must be made.

Political Involvement: A city mayor might apply to the Foundation jointly with a local youth organization for funds to set up an advisory office on youth involvement in city government. This office could help the mayor and his administrators: (a) to create positions throughout the city government for youth to work; for example, as community aides with the police department or the welfare department; and (b) to administer a citywide summer youth volunteer program providing education, job training and employment opportunities for young people. The Foundation might also fund studies on ways to encourage more active participation of young people in the political process now that the vote has been given to 18-year-olds.

Business Involvement: Youth needs greater communication with U.S. business, which is the principal source of something young people need desperately—jobs. In November 1970, the un-

employment rate for those whites between 16 and 19 actively seeking jobs was 16 percent. For blacks, the rate was 32 percent. The Foundation might assist local youth groups and businesses to set up jointly administered "job banks" for young people. A study group of the American Academy of Arts and Sciences recently recommended that colleges should make it easier for students to interrupt their studies for long periods, that is, that the traditional "lockstep" form of education should be radically reformed. To succeed, this proposal will require the active cooperation of U.S. business. The Foundation could therefore also fund studies to explore this important area for reform.

Job Counseling: On their own initiative students at some colleges are setting up new placement offices which try to find jobs with meaning for young people. This student initiative could turn out to be a significant spur to U.S. business to identify positions in their own organizations that tap youth's idealism. It seems undeniable that the growing trend of large law offices to permit their lawyers to accept public interest cases is related to the success of the Department of Justice in hiring some of the most talented lawyers in America to work in the socially relevant field of civil rights. The Foundation could explore the possibility of assisting students in setting up this new form of placement office.

Besides the Foundation, this act provides for a National Commission on Youth.

The Commission, composed of nine members, would be appointed by the President. At least four of the nine would be under 25 years of age at the time of appointment.

The Commission would fulfill several functions. I have already called attention to the mounting evidence that our young people mature earlier than former generations. This phenomenon has widespread legal and social implications that are only imperfectly understood at this time. As Walter Sullivan of the New York Times has pointed out, thousands of statutes in this country and abroad provide that until a person is "of age" he or she is subject to parental control and forbidden to vote, serve on juries, or hold certain jobs. One role of the Commission would be to begin a broad survey for submission to the President and the Congress of the social and legal implications of the earlier maturation of our young people. This report would be submitted by December 31, 1972.

The Commission would also investigate other matters of concern to youth, such as educational reform, job opportunities and welfare policies affecting youth. It would also investigate youth programs to determine that local and Federal youth programs are in fact providing participation opportunities for young people.

The Commission would be directly responsible to the President and would advise the President and the Foundation on ways to increase participation of youth in our society.

This question of youth participation is not one that will wait. We should not base our actions on whether American campuses are now active or quiet. We must truly enfranchise our youth and do it now. Fairness demands it; I believe full use of our human resources requires it.

Mr. President, I ask unanimous consent that 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. 1064

A bill to provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country

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

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Youth Participation Act of 1971".

STATEMENT OF PURPOSE

SEC. 102. (a) The Congress finds that—

(1) encouragement of youth participation in National, State, and local programs of social and economic benefit to the country is an appropriate matter of concern to the Federal Government;

(2) American youth today are maturing—physically and intellectually—at earlier ages than ever before, yet technological and other advances have eliminated opportunities of work for an increasing proportion of the young, while requiring them to continue their education in order to acquire the skills and knowledge demanded by a sophisticated economy, and as a consequence, the period during which young people must wait to enter society as productive members in position of power and responsibility lasts longer for youth today than for any previous generation;

(3) the extension of the period during which youth are waiting to enter society, the unprecedented rapidity of recent technological and social change and the emergence of huge, impersonal institutions have helped to produce social cleavages between older and younger Americans that are wider than the distances which separated past generations from one another, and these cleavages may grow unless the Nation deliberately creates a forum for a mutually respectful and meaningful exchange of opinions between old and young and develops viable means by which the young can participate more directly in American life and institutions and in decisionmaking processes;

(4) acute problems of economic inequality, racial discrimination, and social inequity continue to burden the Nation and prevent it from achieving its full economic potential, from developing the full human resources of all its citizens, and from fully realizing its democratic principles;

(5) in the idealism, energy, and imagination of American youth, the Nation possesses resources which can be mobilized to help relieve these problems, and are not now fully employed because the Nation lacks adequate institutions through which young people can channel their potential contribution to the national welfare; and

(6) programs at the national level, such as the Peace Corps, and programs at the State and local levels which rely heavily on the interest and participation of youth, now lack the necessary coordination to insure the maximum participation of youth.

(b) In order to implement the findings set forth in subsection (a), it is the purpose of this Act to create a new program, which will help to direct the resources of youth to the solution of critical needs of the country and encourage the fuller participation of youth in American public life, by offering young people opportunities to participate in the planning, administration, and operation of programs which benefit our society and economy, and by establishing National and State forums for the discussion and resolution of problems concerning youth.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "youth program" means any program designed to provide opportunities for youth to serve or participate in projects of a social or economic benefit to the local community, the State, or the United States; and

(2) "private nonprofit organization" means any organization, including any organization owned or operated by one or more corporations, agencies, or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE II—FOUNDATION ON YOUTH PARTICIPATION

ESTABLISHMENT OF FOUNDATION ON YOUTH PARTICIPATION

SEC. 201. (a) There is hereby established in the executive branch of the Government an agency to be known as the Foundation on Youth Participation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to the supervision and direction of a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of twelve members appointed by the President by and with the advice and consent of the Senate, of whom at least eight shall be persons who at the time of their appointment have not attained thirty years of age. The Director of the Foundation shall be an ex officio member of the Board. In making appointments, the President shall consider recommendations from youth organizations, business and professional organizations, and from public agencies conducting or assisting programs relevant to young people.

(c) The term of office of appointed members of the Board shall be three years, except that—

(1) the members first taking office shall serve as designated by the President, four for a term of one year, four for a term of two years, and four for a term of three years; and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Foundation, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including traveltime; and while so serving away from their homes or regular places of business. All members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the Board of the Foundation at which the first order of business shall be the election of a Chairman and a Vice Chairman who shall serve for a term of one year. The Vice Chairman shall perform the duties of the Chairman in his absence.

(f) Any vacancy in the Board shall not affect its powers and seven members of the Board shall constitute a quorum.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 202. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. In making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive officer of the Foundation. Each shall serve for a term of four years unless pre-

viously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Foundation may delegate to him consistent with the provisions of this title.

FUNCTION OF THE FOUNDATION

SEC. 203. (a) It shall be the function of the Foundation to—

(1) make grants to public agencies and nonprofit private organizations, upon such terms and conditions consistent with the provisions of this title as the Board deems appropriate, for—

(A) the establishment of State programs of youth participation approved by the Board;

(B) the development and operation, by public agencies and nonprofit private organizations, of programs under which young people who have not attained twenty-five years of age are recruited, selected, trained, and employed in social and economic programs of benefit to local communities, especially programs which concern youth generally and programs designed to reduce poverty and physical blight, improve health, education, and welfare of the people concerned, end racial discrimination, and achieve equal justice under law for all citizens; and

(C) the development of coherent plans and programs, by such public agencies and private nonprofit organizations, which ensure the meaningful participation of young people who have not attained twenty-five years of age in policymaking positions of governmental and private organizations which administer social and economic programs, described in subparagraph (B);

(2) encourage private industry and charitable educational foundations to invest in youth participation programs;

(3) encourage State and local public agencies to develop and adequately fund youth participation programs;

(4) provide technical assistance, either directly or by way of grant or contract, to States and otherwise encourage the establishment of appropriate programs of youth participation at the State level;

(5) establish and maintain a national information center to collect, store, and analyze information with respect to youth programs and volunteer programs conducted by Federal, State, or local public agencies or private nonprofit organizations in order to disseminate appropriate materials concerning any such youth or volunteer program (including an evaluation thereof) which the Director determines is successful in carrying out the purposes for which it was established; and

(6) establish and encourage the adoption of procedures to assure the free exchange of information concerning volunteer opportunities in Volunteers in Service to America, the Peace Corps, the Job Corps, the Neighborhood Youth Corps, the Federal volunteer program established under this title and any other relevant Federal youth program, including making available streamlined application procedures for service in such programs.

(b) No payment may be made pursuant to paragraphs (1) and (5) of subsection (a) of this section, except upon application therefor, which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

LIMITATION ON PAYMENTS

SEC. 204. (a) No payment shall be made pursuant to this title in excess of 90 per centum of the cost of the program, project, or activity for which an application is made.

(b) No compensation or stipend paid to any volunteer pursuant to this Act may exceed $4,000 in any fiscal year. This limitation shall not apply to medical or travel expenses and other necessary expenses as determined by the Foundation.

(c) Assistance pursuant to this Act shall not cover the cost of any land acquisition, construction, building acquisition, or acquisition of labor or equipment.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) In addition to any authority vested in it by other provisions of this title, the Foundation, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(9) rent office space in the District of Columbia; and

(10) perform such other duties as are necessary to carry out the provisions of this title.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title which shall include a detailed statement of all public and private funds received and expended by it and such recommendations, including legislative recommendations, as the Foundation deems appropriate.

TRANSFER OF FUNCTIONS

SEC. 206. (a) The functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity established pursuant to Executive Order 11330, approved March 6, 1967, are transferred to the Foundation.

(b) All personnel, assets, liabilities, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred by subsection (a) are transferred to the Foundation.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 207. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(54) Director, Foundation on Youth Participation.".

(b) Section 5315 of such title is amended by adding at the end thereof the following new clause:

"(92) Deputy Director, Foundation on Youth Participation.".

APPROPRIATIONS AUTHORIZED

SEC. 208. There are hereby authorized to be appropriated such sums, not to exceed $20,000,000 in any fiscal year, to carry out the provisions of this title.

TITLE III—NATIONAL ADVISORY COMMISSION ON YOUTH

COMMISSION ESTABLISHED

SEC. 301. (a) There is established an Advisory Commission on Youth (hereinafter referred to as the "Commission"), composed of nine members to be appointed by the President from among persons who are recognized as specially qualified to serve on the Commission. In making such appointments the President shall give consideration to any recommendations submitted by the Board, and to the appointment of individuals who collectively will provide a broad range of experience, backgrounds, educational levels, occupations, age groups, ethnic origins, and regional representation. At least four members appointed to the Commission shall not have attained twenty-five years of age on the date of appointment.

(b) The terms of office of each member of the Commission shall be three years, except that—

(1) the members first taking office shall serve, as designated by the President, three for a term of one year, three for a term of two years, and three for a term of three years; and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(c) The President shall designate one of the members of the Commission to serve as Chairman. Each Chairman shall serve for a term of two years.

(d) Any vacancy in the Commission shall not affect its powers, and five members of the Commission shall constitute a quorum.

FUNCTIONS OF THE COMMISSION

SEC. 302. It shall be the function of the Commission to—

(1) prepare a study by December 31, 1972, for submission to the President and the Congress of the legal and social implications of earlier physical and mental maturation of American youth;

(2) investigate issues of concern to youth in America, including, but not limited to, student unrest, higher educational opportunities for blue collar youth, youth working conditions, and employment opportunities for youth in government;

(3) investigate, study, and evaluate youth programs conducted or assisted under any provision of Federal law to determine if such programs are—

(A) being planned and administered so as to furnish substantial opportunities for the participation of young people;

(B) engaging volunteers in ways that permit and encourage them to assist in the planning, administration, and evaluation of policies and programs;

(C) where appropriate, assigning young volunteers to work directly with clients and beneficiaries of federally assisted or conducted programs; and

(D) providing experience which leads to careers for volunteers in the fields in which they work;

(3) investigate federally conducted or assisted programs which directly affect the lives of young people, including, but not limited to, programs under the jurisdiction of the Selective Service System, the Justice Department, the Civil Service Commission, and the Office of Economic Opportunity, and determine ways of improving such programs

in order to make them more responsive to the needs and concerns of young people;

(4) advise the President, the Board, and the Foundation, after consideration of the findings of the Commission, with respect to ways of increasing the participation of youth in programs administered by the Foundation;

(5) consult with the President, Federal, State, and local public agencies with respect to governmental programs affecting youth in order to recommend how such programs can be made more responsive to the needs and concerns of young people; and

(6) prepare and transmit to the President and to the Congress at least twice in each fiscal year a detailed report on the activities of the Commission during the six-month period prior to the preparation of the report, together with such recommendations, including legislative recommendations, as the Commission deems appropriate, and may, at its discretion, prepare and transmit to the President and to the Congress such interim reports as are necessary to carry out the objectives of this title.

ADMINISTRATIVE POWERS

SEC. 303. (a) The Commission is authorized to—

(1) appoint and fix the compensation of such staff personnel, including an executive secretary, as it deems necessary;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code;

(3) conduct such hearings as may be required for the performance of the functions of the Commission, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearings;

(4) issue, amend, and revoke such regulations as may be necessary for the performance of the functions of the Commission;

(5) enter into contracts and other agreements with Federal, State, and local public agencies, private firms, institutions, and individuals for the conduct of such research or surveys as may be required in the performance of the functions of the Commission;

(6) secure from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, or of any State, or political subdivision thereof, information, estimates, and statistics required in the performance of the functions of the Commission; and

(7) delegate to any member of the Commission any of the foregoing functions.

(b) (1) Subpenas issued pursuant to paragraph (3) of subsection (a) shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

(c) Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality referred to in paragraph (6) of subsecton (a) is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission upon written request made by the Chairman of the Commission.

COMPENSATION OF MEMBERS

SEC. 304. Members of the Commission who are not regular full-time employees of the United States shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

APPROPRIATIONS AUTHORIZED

SEC. 305. There are authorized to be appropriated such sums not to exceed $5,000,000 in any fiscal year, to carry out the provisions of this title.

By Mr. HARRIS:

S. 1065. A bill for the relief of the owners of certain interests in lands located in Caddo County, Okla. Referred to the Committee on the Judiciary.

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill I introduced during the 91st Congress for the relief of the owners of certain interests in lands located in Caddo County, Okla., which was never acted upon by the Judiciary Committee. The exact description of the land involved in this legislation is some 150 acres in W½ of section 15, T. 8 N., R. 12 W., Caddo County, Okla.

Some 10 years ago this land was flooded by the United States following the construction of the Fort Cobb Reservoir in Caddo County. Claims for compensation of mineral rights in this land were submitted to the Bureau of Reclamation of the U.S. Department of Interior by the claimants. However, the claims were denied on the grounds that the Tucker Act, upon which claims for compensation of this loss would be based, contains a 6-year statute of limitations.

This special relief legislation would waive the statute of limitations so that the claimants might be successful in their proposed suit to recover damages for the loss of their mineral rights.

I ask unanimous consent to have printed in the RECORD a copy of the reply I received from the Department of the Interior in regard to these claims. I urge that this legislation be expeditiously and favorably considered during the 92d Congress.

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

DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 21, 1970.

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

DEAR SENATOR HARRIS: This is in response to your letter dated June 18, 1970, inquiring as to the feasibility of special legislation waiving the statute of limitations as to certain claims against the United States, as suggested in letters from Mr. Lon B. Turk and Mr. John W. Nichols, both of Oklahoma City.

Messrs. Turk and Nichols claim to be the owners of mineral rights in land that was flooded by the United States some ten years ago following construction of the Fort Cobb Reservoir, Caddo County, Oklahoma. Last year they asserted a claim for compensation with the Bureau of Reclamation of the United States Department of the Interior. The claim was denied on the ground that the statute of limitations barred claims not asserted within six years of the flooding. They further assert that in the condemnation of similar property close to theirs, the owners of the mineral rights were awarded $100 per acre. There appears to be about 150 acres involved.

Special relief legislation waiving the statute of limitations is a feasible avenue for relief. Such statutes normally recite the names of the claimants, the nature of the claim and the statute by which the claim is barred. They normally provide a fixed period of time in which the action can be brought.

I am sure you understand that the Department of the Interior cannot at this time state what position it will take on such a bill should it be introduced.

Sincerely yours,

CHARLES W. DOLE,
Assistant Secretary of the Interior.

By Mr. BOGGS (for himself, Mr. BROOKE, Mr. CASE, Mr. COTTON, Mr. ERVIN, Mr. HART, Mr. JAVITS, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RIBICOFF, Mr. ROTH, Mr. SCOTT, Mr. SPONG, and Mr. WILLIAMS):

S. 1071. A bill to clarify the status of funds of the Treasury deposited with the States under the Act of June 23, 1836. Referred to the Committee on Finance.

Mr. BOGGS. Mr. President, a great deal is being said and written these days about revenue sharing. Well, I believe this is not such a new idea. It seems to me that revenue sharing was born more than 130 years ago when Congress passed the Surplus Revenue Act on June 23, 1836. That act distributed a Federal Treasury surplus of $37 million among the then 26 States of the Union.

This is a most appropriate time to bring this little-known event to light and to recognize it as an early precedent for revenue-sharing measures which are currently before this body.

I am today reintroducing legislation which, I believe, will serve these purposes as well as clarify the status of these funds.

The money was distributed in three installments in the following manner, based on the congressional representation of the States:

New York received $4,014,520.71; Pennsylvania, $2,867,514.78; Virginia, $2,198,427.99; Ohio, $2,007,260.34; Kentucky, North Carolina, and Tennessee, $1,433,757.39 each; Massachusetts, $1,338,173.58; Georgia and South Carolina, $1,051,423.09 each; Maine and Maryland, $955,838.25 each; Indiana, $860,254.44; Connecticut and New Jersey, $764,670.60 each; Alabama, New Hampshire, and Vermont, $699,086.79 each; Illinois and Louisiana, $477,919.14 each; Mississippi, Missouri, and Rhode Island, $382,335.30 each; and Arkansas, Delaware, and Michigan, $286,751.49 each.

Most States did one of four things with their share of the money. They either invested it in bank or railroad

stock; used it to build schools; used it to finance public works and internal improvements; or divided it among local governments. In most cases, the money was lost as a result of unwise investments, poor management, and economic setbacks.

The only States to profit in the long run as a result of the surplus revenue of 1836 were Vermont and my own State of Delaware.

The major part of Delaware's windfall was used to purchase 5,000 shares in the Farmers Bank of the State of Delaware. That investment, as it turned out, was sound.

The Farmers Bank has prospered, and the original 5,000 shares has grown to about 225,000, and are today worth $7.2 million.

The need for the legislation I am reintroducing today arises from the fact that these funds were officially deposited with the States on a loan basis. The fact is that no one seriously believed the loan would ever be recalled. As a result, arrangements for interest payment and amortization of the debt were never made. In 135 years, the Congress has never moved to recall the debt.

In fact, the surplus revenue of 1836 has been forgotten by the Congress, the States involved, and all but the most learned scholars of American financial history. Were it not for an inquisitive reporter of the News-Journal Papers in Wilmington, Del., who discovered the incident, this obscure chapter of our history might never have come to light.

As a practical matter, no State which received a share of the 1836 surplus funds is capable of repaying with 5 percent interest—the prevailing rate on Treasury funds in 1836.

Delaware, which profited from its investments, would owe about $150 million, which is more than half the entire State budget. Repayment would be an even more impractical matter for States which received a greater allotment.

There is no likelihood that this debt will ever be recalled. But the central problem is that the States are forced to carry it as a debt in their account books.

The bill that I am reintroducing today would eliminate any doubt as to the status of these funds. It would simply change their status from a debt to an outright grant, which could not be recalled by Congress. The Treasury Department has announced that it has no objections to this legislation.

I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Massachusetts (Mr. BROOKE), the distinguished Senator from New Jersey (Mr. CASE), the distinguished Senator from New Hampshire (Mr. COTTON), the distinguished Senator from North Carolina (Mr. ERVIN), the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from New York (Mr. (JAVITS), the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Illinois (Mr. (PERCY), the distinguished Senator from Vermont (Mr. PROUTY), the distinguished Senator from Connecticut (Mr. RIBICOFF), the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from Virginia (Mr. SPONG), and the distinguished Senator from New Jersey (Mr. WILLIAMS).

Mr. President, I send this bill to the desk for referral to the appropriate committee and ask that the text of the bill, along with a pertinent article from the Wilmington Evening Journal be printed in the Record at the conclusion of my remarks.

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

S. 1071

A bill to clarify the status of funds of the Treasury deposited with the States under the Act of June 23, 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any funds of the Treasury which were deposited with any State under section 13 of the Act of June 23, 1836 (5 Stat. 55), shall be considered to have been a grant to such State for the purpose of providing for the general welfare of the United States. Any certificate of deposit issued by any State for such funds which is held by the Secretary of the Treasury shall be canceled.

(b) The last proviso of section 13 of such Act is hereby repealed.

FIRST STATE PROPOSED ON 1837 LOAN FROM U.S. SURPLUS: DELAWARE, 25 OTHER STATES, CHERISH FISCAL TIME BOMB

(By Bob Schwabach)

A financial timebomb has been quietly ticking away in the treasures of 26 states, including Delaware, for 132 years.

In 1837 the federal Treasury had a surplus of more than $40 million revenues and Congress decided that the sensible course was to lend it to the 26 states—all there were in the Union at that time.

It's a long fuse but still aglow.

Delaware's share of the "windfall" was $286,751.49 and the state used a large chunk of that to buy shares in the Farmers Bank of the State of Delaware—the same shares which the state still holds.

The legislation which permitted the deposits to the 26 states said clearly that the monies were a loan, not a gift. Now, though hardly anyone remembers the loan, the money is still recallable if Congress should ask for it, and it may even re recallable with accumulated interest.

Sen. J. Caleb Boggs, R-Del., said last night that he is definitely considering the presentation of a bill to void the right of Congress to ever recall the loan. Such a bill would be for the relief of all 26 states, not just Delaware.

Boggs said he had put his legislative assistant to work researching the loan shortly after being informed of it by the News-Journal papers a few weeks ago.

Sen. John J. Williams, R-Del., was unavailable for comment.

Rep. William V. Roth Jr., R-Del., said last night that, in his opinion, "as a practical matter it is unlikely that the loan would ever be recalled."

The 26 states that owe the money, Roth said, would hold a majority in the Senate and probably in the House as well.

A state budget analyst is now tracing all the investments and transfers that the loan has gone through in 132 years so that the state will be prepared in the event of a recall to account for the funds. Officials in the budget department were unaware of the long-standing debt obligation until informed of it about three weeks ago by a News-Journal reporter.

The story of that loan and sister loans to the other states begins in 1836 when the U.S. Treasury discovered the surplus of nearly $42 million.

The surplus had been building for years and in the absence of a national debt the argument was raised in Congress that the money should be returned to its rightful owners, the people.

Those arguments prevailed and an act of that year decreed that the money should be divided among the states on the basis of their representation in Congress. Some senators and representatives wanted the distribution to be a gift but the majority, wishing to be prudent, decided that it should be a loan, to be available for recall in a time of national emergency or whenever Congress chose.

New York received the largest amount, $4,014,520.17, and Delaware, Arkansas and Michigan received equally the smallest shares. In all, $37,468,859.97 was loaned out.

Delaware used $180,000 of its share to purchase 5,000 shares of stock in the Farmers Bank.

The bank has done well in the past 132 years and these 5,000 shares have now grown to about 225,000 worth $7.2 million. In addition, each of the shares pays a $1 annual dividend, so that each year's dividends alone now equal more than the initial investment.

The fortunate purchase of those shares leaves Delaware as one of only two states to have used the loan profitably—Vermont is the other one—and far beyond all the states in the return it has gained.

No state, even Delaware, which has been the most prudent and successful with the money, could repay the loan with interest if recalled.

The prevailing rate on Treasury loans in 1837 was 5 per cent. At that rate Delaware would have to repay about $150 million, which is almost the entire state budget.

What happened to the rest of the loan Delaware received is still being researched, but in preliminary form here's how it went:

The state used $80,793 to buy bonds in the Philadelphia, Wilmington and Baltimore Railroad and the New Castle and Wilmington Railroad. Both lines are now defunct, but before they went under the state cashed in its bonds in 1881 and made a nice profit. The money was put into the Permanent School Fund.

The state loaned $5,000 to Sussex County to build the Sussex County Courthouse. That loan was repaid and the money put in the school fund.

The state used $20,958.49 to buy stock in the Smyrna Bank and the National Bank of Delaware. Some of that stock was sold and the money put in the school fund; the remainder still in stock is worth more than the original investment.

Dividends from Farmers Bank stock also went into the school fund, and because of the loan and amazingly good management, Delaware had no school tax until this century.

Other states have not been so prudent. Most of the states in the South and Midwest dissipated their loans in a very few years. The New England and Middle Atlantic States were more careful but bad luck combined with bad management took only a little longer to reduce their shares to virtually nothing.

Calls to the treasurers of most of those states revealed that few state treasurers had even heard of the 1837 loans let alone kept an accounting of it.

A high treasury official in Maryland did not know of the state's obligation and when informed said he had no intention of making provisions to pay it. In Pennsylvania, officials took the matter more seriously and expressed real fear that should Congress recall it the state would be thrown into

bankruptcy. (Pennsylvania received nearly $3 million.)

New York and New Jersey, while they no longer have the initial loan funds, carry the debt as a liability on their budgets and stand willing to repay it out of the General Fund if called upon. New York has carried an exact account of all transactions of the loan for every year since 1937.

Through all the examinations of what the other states have done or failed to do with their share of the 1837 surplus it is clear that Delaware emerges with great credit. It would be very hard to find a money manager today, even among the new breed of highly sophisticated professionals, who would feel confident of investing profitably over a period of 132 years.

By Mr. JAVITS:

S. 1072. A bill to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 66 per centum in the case of certain developing institutions. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the Higher Education Facilities Act to provide 66 percent Federal construction matching funds for "developing institutions," defined in title II of the Higher Education Act as colleges which, for financial or other reasons, are struggling for survival and are developing institutions themselves. These schools, for the most part, serve students from lower income families and have very little in the way of endowments or other financial resources to meet their needs.

Under existing law, all colleges, both established and developing institutions, receive 50 percent Federal matching funds for construction of facilities.

The education appropriation bill for the current fiscal year provides $43 million for grant construction assistance.

Typical of these developing institutions are the 68 private and 43 public higher education institutions with a predominantly Negro student body. The median family income of the students attending these institutions is $3,900; the national median is $7,974. In 1968 and 1969, predominantly white colleges received $96 milion in grants from private philanthropy of which $11 million was for building and equipment. This is contrasted with the $4.6 million given to predominantly black schools of which some $150,000 was for construction and equipment.

The Office of Education indicates that there are some 400 developing institutions in the Nation. Included among those which are located in New York State are the College of St. Rose in Albany, Keuka College in Keuka Park, Manhattan College in the Bronx in New York City, and Trocaire College in Buffalo.

By Mr. JAVITS:

S. 1073. A bill to consolidate and improve certain programs for higher education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, the Consolidation of Special Higher Education Programs Act.

This bill consolidates into one title a number of existing higher education programs which have been previously authorized by the Congress but not funded. These programs are interinstitutional networks for knowledge—title VIII of the Higher Education Act, education for the public service—title IX of the Higher Education Act, clinical experience for students of law—title XI of the Higher Education Act, and international affairs and foreign language education—the International Education Act and title VI of the National Defense Education Act.

By consolidating these provisions, new life can be breathed into them so that they might realize the promise envisioned when first enacted by the Congress.

An authorization of $86.5 million for fiscal year 1972 is provided, which is the sum of the authorizations which were provided for the component programs; thus consolidation does not diminish the intent of the legislation.

By Mr. JAVITS:

S. 1074. A bill to authorize assistance to the States in establishing and carrying out programs of higher education student aid. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for appropriate reference the State Higher Education Student Aid Act of 1971.

This measure has two principal provisions:

First, the bill would provide student incentive grants to the States on a matching basis to assist young people from families of substantial need to obtain a higher education. This provision is designed to encourage the States to expand their present programs of grant assistance to students, and complements the administration bill and existing student-aid programs of Federal educational opportunity grants, direct and guaranteed loans, and work-study. States would receive funds only when they expand their present efforts. Thus, this money would supplement, not supplant, existing programs.

Second, the bill would provide for educational-opportunity centers in areas with major concentrations of low-income population to facilitate the recruiting of disadvantaged children into higher education. These centers would provide information concerning financial and academic support available at colleges, assistance in applying for admittance to such schools, including preparing detailed documentation for use by admissions and financial aid officers, provide counseling services and tutorial help. This second part follows recent recommendations of the Carnegie Commission on Education, which has emphasized that—

To make recruiting programs fully effective, there is an urgent need for institutions to coordinate planning and combine resources.

Thus, programs such as New York State's urban centers would be encouraged throughout the Nation by this provision.

For the first year, the bill authorizes $50 million for the student incentive grant program and $20 million for the educational opportunity center program.

What is being done now by my own State of New York to assist individual students to attend college serves as an example of what this measure seeks to develop. During the last complete school year some 245,500 young New Yorkers held State scholarships and grants worth about $69.9 million, a tenfold increase over the past decade. And just as New York is being confronted with presssures due to increased enrollments and rising tuition costs to still further expand its program, so are other States similarly beset. In New York, the dollar amount of regents scholarships ranges from $250 to $1,000 yearly, depending upon the financial resources of the student. My bill would provide up to 750 Federal dollars for each student in equal matching funds from the State.

College enrollment, now at over 8 million and double that of a decade ago, is expected to increase nearly 50 percent by 1976–77. Today 40 per cent of young Americans enter college; a century ago, shortly after President Lincoln had signed the land-grant college law, only 2 per cent were so privileged.

And while enrollments have increased, so have costs. The average amount an undergraduate pays for tuition and required fees has doubled in the past 10 years. The Office of Education indicates that the estimated average amounts for tuition and required fees, board and dormitory rooms is $1,324 in 4-year public colleges and $2,844 in private universities.

It is obvious that if we are to achieve the goal iterated by President Nixon in his February 22 message on higher education, that "no qualified student who wants to go to college should be barred by lack of money", not only must the Federal Government enlarge its efforts, but the States must also do so. This bill seeks to encourage the States to do just that.

By Mr. HARTKE:

S. 1075. A bill to create a Senate Tax Reform Commission. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce today, for appropriate reference, a bill which would create a commission to study our tax laws and propose desirable changes. Title 26, the Internal Revenue Code, occupies 879 pages of the 1964 edition of the United States Code, and amendments to title 26 occupy an additional 410 pages of the 1965–69 supplement. Hundreds of amendments to the code are offered to every Congress, yet no completely comprehensive study of our tax laws and their functions has ever been made.

The Federal Government raises roughly some $200 billion in tax revenues annually. The way in which this is done is undoubtedly the single most important factor in the economic life of the Nation, if not in the entire range of social and political affairs. The spectrum of goods and activities on which taxes are levied, the rates of taxation on each item, the degree of graduation of rates, the numerous special provisions intended to encourage or discourage specific activities, the loopholes and quirks in the law

which sometimes have effects quite different than the original intents, these have an extremely strong, in some cases determining, impact on all phases of American life. Slight changes in one or more provisions can vastly alter for large segments of the economy choices between more work and more leisure, between more consumption or greater saving, among the multitudinous possible allocations of investment. By the judicious framing of various provisions, we can provide incentives for greater or lesser spending on housing, on pollution control, on urban renewal, on medical research, or on production of hula hoops.

The time is long overdue for us to examine our tax structure as an integrated whole: to decide what objectives we wish to accomplish, to determine the specific influences of individual provisions with respect to each of these goals, to learn what we can about the interrelationships among various goals and instruments designed to achieve them in order to eliminate counteracting influences, and finally to determine an integrated policy to achieve, or help to achieve, the desired results.

My bill will create a Commission which will study the situation in all of its aspects. The Commission will submit interim reports as and when it considers advisable, and within 2 years will submit a final report, which will shed light on the aforementioned considerations.

We can no longer afford to deal piecemeal with tax problems as they occur to us or are forcibly impressed upon us. Nor can we continue to consider individual issues in isolation, that is without allowance for the complicated interrelationships that exist. And finally we cannot abdicate our responsibility to consider the far-reaching effects of each provision of our tax system, for whether we change the structure or leave it as it is, it will continue to affect us, and we are therefore making an implicit decision in either case. We must not allow the outcome of that decision to rest purely on the vicissitudes of chance.

By Mr. PERCY (for himself and Mr. STEVENSON):

S. 1077. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

Mr. PERCY. Mr. President, it is my pleasure to reintroduce with the cosponsorship of the distinguished junior Senator from Illinois (Mr. STEVENSON) a proposal that would authorize the creation of the Lincoln Homestead National Recreation Area in Coles County, Ill. I would remind my colleagues that this bill was first introduced in 1966 by Senator Douglas and by Congressman SPRINGER and Congressman SHIPLEY in the House. The proposal was still being studied in 1969 when Senator Dirksen and I reintroduced the measure, and Congressman SPRINGER again initiated consideration of the bill by reintroducing it in January of this year.

The creation of a national park in Illinois is long overdue. Illinois is one of only five States that does not have a single National Park Service area within its borders. And, of these five States, it is the largest in area and most highly populated.

As proposed, the Lincoln Homestead National Recreation Area would add 10,500 acres to the soon-to-be-constructed Lincoln Reservoir on the Embarrass River in Coles County. The site is abundant in historical relevance and natural beauty. To be located on the Lincoln Heritage Trail, the recreation area would include the Lincoln Homestead where Lincoln's father and stepmother lived from 1840 until the time of their deaths. It is close to the Moore House where Lincoln, as President-elect, last visited his stepmother; the Shiloh Cemetery, burial place of Lincoln's father and stepmother; and the site of the Lincoln-Douglas debate in nearby Charleston.

The recreational possibilities of the Lincoln Reservoir area are ample. Adjacent woodlands and open spaces would provide a safe, convenient, and refreshing atmosphere for families and individuals of all ages to enjoy camping, boating, fishing, riding, and hiking. The recreation potential is enhanced by the proximity of existing facilities in nearby rural areas, such as the Charleston parks and the Coles County Fairgrounds. The Lincoln Recreation Area also could provide desirable conservation of open spaces and preservation of wildlife.

The private study conducted by Victor Gruen Associates of Los Angeles, Calif., in 1966, estimates that more than 26 million people within a 250-mile radius would have easy access to the Lincoln Recreation Area by Interstate Routes 70 and 57. Furthermore, the Gruen report shows that the Lincoln Homestead National Recreation Area complies with the established criteria for a national recreation area. This fact is also upheld by the Corps of Engineers in its study.

Since the early 1960's, when this proposal for a national recreation area was first made by Dr. Ferrel Atkins of Eastern Illinois University, Illinois' citizens have been solidly behind it. Both former Governor Kerner and Governor Ogilvie have had a strong and continuous interest in Federal development of the area as a national recreation site. Resolutions in support of the LHNRA have been approved by both the 75th and 76th general assemblies and similar resolutions have been sponsored by conservation groups in the State, such as the Wabash Valley Association and the Great Lakes Chapter of the Sierra Club.

Recreation has a value beyond economic figures. It affords us aesthetic and spiritual benefits that exceed budget estimates and actual investments. Conservation and environmental issues are now receiving a tremendous amount of public interest and support. Like most of my colleagues, I have received an avalanche of mail from constituents expressing a deep interest in the preservation of our vanishing natural resources and in halting the destructive effects of man's technology.

As parents, we want our children and grandchildren to be able to experience the simple beauty and enchantment of nature. This should not be an idle hope; midwesterners should be able to expect that the natural endowments of their area will be preserved. The Midwest has been called the "forgotten stepchild" as far as Federal contribution to recreation are concerned.

I am, therefore, hopeful that this will be changed, and that the Bureau of Outdoor Recreation and Secretary Morton will recommend that the Lincoln Homestead Recreation Area be authorized. I am confident that the Interior Committee, to which this bill is to be referred, will request such reports as soon as possible from the Department of the Interior. I can assure the committee that as ranking minority member on the Interior Subcommittee of the Senate Committee on Appropriations I will fully support full funding for this important project.

By Mr. GRIFFIN:

S. 1078. A bill to amend chapter 55 of title 10, United States Code, in order to provide for the defense of certain malpractice and negligence suits brought against members of the Armed Forces for alleged acts or omissions committed while performing duties as physicians, dentists, nurses, pharmacists, or paramedical or other supporting medical personnel, and for other purposes. Referred to the Committee on Armed Services.

Mr. GRIFFIN. Mr. President, today I introduce for appropriate reference a bill to provide Government defense of malpractice suits brought against physicians and other medical personnel who serve in the Armed Forces.

In recent years, the number of medical malpractice insurance claims has mushroomed. In addition, escalating increases in the average amount of damages awarded in malpractice suits have caused insurance rates to soar.

In his recent health message to Congress, President Nixon emphasized that over—

> The past *five* years, malpractice insurance rates have gone up an average of 10 per cent a year—a fact that reflects both the growing number of malpractice claims and the growing size of settlements.

He further noted that—

> Many doctors [are] having trouble in obtaining *any* malpractice insurance.

In recognition of this problem, the President directed the appointment of a special Commission on Medical Malpractice to make an in-depth study and to submit recommendations.

In the meantime, there is one aspect of the overall problem which calls for immediate attention by Congress which cries out for legislative action now to correct a serious inequity overlooked too long. I refer to the fact that doctors in the Armed Forces are required to provide their own malpractice insurance to protect themselves against possible liability which may grow out of their treatment of wives and other dependents of servicemen.

At the present time, physicians in the armed services are called upon to provide medical services to dependents of servicemen despite the fact that the Federal Government has no obligation to defend a malpractice suit brought

against the military doctor or to pay any damages that may be awarded.

Consequently, a physician serving his country in the Armed Forces is left with no alternative but to purchase, at his own expense, expensive malpractice insurance. For example, I know of one ear, eye, nose, and throat specialist serving his country in the Armed Forces who pays an $832 annual premium for malpractice insurance; I am aware of the case of a plastic surgeon who pays an $1,800 annual premium.

Since physicians in the Armed Forces frequently are nonresidents of the State in which they happen to be stationed by the military, they are often required to pay higher rates than resident private physicians who can take advantage of low-cost group insurance plans.

Needless to say, the compensation received by the average physician in the military is substantially below the average earnings of his counterpart in civilian life.

While the number of malpractice suits actually brought against doctors in the Armed Forces and other uniformed services is relatively small, such a physician either must pay the substantial premiums charged for malpractice insurance or he must live under the perpetual threat of possible litigation. The dilemma posed by this situation undoubtedly affects some doctors in their decision to enter or to continue serving in the Armed Forces.

Mr. President, the bill I introduce today would eliminate an unconscionable disparity that now exists between medical personnel in the uniformed services and medical personnel in the Veterans' Administration.

In 1965, the Congress enacted legislation to provide that the exclusive remedy for malpractice or negligence on the part of medical personnel in the Veterans' Administration would be available through action against the United States. As a result, because a suit for malpractice can be brought only against the United States, doctors serving in the Veterans' Administration are under no requirement to carry malpractice insurance.

Earlier in 1961, Congress provided similar protection for Government employees in the operation of motor vehicles.

The bill I am introducing would extend similar consideration and protection to medical personnel in the uniformed services as defined under chapter 55 of title 10, United States Code. The bill would protect physicians and other medical personnel in the Armed Forces, the Commissioned Corps of the Environmental Science Services Administration—now the Commissioned Corps of the National Oceanic and Atmospheric Agency—and the Public Health Service.

Mr. President, this legislation is necessary because, as it has been interpreted, the Federal Tort Claims Act does not bar a personal suit against a Government employee, although it does bar such an action once judgment has been rendered against the United States arising from the same act or omission.

Furthermore, the Federal Tort Claims Act does not subject the United States to liability for an assault and battery committed by a Government employee. Malpractice suits, arising out of medical treatment, sometimes are based on "lack of consent" and brought on a theory of assault and battery.

The legislation I introduce would do several things:

First, it would provide medical personnel with immunity from personal liability in actions brought by dependents of members of the uniformed services or by retired members. If the medical care or treatment were provided in line of duty, the only remedy would be in an action against the United States.

"Good samaritan" treatment and treatment rendered to civilians in a nonmilitary medical facility, while the military physician is connected with a residency or other training program, would be considered to be treatment rendered in the line of duty.

Second, the legislation would provide medical personnel with immunity from personal liability in actions brought by members of the uniformed services in State courts.

In *Feres* v. *United States*, 340 U.S. 135 (1950), the Court held that an injured member of the Armed Forces was barred from suing the U.S. Government under the Federal Tort Claims Act because Congress had provided an alternate system of compensation under chapter 61 of title 10, United States Code. However, this decision might not protect a doctor in the Armed Forces from suit in a State court.

Third, by amending section 2680(h) of the Federal Tort Claims Act to permit malpractice actions based on assault and battery to be brought against the United States, the bill would assure that a plaintiff's existing right of action for alleged acts of malpractice is not limited.

Fourth, in order to provide complete protection for medical personnel in the uniformed services, my bill would direct the United States to pay any damages awarded in a successful suit based on a claim arising in a foreign country.

Essentially, the Federal Tort Claims Act does not permit suits against the Government for acts committed by Government employees in a foreign country. My proposal would provide protection for the physician in the Armed Forces who is sued in the United States for medical services performed by him while he is stationed abroad.

To relieve a physician serving in the Armed Forces of the costs of defending a malpractice action and in order to protect the Government's interest, the Attorney General of the United States would be authorized under the legislation to defend any such suit—provided, of course, that the defendant was acting in the line of duty.

Mr. President, I believe that a correction of this inequity which exists between medical personnel in the uniformed services and those in the Veterans' Administration is long overdue.

Accordingly, I urge early consideration and action by the Congress with respect to this legislation.

I ask that the text of the bill be printed in the RECORD.

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

S. 1078

A bill to amend chapter 55 of title 10, United States Code, in order to provide for the defense of certain malpractice and negligence suits brought against members of the Armed Forces for alleged acts or omissions committed while performing duties as physicians, dentists, nurses, pharmacists, or paramedical or other supporting medical personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 55 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1088. Defense of certain malpractice and negligence suits

"(a)(1) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (including, but not limited to, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties as a member of the Armed Forces shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.

"(2) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in paragraph (1) of this subsection (or his estate) for any such damage or injury. Any such person, against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary concerned to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary concerned.

"(3) Upon a certification by the Attorney General that the defendant was acting in line of duty at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of paragraph (1) of this subsection is not available against the United States, the case shall be remanded to the State court.

"(4) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding referred to in paragraph (1) of this subsection in the manner provided in section 2677 of title 28, and with the same effect.

"(5) Nothing in this subsection shall be construed as authorizing an action for damages against the United States by members of the uniformed services, or by the dependents of such members or former members, who are eligible for benefits provided by the United States for such members and the de-

pendents of such members and former members, including (but not limited to) benefits provided under chapters 55 and 61 of title 10 and under title 38, but not including any payment made under section 2733 of title 10.

"(6) The provisions of this subsection shall not apply in the case of any civil action if the incident out of which such action arose occurred in a foreign country.

"(b)(1) Where a civil action is brought against any person described in subsection (a)(1) of this section for damages for personal injury, including death, allegedly arising from an action described in such subsection and the grounds for such civil action allegedly occurred in a foreign country, the Attorney General shall provide counsel and otherwise assist such person to defend such civil action if the Attorney General determines, after consultation with the Secretary concerned, that such person was acting in line of duty at the time of the incident out of which the civil action arose. The Attorney General may compromise or settle any claim asserted in any such civil action in the same manner in which he is authorized to compromise and settle claims against the United States under section 2677 of title 28.

"(2) Where a judgment for damages is rendered against such person in any such civil action, payment thereof shall be made by the United States in the same manner as if such judgment had been rendered against the United States under section 1346(a); and where the Attorney General compromises or settles any claim asserted in any such civil action, payment thereof shall be made by the United States in the same manner as if such compromise or settlement had been made under section 2672 of title 28."

(b) The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by adding at the end thereof a new item as follows:

"1088. Defense of certain malpractice and negligence suits."

SEC. 2. Section 2680 of title 28, United States Code, is amended by striking out the period at the end of paragraph (h) and inserting in lieu thereof a comma and the following: "except claims within the provisions of section 1088(a)(1) of title 10 arising out of assault or battery."

By Mr. BAYH:

S. 1080. A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans. Referred to the Committee on Veterans' Affairs.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill which would authorize an increased payment by the Veterans' Administration toward the burial costs of disabled and wartime veterans. At present no more than $250 can be contributed toward the funeral expenses and costs of transportation to the burial site of deceased veterans who served during periods of armed conflict and certain peacetime veterans whose deaths are service related. Provision is made for transporting the remains of veterans who might die while hospitalized or domiciled in a veterans hospital or elsewhere at the expense of the Veterans' Administration.

This bill, which is similar to those I introduced in the 90th and 91st Congresses, reflects a need brought about by higher charges for burial services in the 12 years since enactment of the present law. For example, the National Funeral Directors Association, which conducts an annual nationwide survey, estimated that the average cost of regular adult funeral services increased from $661 in 1958 to $926 in 1969. Interment and cremation charges, which are separate from those paid to the funeral director for his services, have also increased. Charges for opening and closing a grave run from $45 to $150 and cremation costs vary from $35 to more than $100.

All evidence indicates that the $250 now authorized for veterans' burial expenses is inadequate. Some administrative flexibility is needed whereby the Veterans' Administration could share the unavoidable burden which falls on the estate and the family of a wartime veteran. My proposal would authorize payment of an amount determined to be reasonable and necessary up to a maximum limit of $500. If this were adopted, the Administrator would be able to vary the amount of contribution according to actual need and to take into account the rising costs for services, within the maximum authorized amount of $500. Let me stress that there is no intention here to increase automatically the amount of such contribution in all cases; rather, the purpose is to raise the maximum allowable amount so that where real need is demonstrated the contribution can be more in line with actual costs.

Perhaps it would be relevant to point out the difference in the treatment accorded to active servicemen and wartime veterans in this respect. Present law (10 U.S.C. 1482 et seq.), in providing for the final disposition of the remains of deceased active duty military service personnel, authorizes the appropriate Secretary to pay for all necessary burial expenses. In addition to preparing the remains, purchasing an appropriate casket, and providing transportation with an escort to the place of burial, a cash interment allowance is paid in accordance with the circumstances for "necessary expenses" which are not larger than those "normally incurred." This language permits a reasonable adjustment of the amounts paid according to actual costs, but the maximum interment allowance for burial in a private cemetery is $500.

My bill would confer similar discretionary authority on the Veterans' Administration to adjust the payments for the burial of other eligible wartime veterans so that they would be more in line with need and actual costs. In no case could the total exceed $500. Since the bill's coverage is limited to wartime and disabled veterans, plus those who might die while confined in a veterans' hospital or elsewhere at the expense of the Veterans' Administration, it would not apply to the bulk of peacetime veterans.

In responding to a request for comment on my earlier bill (S. 987), the Veterans' Administration on May 22, 1970, commented that it would be "premature" to consider it then because other measures were pending which contemplated establishing a National Cemetery System. Mr. President, there may be good reasons why such a basic policy should be approved, but there is no certainty that it will be done. Moreover, even if Congress should create new national cemeteries for veterans, such action would not resolve this problem. For various reasons many families of veterans will continue to want their loved ones interred in nearby family plots with other relatives, and the cost factor will in no way be relieved in such cases.

It seems to me that where actual financial need exists, adequate funds should be provided to help meet unavoidable funeral expenses. This is especially true in those cases where the estate is so small that interment charges become a sizable drain on the resources of a veteran's family. I hope that serious consideration can soon be given to authorizing more realistic assistance for this worthy cause.

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

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

S. 1080

A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 902(a) of title 38, United States Code, is amended (1) by striking out "may pay a sum not exceeding $250 to such person as he prescribes" and inserting in lieu thereof "may pay to such person as he prescribes an amount determined by him to be reasonable and necessary"; and (2) by striking out the period at the end of such sentence and inserting in lieu thereof a semicolon and the following: "but in no case shall the amount exceed $500.".

(b) Section 903(a) of such title is amended by striking out "$250" and inserting in lieu thereof "$500".

SEC. 2. The amendments made by the first section of this Act shall be effective in the case of veterans who die on or after the date of enactment of this Act.

By Mr. BAYH:

S. 1081. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty. Referred to the Committee on Government Operations.

Mr. BAYH. Mr. President, the 90th Congress enacted landmark legislation (Public Law 90–291) which for the first time provided benefits for law enforcement officers employed by State or local governments who might be killed or seriously injured while apprehending violators of national law. As a result such officers or their survivors are now entitled to receive benefits comparable to those provided by the Federal Employees Compensation Act—less whatever amounts they are paid by their employers or other compensation systems—if they suffer personal injury or loss of life in the line of duty while enforcing Federal laws.

This important step forward recognizes the valuable services rendered to the Nation by State and local enforcement personnel. However, it does not apply to those who incur death or sustain disabilities while in the process of searching for or arresting persons accused of committing non-Federal criminal acts, nor does it apply to firemen who are in-

jured or killed while on duty. It is well known that State and local government disability and death compensation for these employees varies widely throughout the country, because of differences in size and financial ability of the employing jurisdiction.

Consequently, I am again introducing for appropriate reference a bill which would attempt to rectify these discrepancies in compensation. The purpose of this measure is to recognize properly the important service which these individuals perform for the whole Nation as well as for their own communities. It would extend comparable Federal Government benefits to all policemen or firemen who might be killed or totally disabled in the line of duty, whether or not a specific Federal law happens to be involved in the specific instance during which the loss occurred.

This expanded coverage would be justified, it seems to me, because the job of law enforcement and fire protection has in many respects become a national responsibility. Fugitives from justice or persons intent on committing crimes are able to travel around the country much more easily and speedly today than ever before. A person killing or injuring a policeman or an arsonist starting a blaze which results in fatalities could easily have come within a few hours or even minutes from another State or could quickly flee from one State jurisdiction to another. Likewise, injuries are often incurred by local policemen and firemen while they are protecting interstate travelers or those who may have interrupted their journey only temporarily while enroute elsewhere.

It is truly difficult today to draw hard and fast lines which separate jurisdictional responsibility for police and fire prevention functions. These are public employees who are devoted to protecting the lives and property of all persons without regard to their domicile, place of origin, or final destination. Whenever a public safety officer dies or is seriously injured while protecting others, his sacrifice and that of his family have been in the interest of the whole Nation. Accordingly, it seems to me that Congress should recognize this national responsibility by helping compensate those who become casualties in the common task of preserving law and order. Our country owes these men no less than a guarantee that neither they nor their dependents will suffer undue economic disadvantage because of physical harm which has befallen them while answering their call to duty.

The benefits which would be made available if this bill were enacted would be identical with those provided by Public Law 90–291, which became law on April 19, 1968, and which was limited only to those officers involved in apprehending violators of Federal law. Perhaps it is not necessary to point out that under this act, as well as under my amendment, any benefits which were paid because an employee had lost his life or had been disabled would be reduced or adjusted to reflect all benefits received from State or local government compensation systems, except for the amounts which the employee himself might have contributed to the fund. In other words, the Federal contribution would be supplementary to and would be reduced according to other compensation to which State and local policemen or firemen were entitled. In summary, although the level of payments would be the same as under the earlier law, its scope would be extended to include those not now covered by the provision restricting compensation to purely Federal jurisdictional matters.

If this bill should become law, a widow who is the sole survivor of a policeman or fireman killed in the line of duty would be eligible to receive approximately 45 percent of the monthly wage rate of her deceased husband. This compensation would continue as long as she did not remarry. If there are dependent children, the widow would receive 40 percent and each child 15 percent, up to a total of 75 percent of the monthly wage of the deceased. In cases of total disability, however, benefits would equal two-thirds of the monthly wage rate if there are no other dependents, but would be increased to three-fourths of the monthly wage if there are dependents.

I was disappointed to note rather unfavorable responses to my earlier bill (S. 1277) on the same subject by the Department of Justice and the Department of Labor. The official position of these agencies seems to be that the National Government should not assume any responsibility for local law enforcement or fire protection activities that do not involve a specific Federal crime or function. While the traditional separation of national and State activities would of course substantiate this view, as indicated earlier it seems to me that it is no longer possible to separate completely these jurisdictional lines in the area of law enforcement and public safety. The complexity of modern society and the technological revolution have in many situations rendered almost meaningless the historic, often artificial boundaries dividing our various governmental units. To the extent that law enforcement problems have become national rather than local, the burden of aiding those policemen or firemen and their families who are seriously injured or who lose their lives while executing their official duties should be shared nationwide. This, of course, does not imply, as one administrative representative contended, that such a step could mean that the Federal Government might as well assume responsibility for local salaries as well.

I realize that other approaches to this problem have been suggested, such as authorizing a Federal group life insurance program, making grants to States to supplement local and State compensation systems, or giving these officers special tax exemptions. The exact procedure by which assistance is extended to the families of public safety officers killed in the line of duty or to those who become totally disabled is not significant. Any plan which provides Federal assurance that would help relieve the suffering and loss of earning power resulting from deaths or disabling injuries incurred by policemen and firemen, whether or not a specific attributable Federal function or activity can be proven to be involved, will receive my support. Certainly this is an issue which deserves to be studied carefully by the proper committee so that an adequate compensation system can be assured for these victims.

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

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

S. 1081

A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8191 of title 5, United States Code, is amended to read as follows:

"§ 8191. Determination of eligibility

"The benefits of this subchapter are available as provided in this subchapter to eligible public safety officers (referred to in this subchapter as 'eligible officers') and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

"(1) employed as a law enforcement officer or fireman by a State or a political subdivision of a State,

"(2) an officially recognized or designated member of a legally organized volunteer fire department, or

"(3) serving without compensation as an officially recognized or designated member of a legally organized law enforcement agency of a State or political subdivision of a State thereof,

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty."

(b) The heading at the beginning of subchapter III of chapter 81 of title 5, United States Code, and the item relating to such subchapter in the table of sections at the beginning of such chapter are amended by striking out "LAW ENFORCEMENT" and inserting in lieu thereof "PUBLIC SAFETY".

SEC. 2. The amendments made by the first section of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act.

By Mr. CASE (for himself, Mr. BOGGS, Mr. GRAVEL, Mr. MUSKIE, Mr. PACKWOOD, and Mr. WILLIAMS):

S. 1082. A bill to regulate the discharge of wastes in territorial and international waters until 5 years after the date of enactment of this Act, to prohibit such discharge thereafter, and to authorize research and demonstration projects to determine means of using and disposing of such waste. Held at the desk for future reference by unanimous consent.

Mr. CASE. Mr. President, to most of our coastal areas, a massive increase in the already growing level of wastes that are dumped into our oceans and the Great Lakes represents a threat of widespread environmental deterioration.

To New Jersey and its neighboring States, it is more than a threat.

In terms of esthetics and in other ways, our beaches are beginning to show the effect of offshore dumping.

But the major effect at this point has been a reduction in populations of fish and seafood.

In the 7 years between 1962 and 1969, the amount of fish taken by commercial fishermen from the ocean waters off New Jersey and New York decreased by more than a half billion pounds—from 673 million pounds to 133 million pounds.

While comparable figures are not available for the catches of sports fishermen, they may have had even worse luck because commercial fishermen probably used improved techniques to a greater degree to offset reduced abundance.

The commercial fisheries have been particularly hard hit by a decline from 514 million pounds of menhaden caught in 1962 to a 1969 catch of 44 million pounds of this nonfood but commercially valuable fish. The food fish catch dropped from 159 million pounds in 1962 to 89 million pounds in 1969.

During the same period oyster production off the New Jersey and New York coasts dropped from 2,300,000 to 1,300,000 pounds. In 1931, the oyster harvest from the same waters was 21 million pounds.

In the last year the Federal Food and Drug Administration has closed areas off New York Harbor and Delaware Bay to shellfishermen.

Directly or indirectly, all of this is attributable to dumping of wastes into the ocean.

The President's Council on Environmental Quality has warned that ocean dumping will become a serious problem on a nationwide basis in the future if something is not done to halt it now.

To those who makes their living from the waters off the New Jersey coast, the problem is serious—indeed critical—now. And it is easy to recognize that it is only a matter of time before others along all of the coasts of the United States will experience similar, if not worse, problems.

It is time that we adopt a national policy to control effectively the dumping of wastes which already have turned some offshore areas into dead seas incapable of supporting any form of life.

Several different bills have been submitted to control ocean dumping. I am introducing legislation that incorporates provisions of legislation introduced by Congressman CHARLES SANDMAN in the House of Representatives together with additional features that I believe will help develop a strong program in this area.

Other bills dealing with ocean dumping are limited in jurisdiction to an area extending 12 nautical miles from shore. By controlling the disposition of the wastes at the loading site, the bill I am introducing would make possible effective control of dumping anywhere in the ocean waters or the waters of the Great Lakes.

During the first 5 years after enactment of my bill it would permit the loading of wastes onto vessels only if these wastes will be dumped beyond the Continental Shelf of the United States. This control will be exercised through authority given to the Administrator of the Environmental Protection Agency to issue permits for loading of the wastes onto the vessels while they are in port.

After the 5-year period, the bill would prohibit dumping anywhere in ocean waters or the waters of the Great Lakes.

During this 5-year period, the bill authorizes the Administrator of the Environmental Protection Agency to conduct and encourage research into means of recovering useful materials from wastes and disposal of wastes in a manner that will not endanger the public health and welfare. The agency also may give financial and other assistance to appropriate public and private agencies to conduct such research and demonstration projects.

In some cases, feasible and economic land-based disposal methods already are available for wastes currently being dumped into the oceans and the Great Lakes. In these cases, the authority given to the Administrator will help to make these methods known to those who need them and demonstration projects will show their utility.

The authority for research and demonstration projects in our bill is modeled after similar provisions in the Resource Recovery Act of 1970. But the 1970 act applies only to solid waste. Our bill would apply to all wastes currently being dumped in our oceans, whether they are in solid, liquid or other form.

Our bill would immediately ban dumping in the area where it is most serious, between the shore and the edge of the Continental Shelf.

But it goes on from there. It recognizes that eventually all ocean dumping must be halted because it will damage our ocean resources even if dumped beyond the Continental Shelf.

At the same time, it recognizes that ocean dumping will not be halted until there are feasible alternatives.

Eventually, international cooperation will be needed to preserve our oceans. In my view, the best way to stimulate this international cooperation is for this country to set an example by demonstrating that ocean dumping can be—and will be—halted.

The time is short. Only recently, the Food and Drug Administration doubled its estimates of the amount of polluted wastes being dumped into the Atlantic Ocean. And the Environmental Quality Council warns that pressures will increase to dump additional wastes off the Gulf and Pacific coasts, as well as in the Great Lakes, if steps are not taken quickly.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill introduced by the distinguished Senator from New Jersey (Mr. CASE), a bill to control the dumping of wastes in oceans and the Great Lakes, be held at the desk for the time being.

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

By Mr. HANSEN (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. METCALF, and Mr. YOUNG):

S. 1085. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer. Referred to the Committee on Agriculture and Forestry.

Mr. HANSEN. Mr. President, today I am introducing legislation for myself and several cosponsors which would amend the Federal Meat Inspection Act to require that imported meat be labeled "imported" or "imported in part" at all stages of distribution until delivery to the ultimate consumer.

The cosponsors are Mr. ALLOTT of Colorado, Mr. ANDERSON of New Mexico, Mr. BENNETT of Utah, Mr. BIBLE of Nevada, Mr. CURTIS of Nebraska, Mr. DOLE of Kansas, Mr. DOMINICK of Colorado, Mr. GURNEY of Florida, Mr. JORDAN of Idaho, Mr. MCGEE of Wyoming, Mr. METCALF of Montana, and Mr. YOUNG of North Dakota.

This legislation would enable the consumer in the grocery store to recognize and choose between foreign and domestically produced meat. I am sure that there are many Americans who, if they had their choice, would prefer to purchase meat which has been raised and processed here in the United States. To the housewife who demands top quality in wholesomeness and cleanliness in the products which she serves to her family, there is much to be said for the domestically produced meat which undergoes the strict inspection system which we have here in the United States.

Aside from this, there is another very valid reason why the American consumer should be told whether the meat he is buying is domestic or foreign.

Under existing laws and regulations which control the Department of Agriculture's meat inspection program, foreign meat imported for manufacturing or processing purposes is normally shipped in frozen blocks of 50 to 60 pounds. These blocks are labeled as to origin. However, after processing in this country, the product is not further identified as being of foreign origin.

In other words, the processor, packer, canner or distributor who purchases the meat at port of entry is considered the "ultimate consumer" and no further labeling of the origin of the meat is required.

In this situation, a problem develops from the fact that the greatest part of the total red meat imported is frozen boned beef which is thawed, ground, blended with fat trimmings from domestic beef, and then sold as hamburger. A housewife has no way of knowing when she purchases a package of hamburger at the retail outlet whether it is all or part imported beef, or, more significantly, whether it has been previously frozen.

The freezing and thawing of imported meat seem inconsequential until we realize that Department of Agriculture bulletins warn:

Cook thawed meat immediately or keep for only a short time in a refrigerator. Avoid refreezing thawed meat.

Despite this clear instruction from the Department, there is no way for the housewife to know whether she should freeze the hamburger she buys at the meat counter. If the hamburger is made of imported meat, it has already been frozen and thawed once. By refreezing the meat, a housewife could do her family great harm in using it later.

Mr. President, this is a fraud on the consumer, and I believe we are justified in taking such steps as are necessary to see that the consumer realizes the problems which could result from purchasing meat which has already been frozen.

Mr. President, this is good legislation. It is designed to protect the consumer and I hope that it will receive favorable consideration by the Congress.

By Mr. SPONG:

S. 1086. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. SPONG. Mr. President, I am pleased to introduce today for appropriate reference a measure which is identical to Representative DAVID HENDERSON'S bill, H.R. 2164, which provides an equitable system for fixing rates of pay of prevailing rate employees of the Government. These bills are similar to H.R. 17809 which the President vetoed last year. I believe the new bill contains some improvements and refinements.

I know there is considerable unrest among our 750,000 wage board employees. These artisans and craftsmen, the backbone of the Government's industrial capability, want Congress—and justifiably so—to recognize their pay problems. I think the system of establishing wage board salaries should be established by law.

The bill which I propose will put into law the current administrative principles of the wage board pay procedures. But, it goes further and provides additional pay steps—five steps up to 112 percent. There are also additional issues.

In my opinion, the veto of the Henderson bill of last year was an unjustified action. It was no more inflationary than a number of other governmental actions including the classified pay bill. I find it difficult to suggest that longevity and stewardship of service is justified in 10 in-grade steps for classified employees, while five steps are not justified for wage board employees.

The nonappropriated fund employees have needed help for some time. It would appear that the truth of the matter is that the executive branch and perhaps the Civil Service Commission specifically simply want complete control and authority to adjust Federal salaries at their will. I do not believe that they are that qualified. Correspondence received by me over the past 4 years leads me to believe that employees working in nonappropriated fund activities have received rather unjust treatment. We need able, devoted personnel in the Federal Government and to encourage such hard-working, dedicated people to continue their tasks, we must see to it that they are treated fairly.

Mr. President, I ask that the remarks I made on this subject last week before the annual convention of the National Association of Supervisors be printed at this point in the RECORD.

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

STATEMENT BY HON. WILLIAM B. SPONG, JR., BEFORE NATIONAL ASSOCIATION OF SUPERVISORS, WASHINGTON, D.C., FEBRUARY 23, 1971

Mr. President, honored guests and fellow Government employees, I welcome the opportunity to meet with you on the occasion of the 33rd Annual convention of the National Association of Supervisors.

I have personally met with many of you who are employed at major installations in the State of Virginia. I am always impressed with the soundness of approach and reasonableness that attend these meetings.

I consider it a privilege to speak to you as Supervisors. At the very outset I want to make it clear that I am not here tonight posing as a manpower expert. I do not serve on the Post Office and Civil Service Committee in the Senate. What familiarity I have with your problems and the problems of other Federal employees has come from my efforts to assist in getting answers to questions to which you are entitled. In this endeavor, we have received excellent help, especially from Congressman Dave Henderson, Chairman of the House Manpower Subcommittee and from his staff man, Bunn Bray, I think I can tell you that you have no better friends in Congress than those two men.

When Federal employees must resort to the courts to obtain reasonable answers to reasonable questions, the personnel policy of the Federal Government has reached a sad state of affairs. While as I say, I do not pose as an expert, I know the problems you have faced. Frankly, I think you have received rather shabby treatment and I hope the Congress will be successful in correcting that this year.

There is no role more important in Government or in industry than that of the Supervisor. You are the indispensable links between the producers and management. You are the backbone of management, because without skilled and understanding supervision, productive efforts would collapse.

As Supervisors you are the leaders, the guides and the teachers, the implementors of management decisions. You are the eyes and ears of management. But your role is not limited merely to implementing management decisions and reporting back to management.

You must counsel and give the benefit of your experience and thinking to management. It is you, as Supervisors, who supply the continuity necessary for good management—particularly in periods of transition.

Only you, as Supervisors, can observe the problems—the successes and failures—first-hand. Only you can report to top management the progress or lack of progress, in particular programs, and the probable causes therefor, but you have another role.

Not only must you report faithfully and accurately to top management, but you must also listen to, counsel, protect, and guide those employees you supervise. Yours is a dual role. You owe your allegiance to top management and your loyalty to the employees you supervise.

During the past seven years, a number of things have happened to Federal employees:

(1) The white collar employees have had nine pay raises since January 1964.

(2) The wage board employees have been brought under the Federal Coordinated Wage System.

(3) The Nonappropriated Fund employees are now under the Federal minimum wage.

(4) Thousands of temporary appointees have been given civil service status.

5) The retirement system has been modernized and liberalized and hopefully made more actuarily sound than it was prior to the last amendments.

6) The Federal Government's suggestion awards program has been revamped.

7) During one 18 month period—1966–1967—over 75,000 military jobs in support work were replaced with civilian personnel.

Despite this list of accomplishments, you and thousands of other Federal employees feel much is yet to be done. David Henderson, indicated to me that the typical Fedderal employee is as worried about tomorrow as, he has noted, in ten or more years.

My own mail from across the state of Virginia indicates this is correct. They are worried about a number of things.

Department of Defense personnel for example have seen their own ranks reduced by more than 80,000 in the past 16 months. Many of you have had some firsthand experiences. In many cases perhaps in the large majority, only the personnel have been reduced. The functions and the missions have remained virtually the same.

You and the other 1.2 million civilian employees in the Military Departments are asking the question, "How much and when?" So far, the extent of R.I.F.'s and the military activities to be cut or closed in 1971 is the best kept secret in Washington. With this kind of administrative approach it is only natural that all kinds of rumors are afloat.

It is normal that the typical civilian employee in the Defense Department wonders if these heavy R.I.F.'s of civil service workers mean more contracting out and/or greater use of military personnel. I have in the past and shall continue to oppose the use of military personnel for the performance of purely civilian functions. This is false economy. The Defense Department's own studies in the past have proved this to be a purely and simply budgetary manipulation.

We have witnessed in the past six months an increasing number of active duty military being used in place of civilian employees. It has been reported to me that for years the Air Force has had as many as 60% of its civil engineering, transportation, maintenance and supply functions manned with enlisted men as compared to negligible numbers of military in those functions in the Army, Navy, and Marine Corps. But, now all the Services are filling civilian-type jobs with military men, trained for combat but used as typists, supply clerks, chauffeurs, aircraft mechanics and instructors. In my judgment, such use of military personnel cannot be justified.

I am in favor of a strong military-civilian team. I recognized the importance of rotation and field experience complimenting years of on-the-job know-how. I also know that we cannot and must not, keep a man in Vietnam or on-board a ship indefinitely, but also believe it is an unwise policy and one which is difficult, if not impossible, to justify the drafting of young men to perform work normally and successfully performed by our civilian workforce. If I were a draftee, I would resent it.

On several occasions I have brought to the attention of Defense Officers instances of what appeared to be misuse of military and contractor personnel, especially with respect to work normally performed by civil service employees. I know of several other members of the Senate and House who have done the same.

I am confident that collectively our complaints resulted in the orders issued in February and April of 1970 by the Assistant Secretary of Defense for Manpower. The memorandom of February 27th states in part as follows: "It is also the policy of the Department of Defense that military personnel will not be substituted for civilian personnel being reduced in force," and, in another state-

ment it is emphasized . . . that the planned reductions are not considered to be justification for the use of contract services. I want to make one thing clear here. In my judgment, Federal expenditures on a per capita basis must be reduced and I would propose that all contract services be discontinued. I do not believe that all government services must or should be performed in-house by government personnel. I do not believe that under our system it is even advisable.

We must be fair to the American taxpayer—and that includes all of us—and where work can be performed more economically in the private sector—all things considered—including the need for the maintenance of skills in national emergecies, it should be so performed.

But the budgetary gimmick of ordering reductions in force separating hundreds of personnel in what amounts to a grandstand play at economy and the contracting of work out at much increased costs cannot be justified. The General Accounting Office has already made a number of studies in this connection and during the coming months it is my plan to question the changes made by the Department and if necessary request audits by the General Accounting Office of those questionable changes whether they be from private to government or government to private.

I have some serious doubts concerning the application of the merit promotion system. Cases have been called to my attention indicating that in recruiting, promotions and the making of awards, the old "buddy system" has not been completely eliminated.

I am told that there is ample evidence of jobs being written for a particular individual and of jobs being held open for months for a certain person with job vacancy information left unpublicized. A recent meeting with officers of the Civil Service Commission seemed to establish clearly that promotion programs are frequently based on improper or unrealistic tests.

This past Fall there appeared a story in Washington that the Commission was contemplating the removal of Classification Act jobs in Grades GS–13 through 15 from the Merit System.

I am advised that a few months ago a top official in the Civil Service Commission made a public statement at a gathering of Federal employees that, and I quote, "The Commission is an arm of management and cannot be responsive to the desires of the Federal employees." If this is the total function of the Commission, then it needs to be reconstituted and the sooner the better.

As I have made clear before, I am not posing as a manpower expert but based on the experience of my office, I would like to make a few observations. In my judgment, the Congress itself should provide more overview of the departments and agencies. Secretary Laird, in August 1967, while a Congressman from the State of Wisconsin, said on the floor of the House of Representatives, "Congress can be strong and viable only if it is in a position to exercise a continuing and systematic review of administrative activities and policies. Without the information that comes from such comprehensive oversight activities, Congress runs the risk of being cut off from the mainstream of relevant information and decision-making."

I think we are dangerously close to that point. The Classified Pay Bill passed by the Congress last year does in my judgment provide entirely too much discretionary authority to the Executive Branch.

I know there is considerable unrest among our 750,000 wage board employees. These artisans and craftsmen, the backbone of the government's industrial capability, want Congress to recognize their pay problems. I think the system of establishing wage board salaries should be established by law. With the concurrence of Dave Henderson, I shall introduce a bill which is identical to his bill, H.R. 2164. These bills are similar to H.R. 17809 which the President vetoed last year. I believe the new bill contains some improvements and refinements.

This bill will put into law the current administrative principles of the wage board pay procedures. But, it goes further and provides additional pay steps—five steps up to 112%. There are also additional issues which I understand are acceptable to supervisor spokesmen.

The veto of the Henderson Bill of last year was an unjustified action. It was no more inflationary than a number of other governmental actions including the Classified Pay Bill and I find it difficult to suggest that longevity and stewardship of service is justified in 10 in-grade steps for classified employees, while five steps are not justified for wage board employees.

The nonappropriated fund employees have needed help for some time. They were included in both Dave Henderson's bill and in mine. I am of the opinion that the truth of the matter is that the Executive Branch and perhaps the Civil Service Commission specifically simply wants complete control and authority to adjust Federal salaries at their will. I do not believe they are that qualified. Correspondence received by me over the past four years leads me to believe that employees working in nonappropriated fund activities have received rather shoddy treatment. Information indicates that these so called nonappropriated fund activities lack the kind of independent oversight needed. I am giving consideration to offering legislation to expand the independent auditing procedures of their activities, both from the standpoint of funds and of procurement practices.

I hope the Congress will move ahead in the next year and improve such personnel administrative procedures as those relating to: R.I.F. procedures, promotions, personnel evaluation techniques, handling grievances and appeal procedures. I have been concerned with respect to appeal procedures which provide for determinations being made by the people whose decisions are being questioned. In this connection, I am currently studying the hearing examiner procedures to determine whether hearing examiners in all agencies but particularly in the Social Security Administration are sufficiently independent of the agency to provide the kind of fair and impartial hearing to which they are entitled.

With all these matters and their importance there is a major and primary responsibility which rests in large part with you.

Government activity cannot be inefficient. We must strive to improve overall employee productivity. As supervisors, you are the key—your leadership can mean the difference between just an average performance and an efficient, productive Government activity.

There is a challenge before our country today, tomorrow and next year. Our Nation will continue to need able, devoted personnel in the Federal Government for the tasks ahead, regardless of whether these tasks relate to defense, to environment, to health, to transportation, or to the many other broad areas demanding solutions. These tasks cannot be resolved by government alone. This is a democracy. There is a place and a need for both the public and private sector to keep in mind that we must maintain adequate skills in our Federal installations and capability in the private sector. There is a place in our economy for both and we must see that they are both maintained at as high a level of economic efficiency as is possible.

I am proud to have had this opportunity to meet with you at your annual convention. I have known many of your officers and have been pleased to work with them. I look forward to continuing this relationship through the years.

Mr. SPONG. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and

"(D) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or labor experience and knowledge as the paramount requirement; and

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the United States shall be bona fide residents of the United States, un-

less the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by paragraphs (7), (8), and (14) of that section.

"§ 5343. Prevailing rate determinations; wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years, the Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. The regulations shall provide—

"(1) that wages surveyed by those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4) (A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that, when it is determined that there is an insufficient number of comparable positions in private industry to establish the wage schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have 5 steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, the fourth step at 108 percent of the prevailing rate, and the fifth step at 112 percent of the prevailing rate;

"(B) that, with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) 26 calendar weeks of continuous service in step 1;

"(ii) 78 calendar weeks of continuous service in step 2; and

"(iii) 104 calendar weeks of continuous service in steps 3, 4 and 5; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules including, but not limited to, supervisory schedules and industry oriented schedules, as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually severe hazards;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as apppropriate), and other similar changes in employment status;

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States;

"(11) for a 7½-percent differential for regularly scheduled nonovertime work a majority of the hours of which occur between 3 o'clock postmeridian, and midnight; and

"(12) for a 10-percent differential for regularly scheduled nonovertime work a majority of the hours of which occur between 11 o'clock postmeridian, and 8 o'clock antemeridian.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

"(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, an increase in the rate of basic pay referred to in subsection (a) of this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment of equivalent tenure in the expected service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of 1 workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not exceed the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is 3 grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his rate of basic pay is determined under subsections (a) and (b) of this section. For

the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. In carrying out this subsection, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistently with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the four Executive agencies (other than the Civil Service Commission), and military departments designated by the Chairman of the Civil Service Commission from time to time as having the largest number of prevailing rate employees;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) five representatives, appointed by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees in the service of the Government of the United States.

"(b) In making appointments of representatives of employee organizations under subsection (a)(4) of this section, the Chairman of the Civil Service Commission shall appoint, as nearly as practicable, a number of representatives from a particular employee organization in the same proportion as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees in the Government of the United States and the government of the District of Columbia. However, in any case there shall not be more than two representatives from any one employee organization nor more than four representatives from a single council, federation, alliance, association or affiliation of employee organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) serve without additional pay. Employee organization members are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. Crews of vessels

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.".

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"5341. Policy.
"5342. Definition; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

SEC. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar Administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544(a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

SEC. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period at the end thereof.

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5, United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154(b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

SEC. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between departments and agencies of the Government of the United States, or subdivisions thereof, and organized employees. It is the intent of this Act that through negotiations between the Commission, the heads of those agencies referred to in clauses (i)–(viii) of section 5102(a)(1) of title 5, United States Code, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

SEC. 10. (a) Subchapter V of chapter 55 of title 5, United States Code, relating to premium pay, is amended by adding at the end thereof the following new section:

"§ 5550. Pay for Sunday and holiday work; employees of nonappropriated fund instrumentalities, Veterans' Canteen Service

"An employee of the Veterans' Canteen Service, Veterans' Administration, or an employee paid from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, or other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces—

"(1) whose regular work schedule includes an 8-hour period of service, a part of which is on Sunday, is entitled to additional pay at the rate of 25 percent of his hourly rate of basic pay for each hour of work performed during that 8-hour period of service; or

"(2) who performs work on a holiday designated by Federal statute or Executive Order, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not in excess of 8 hours or overtime work for such employee.".

(b) The table of sections of subchapter V of chapter 55 of title 5, United States Code, is amended by adding at the end thereof—

"§ 5550. Pay for Sunday and holiday work; employees of nonappropriated fund instrumentalities, Veterans' Canteen Service.".

SEC. 11. The provisions of sections 1–10 of this Act are effective on the first day of the first pay period which begins on or after 90 days after the date of enactment of this Act except that, in the case of those employees referred to in section 5342(a)(2) (C) and (D) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first pay period which begins on or after one hundred and eighty days after such date of enactment or on such earlier date (not earlier than ninety days after such date of enactment) as the Civil Service Commission may prescribe.

By Mr. HRUSKA:

S. 1087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, earlier today, the President of the United States sent a message to the Congress, received here in the Chamber, on the subject of the Law Enforcement Revenue Sharing Act of 1971. He designated it as the first of six special revenue-sharing programs. He reported the proposal as legislation which is directed to matters of primary concern in our national life, control of crime and improvement of this Nation's system of criminal justice. He said much has been accomplished in combating these problems but much remains to be accomplished.

Part of the progress of the past 2 years can be attributed to the Law Enforcement Assistance Administration, the so-called LEAA, which was first enacted in 1968. Later in the day there was a transmittal to the Congress and to this body of a draft bill which would be entitled "The Law Enforcement Revenue Sharing Act of 1971" by the Attorney General. That draft is the draft and that is the bill which I sent to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. BROCK). The bill will be received and appropriately referred.

Mr. HRUSKA. Mr. President, I rise to express my support for the President's concept of the law enforcement revenue sharing.

This act will provide the States and units of local government greater flexibility and freedom in expending funds for law enforcement purposes.

Revenue sharing is one of the most innovative and significant proposals this body has ever been asked to consider. President Nixon, by presenting his revenue-sharing program to the American people and the Congress, has recognized the long-felt need of the States and units of local government for adequate untethered Federal financial assistance.

The Federal Government in the past has attempted to meet the revenue needs of the States and local governments through its categorical grant-in-aid programs. These programs have not provided an effective answer. All too often the Federal Government narrowly directed the purposes for which Federal funds could be expended. Pressing needs were not addressed in many areas and money was spent on unnecessary or outdated programs.

The first step toward more effectively meeting the needs of the States and local governments in the law enforcement area came with the passage of title I of the Omnibus Crime Control and Safe Streets Act. The Safe Streets Act, through an amendment offered by the Republican leadership, substituted a block grant approach for the categorical grant program originally included in the act.

Under the Safe Streets Act, funds for improving the strengthening law enforcement are allocated to each State on a population basis. Some of the funds are retained at the State level and the rest are reallocated to units of local government within the State. Each State is free to select its own programs and priorities in accordance with broad guidelines established by LEAA. However, as a prerequisite to receiving its block grant, each State must annually prepare a detailed comprehensive plan setting forth the manner in which its funds are to be expended and LEAA must specifically approve the plan before the State can expend its funds.

Mr. President, I ask unanimous consent that a summary and section-by-section analysis of the major features of the bill which I have introduced, as well as the text of the bill itself be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the bill introduced today will amend title I of the Omnibus Crime Control and Safe Streets Act and carries the block grant concept a step further by giving the States even greater discretion in the expenditure of LEAA funds.

Before discussing the actual provisions of the bill, I would like to say a few words about the LEAA program. The criminal justice system is one of the most fragmented sections of governmental operation and prior to the creation of LEAA there was no coordinated crime control program. Criminal justice agencies went their own separate ways and the major components of the system—police, courts, and corrections—usually had no real idea of what the others were doing, and they seemed in many cases to care even less.

This is no longer true. Today a nationwide crime control program has been established. Every State has set up a top-level planning agency, working with its units of local government to both plan and implement a wide variety of criminal justice improvement programs. In every State the police, courts, and corrections—that is to say the parole officers, the probation officers, and the rehabilitation officers—are coordinating and integrating their attack on the crime problem and law enforcement. New programs are being developed and solutions are being developed with consideration for the effects on each component of the criminal justice system.

The operation of this program by the State and local governments will be enhanced by the bill I am introducing today. Local jurisdictions know their own problems and they will be given greater responsibility for formulating their own programs for crime control. I would now like to discuss some of the more important aspects of the bill.

First, the concept of comprehensive planning in the Safe Streets Act is retained. A State will still be required to annually prepare and submit to LEAA a comprehensive plan outlining the programs and projects for the improvement of law enforcement that will be funded with its special revenue sharing payments. LEAA will continue to make planning grants to the States for the preparation, development, and administration of the comprehensive plan. However, the requirements for the comprehensive plan have been simplified and the States will have greater leeway in selecting the components of the plan. Additionally, LEAA's role will be to review and comment on the plan, and their approval of the plan will not be required as a condition for receiving revenue-sharing payments.

Second, the bill authorizes LEAA to make special revenue-sharing payments in lieu of the block grants it presently makes to the States. Funds appropriated by Congress for special revenue sharing payments will be allocated among the States according to the population and upon appropriation of these funds; each State will be eligible for its share of the payments if it has filed a comprehensive plan with LEAA by December 31 of the immediately preceding calendar year.

Third, the matching requirements for special revenue-sharing payments and discretionary grants have been eliminated. It should be borne in mind that this is one of the control features, one of the inherent features of the President's program, the special revenue sharing plan in those six areas which he has outlined, that there would be the foregoing and the elimination of the

necessity for the States and local governments to match certain payments. That is being done in this, the first of these special revenue sharing plans. Thus, funds granted for these purposes can be used to provide up to 100 percent of the cost of State and local law enforcement programs. These provisions recognize that States and units of local government are in dire financial straits and are having increasing difficulty in supplying the needed matching funds for Federal grants-in-aid. In addition, funds appropriated for special revenue-sharing payments and discretionary grants may be used to provide the matching for planning grants and corrections grants under parts B and E of the Safe Streets Act. The so-called hard match provisions and the so-called State buy-in conditions would be deleted from the Safe Streets Act.

Fourth, the bill contains sufficient provisions to assure that the States will allocate adequate resources to its units of local government under the special revenue-sharing program. The bill retains the provision in the Safe Streets Act that requires each State, beginning on July 1, 1972, to allocate its special revenue-sharing payments to its units of local government in proportion to their law enforcement expenditures. The States must also assure that areas characterized by high crime incidence and high law enforcement activities are adequately provided for. In addition, the State planning agency will be required to establish appropriate review procedures for instances in which law enforcement requests for funds are disapproved.

Fifth, the bill recognizes the Federal Government's responsibility for assuring that its tax dollars are properly allocated. To this end, the States are required to utilize proper fiscal control and accounting procedures in order to assure adequate accounting for its special revenue-sharing payments. The States are also required to submit reports dealing with the status and application of funds it receives.

The fiscal control and the accounting procedures required of the States will be supplemented by two factors. One will be the audits of the General Accounting Office which, as we know, is an arm of Congress. There will be a second discipline which applies to every appropriation and all legislation, and that is the oversight of this entire revenue sharing plan by Congress itself.

Sixth, this bill recognizes that States are hard pressed to even maintain at the same level the present law enforcement efforts and eliminates provisions in the Safe Streets Act that prohibit the States and localities from using funds they receive from LEAA to supplant the funds they are currently allocating for law enforcement purposes. Similarly, the States and local governments will no longer be required to assume the costs of LEAA-funded programs after a reasonable period of time. However, the bill recognizes the danger that large scale Federal support of State and local police salaries could lead to undue State and local dependence on Federal funds and to possible domination of law enforcement throughout the country. Accordingly, the present limitations on the expenditures of LEAA funds for salaries of operational, as opposed to nonoperational, law enforcement personnel, have been retained.

Seventh, it is clear that the Federal Government has an obligation to assure that all citizens participate on an equal basis in its programs and under this bill the requirements of title VI of the Civil Rights Act of 1964 prohibiting discrimination in federally assisted programs are made specifically applicable to special revenue-sharing payments. This is a feature which will be found in each of the special programs as it finds its way into Congress by way of a specific bill.

Finally, all the other LEAA programs are retained in their present form. LEAA will continue to make grants for correctional institutions, programs, and facilities under the program established by the Omnibus Crime Control Act of 1970. Similarly, LEAA would still be authorized to make discretionary grants and the National Institute, academic assistance, statistics and technical assistance programs are retained in their present form.

We must stimulate State and local initiative if we are to effectively solve the problems of police protection and law enforcement. At the same time we must provide the resources for the States and localities to make these improvements. After all, the primary burden of law enforcement in our Republic does evolve upon the State and local political subdivision. That is the way it was originally and that is the way it should be continued. The alternative would be a national police system, which is not something anyone would countenance for this Nation. At the same time, we must provide resources for the States and localities to make these improvements.

The Law Enforcement Revenue Sharing Act will provide States and localities with the necessary resources and will leave the initiative with them. It is for these reasons that I support the Law Enforcement Revenue Sharing Act and I urge that we take steps at an early date to enact this program.

I hope this measure will receive early consideration in the committee and that the committee will see it at an early date to report it to the Senate.

EXHIBIT 1

THE LAW ENFORCEMENT REVENUE SHARING ACT OF 1971

The purpose of the proposed Law Enforcement Revenue Sharing Act of 1971 is to put more control of the Law Enforcement Assistance Administration's program into the hands of the States and units of local government. The proposed Act, however, will retain the essential characteristics of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as recently amended by the Omnibus Crime Control Act of 1971.

The revenue sharing Act would make the following changes in title I of the Safe Streets Act:

Special revenue sharing payments—The bill authorizes LEAA to make special revenue sharing payments to the States for law enforcement purposes. These payments will replace the block grants which LEAA presently makes to the States for the implementation of law enforcement programs. Funds appropriated by Congress for special revenue sharing payments will be allocated among the States according to their populations.

Allocation of revenue sharing payments to local governments—Beginning on July 1, 1972, the percentage of its annual revenue sharing payments each State allocates to its units of local government must be in proportion to the law enforcement expenditures of these units. The States must also assure that an adequate share of its revenue sharing payments are allocated to deal with law enforcement problems in areas characterized by high crime incidence and law enforcement activity. Similar provisions are presently included in the Safe Streets Act.

Matching requirements—There are no matching requirements for special revenue sharing payments and discretionary grants. Funds allocated for these purposes can be used to pay up to 100% of the cost of State and local law enforcement programs. In addition, these funds can be used to provide the match for planning and corrections grants under parts B and E of the Safe Streets Act. The so-called "hard" (cash) match provisions and the State "buy-in" requirement would also be deleted from the Safe Streets Act.

Comprehensive planning—The present requirement that a State annually prepare and submit to LEAA a comprehensive plan would be retained and LEAA will continue to make planning grants to the States. However, the requirement that LEAA approve the plans before authorizing a State to utilize its funds would be deleted. LEAA's role would be to review and comment on each plan. In addition, the States are given greater discretion in developing the components of the plan.

Fiscal control—Part B of the Safe Streets Act would be amended to require the States to utilize proper fiscal control and accounting procedures in order to assure adequate accounting for LEAA funds. The States would also be required to submit on a timely basis reports detailing the programs funded in the previous fiscal year and covering the status and application of funds it received.

Maintenance of effort—The present requirement in the Safe Streets Act that States and local governments maintain their present law enforcement efforts and LEAA funds not be used to supplant State and local funds presently allocated for law enforcement purposes would be deleted. Similarly, the present requirement in the Act that States and local governments assume the cost of LEAA-funded programs after a reasonable period of time would also be eliminated. The salary limitation provisions in the Safe Streets Act are retained.

Civil rights—The requirements of title VI of the Civil Rights Act of 1964 which prohibit discrimination in Federally-assisted programs would be made specifically applicable to special revenue sharing payments.

Other LEAA programs—Part E grants for correctional institutions and facilities are retained in their present form and LEAA would still be authorized to use up to 15 per cent of action funds for discretionary grant programs. The National Institute, academic assistance, statistics and technical assistance programs would also be retained in their present form.

SECTIONAL ANALYSIS

Section 1 is the enacting and title clause.

Section 2 requires each State to utilize proper fiscal control and fund accounting procedures to assure proper accounting for Federal funds and proper disbursement of amounts to which local governments are entitled. The Administration would be authorized to deny or discontinue assistance under Section 509 of the Act if a State failed to comply with this requirement.

Section 3(1) changes the title of part C.

Section 3(2) Provides that assistance under part C will be in the form of special revenue sharing payments as well as other forms of assistance, including discretionary grants.

Section 3(3) removes the requirement

that annual block action grants be conditioned upon prior LEAA approval of the State plans and substitutes the terms "special revenue sharing payments and other forms of assistance" for the term "grant".

Section 3(4) removes the matching requirements for action grants and permits 100 percent of program costs to be paid from LEAA funds.

Section 3(5) requires each State to submit a comprehensive plan to LEAA by December 31 of each year for review and comment by LEAA.

Section 3(6) deletes the requirement that LEAA approve comprehensive plans before making special revenue sharing payments. This section adds flexibility to the provisions to be included in a comprehensive State plan. This section also deletes the requirement that LEAA funds not be used to supplant State and local law enforcement funds.

Section 3(7) requires the State planning agencies to provide appropriate review procedures for cases in which local government's requests for funds are disapproved or their funding is terminated.

Section 3(8) complements section 3(6) by removing a specific condition of LEAA approval of State plans and by allowing LEAA to reallocate funds if a State fails to submit a comprehensive plan within the period specified in section 302.

Section 3(9) provides for special revenue sharing payments and permits 100-percent Federal funding of discretionary grants.

Section 3(10) conforms section 306(b) with section 306(a).

Section 3(11) defines "special revenue sharing payments," provides the method of payment of special revenue sharring funds, and authorizes the use of such funds to provide the non-Federal share for grants under Parts B and E.

Section 4 amends Part E to specifically include provisions of section 303 which were originally included by reference and were eliminated from section 303 by section 3 of this Act.

Section 5 makes clear the reporting requirements for programs and the like funded under special revenue sharing payments.

Section 6 provides an effective date for the amendments of January 1, 1972.

S. 1087

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968

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 "Law Enforcement Revenue Sharing Act of 1971."

PLANNING GRANTS

SEC. 2. Section 203 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new subsection:

"(d) In order to assure that Federal assistance to State and local programs is carried out in accordance with this title and the comprehensive statewide plan, the State planning agency shall use such fiscal and accounting procedures as may be necessary to assure (1) proper accounting for payments received by the State and its units of general local government, and (2) proper disbursement of amounts to which the units of general local government are entitled."

FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT PURPOSES

SEC. 3. Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) The title of part C is amended to read as follows:

"PART C—FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT PURPOSES"

(2) Section 301(a) is amended to read as follows:

"(a) It is the purpose of this part to encourage States and units of general local government, through special revenue sharing payments and other forms of financial assistance, to carry out programs and projects to improve and strengthen law enforcement."

(3) The words before "(1)" of paragraph (1) in section 301(b) are amended to read as follows:

"(b) The Administration is authorized to make special revenue sharing payments and other forms of financial assistance to States for law enforcement purposes including—"

(4) Section 301(c) is amended to read as follows:

"(c) Any special revenue sharing payment made under this section may be used to pay up to 100 per centum of the cost of programs or projects specified in the comprehensive plan required to be submitted under section 303 of this title."

(5) Section 302 is amended to read as follows:

"SEC. 302. Any State desiring to participate in the special revenue sharing program under this part shall establish a State planning agency as described in part B of this title and shall, not later than December 31 of each year, submit to the Administration, through such planning agency, a comprehensive State plan formulated pursuant to parts B and C of this title. The Administration shall review such plans and provide the State planning agency with such comments and recommendations as it deems appropriate."

(6) Section 303 is amended to read as follows:

"SEC. 303. (a) The Administration shall make special revenue sharing payments to a State planning agency if such agency has on file with the Administration a comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall:

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement, except that each such plan shall provide that beginning July 1, 1972, at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units: *Proivded,* That the plan includes the allocation of an adequate share of assistance for law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity;

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(5) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of such per centum to be made available pursuant to paragraph (2) of this subsection in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) To be comprehensive the plan should consider State-wide priorities for the improvement and coordination of all aspects of law enforcement, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, and innovations and advanced techniques."

(7) Section 304 is amended by inserting at the end thereof the following new sentence:

"The State planning agency shall provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to a unit of general local government or combination of such units."

(8) Section 305 is amended to read as follows:

"SEC. 305. Where a State has failed to submit a comprehensive State plan under this title within the period specified by section 302, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a)."

(9) Section 306(a) is amended to read as follows:

"(a) The funds appropriated each fiscal year for this part shall be allocated by the Administration as follows:

(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations as special revenue sharing payments to State planning agencies.

(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 100 per centum of the cost of the program or project for which such grant is made. No part of any such grant shall be used for land acquisition. The limitations on the expenditure of portions of grants for the compensation of personnel in section 301 (d) of this title shall apply to a grant under such paragraph."

(10) Section 306(b) is amended by striking the words "for grants to the State planning agency of the State".

(11) By inserting after section 307 the following new sections:

"SEC. 308. For the purposes of this part the term 'special revenue sharing payment'

means a grant of funds allocated to a State in accordance with section 306(a)(1) and shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

"SEC. 309. (a) The amounts appropriated and allocated for special revenue sharing payments shall be paid to the respective States at such intervals and in such installments as the Administration may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by the State shall be minimized.

"(b) Funds received under special revenue sharing payments may be used by States and units of general local government or combinations of such units to provide the non-Federal share required of grants under Parts B and E of this title."

GRANTS FOR CORRECTION INSTITUTIONS AND FACILITIES

SEC. 4. Section 453 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) By amending paragraph (9) to read as follows:

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4) and (5) of section 303(a) of this title."

(2) by adding after paragraph (9) the following new paragraphs:

"(10) incorporates innovations and advance techniques and contains a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt wtih in the application, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the application; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the application to other relevant State and local law enforcement plans and systems;

(11) provides for effective utilization of existing facilities and permits and encourages units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(12) provides for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to a unit of general local government or combination of such units;

(13) demonstrates the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

(14) demonstrates the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the application and the programs and projects contemplated by units of general local government; and

(15) sets forth policies and procedures designed to assure that Federal funds made available under this part will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement."

ADMINISTRATIVE PROVISIONS

SEC. 5. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1938 is amended by inserting at the end thereof the following new subsection:

"(d) It shall be the responsibility of States receiving grants or special revenue sharing payments under this title to provide the Administration, on a timely basis, information detailing the purposes for which such grants and payments were expended and covering the status and application of funds."

SEC. 6. The amendments made by this Act shall take effect on January 1, 1972.

By Mr. FANNIN:

S. 1088. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, there is a forecast that there probably will be more than 5,600 strikes in the United States this year.

This costly and inefficient method of settling labor-management differences goes on despite the general consensus that the strike or lockout are very poor devices to achieve any agreement.

Some of these strikes, of course, cause relatively little damage other than to the union members and the companies involved.

In our increasingly complex society, however, many strikes threaten severe consequences for innocent persons far beyond the factory walls or the homes of involved workers.

This year, for example, we hear talk of possible strikes in the steel, copper, and coal industries. Such strikes send shock waves through all of American industry. Millions of Americans in effect are forced to suffer and to pay the price for wage increases for a relatively small segment of the population.

Four times in recent years we have had to solve a major labor dispute. Congress has found itself repeatedly on the spot in trying to keep the trains running in America.

Mr. President, we have no business trying to settle labor differences case by case in the U.S. Congress. We in Congress are not equipped to make judgments on the pay, working hours or work rules for various industries—nor should we be expected to be so equipped.

What we do need is a reliable system to settle labor disputes without work stoppages. Attempts to do this through voluntary arbitration have proven a dismal failure.

Therefore, today I am introducing a bill to create a U.S. Court of Labor-Management Relations. This court would provide a system of compulsory arbitration in certain types of disputes between labor unions and management.

SUMMARY OF THE BILL

Briefly, this measure would establish a five-man court consisting of judges trained and experienced in the fields of law, economics, and industrial relations. The jurisdiction of the court would be invoked: First, upon application of the Attorney General, on behalf of the President, after all other procedures for resolving the dispute had been exhausted; or second, upon application of either party to the dispute.

In other words, the court would become involved in a particular dispute only after the parties themselves had exhausted all avenues for voluntary settlement, had failed to come to an agreement, and as a result, a work stoppage appeared imminent, or after the President had determined a settlement is inimical to the best interests of the country.

Once the jurisdiction of the court had been invoked, it would be empowered to enjoin any actual or threatened work stoppage for a period of 80 days. During this time, collective bargaining between the employer and the employee would continue under the supervision of the court, which would be authorized to issue whatever orders necessary, including the appointment of standing or special masters, to induce the parties to make every effort to settle their differences through collective bargaining.

If, at the conclusion of this 80-day period, the parties advise the court that a negotiated settlement is impossible, the court will continue the injunction and set the case down for immediate hearing and final determination. All due processes of law will be guaranteed, and the parties will be given every reasonable opportunity to present arguments in support of their positions.

Finally, a binding judgment will be handed down, covering all matters of dispute including rates of pay, hours and conditions of work, and any other matters necessary to the dispute.

Mr. President, this bill has been introduced in the House of Representatives by Representative JOHN J. RHODES of Arizona.

It is a practical solution to what has become a most serious problem.

As a strong believer in the free enterprise system, I would rather see sensible men sit down voluntarily at a bargaining table and work out labor agreements that are to the best interests of union members, industry, and the public.

The statesmanship I speak of appears to be in short supply these days.

Union leaders are making unreasonable demands for wage and fringe benefit increases ranging up to 25 percent per year and more. Management has shown an increasing lack of will or ability to fend off these exorbitant demands.

When major strikes do occur, the Nation as a whole suffers.

In the end, it is the average citizen who comes up shortchanged.

By setting up the new court, we would provide an impartial and well-equipped tribunal to settle disputes that now result in disastrous strikes.

Mr. President, I send this bill to the desk and ask that it be appropriately referred.

By Mr. HARRIS:

S.J. Res. 61. A joint resolution to authorize the President to proclaim April 16, 1971, as "Jim Thorpe Day". Referred to the Committee on the Judiciary.

Mr. HARRIS. Mr. President, I am here to pay tribute to a great American, a man who brought honor to his State, his people and his countrymen.

Oklahoma's Jim Thorpe, an American Indian, was probably the greatest athlete this country has ever seen. In 1950, the Associated Press polled 393 sports writers and broadcasters for their opinions, first, regarding the greatest football player in

the first half of the 20th century, and second, regarding the greatest male athlete. Jim Thorpe led Harold "Red" Grange for the title "greatest football player" by 170 votes to 138. In the poll for "greatest athlete," in which 56 luminaries from all sports received votes, 252 writers chose Jim Thorpe. He received 875 points to 539 for Babe Ruth, 246 for Jack Dempsey and 148 for Ty Cobb.

Jim Thorpe's sports achievements remain a permanent testimony to talent and excellence. But in my opinion Jim Thorpe's greater accomplishment may have been the lesson he taught all of us regarding the innate dignity of our fellow citizen, the American Indian. A man before his time, Jim Thorpe blazed the way for other minority Americans to find positions of worth and dignity. Many of us forget that in 1937 Jim Thorpe returned to Oklahoma to lead a movement to get the Sac-Fox Tribe to rescind its adoption of a new constitution. He believed it surrendered too large a measure of tribal home rule to the Federal Government.

In 1913 a heavy blow was struck against Jim Thorpe. The year before he had won the Olympic pentathlon and decathlon, a feat not accomplished before or since. Now the Amateur Athletic Union decided to strip Jim Thorpe of his Olympic medals because for a short time he had played professional baseball. As Jim wrote:

> On the same teams I played with were several college men . . . who were regarded as amateurs at home. I was simply an Indian schoolboy, not wise to the ways of the world.

When we compare the few dollars he earned with the large scholarships college athletes now receive, we can appreciate the injustice that was done.

I believe it is time for the country on a national level to honor Jim Thorpe not only for his unprecedented athletic achievements but also for his accomplishments in the field of human relations. I am introducing today a joint resolution of Congress to authorize the President to proclaim April 16, 1971, as "Jim Thorpe Day." I ask all Members of Congress to extend this mark of honor to a great American and to help to erase the injustice done in 1913.

ADDITIONAL COSPONSORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. DOLE), and the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 78

At the request of the Senator from Wisconsin (Mr. NELSON), and the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor to S. 78 to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

S. 488

At the request of the Senator from Idaho (Mr. JORDAN), and the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 488, to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978.

S. 509

At the request of the Senator from Minnesota (Mr. MONDALE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 509, the International Opium Control Act.

S. 592

At the request of the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. CASE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), and the Senator from Minnesota (Mr. MONDALE), were added as cosponsors to S. 592 to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

S. 704

At the request of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Texas (Mr. TOWER), were added as cosponsors of S. 704 to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 726 AND S. 727

At the request of the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), is added as a cosponsor of S. 726 and S. 727, the national agricultural bargaining bill and the national agricultural marketing bill.

S. 862

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from Oklahoma (Mr. HARRIS), was added as a cosponsor of S. 862 to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands.

S. 902

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of S. 902, a bill to incorporate the Gold Star Wives of America.

S. 933

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 933, the Voter Assistance Act of 1971.

S. 956

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

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 1

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors to Senate Joint Resolution 1, proposing an amendment to the Constitution to provide for direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 8

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. BELLMON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of Senate Joint Resolution 8 proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 34

At the request of the Senator from Pennsylvania (Mr. SCOTT), the Senator from New York (Mr. BUCKLEY), the Senator from Ohio (Mr. TAFT), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of Senate Joint Resolution 34, proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

SENATE RESOLUTION 64—SUBMISSION OF A RESOLUTION RELATING TO IMPORTATION OF HEROIN

Mr. HARTKE. Mr. President, the specter of heroin addiction is haunting nearly every community in the Nation. It is a scourge which afflicts as many as 500,000 people—nearly 25 percent of them teenagers.

While we spend millions of dollars to prevent and control drug addiction, the flow of heroin into the United States has been increasing. It will continue to grow so long as we fail to take effective action to cut off the supply at its sources.

Fifty years ago, heroin found its way to our urban ghettos. There it remained while we ignored its ravages. Today, heroin stands as the major killer of young people between the ages of 18 and 35. More young people die from overdoses of heroin than from accidents, homicides, suicides or cancer. The time has long since passed when we could afford to ignore this problem.

Addicts in this country must spend more than $15 million a day to maintain their habits. Almost half of this comes as the result of crime. Police officials throughout the country estimate that addicts commit 55 percent of the major crimes in our cities. On an annual basis, a shocking $2.5 billion of goods is

stolen by addicts. Add to this the cost of prosecuting and incarcerating criminal addicts, and we begin to see how high a price we all pay for our failure to act.

The trail of heroin leads from this country back over a series of devious and highly complicated routes. Heroin begins its sordid existence as opium, which is harvested from poppies. Eighty percent of the heroin which reaches this country comes from the poppy fields of Turkey, much of it refined in illegal laboratories in France.

Both of these nations have long been allies of the United States, but one must wonder what the definition of an ally is. While Turkey and France have made claims of action and success in dealing with heroin smuggling, the 2 to 4 tons of heroin needed to feed the habits of American addicts are still reaching this country.

Although Turkey has reduced from 21 to 7 the number of provinces in which opium may be produced legally, the number of acres under opium cultivation has actually increased. And while the French have recently increased the number of policemen assigned to domestic and international narcotics work, they have failed to eliminate the big laboratories which produce the heroin.

Both of these nations can—and must—do more to halt the flow of heroin to the United States. Our efforts to bring about the domestic control of heroin addiction are doomed to failure unless we put all possible pressure on our allies to cooperate.

Neither the Turkish farmer nor the French chemist knows of the 16-year-old whose arm is covered with needle marks; but their governments know the extent of the problem in the United States. They know that customs officials are able to seize only one-tenth of the heroin smuggled into this country. They know all of this, and yet they have failed to take the type of action which is necessary to stop the international traffic in heroin.

We in the United States must share the burden of responsibility. We have considered the importance of our allies in national security terms only; but we have failed to comprehend that our internal security is being threatened by a drug epidemic—an epidemic fostered by the inaction of nations which we call our allies.

Mr. President, the measures needed to secure the cooperation of Turkey and France need not be punitive. For example, the average income of a Turkish farmer is about $1,000 a year. Eliminating opium production entirely will require the substitution of new crops for the opium so that the farmers can continue to eke out their meager subsistence. It has been estimated that an effective program of crop substitution will cost about $10 million. When compared with the billions of dollars in economic and military aid which we have given Turkey in the past 20 years, it is a small price to pay. The comparison becomes even more vivid when contrasted with the billions of dollars which heroin costs our society annually.

As recently as last summer, the United States approved a $40 million loan to Turkey with no requirement that Turkey reciprocate with further measures to limit opium production. In light of the havoc which heroin is causing in our society, this international permissiveness on the part of the administration is hard to comprehend.

The situation in France is much the same. Although that government has made some efforts to increase its fight against domestic and international drug trafficking, and although there have been and will continue to be many pronouncements of new programs and new successes, there has been a marked unwillingness on the part of French officials to admit that their country is a prime center for heroin production; nor has the French Government made any serious effort to put pressure on Turkey.

While the United States continues to speak softly to our allies, heroin addiction will continue to spread. And while efforts to stem the flow of heroin into the United States remain at the present level, smugglers will be willing to accept the risks in order to obtain enormous profits. Ten kilos of illegal opium (22 pounds), for which the Turkish farmer receives about $400, have a value of $250,000 when converted into 1 kilo of heroin and cut with milk sugar and quinine.

For the health and well-being of our own society, we cannot afford to let this traffic in death and destruction continue. Unless we put a stop to the ready access which addicts and potential addicts have to heroin, we will never be able to put an end to the problem itself.

For that reason, I am today submitting a resolution on behalf of Senators BENNETT, GURNEY, MCGEE, PELL, RANDOLPH, YOUNG, and myself which would place the Senate on record as urging the President immediately to undertake such diplomatic and economic measures as he considers appropriate in order to prevent heroin from being illegally imported into the United States.

There are a variety of activities which the administration can take to accomplish this objective. What is more important is that we wake up to the menace which is confronting us, and that we take whatever action may be necessary before it is too late.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The resolution will be received and appropriately referred.

The resolution (S. Res. 64), which reads as follows, was referred to the Committee on Finance:

S. RES. 64

Whereas heroin is the greatest single cause of death among young people in the 18 to 35 year age bracket;

Whereas there are more than 500,000 heroin addicts in the United States;

Whereas heroin addiction is a major cause of street crime in America's cities;

Whereas of the total amount of heroin imported into the United States, approximately 80 percent comes from Turkey and 15 percent from Mexico;

Whereas these two nations are political and economic allies of the United States; and

Whereas present efforts to control the flow of heroin into the United States have not resulted in any significant decrease in the amount of heroin available in this country: Now, therefore, be it

Resolved, That the Senate urges the President immediately to undertake such diplomatic and economic measures as he considers appropriate, including entering into negotiations with, and undertaking necessary joint action with, any international organization or foreign country, in order to prevent heroin from being illegally imported into the United States.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on March 1, 1971, he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee; and

S.J. Res. 44. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

ANNOUNCEMENT OF HEARINGS ON PROBLEMS OF THE CITRUS INDUSTRY

Mr. CHILES. Mr. President, I wish to announce that the Subcommittee on Agricultural Exports of the Committee on Agriculture and Forestry will hold hearings on the problems now being experienced by the U.S. citrus industry with respect to preferential treatment being granted by certain importing countries to certain exporting countries, not including the United States, on Thursday, March 18, 1971, at 10 a.m. in room 324, Old Senate Office Building. Anyone wishing to testify should contact the committee clerk as soon as possible.

FLYING INTO INDOCHINA WAR

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Iowa (Mr. HUGHES), I ask unanimous consent that a statement by Mr. HUGHES, together with an editorial published in the Des Moines Register, be printed in the RECORD.

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

STATEMENT BY SENATOR HUGHES

Mr. President, in the light of recent extension of American involvement in Laos, it seemed to me that an editorial in the Des Moines Register, over a month ago is on target in expressing the viewpoint of a growing number of Americans in the Midwest and elsewhere across our land.

FLYING INTO INDOCHINA WAR

Defense Secretary Melvin R. Laird sounds like a Soviet Union government official: white is black, true is false, war is peace. It is an insult to the intelligence of Americans for Laird to say that the engagement of the United States Air Force in the Cambodian war is not a violation of the Nixon doctrine, that it does not violate the Cooper-Church amendment and does not betray the Nixon Administration commitment to Congress about not expanding the Indochina war.

The U.S. Air Force is now flying bombing missions in support of Cambodian troops. It is flying helicopter gunship missions. Navy ships are stationed in the Gulf of Siam to provide landing platforms for helicopters.

If that is not involvement in the Cambodian expansion of the Indochina war, what is?

There is evidence also that U.S. military advisers have been on the ground with Cam-

bodian forces. Whether this is true or not, it is obvious that the Nixon Administration has decided to permit the Air Force virtually free sway in supporting the Cambodian army against the Viet Cong and the North Vietnamese troops. Senator Frank Church (Dem., Id.) has every reason to call for Senate hearings on this expansion of American military activity in Cambodia, as well as in Laos.

When he pronounced the Nixon doctrine in Guam in 1969, President Nixon clearly said that the U.S. aim was to *withdraw* from military involvements in Asia and to provide U.S. allies with supplies and equipment, rather than U.S. military forces. There was no exception for air and sea power, as Secretary Laird implied in his press conference remarks the other day.

It is obvious that U.S. military leaders have convinced President Nixon and Secretary Laird that the United States must come to the direct military support of Cambodia and Laos to keep the North Vietnamese from taking over. Just as they told President Johnson in 1965, they apparently have told Nixon that a military victory is possible if only he will grant them authority to conduct these missions by the Air Force. Evidently they have persuaded the President that by doing this the South Vietnamese army will have more time to organize itself and get in better shape to meet the Communists after the United States withdraws its troops.

Their arguments must be very convincing, for Nixon must know he will face backfire from the senators who believe he is betraying a commitment not to enlarge the Indochina war. The political risk is steep for a president who has been making capital out of his "withdraw from the war" policy.

It is hard for us to understand how Nixon, despite his past predilection to military solutions, could swallow this line. The failure of the U.S. Air Force to achieve its military objectives in Vietnam, despite the heaviest bombing of any war in history, ought to be clear to everyone by now. The bombing has cost America heavily in unfavorable opinion around the world. It clearly has not stopped the North Vietnamese, and some observers thing it has stimulated the will to fight on of both North Vietnamese and Viet Cong.

We had no doubt that President Nixon wants to get the U.S. out of the Indochina war. But it is beginning to look as though he has fallen for the same old disproved theories about air power and is getting the nation trapped into a wider Indochina war than before.

INSURERS VERSUS ALCOHOLISM

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Iowa (Mr. HUGHES), I ask unanimous consent that a statement by Mr. HUGHES, together with an editorial entitled "Insurers Versus Alcoholism," be printed in the RECORD.

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

STATEMENT BY SENATOR HUGHES

Mr. President, we hear constantly about the great unresolved problems America faces. Less frequently we hear of effective action being taken to meet these problems.

As I have often pointed out on the floor, the cost of alcoholism to American industry is immense—both in billions of dollars lost annually and in tragic human loss.

I consider it to be of great credit to some of our forward-looking private industries that they have installed alcoholism rehabilitation programs that have met with extraordinary success. Some of these industries have registered through their programs a recovery rate of two-thirds or greater which means that they are deriving an astonishing return on a modest investment.

An interesting editorial on the subject of alcoholism in industry, with particular reference to the insurance industry, appeared in the January 18, 1971, issue of the magazine *Business Insurance*.

INSURERS VERSUS ALCOHOLISM

In its past two issues, *Business Insurance* ran articles pertaining to the problem of alcoholism in industry and the feelings of insurers toward the problem. It was generally agreed that something had to be done to halt the spread of the disease, that steps were being taken by insurers, insureds and outside parties and that the progress was slow.

The problem of alcoholism in industry is staggering, both in dollars and human loss. Estimates as to how much American business loses every year due to alcoholism range from $6 billion to $8 billion. The National Council on Alcoholism Inc. estimates that 5.3%, or 4 million workers out of a work force of 80 million, suffer from the disease.

Alcoholism is now recognized by most of those who deal with it as a disease like any other. And it is curable. Companies that have begun alcoholism rehabilitation programs report that the recovery rate for those treated is 66%. Bethlehem Steel Corp. has openly admitted an alcoholism problem and has advertised the fact that the company is doing something about it.

Insurance companies have a great stake in the alcoholism problem and are in a position to make their influence felt. If the insurance industry does nothing else, it could educate insured companies as to the problem and effective ways with which it can be dealt. Many insurance companies, Kemper and Equitable to name two, have installed alcoholism rehabilitation programs in their own companies and know well the effectiveness of such programs. Insurers should urge their insureds to look into the prospect of such programs, which are relatively inexpensive to install and the savings, again in both dollars and human resources, are tremendous.

Recovered alcoholics have related stories about the treatment they received from insurance companies, and the tales were saddening. One man, who had group life coverage, went to the same company for additional coverage and was forced to pay premiums 50% higher than normal because he admitted he used to be an alcoholic. The insurance industry should ease up on the recovered problem drinker. If alcoholism is a disease like any other, let it be treated as such. Don't force prospective buyers to stoop to dishonesty.

One of the main obstacles the recovered alcoholic must overcome is the sorry fact that his disease is still, for the most part, cloaked and stigmatized. Society, though unintentionally and because of a lack of knowledge, is responsible for the stigma. That much is known for sure. But insurance companies, particularly life and health carriers, have the tools to wipe out the stigma. Now they should make it their obligation to do so. Life and health carriers could easily pool information and experience on the recovered alcoholic. Such pools of knowledge, made public, would do much to dispel the fallacies, such as the belief that all alcoholics are to be found on skid row.

The tide is turning, very slowly, and things are looking better for the alcoholic but much more can and should be done. Insurance companies are in one of the best possible positions to speed the flow of help.

ADDITIONAL STATEMENTS

PRESIDENT NIXON'S FEELING ON CHANGE IN SENATE RULE XXII

Mr. SCOTT. Mr. President, I ask unanimous consent that a letter from the President of the United States to me regarding his feelings on change in Senate rule XXII be printed at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., March 1, 1971.

Hon. HUGH SCOTT,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR HUGH: Thank you for your recent letter and enclosures regarding the Senate debate on Rule XXII and requesting my assistance in efforts to change the Cloture Rule.

My record as Vice President in support of th· Senate changing its Rules by majority vote, and my current views recently expressed by my Press Secretary are well known.

Nevertheless, I feel that specific changes in Congressional Rules are matters properly to be determined by the Senate and House of Representatives, and it would be inappropriate for the President to suggest how the Senate should proceed in considering its Rules or to attempt to influence individuals.

I trust you will agree with the wisdom in this approach.

With cordial regards,
Sincerely,

RICHARD NIXON.

TEXT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, much of the criticism of the Convention on the Prevention and Punishment of Genocide is directed at its verbal construction.

Dean Rusk, as Deputy Under Secretary of State, testified before the Senate Foreign Relations Committee in 1950 that—

There is no question that so long as we have . . . governments who are committed to the destruction of their opposition there will be other groups who will be the objects of political and governmental attack. There was some discussion as to whether an effort could be made to check the problem, which is a very difficult problem, with this particular convention on genocide, but since these great political issues get into the whole field of political agitation, it was thought wise to limit this convention to the specific subjects of national, ethnical, racial or religious groups . . . This particular convention does not meet the entire problem of freedom or group freedom. It is an attempt to single out that part of which has been most vicious in the past, and which is fairly readily identifiable, and try to get on with that.

Adrian Fisher, legal adviser to the Department of State, testified in 1950 before the Senate Foreign Relations Committee that the words "as such" in the text of the convention were "necessary parts to a precise convention." He further pointed out that this objection was similar to objecting to a "statute of murder because a person charged with murder pleads self-defense and gets away with it when it wasn't true."

There have also been questions raised about the meaning of "mental harm." It is clear from the legislative history of this language that "what was meant was not just embarrassment or hurt feelings, or even the sense of outrage that comes from such action as racial discrimination or segregation, however horrible these may be. What was meant was permanent impairment mental faculty."—Adrian Fisher, Legal Adviser, Department of State, testimony before the Senate Foreign Relations Committee, "Genocide Convention," 1950, page 263.

In article III(e), the phrase "complicity in genocide" has been the subject

of some controversy. However, the "prohibition against the complicity is clearly aimed at accessoryship in the crime of genocide, as defined in article II—not the other genocide acts listed in article III. When Congress enacts implementing legislation for the Genocide Convention, it will not be necessary to enact a special provision implementing article III(e) because accessoryship in Federal crimes is already outlawed by the United States Code, title 18, sections 2 and 3. Hearings, "Genocide Convention," Subcommittee of the Senate Foreign Relations Committee, May 22, 1970, pages 221–222.

Mr. President, I urge this body to give its advice and consent to the Convention on the Prevention and Punishment of Genocide. Ratification of the Genocide Convention would place this country where it belongs, in the ranks of those seeking to safeguard basic human rights throughout the world.

PRESIDENT NIXON'S ADDRESS BEFORE IOWA STATE LEGISLATURE

Mr. MILLER. Mr. President, an historic event occurred in my State of Iowa yesterday, when President Nixon spoke before a joint session of the Iowa Legislature.

This was the first time in the history of my State that a President has addressed a joint session of the legislature.

What President Nixon had to say was a timely, understanding, and unprecedented recognition of the importance of rural America, and the vital role of State and local government in our country's system of government. Needless to say, his address was warmly and appreciatively received.

I ask unanimous consent that the President's address be placed in the RECORD.

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

TEXT OF REMARKS BY THE PRESIDENT BEFORE A JOINT SESSION OF THE IOWA LEGISLATURE, DES MOINES, IOWA

I greatly appreciate your invitation to address this joint session of the Iowa State Legislature—both to share with you a few of my thoughts about America's future, and to reaffirm my own strong conviction that in the State capitols of America there is a wealth of wisdom and compassion and understanding of the great needs that confront our Nation's people.

This is my first appearance before a legislative body since I delivered my State of the Union address to the U.S. Congress—and I am especially pleased that it can be before this legislature, which I note was recently cited by the Citizens Conference on State Legislatures as one of the best in the Nation.

In that address, I outlined six great goals for America, and I urged the Congress to join in bringing about a new American revolution—a peaceful revolution, in which power was turned back to the people—in which government at all levels was refreshed and renewed, and made truly responsive.

It is especially appropriate that that appeal to the Congress should be followed by this, the first appearance as President of the United States I have had an opportunity to make before a State legislature. For as we consider the changes that are needed in American government, we must remember that we have not one chief executive in America, but many; not one legislature, but many—and that each of these is a vital part of the strength of America.

One of my key proposals to the Congress is that we make a $16 billion investment in renewing State and local government by sharing Federal revenues without the cumbersome restrictions that now follow Federal funds. I have noted that this legislature has already expressed its support for the principle of revenue sharing. I also have proposed a sweeping reorganization of the Federal Government itself to make it more responsive to the needs of the people.

Together, these changes can give us better government throughout all America—but they have special meaning for rural America.

First, in terms of dollars, I am announcing today that I am increasing by an extra $100 million the amount that I originally proposed in special revenue sharing for rural community development, bringing that to $1.1 billion for the coming year—which is 24 percent more for rural development programs than is being made available to the States under existing categorical grant programs this year.

The direct dollar benefit to rural America is obvious. In addition, rural America will share substantially in general revenue sharing funds, and also in special revenue sharing for manpower, education, transportation and law enforcement. Funds for urban community development will also go in part to urban communities in largely rural areas.

A second reason these changes have special meaning for rural America is that one of their chief purposes is to give each State and each community greater freedom to decide for itself those questions that directly affect its own future. If the lessons of the past decades mean anything, they mean that as power has been concentrated more and more in Washington, as decisions have increasingly been made by remote control, the special needs of our rural communities and of the great heartland of America more and more have either been neglected or even gone unrecognized.

I want those decisions that affect rural America made by people who know rural America. And the people who know a place best are the people who live there. To put it bluntly I believe that legislators in Iowa know better than bureaucrats in Washington, D.C. what is best for Iowa.

It is fashionable in a lot of quarters these days to scoff at State and local government. But to those who sneer at State legislatures, at city councils, at any level of government other than that in Washington, I say they don't know the American people.

I reject completely the contention that you cannot trust State and local governments. The patronizing notion that a bureaucratic elite in Washington knows best what is best for people everywhere is completely alien to the American experience.

The honesty and efficiency of government depends on people. Government at all levels has good people and bad people. And the way to get more good people into government is to give them more opportunity to do good things.

You know and I know how much dedication there is in State capitals, how much of a desire to do the right thing—and how much frustration there is with the restrictions and red tape that Washington so often imposes—and also with the tightening squeeze between needs and resources.

Like other State legislatures, you confront enormous problems.

Here in Iowa, as is the case in most of our States, I know you are wrestling with ways of avoiding the prospect of a deficit this year. And I know how heavy the burden of State and local taxes has become.

In the quarter-century I have been in public life, I have seen State and local expenditures rise twelve-fold—and I have seen property tax collections rise to six times what they were just 25 years ago, while State and local debt has increased ninefold.

Against that background, look at the double mismatch we now have: As the Nation grows and the economy expands, needs grow fastest at the State and local level, while revenues grow fastest at the Federal level. And at the same time, experience shows that the Federal Government is very good at collecting revenues and often very bad at dispensing services.

So it makes elementary good sense to turn over some of the money collected by the Federal tax system to meet State and local needs.

It makes good sense, because people on the scene are most often the best judges of what those needs are.

It also makes sense because our people need relief from the mounting burden of State and local taxes.

Here in Iowa, you could use revenue sharing to increase services, to avert a deficit, or perhaps to increase appropriations for the Agricultural Land Tax Credit. The point is that you could choose, according to your best judgment of the needs and wishes of the people of Iowa. That is the way it should be.

Let me also say a word about my proposal to reorganize the Federal Government—in particular as it affects the farmer.

One of the automobile companies has recently been using the advertising slogan "You've changed. We've changed." But when we look at the farmer and the way the Federal Government is organized, it is a different story. The only way to state the case, sadly enough, is that he has changed and we have not. The farmer is a man of many talents now—a businessman, a technician, a scientist—often a man who makes his living in more lines of work than farming alone. The rural community is becoming increasingly diversified in its economic base and its land use and its population patterns. While all this has gone on, we have sat in Washington with the same Department of Agriculture we have had since 1862. "You've changed and we haven't"—it could become the epitaph for rural America, for the countryside where this Nation's roots are. But to be able to say that you have changed and so have we—that could be the keynote for a new surge of vitality and progress on the farms, on the ranches and in the towns and the open lands across this Nation.

It comes to a question of whether farmers and others in rural America want an Agriculture Department for its own sake or whether they really want things like better farm prices, better technical assistance for agricultural problems, wider development opportunities in rural communities, better schools, better roads, and so on. I think they want the latter—the tangible results.

Under the present setup, only one Cabinet department represents the farmer. Under my proposed reorganization, four Cabinet secretaries—half the Cabinet—will be speaking up for the farmer when his diverse interests are at stake. I submit that this is not less representation, but more—and more effective representation, because the rural interest will be represented wherever decisions are being made that affect that interest.

These proposals I have made are not Republican proposals or Democratic proposals. I have offered them in a bipartisan spirit, and I seek bipartisan support—for they cut to the heart of our hopes for progress in America not just this year, not just next year, but for the balance of the decade and the balance of the century.

I have met with many groups in these past few weeks, talking with them about my proposals for the reform and renewal of government in America. And I have told them that I know there are many objections that people will raise to specific parts of these pro-

posals—but then I have put a challenge to them: Let the first person who thinks we ought to keep things as they are, I say, let him stand up and defend the status quo—and I have not yet had a single taker.

Many were shocked when I said in my State of the Union message that most Americans are fed up with government.

But we know it's true. They are fed up because they think government costs too much, that it doesn't work and that they can't do anything about it.

What I have proposed is designed to meet these needs—to cut the cost of government, to make it work, and to give the people a greater voice in determining what kind of government they want.

People know that we need a change. They know that what may have been right 20 or 30 or 40 years ago is not right today. They know that like any living thing, government in America has to change and develop; it has to adapt itself to new circumstances. And it has to be made to meet the needs of our people, as those needs exist in today's America—so that for the farmer, the worker, the taxpayer, the housewife—for everyone in America—government can do a better job.

America's great strength lies precisely in its great diversity—in the fact that our States and communities are different, that we do not all fit in the same mold that each of us has his own ambitions, his own desires, his own individuality. The essence of freedom is to give scope to that individuality and to respect that diversity.

When I talk about returning power to the people, I am talking about just that—about letting people make their own decisions, in their own lives and in the lives of their own communities.

For I have faith in the people of America. And faith in people is what the American system of government is all about. Here in the heartland of America, we can see that the heart of America is good—and that its people deserve our faith.

We became a great Nation because the Nation's founders had the courage to place their faith in people—and because, having that faith, they established institutions that allowed the people to prove themselves worthy of it.

Now the time has come to return to that faith, to renew those institutions, and by so doing to lead America to a new birth of greatness—a greatness not simply as the richest Nation, not simply as the strongest Nation, but a greatness that springs from the unshackling of the spirit of the people themselves.

So I invite you to join with me in beginning a national renewal—in fitting our Government to the times we live in—in strengthening our Government at the State and local level—in forging a new partnership that can give us prosperity with peace, progress with unity and freedom with diversity.

SST STUDY REVEALS NOISE BREAKTHROUGH

Mr. GRAVEL. Mr. President, on behalf of Senator JACKSON, I am introducing in the RECORD of the Senate a summary of an excellent report on the SST prepared by Mr. George N. Chatham and Mr. Franklin P. Huddle of the Library of Congress.

This study has done an exemplary job of dealing with the complex economic and environmental issues which have arisen during the course of discussions on the SST. It brings up to date a previous study made by the Library of Congress at my request. As a result of recent breakthroughs in research on noise control, Senator JACKSON requested the followup study, the summary of which I am entering at this time.

This important piece of research will do much to answer the many questions which have arisen with regard to the SST.

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

REMARKS BY SENATOR HENRY M. JACKSON

An updated version of the Library of Congress study of the SST project was filed for the Record of the Senate today by Senator Henry M. Jackson.

Senator Jackson expressed high praise for the study which he said "had contributed more to an understanding of the problem than literally hundreds of previous studies."

Senator Mike Gravel of Alaska had requested the original study last year. The updated version was requested by Senator Jackson in order to make available new information on noise control that promises to bring noise levels below that of the present 747. Senator Jackson pointed out that this should reduce opposition among those living near large airports to the development of the SST. The study also includes exploration of both economic and environmental aspects of the SST issue.

The House of Representatives has been conducting hearings on the SST proposal this week. The Senate hearings are scheduled to begin on March 10th.

In filing the study today Senator Jackson indicated that it would clear up the "extraordinary amount of misinformation that had been generated during the SST debate." He said that it is urgent to keep the U.S. program moving "since the Congress must determine whether or not some 150,000 jobs will be exported to Britain, France or Russia. Both the British-French Concorde and the Soviet TU-144 are already flying and preparing for introduction into the commercial market.

Senator Jackson stressed that the SST program includes environmental research in order to maintain adequate safeguards, but, that "only through development of the two U.S. prototypes can the data necessary for prudent decisions on proceeding with the full fleet be made."

SST FACT SHEET

The following statement summarizes a study by Science Policy Research Division, Congressional Research Service, Library of Congress, for issue March 1, 1971, under the title "The Supersonic Transport." The study is by George N. Chatham and Franklin P. Huddle.

LAG IN COMMERCIAL AIRCRAFT TECHNOLOGY

Introductory chapters of the study trace the evolution of aircraft technology. For the first half-century of manned flight, technology of civil aircraft relied successfully on military research and development. However, by the early 1950s, military design engineering became specialized and "systems oriented." Military designs departed from lines important for civil aircraft. Technological competition of ballistic missiles jeopardized the status of the manned bomber to such an extent that no truly successful supersonic bomber has yet been commissioned. At the same time, efforts to maximize parameters of military importance slowed progress in directions important for commerical aircraft. Fuel economy, cabin space, and other commercial considerations were neglected. In particular, military engine designs failed to exploit known developments offering great promise for commercial service. The need became apparent for a separate research and development effort, explicitly aimed at the maintenance of technological advances in civil aircraft.

PLIGHT OF CIVIL AIR TRANSPORT IN 1971

Faults of commercial air transportation began to be identified: airport congestion and inadequate terminal capacity, noise around airports, emphasis on airport-to-airport travel rather than point-to-point, and passenger-baggage separation were among these. Difficulties in coordinating the introduction of new aircraft models with use requirements put the airlines in an economic bind. After maintaining fare schedules without increase, despite inflation, for two decades after World War II, the airlines were faced with the problem of falling revenues and profits. The choice was between improved load factor and fare increases. A third alternative, used successfully in the past, was an increase in productivity of aircraft in service. It was to improve this productivity that the SST was proposed.

ADVOCACY OF THE SST BY POLITICAL LEADERSHIP

Presidents Kennedy, Johnson, and Nixon all reviewed the case for the SST as a stimulus to U.S. transportation, to strengthen civil air technological advance, and to enhance U.S. national posture in a world of technological competition. All three Presidents found in favor of the SST. British, French, and Soviet competition is already at work in this area. Fortunately, foreign designs for the first generation of aircraft, while likely to appear sooner, seem likely to be inferior to the U.S. SST design.

ECONOMIC ISSUES OF THE SST

Operating supersonically, the SST would be comparable in cost per seat-mile to the Boeing 747, except that the increased productivity attributable to the higher speed would enable airlines to increase service with a reduced number of aircraft. This advantage offers significant but indeterminate economies. With respect to national financial gains, the United States balance of payments would be altered to the extent of some $20 billion by producing and selling SSTs to the world market, rather than buying them from abroad.

Although the economic advantages of the SST seem clear to the advocates, it is also true that the design and management of so large an enterprise is not without risk. Much depends on management and technological skill. In any event, the large investment required for the SST inescapably calls for funding participation by the Federal Government. Although all forms of commercial transportation have received various kinds of financial assistance from the Government, aid in the development of aircraft would be a "first."

ENVIRONMENTAL ISSUES OF THE SST

Much of the study is addressed to the question of whether the SST would seriously impair the human environment. There have been many allegations as to its noise, air pollution, and possible climatic effects. After a searching investigation and analysis, the following conclusions were arrived at.

Noise

The SST requires large, powerful engines which are noisy. In addition, when traveling supersonically the SST generates a sonic boom. The boom issue has been provisionally disposed of by an understanding that the SST will travel supersonically only over oceans or uninhabited tundra.

Engine noise is considered in five operational modes: on the ground, sideline noise on take-off, departure (climb from one mile past the end of the runway to cruise altitude), cruise, and descent. Noise is not a factor on the ground, when only minimum power is needed or in cruise when it is too far from the ground to be heard at all. During the three noisy phases, work is needed to reduce sound level. However, much has already been achieved. In the 12 years since commercial jets have been in service, the

noise generated per pound of thrust has been reduced to one-tenth of its former value, and the sound (in terms of acoustical energy) per pound of thrust has been reduced to one-hundredth. In view of past progress and future engineering expectations, the Boeing Company has announced that it is committing itself to meeting FAA subsonic aircraft noise limitations (i.e., generating less noise than the 747 does now) with the SST by the time it is certified for service.

Pollution

Judged by engineering criteria, the jet engine is highly efficient in terms of units of delivered power per unit of effluent. Except on the ground at take-off, moreover, the engine diffuses its effluent. Most of the polluting ingredients result from uneconomical practices, for which incentive already exists to hold them to a minimum. Large airports for supersonic aircraft tend to be located remotely from urban areas where air pollution is most serious. Beyond this, the question of urban air pollution is a local problem with each locality requiring its own specific measures of reduction and prevention. The role of the SST, and of jet aircraft generally, is inherently a minor one relative to the effluent from surface transportation media.

Weather modification

Traveling in a new regime at 65,000 feet, the SST is alleged to generate a variety of effluents in such quantities relative to pre-existing ingredients of the upper atmosphere as to threaten to alter the climate below. Examination of these allegations, one by one, shows the effects of the SST in this environment as trivial. With respect to particulate matter, it was found that cosmic dust and volcano effluent far exceed any possible particulate effluent from the SST without significant climatic effect. With respect to water vapor, the injection of water from thunderstorms into the stratosphere exceeds by many orders of magnitude any possible SST effect, but the stratosphere remains both low and fairly stable in water content, indicating that there are stabilizing forces at work.

The allegation that combustion of SST fuel would exhaust the oxygen in the atmosphere is disposed of by the simple statement that the combustion of all fossil fuel (of which jet engines can never consume more than a small fraction) would temporarily tie up no more than three percent of the oxygen in the atmosphere.

The conjectural effect of the carbon dioxide generated by the SST is trivial compared with that from internal combustion engines. Long-range measurements of temperature do not disclose any climatic change attributable to a measured slight increase in CO_2 content over the past century.

There is some need for attention to the possibility of hazard to passengers from radiation from the sun, especially during severe solar flares. (The last severe one was 15 years ago.) With proper instruments, the pilot could be warned in plenty of time to drop down a few thousand feet where atmospheric shielding would eliminate the hazard.

THE SST: REMAINING UNCERTAINTIES TO BE RESOLVED

There are many uncertainties: as to the verity of the competition from the foreign SST developments; as to whether the Boeing SST will produce the economic gains claimed for it; as to the extent of engineering risk this vehicle represents; and as to whether it can stand alone, without other supporting elements of a complete system of air transportation. Many of the defects of present air transportation have nothing to do with air speed or vehicle productivity; the ground sector, for one example, is generally conceded to have been neglected.

The environmental aspects of the SST, and especially the global aspects, have received the bulk of attention of critics. Yet, upon analysis, most of these postulated effects are found to be trivial. Of course, some environmental uncertainties remain. As to these uncertainties, the point is made that it is rarely if ever possible to prove a negative.

But the greater number of uncertainties appear to lie in the field of economics. It is likely that these can be resolved only by actual experience with the product in use. Much hinges on the quality of engineering management in the development of the vehicle, and the system of which it is conceived as a component. Much hinges also upon the quality of management of the airline service and its competition. Of coure, there are general considerations and are therefore imponderables beyond the scope of the study.

DISABLED AMERICAN VETERANS

Mr. BROOKE. Mr. President, I am pleased to join in the tribute to commemorate 50 years of service by the Disabled American Veterans.

Members of DAV can be justifiably proud of the many significant contributions they have made in providing fair benefits for our disabled veterans. By striving to maintain proper standards of health, education, rehabilitation, and welfare of the disabled veteran, his widow, and dependents, DAV fills a vital role in ensuring that a grateful nation will not forget the large debt of gratitude it owes to all of its veterans, and especially those who have suffered lasting physical injury in battle.

In Massachusetts, more than 20,329 members and 103 active chapters continue to engage in worthwhile activities in support of our veterans and Nation. These include carnivals and barbecues at VA hospitals, annual Christmas baskets for needy DAV shut-ins, and parades and other tributes to veterans.

I am also proud to note the efforts of the State and local chapters to assist the national organization in its important effort to gain the release of the hundreds of prisoners of war who still remain in North Vietnam. I am sure that the response of the American public led by many organizations such as DAV has contributed to reported improvements in the conditions under which they are held.

It is most appropriate to insert in the RECORD at this time the words of the preamble to the DAV constitution. They ought to continually remind us of the very great responsibility which all American citizens have to protect their Nation from those who would challenge its spirit of freedom and to support those men and women who have made personal sacrifice to insure their Nation's strength.

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

PREAMBLE TO THE DAV CONSTITUTION

For God and Nation, and for our commonweal, we former members of the armed forces of the United States, having aided in maintaining the honor, integrity, and supremacy of our country, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, the principles and purposes of which shall be supreme allegiance to the United States of America, fidelity to its constitution and laws; to hold aloft the torch of true patriotism; to strive for a better understanding between nations that peace and goodwill may prevail; to cherish and preserve the memories of our military association; and to aid and assist worthy wartime disabled veterans, their widows, their orphans and their dependents.

DEATH OF IRA KAPENSTEIN

Mr. MANSFIELD. Mr. President, I was deeply saddened yesterday when I learned of the death of Ira Kapenstein who was struck down by cancer at the age of 35. Mr. Kapenstein has served the public with great distinction for many years. His death at such a young age deprives the Nation of the outstanding service he performed—most recently as a top official of the National Democratic Party. Prior to that time he served at the Post Office Department as an executive under two Postmasters General spanning the Kennedy and Johnson administrations. I might say that he began his career as a newspaperman—serving as a reporter on the staff of the Milwaukee Journal. Always did Mr. Kapenstein work tirelessly in behalf of the public interest.

That such a young man accomplished so much in his short life is to be deeply commended. His tragic death at such an early age takes from us a very able, distinguished, and dedicated public servant. I extend my deepest sympathy to his wife and family.

SENATOR SCOTT RECEIVES B'NAI ZION AWARD—SPEAKS ON U.S. ROLE IN MIDDLE EAST

Mr. JAVITS. Mr. President, the distinguished Senate minority leader, HUGH SCOTT, who for more than a quarter of a century has been in the forefront with respect to U.S. policy in the Middle East, was presented on February 21 with the 1971 American-Friendship Gold Medal by B'nai Zion, the 63-year-old American Zionist fraternal organization.

In his remarks in accepting the award at the B'nai Zion dinner in New York City, Senator SCOTT said that the Congress has fully supported Arab-Israel peace talks and warned against any attempt by the great powers to "impose" a settlement. He also indicated that the United States must continue to play a key role to achieve peace in the Middle East.

The full text of Senator SCOTT's address merits the attention of our colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the text of the address ordered to be printed in the RECORD follows:

REMARKS BY U.S. SENATOR HUGH SCOTT

I am pleased to join you tonight and I am proud and honored to be the recipient of your award. I am also happy that I can bring you a positive assessment of our Government's policy in the Middle East.

All of you know that I have long been enlisted in the struggle for a Jewish state—a Jewish state blessed by security and peace. I have battled on this front from the very beginning of my political career.

Throughout this long period, I have never hesitated to be critical of our Government

when I felt that its policies lacked vigor, determination or foresight. Many times I have raised my voice in protest—whether the administration was Democratic or Republican.

In the light of this long experience, I am glad to be able to offer the view that the United States and Israel have never been so close in their perceptions and their objectives on Middle East problems.

Let me speak about the decisive turn in our Governments' policy in 1970.

In 1970, the Administration, after long deliberation, decided to advance generous credits to enable Israel to purchase sophisticated planes and other weapons which she deemed essential to her security and survival.

In 1970, our Government pressed for Arab-Israel negotiations, in the hope that these would lead to a lasting and final peace settlement.

In 1970, we recognized that we would come closer to peace if we stood solidly with Israel—and that the attainment of peace depended to a great extent on the strength and cordiality of U.S.-Israel relations.

In 1970, it became clear that the interests of the United States and Israel had converged—that the security of the United States and the Free World would be strengthened by a policy which recognized the importance of our assistance to Israel's economy and defense.

Let us hope that the policies of 1970 continue through 1971 and that our Government will not hesitate to stand with Israel on two major fronts:

One—We must continue to provide Israel with planes and other military equipment in order to deter the threat of attack—for we must always keep in mind—in all our deliberations—that Israel today faces a massive Soviet-Egyptian buildup on the Suez front.

Two—We must continue to play a key role in the achievement of peace. Our Government must insist that the Arab states recognize Israel and obligate themselves to work for the attainment and maintenance of a genuine peace. We cannot be satisfied—we must not be satisfied—with arrangements which fall short of that goal.

These two principles are fully supported in the Congress of the United States. We had evidence of that in 1969 and 1970.

In 1969, I joined with Senator Ribicoff in the circulation of a declaration which called for direct Arab-Israel peace talks and warned against any attempt by the Great Powers to impose a settlement. That declaration was signed by 70 Senators and 283 members of the House.

In 1970, I was one of ten members of the Senate who joined in the circulation of a letter to Secretary of State Rogers which called for phantom jets for Israel.

That letter was endorsed by 79 members of the Senate—a dramatic expression of congressional support for Israel, reflecting the view of the great majority of the American people.

I am convinced that these declarations helped to promote a positive and constructive response by the Administration to Israel's appeals, for the effect of them was to assure the Administration that Congress would support a strong U.S. posture vis-a-vis Israel.

But the United States was not only saying "Yes" to members of Congress; it was saying "No" to the Soviet Union. It was informing the Soviet Union that the United States would stand by its friends, that we would not permit the Russians and the Arabs to weaken Israel and to bring about her diplomatic and military defeat.

The United Nations envoy, Gunnar V. Jarring, has resumed talks with Israel and the Arab states in the hope that he might be able to bring them to the peace table. All of us pray that these talks will lead to a real settlement.

It has always been our view that sooner or later—and the sooner the better—Israel and the Arab states must sit together in direct negotiations.

We know that this is what Israel has always wanted—for experience has shown that as long as the Arabs and Israelis do not talk to each other, there is not the slightest chance of a genuine settlement.

To me, it seems very strange to be talking about a genuine settlement before a settlement is reached. I am afraid that the effect of this exercise would be to rescue the Arab states from the need to sign any kind of agreement with Israel.

For her part, Israel insists—as she must—on genuine peace treaties, sincerely negotiated and signed by the parties themselves. It goes without saying that the Big Powers should be willing to safeguard the settlement, for that, indeed, is their responsibility and obligation as permanent members of the UN Security Council.

But the major obligation must be assumed by the parties themselves, by the Arabs and the Israelis. They have a triple obligation to preserve the peace—an obligation to themselves, to each other and to the world community.

If we review the record of the last 20 years, we can understand why Israel cannot place much confidence in Great Power guarantees.

All of us recall how the Great Powers faltered in 1948, when the Arab states took military action to resist the implementation of the 1947 UN partition resolution. The permanent representatives of the UN Security Council met and staged Big Power talks. They had the power to enforce the peace and to carry out the UN resolution. But they were weak and impotent. And our own Government came forward with a proposal to suspend the partition resolution and to establish a UN trusteeship in Palestine.

It remained for the Israelis to carry out the partition resolution themselves—to bring their state into being despite the Arab aggression—despite the Big Power default.

The 1948 experience was a demoralizing revelation of the futility of Great Power guarantees. And it was not the last.

After Israel came into existence pursuant to that 1947 resolution—and almost entirely thanks to her own desperate commitment to survival—the Great Powers were unable to bring about a peace settlement.

The UN Armistice Agreements negotiated in 1949 were regarded as stepping stones to peace. The Arab states flouted them by persisting in war.

In violation of their agreements and in defiance of their obligations as members of the United Nations, the Arab states remained in a state of belligerence. They closed the Suez Canal and the Straits of Tiran to Israel shipping, and Arab leaders dispatched Fedayeen into Israel's territory to wage terrorist warfare against Israel's men, women and children.

This led, in 1956, to the Sinai war. The Israelis swiftly won that conflict. But they lost the peace, thanks once again to the blunder of the United States and the plotting of the Soviet Union. Our Government joined with the Soviet Union to compel Israel to withdraw from the Sinai Peninsula and the Gaza Strip, without a peace treaty.

Israel was told that she might rely on assumptions—assumptions that the maritime powers would uphold her right to transit the international waterways of Suez and Tiran. Israel was assured by our Government that if her rights were denied she could resort to Article 51 of the UN Charter—the provision which permits a nation to take military action in self-defense if that should become necessary.

Many of us then spoke up to protest against a settlement which denied peace and which turned Israel's victory into defeat. I raised my voice and I was joined in the House by some 40 Republican colleagues who did not hesitate to criticize, even though it was a Republican Administration we were criticizing.

In the Senate, there were two eloquent voices of protest—Senators William Knowland and Lyndon Johnson—the two floor leaders.

But Israel had no alternative. She was isolated. She had to yield to the pressures from Washington and the threats from Moscow. She was forced to withdraw from Sharm el-Sheikh, from Gaza and from Sinai, without any commitment by the Arab states to make peace.

She wanted peace, they wanted war. Yet she was damned as the aggressor and forced to surrender to those who had made war against her.

In 1967, largely because the Soviet Union believed that Israel was vulnerable and the United States was preoccupied elsewhere, the Egyptians—with Soviet backing—mobilized in Gaza and Sinai, expelled the U.N. emergency force, closed off Israel's waterway to Africa and the Orient and threatened Israel with blockade, invasion and annilation.

In that crisis, the Great Powers and the United Nations were again found wanting. They were weak and derelict. The U.N. debate during the fateful days preceding the outbreak of the war was irrelevant—a cynical travesty.

The powers which had asserted in 1957 that Israel had a right to transit the Straits of Tiran were silent. The three powers which had signed the 1950 tripartite declaration pledging action to prevent aggression were not disposed to move. The 1957 Middle East Doctrine, another pledge to halt aggression, was forgotten, even though it had been approved by both the Senate and the House.

Israel, relying on the U.N. Charter and exercising her right to defend herself, had no alternative but to sweep away the forces which were threatening to destroy her.

Now I do not recite this melancholy history merely for the sake of reminiscence. It is relevant to the Middle East crisis today, for once again the Arab states are proposing that Israel become a trusteeship area under the patronage of others, dependent on outsiders for her very existence.

Against this background we must view the deadlock that persists until tonight.

Israel insists that she must have a genuine peace, that her neighbors must recognize her, that her borders must be defensible. She can no longer live in a state of siege with an international defense canopy which is swiftly blown away by the first blustering wind from Cairo out of Moscow.

We are providing Israel with the arms she must have to protect herself. Let us hope this policy continues.

We are helping Israel with credits—largely low-interest short-term loans. Let us hope that we give sympathetic consideration to her plea for economic assistance. The people of Israel should not be compelled to carry this huge defense burden unaided.

In a reversal of past thinking, we now believe that the best hope for peace is to keep Israel strong.

We have come to realize that there is a genuine convergence of interest between Israel and our Government—that a strong Israel helps to strengthen the Free World, not only militarily—but in a demonstration of the meaning and vitality of the democratic way of life.

Any weakening of our commitment to Israel greatly enhances Soviet power and weakens friendly governments in the Middle East, Africa and Europe.

We have learned that we must not yield to threat and blackmail. Much of it is empty bluff. Despite all the alarming threats hurled at our embassies abroad, the Middle East did not fall apart and American interests were not liquidated when we provided Israel with the arms and credits so vital to her survival.

I pledge to you, my friends, that we will

work for a genuine understanding between Israel and her Arab neighbors, that we will insist that Israel be strengthened so that she has the means to deter her enemies from a new assault. This means weapons. It also means economic aid.

The peace we seek—an Arab-Israel peace of understanding—will prove of tremendous benefit to all the peoples of the area, to the Arabs as well as to the Israelis.

I look forward to the day when Israelis and Arabs will be able to turn away from war, when they will be free to end the huge waste of defense expenditures, when they will be able to raise the sights of their people and develop their lands.

Our commitment to Israel is a vital commitment because the survival and growth of Israel means a positive contribution to the welfare of people in many parts of the world.

And here is where American and Israel interests really converge. We share a common commitment—the commitment to freedom, to liberty and to the welfare of humanity.

ALASKA NATIVE LAND CLAIMS

Mr. HARRIS. Mr. President, interest in seeing a fair and equitable settlement of the Alaska Native land claims is growing. People are beginning to realize that Congress has the opportunity to avoid repeating some of the mistakes that have been made in the settlement of claims of the American Indians. If we fail to set aside a sufficient number of acres in the settlement bill, Congress will be legislating out of existence the culture and way of life of the Eskimos, Aleuts, and Indians of Alaska.

In reaching a settlement of the Native claims, it will not be an act of charity on the part of Congress. We will hopefully be reaching an equitable compromise with the Natives, a compromise that hopefully will recognize the legal rights of the Natives to the land.

S. 835, which I, Senator KENNEDY and eight other sponsors have introduced would, among other things, set aside 60 million acres for the Natives, which is only 17 percent of the land they have legal rights to.

The distinguished senior Senator from Maine (Mr. MUSKIE) and the distinguished junior Senator from Minnesota (Mr. HUMPHREY) have now joined in supporting S. 835, and I ask that they be added as cosponsors.

An editorial appearing in the New York Times of February 28, 1971, supports the approach taken in S. 835, and I ask unanimous consent that the editorial appear at this point in the RECORD.

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

"TAKE OUR LAND, TAKE OUR LIFE"

Legally and morally, the Eskimos, Indians and Aleuts of Alaska can claim 90 per cent of that state's land. The Organic Act of 1884, which established the territorial government, properly acknowledged their rights, but in the ensuing 87 years Congress failed to convey title.

Now that it is about to do some of that conveying, the shocking question is whether the natives will get as much as 17 per cent of their land, which is what they are asking and what *Senator Harris of Oklahoma* would give them, or as little as 3 per cent, which is what they would get under the bill introduced by Senator Jackson of Washington.

The difference between the two approaches is far more than a question of accommodation on the one side or niggardliness on the other. It is a question of how much land the Eskimos, Indians and Aleuts need in order to live as they have always lived—by hunting and fishing—and whether they should be encouraged to retain that ancient pattern or be assimilated.

On the first of these questions, there is not a chance that the indigenous Alaskans could pursue their traditional way of life on the ten million acres which the Jackson bill offers. A reliable estimate is that a thousand acres are required to support one person, which is to say that the 60,000 natives need 60 million acres. That is precisely what they are asking.

With so meager a grant as the Jackson bill would provide, assimilation would be inevitable. Aside from the question whether it would be a boon (few American Indians ever found it such) who has any right to opt for that solution but the natives themselves? That they would do so is hardly indicated by their poignant battle cry: "Take our land, take our life."

ADMINISTRATION ON AGING

Mr. PERCY. Mr. President, I wish to commend the ranking minority member of the Special Committee on the Aging, the able Senator from Vermont (Mr. PROUTY) on his remarks yesterday. The Senator took note that the budget of the administration on aging had been cut back drastically and that many of its most effective programs will have to be eliminated. He also noted that the administration on aging continues to be downgraded within the Department of Health, Education, and Welfare, clearly disregarding congressional intent.

It is my hope that in this year of the White House Conference on Aging, the Congress and particularly the Senate will give close and careful attention to the problems of our senior citizens. We cannot continue to pass over this large and growing segment of our population that contributes so much to the richness of our life.

There must be a complete review of our national policies toward the aging and an effort must be made to deal comprehensively with the needs of the elderly. The place to begin, as my distinguished colleague noted, is with changing the proposed budgetary reductions for the administration on aging.

I view this as only a first step, however, toward fashioning a new, forward-looking national policy for our senior citizens, one which will offer the promise at least of the necessities of life and dignity they so richly deserve. This is what I shall strive for as a new member of the Special Committee on the Aging.

PROTECTING THE WHALE

Mr. NELSON. Mr. President, I was pleased to read in the Washington Post of this morning that the Secretary of Commerce has moved to protect one of our vanishing mammals, the whale.

Following the courageous action of former Secretary of the Interior Walter J. Hickel last December in placing on the endangered species list the three species of whales now sought by commercial whalers, a move which I urged in August of 1970, the Department of Commerce has now announced that it will terminate licensing to hunt these three species—the finback, sei, and sperm whale.

Recent studies have shown that the very survival of the whale has been threatened by the commercial exploitation of man. It is heartening to see that this situation and its seriousness has been recognized by the U.S. Government, and that our commitment to the preservation of endangered wildlife such as the whale is growing.

I ask unanimous consent that the article from this morning's Washington Post, "Stans' Order Bars Whale Hunting," and an article from the February 15, 1971, St. Louis Post-Dispatch, "Protection of Whales Assailed," be printed in the RECORD at this point.

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

STAN'S ORDER BARS WHALE HUNTING

(By Elsie Carper)

The Commerce Department ended yesterday one of the country's oldest and most romantic industries, the hunting of whales for the commercial market.

Secretary of Commerce Maurice H. Stans issued an order that will terminate licensing to hunt the remaining three species now sought by commercial whalers—the finback, the sei and the sperm whales.

The three were put on the endangered species list by the Interior Department last December along with the rarer bowhead, blue, humpback, right and gray whales, already protected by international agreement.

Once a major industry, whaling has declined until only one company, the Del Monte Fishing Co., operating out of San Francisco Bay, is affected by the order. The company sends out charter boats to bring in whales that are processed on shore for animal food and lubricating oils.

In the past the great whaling industry provided wax for candles, oil for lamps, bones for a lady's corset and musty amergris for perfumes.

Whaling as an industry began in early colonial days but reached its peak in the mid-19th Century. Great fleets of boats sailed out of the New England ports of New Bedford and Nantucket and roamed the world. Whaling became synonymous with courage as seamen pursued the whales in open boats with hand-held harpoons.

Herman Melville raised whaling to epic proportions in his narrative "Moby-Dick," and the ill-fated hunt of Captain Ahab for the white whale that cost him a leg.

Much of the romance and danger went out of whaling with the invention of the cannon-fired harpoon with the explosive tip. The harpoon is fired from a ship into a surfacing whale and explodes inside, guaranteeing a kill. The method has been so effective that voluntary restrictions were set up under an international convention to save various species from extinction.

During the current year the United States was given a quota of 40 finbacks, 51 sei and 75 sperm whales.

In issuing the order, Stans said that for the first time in almost 300 years no whaling ships will be operating from what is now the coast of the United States.

The order will be published in the Federal Register and after 30 days for comment the Secretary will issue a final order. It is a follow up to the directive issued last December by then Interior Secretary Walter J. Hickel designating the whales as endangered species.

This barred the importation of products made from the named species of whales but did not end the small U.S. whaling industry.

In his order, Stans said that the Com-

merce Department is vitally concerned with the economic health of all U.S. business, but is also firmly committed to sound conservation practices.

"In the past," he said, "thoughtlessness and irresponsibility have removed no fewer than 120 different species of wild life from our planet."

PROTECTION OF WHALES ASSAILED

(By William K. Wyant, Jr.)

WASHINGTON, FEB. 15.—Modern whaling techniques have converted the world's oceans into a vast slaughterhouse. Former Secretary of the Interior Walter J. Hickel moved to protect whales last November, shortly before he was fired, and the new Secretary, Rogers C. B. Morton, will support the action.

Hickel's gesture on the whales' behalf brought an anguished outcry from some segments of American industry and from the Department of State. It banned imports of whale products, thereby extinguishing 30 per cent of the world whale market.

The instrument Hickel used was the Endangered Species Conservation Act, which took effect last June 3. His successor, Morton, was cosponsor of the legislation as a Republican Representative from Maryland and is expected to use vigorously the powers it grants.

Under the law, the Secretary of the Interior has the power to determine that a species or subspecies of fish or wildlife is threatened with world-wide extinction because of various factors, including overhunting for commercial or sports purposes.

The Secretary has no bite outside the United States and its waters, of course. But the law gives him a powerful economic weapon: The importation of any fish or wildlife that he has determined to be in danger of extinction is banned. In this and other ways he can encourage foreign nations to co-operate.

Former Secretary Hickel, who was dismissed by President Richard M. Nixon on Nov. 25, announced the day before his ouster that he had placed eight species of whales on the endangered species list as a first step in preventing their disappearance from the seas.

On Hickel's list were not only the relatively rare bowhead, blue, humpback, right and gray whales, but also the three species that are the only ones now seriously pursued by the world's commercial whalers—the finback, sei and sperm whales.

Hickel noted that certain interests had urged him to keep the finback, sei and sperm whales off the list until it could be proved that they were about gone. He said he was not going to wait until that time.

What the law clearly intended, Hickel argued, was that action be taken to prevent conditions leading to extinction rather than delay things until after the whales, or whatever, were on the point of following the dodo and the passenger pigeon to oblivion.

"It is also clear," Hickel said, "that if the present rate of commercial exploitation continues unchecked, these three species will become as rare as the five others."

The chief use of sei and finback whale products in the United States is for cat food, Interior Department officials said. Sperm whale oil is prized for use in automatic transmission oils and other lubricants, and in processing leather.

If existing American importers of whale products can show economic hardship, special permits will be issued setting aside the ban for up to one year from its effective date last Dec. 2. After that apparently, no more whale products will be coming into the country.

The United States whaling industry is virtually nonexistent, although there is still a small station on the West Coast. The Soviet Union takes about 43 percent of the world catch, Japan 42 percent. Peru, South Africa, Norway, Canada, Australia and Spain are the other whaling nations.

London is the headquarters for the International Whaling Commission, of which this country is a member and strong supporter. It seeks to limit catches and curb the rapacity of the hunters, but has not been very effective.

In the early nineteenth century, American sailing ships from Nantucket and other New England ports roamed the seas in search of oil for lamps and spermaceti candles, and whalebone for corset stays. The harpooned whale in that period had a fighting chance and there was romance in the trade.

The Nantucket whale ship Essex was sunk by an 85-foot sperm whale in 1820, somewhere between the Galapagos and the Marquesas Islands in the Pacific. The crew set out for land in three small boats. Seven were eaten by their shipmates, and only nine survived.

Nowadays the Russians and the Japanese have whaling fleets of impressive size and efficiency. The industry is modernized and mechanized, with swift catcher ships and floating factories that dispose of a whale carcass in half an hour—all 80 tons of it. The whalers have radar and helicopters. The harpoon is cannon-fired and has an explosive head.

The greatest whale fisheries are in the North Pacific and the Antarctic. A ruthless, relentless pursuit has bloodied the sea. Blue whales, four times the size of the largest dinosaur, have been reduced to a population estimated at 600 to 6000. In 1930-31, the world catch of blues was 30,000.

On Jan. 4 the two chief domestic refiners of sperm oil, Archer Daniels Midland Co. and Werner G. Smith Inc., filed a petition with the Secretary of the Interior asking that he reconsider putting the sperm whale on the endangered species list.

The two companies, represented by the Washington law firm of Covington & Burling, argued that the sperm whale was not threatened with worldwide extinction. They warned also that Hickel's action would disrupt the work of the International Whaling Commission and have a harmful effect on conservation of sperm whales.

Among conservationists and a legion of whale admirers, however, there has been nothing but applause.

REVENUE SHARING IN AREA OF CRIME CONTROL AND CRIMINAL JUSTICE

Mr. SCOTT. Mr. President, local and State governments throughout the Nation have long faced serious difficulties in raising enough revenue to provide for needed services. In one area—that of law enforcement and criminal justice—the needs have been particularly acute. Crime grew enormously, especially in the decade of the 1960's, and the resources to combat it usually were not equal to the task.

This is one of the reasons why I see unusual significance in the proposal delivered to Congress by President Nixon for a Special Revenue-Sharing program in the area of crime control and criminal justice.

This program, if enacted, would provide not only the funds for more dynamic crime control measures at the local level; it would help provide the impetus for improvements that full responsibility can bring.

Despite the reluctance of some to recognize the facts in the past, there no longer is any real debate over whether there is a crime problem. There is no debate over how serious it is. Crime does exist, and it is a grave problem. The question before us now is how to deal with crime on the most rational, effective basis possible, and how to reduce it on both a long-term and short-term basis.

Through programs either developed or expanded by President Nixon, great strides have been made against crime in the past 2 years. A major vehicle for this work has been the Law Enforcement Assistance Administration, which provides large-scale financial assistance to State and local governments for criminal justice improvement programs.

Most of the LEAA's funds are awarded in the form of block action grants, and Mr. Nixon gave firm support to that concept when Congress was debating in 1968 the form the program should take. LEAA has been effective. But the concept of Federal assistance for local crime problems can be made even more effective under the Special Revenue-Sharing program submitted today.

Congress recognized in the Omnibus Crime Control and Safe Streets Act that crime is primarily a State and local problem, and its control and eventual reduction must be primarily a State and local responsibility. This does not mean there is no Federal role. There is—that of a partner providing financial and technical assistance. But how can that aid be most meaningful; how can it be used to bring the fastest results?

Those ends are best reached, in my view, through special revenue sharing. Let me cite one example of what I mean. Under the current act, the Federal Government provides only part of the funds. It is a major part, to be sure—75 percent in most instances. But State and local governments, whose budgets already have often stretched to the breaking point, are required to provide a substantial share.

The special revenue-sharing program will mean, among other things, that State and local governments will no longer have to provide any matching funds for money they receive from what are now termed block action grants. Once freed of this matching requirement, which in some cases has been a real obstacle to progress, the States and localities will be free to get on with the job.

Equally important, they will have a new, greater measure of responsibility—in fact, nearly complete responsibility. That can serve as a great spur to achievement. It also will bring this aspect of government much closer to the people. And when government is brought closer to the people, it is more responsive and their great needs are better served.

I wholeheartedly support the concept of revenue sharing, and I am particularly enthused by this special revenue-sharing program in the crime control field. It will enable every State, every locality, to fashion their anticrime programs to their own particular needs.

OLDER AMERICANS ACT FUNDING

Mr. HARTKE. Mr. President, one of the most neglected segments of our population has been the older American. After years of making a very positive

contribution to our society, he finds himself forgotten by the very people he has benefited.

With the sweeping enactment of the Older Americans Act in 1965, and the sweeping amendments adopted in 1969, the Congress took a very progressive step toward meeting the needs of senior citizens. Under that act, more than a million older Americans have been served with programs such as counseling and transportation services, recreation programs, employment services and many others.

I am, therefore, very concerned, Mr. President, when the administration's fiscal 1972 budget request for the Older Americans Act is a mere 28 percent of the authorized funding level under that act. This represents a move backward to the pre-1969 funding levels.

For senior citizens in Indiana, the proposed cutback will have catastrophic results. In 1971, title III community grants under the Older Americans Act were funded at a level of $188,462. The administration's budget request for 1972 is only $111,964—fully a 40-percent cutback.

Mr. President, when the $29.5 million which has been requested for programs under the Older Americans Act is considered together with the hopelessly inadequate increase proposed for social security benefits, it is obvious that the administration accords the senior citizens of this Nation a low priority.

I believe that this is an important subject which deserves the bipartisan concern of every Member when the appropriations bill is considered.

THE ICC

Mr. BROCK. Mr. President, recently I received a letter from Floyd L. Holt, traffic manager of the Reichhold Chemical Co., located in Grand Junction, Tenn. The letter requested my support for continued viability of the Interstate Commerce Commission. I referred this letter to ICC Chairman Stafford; and in reply, received a statement which I feel should be brought to the attention of my distinguished colleagues in the Senate.

I have been aware for some time of the various moves afoot to discredit that agency, and I feel that my constituent's letter and the ICC's response merits being corporated into today's RECORD.

Mr. Holt's letter and Chairman Stafford's response follow:

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

REICHHOLD CHEMICAL, INC.,
Grand Junction, Tenn., January 22, 1971.
Hon. WILLIAM E. BROCK III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROCK: As you are aware, there are various moves afoot to discredit or do away with The Interstate Commerce Commission.

There can be no doubt that some improvements are in order. However, as a general rule, The commission has done an adequate job considering the limitations within which they have to operate.

I believe that to do away with The Commission would result in chaos, not only for the transportation industry, but for the general shipping public as well. Unregulated competition would for all practical purposes eliminate the small "feeder line" carriers almost immediately. The larger carriers left would then virtually have the shipping public at their mercy. They could literally dictate to the public what commodities they would or would not handle, also from and to where they would transport them. They could also control to a large extent the location of industrial plants and expansion. Some large Common Carriers are at present exercising unprecedented selectivity in their choice of commodities and services which they desire to extend to the public. Many carriers are limiting their service to a two line haul now.

The Interstate Commerce Commission was formed in the beginning to protect the shipping public from abuses of the then powerful transportation industries. At present, these same industries have for all practical purposes eliminated all less carload shipments. This has caused manufacturers to look elsewhere for their distribution needs. Many of these same carriers are in financial difficulty at this time. They are very quick to blame regulation for their predicament. We, in industry have no such scapegoat for our ineffective management.

Another example of the trend of the "Regulated" Common Carriers is a large southern truck line which has authority to serve many states east of the Mississippi River. This carrier has 140 terminals and agencies located in these states. Yet they have issued tariff restrictions to their authority limiting it to single line operation within the south. In other words, they must originate and deliver the shipment within this territory, or they will not handle it at all. There are so many other carriers restricting the authority to two line hauls, and specific commodity restrictions, that it is becoming increasingly difficult for even a trained tariff user to read and interpret the tariffs.

Many industries have located plants in local communities outside of the large Metropolitan areas. This has been good, both for the small community and the industry. However, many of these plants are experiencing extreme difficulty getting transportation services under the present conditions. Many have been forced to turn to Private Carriage or Transportation Cooperatives to get their goods to market. If the Commission is done away with, these plants will eventually be forced to close their doors and move back to Metropolitan areas, where line haul service is available. This has already become a necessity in some instances.

The Commission at present, is investigating under several Dockets these service restrictions. However, they are only able to go as far as they have staff and funds available. They are attempting to have the Industrial and Transportation industries themselves develop records of service failures. This would work if properly policed, and if each of these industries would be willing to go to the additional time and expense of assimilating this information. Any decision on matters of this magnitude will require volumes of documented proof. It requires the time and staff necessary to investigate these problems in order to arrive at fair and equitable adjustments for all concerned.

Senator Brock, The Commission is fulfilling a definite need in our economy, and should be supported and augmented if necessary, by all interested parties. Your support of the Commission at this time would be of great importance to The Commission, The Shipping Public and The Common Carriers themselves.

I will be glad to offer my help in any way that you feel would be necessary.

Yours very truly,
FLOYD L. HOLT, Jr.,
Traffic Manager.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 26, 1971.
Hon. WILLIAM E. BROCK III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROCK: Thank you for your recent communication enclosing a letter dated January 22, 1971, which you received from your constituent, Mr. Floyd L. Holt, Jr., traffic manager of the Reinforced Plastics Division of Reichhold Chemicals, Inc. As a shipper representative, Mr. Holt expresses his concern about a number of the major transportation problems which this Commission currently is endeavoring to resolve, and urges your support for continued Commission regulation, without which he believes these problems would become insurmountable.

It is indeed encouraging to receive Mr. Holt's thoughtful letter in support of our continuing duty under the Interstate Commerce Act to regulate the surface transportation industry, upon whose services the traveling and shipping public must depend, in the public interest and in keeping with the National Transportation Policy declared by the Congress. This is especially so at the present time when proposals for the abolition or radical altering of virtually all regulatory agencies, which proposals have persisted since at least 1937,[1] have found new and more earnest followers who believe that the answers to our Nation's transportation problems can be found in this simplistic solution.

Mr. Holt, I believe, has successfully answered these critics. Neither the abolition nor the dismemberment of the regulatory agencies—nor, indeed, the massive emasculation of the laws they administer—will improve transportation in America. And neither will the outraged condemnation of Government action or inaction obscure the blame that must be shared by all those directly involved with transportation—carriers, shippers, and employees—who have pursued their own self-interests at the expense of the public welfare. This is not to say, however, that the existing transportation laws and machinery for implementing them cannot stand revision and substantial improvement, or that more cannot be done by this Commission to channel these individual, and often conflicting pursuits in the direction of the greater good.

To the contrary, at this time when the very ability of the government to govern is being challenged on nearly all fronts, we are expending every effort to establish that we are able to regulate surface transportation for the good of all and not just those who would profit from it. In this regard, we have initiated a number of broad investigation and rulemaking proceedings, each of which is designed to alleviate specific aspects of the transportation difficulties with which shippers and carriers are confronted today, and to expedite the further development of a national transportation system fully responsive to the ever-evolving transportation requirements of our Nation's shipping public. These proceedings range from those dealing with carrier traffic selectivity, with which Mr. Holt is primarily interested, to those concerning ecology, consumer affairs, and equal employment opportunity.

Thus, like Mr. Holt, we are vitally concerned about the problems posed by the natural inclination of carriers to handle only the more remunerative traffic at the expense of the smaller shipments which are more costly to handle and which result in lesser returns to the carrier, viz., the small shipments problem. Such carrier discrimination, whether practiced in the form of service refusals or through the instrumentality of tariff or other restrictions, represents a

[1] The President's Committee on Administrative Management in that year recommended the abolition of the administrative agencies and their absorption into the Executive Branch.

major impediment to the progressive development of a contemporary, balanced national transportation system. As a consequence, this Commisison has taken the lead in attempting to cope with the resulting deterioration in the handling of small shipments which are very important to the small businessman and to the individual. In 1970 we instituted Ex Parte No. MC–80, Maintenance of Service Request Records by Motor Common Carriers of Property, to consider the feasibility of requiring motor carriers, whose services are particularly attuned to the transportation of small shipments, to maintain a daily record of requests for service and to explain their failures to respond to such requests. This proceeding is intended to complement both the rule adopted earlier in 1970, in Ex Parte No. MC–77, which prohibits motor common carriers of property from maintaining tariffs which restrict their services to something less than their full certificated operations, and the decision in *National Furniture Conference* v. *Associated Truck Lines*, 332 I.C.C. 802, which prohibits the selective cancellation of thorough routes and joint rates. With regard to joint-line transportation, this Commission is also presently studying the use by motor carriers of tariff restrictions which limit through service to two or three connecting lines. It is hoped that a definitive policy statement with respect to these limitations, about which Mr. Holt has expressed considerable concern, will be forthcoming very soon.

Although carrier traffic selectivity affects the entire shipping public to some extent, it has a more acute impact upon certain segments of our Nation's shippers whose traffic is among that which an increasing number of carriers apparently do not wish to handle. One such segment is comprised of manufacturers and receivers of new furniture. To enable us to evaluate their special transportation problems with a view toward prescribing appropriate remedial measures, we have under consideration a rulemaking proceeding initiated by us in Ex Parte No. MC–72, Motor Service on Shipments of New Furniture. More recently, because of our concern about the increasing reluctance or refusal of regulated carriers to handle C.O.D. shipments as well as carrier proposals to require that freight charges on all shipments which they handle be prepaid, we instituted Ex Parte No. 272, Investigation into Limitations of Carrier Service on C.O.D. and Freight-Collect Shipments, to study these practices and to determine what remedial action should be taken.

In addition to those dealing with carrier traffic selectivity, there are other general proceedings which directly affect the interests of consumers. Foremost among these is a series of proceedings dealing with the transportation of household goods. Recently, in Ex Parte No. MC–19 (Sub–Nos. 8 and 11), we revised our regulations governing the practices of interstate movers of household goods to afford greater protection to householders. The new regulations became effective June 1, 1970. Among pending Commission proceedings which involve the transportation of household goods is Ex Parte No. MC–19 (Sub–No. 9), initiated in 1969, wherein we will determine whether we should further regulate and control agency relationships existing in the regulated household goods moving industry. Our interest in this question has been prompted basically by the fact that householders usually do not negotiate directly with the national van lines, but instead deal with their agents, the majority of which are small motor carriers serving a limited geographical area, in arranging the interstate movement of household goods. Also related to the carriage of household goods is Ex Parte No. MC–19 (Sub–No. 13), Petition for Declaratory Order-Household Goods Freight Charges, where we will determine whether a shipper of these goods must pay freight charges, or any portion thereof, to a carrier for services from origin to intended destination after the shipment is totally destroyed in an accident en route. It is believed that resolution of this issue will permit more expeditious and equitable settlement of future claims of this type. With regard to loss and damage claims generally, there is also pending at this time Ex Parte No. 263 wherein we are investigating the rules, regulations, and practices of all regulated carriers with respect to the processing of loss and damage claims, with a view toward taking such further action as our study of these matters discloses is justified.

Our desire to meet the challenge of contemporary situations and to make transportation more responsive to the needs of the shipping public extends equally to the level of rates published by all carrier industries. Among our most current undertakings in this area are Ex Parte No. 270, Investigation of Railroad Freight Rate Structure, and Ex Parte No. 271, NET Investment-Railroad Rate Base, wherein the more significant aspects of railroad freight rates will be closely examined and considered.

Our enthusiasm for self-improvement has also prompted us to go beyond those matters which are primarily substantive in nature into the realm of procedure. To ensure that each party to a proceeding has access to all pertinent information and to aid in developing the fairest and most complete record that may be compiled in each case which comes before this Commission, we are striving to develop more effective and efficient discovery devices. In furtherance of this objective, we have undertaken an investigation of our discovery rules in Ex Parte No. 55 (Sub–No. 3). We are continually striving to update and improve our procedures, and a number of other procedural modifications are now under study. We are convinced, however, that the door to the administrative decisional process must always remain open to those who cannot afford to have talented counsel, for these are the very persons who administrative agencies such as this Commission were initially created to hear without the aid of a go-between.

In keeping with our public responsibilities, we also have initiated a staff study of equal employment practices within the carrier industries which we regulate with a view toward the institution of a formal investigation and rulemaking proceeding that would require all members of those industries to demonstrate their compliance with the relevant civil rights laws.

Mr. Holt, as one who is actively involved in the chemical industry, may also find it encouraging to know that this Commission is extremely interested in environmental protection and betterment. To encourage and support antipollution programs are the ultimate aims of the rulemaking proceeding, Ex Parte No. MC–85, Transportation of "Waste" Products for Reuse and Recycling (General Motor Carrier Licensing), which we initiated in December of 1970. As a direct result of our study in this proceeding, we hope to vitalize a transportation program which will lend support to plans for the reuse and recycling of waste materials.

It can thus be seen that this Commisison is dedicated to developing the best possible surface transportation system responsive to the needs of the traveling and shipping public of this Nation.

I trust that you will assure Mr. Holt that this Commisison shares his hope for progressive strides in the field of transportation, and that the abiding enthusiasm of this Commisison in bettering transportation is limited only by the bounds of the human and financial resources available to it. I also hope that you will encourage your constituent to participate actively in proceedings before this Commisison so that we might have the benefit of his views and insights.

I trust that the foregoing information will be helpful to you in responding to Mr. Holt's letter which, as requested, is returned herewith.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

REORGANIZATION OF THE EXECUTIVE BRANCH

Mr. SCOTT. Mr. President, an excellent editorial has been printed in the Los Angeles Times. I would like to share it with my colleagues, Mr. President. It is entitled, "Nixon's Shake-Up Deserves a Chance." It deals with the bold proposals by President Nixon to reorganize and restructure our burgeoning bureaucracy to make our system more responsive to the public, and at the same time, to take a businessman's view of providing these services. Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

NIXON'S SHAKEUP DESERVES A CHANCE

Hell hath no fury like that of a bureaucrat (or a politician) who sees his empire threatened. This being the case, President Nixon's blueprint of a far-reaching reorganization of the Executive Branch faces very rough going indeed.

Under the shakeup proposed by the President, the Department of State, Treasury, Defense and Justice would remain roughly as they are. The remaining departments would be swallowed up by four new superagencies:

A Department of National Resources, built around the existing Interior Department, to concern itself with the environment and natural resources.

A Department of Human Resources, to oversee health services, welfare, Social Security, education and manpower. Its core would be the existing Department of Health, Education and Welfare.

A Department of Community Development, for housing, rural and urban development and redevelopment. Into it would be absorbed the existing Department of Housing and Urban Development.

A Department of Economic Development, for maintaining and strengthening the American economy. Its core would be the Departments of Labor, Commerce and Transportation.

White House spokesmen note that there has not been a serious debate on the organization and management of the Executive Branch for nearly 20 years. During that time, the budget has increased from $42 billion to more than $200 billion, and the number of domestic programs has multiplied ten-fold.

Waste and duplication abound. Federal recreation areas, for example, are administered by five agencies in three departments. Nonmilitary public lands are managed by four agencies in two departments. Interior, Agriculture and the Army each have a hand in water and power projects.

Mr. Nixon is known to be exasperated, too, by the fact that the departments now tend to represent narrow vested interests, such as Agriculture for farmers, Labor for the unions and Commerce for businessmen. As a result, their clashing viewpoints can now be settled only at the White House level.

The proposed reorganization is intended to produce reconciliation of such conflicts within the departments themselves.

Another purpose, not so plainly stated, is to make members of the permanent bureaucracy more responsive to the President and

less to the special constituencies with which they identify themselves.

Mr. Nixon's plans for reorganization are well meant. Naturally there is room for some skepticism as to whether the reorganization plan would produce all the results desired—and whether, anyway, it is in accord with political realities.

Rep. Chet Holifield (D-Calif.) contends that the four remaining departments would be even larger and more unwieldly than their seven predecessors, and he may be right.

It is not clear, either, how you can deal with economic development without affecting areas of human development, community development and natural resources management—and vice versa. Overlapping is inevitable.

The more serious problems, however, are political.

Both the unions and business are said to fear, for example, that they would not be fairly represented in the Department of Economic Development. The farm bloc is not amused by the prospect of the Agriculture Department's being dismembered and scattered.

Congress and the lobbying industry in Washington are organized to match the existing governmental structure. Major changes in the Executive Branch threaten the whole committee system on Capitol Hill.

No wonder Senate Majority Leader Mike Mansfield predicts that the reorganization will bring out a "combination of lobbies the like of which Congress has never seen."

President Nixon argues that, while change is hard, "without change there can be no progress."

We hope Congress heeds his plea. Frankly, though, we can't help believing that the reorganization plan is more likely to end up as a historical footnote.

THE WAR IN SOUTHEAST ASIA

Mr. PELL. Mr. President, there appeared in a recent Saturday Review an article by Bill Moyers on the subject "Vietnam: What is left of Conscience?"

I must say I share his views in that today we are tending to simply put out of our minds and our consciences the barbarous acts being carried out in Southeast Asia.

In this regard, I also came across an article in Le Nouvel Observateur describing the habits of the Cambodians in decapitating their victims and cutting out their livers to eat. I believe each of us must come to our own conclusions with regard to these outrageous actions.

At this point I would ask unanimous consent that there be inserted in the CONGRESSIONAL RECORD the article by Bill Moyers along with the copy of the article that appeared in Le Nouvel Observateur.

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

VIETNAM: WHAT IS LEFT OF CONSCIENCE?

(By Bill Moyers)

(EDITOR'S NOTE.—The following guest editorial is by Bill Moyers, who served as White House press secretary under President Johnson until January 1967, when he left that post to become publisher of Long Island's Newsday. Since last April, Mr. Moyers has been traveling around the country gathering material for his new book Listening to America, which will be published next month by Harper Magazine Press.)

We do not yet know the full extent to which the war in Vietnam has affected our moral sensibilities, but we do know enough to be troubled. News of continuing death and destruction appears fleetingly in the press and is quickly forgotten. In a recent national poll, people said they are more concerned with the economy than with the war. When during a television interview reporters finally asked President Nixon a question about the war, he wondered aloud, with a smile, why they had taken so long to bring it up. A consensus has been reached that the war is winding down, at least our active combat role in it; last month when 300 bombers roared over the countryside of Indochina dropping tons of bombs, barely a peep was heard in the land. There was relatively little outrage over the Cambodian invasion until four students were killed by the National Guard at Kent State. Campuses are quiet, I suspect, because the threat of the draft is disappearing. Americans do not seem able to sustain indignation over a situation that does not cost them personally. We do not mind war as long as we do not have to look at its victims.

A committee of the American Association for the Advancement of Science recently reported that chemical herbicides used by the United States have poisoned some five million acres of South Vietnam—one-eighth of that country; that we have used six pounds of herbicides per Vietnamese, including children; and that the defoliation program, intended to deny food to the Vietcong, often destroyed the crops of the Montagnards, who are supposed to be on our side. Pictures of once fertile mangrove forests look like pictures of the moon. The report was like a rock dropped into a bottomless well. After the first burst of news coverage, hardly anyone paid any attention to it.

When Col. Robert A. Koob was selected foreman of the court-martial panel for the trial of Sgt. Charles E. Hutto, one of the soldiers at Mylai, he was asked by the chief government prosecutor if an enlisted man should be prosecuted if he shot an unresisting prisoner of war at the order of an officer. Colonel Koob was quoted by *The New York Times* as replying: "Since the time I entered the service, I was taught that a soldier was trained to shoot and kill. Haven't we trained soldiers to be responsive to orders?" Koob was also quoted as saying that "this is not a conventional war. We have to forget propriety."

The problem with the colonel's statement is that nations always "forget propriety" in the waging of war, whether they are sending V–2 rockets into London or dropping an atomic bomb on Hiroshima. In all wars, men have observed Seneca's proposition: "Deeds that would be punished by loss of life if committed in secret are praised by us when uniformed generals carried them out."

However, there are exceptions: Lieutenant Calley and others are on trial for what allegedly happened at Mylai. But even here something seems amiss. What do we learn about ourselves when we realize that for all the outcry over events at Mylai and Kent State the public remains quiet over the bombs that continue to fall indiscriminately—they might as well be labeled "Occupant"—on Indochina? Are we indifferent to the destruction our newspapers are unable to describe? Why is it that men like Calley should bear the brunt of punishment for what has been an official policy of mass and impersonal devastation waged in our name in Vietnam? Are they more guilty than the men who fly the bombers? Than the men who give the orders from Saigon or CINCPAC in Hawaii? Than the men who make the policy in Washington? Than all of us?

I do not know how to deal with the dilemma of such questions. Collective guilt, like a trillion-dollar economy, is of such scope as to stagger my mind. I grew up believing in personal responsibility and individual guilt. Much of the country did, too, which perhaps explains why so many seem so little troubled by the anonymous and abstract manner in which we have destroyed so much of Vietnam in order to save it; in the diffusion of responsibility there is comfort. Perhaps it also explains our willingness to permit the Calleys to be scapegoats through whose sacrifice the rest of us arrive at some atonement. Seeing Calley on television as he is entering or leaving the place of trial, I sometimes find myself wishing the worst for him; the acts of which he stands accused seem so heinous a departure from propriety. But in the next moment, realizing that I have never been in war, have never been asked to kill for society, I am engulfed by sympathy for him, not willing that he alone of all of us should be judged.

Perhaps it is these moral doubts to which Colonel Koob unwittingly referred when he said Vietnam is "not a conventional war." Americans have fought brutally in other wars. This is just the first time we have been forced to concede the brutality so frankly and publicly, the first time we have fought with a nagging conscience openly displayed on television, the first time we have acknowledged in such a wholesale way the discrepancy in justice for the individual soldier who kills in our behalf and the anonymous men who from 30,000 feet carry out official policies of mass destruction, also in our name. We have abandoned propriety before; we have never before doubted the reason for doing so, as we doubt it now.

No wonder our armed forces are being shaken. "The Troubled Army in Vietnam" was the title of a recent cover story in *Newsweek*. But we should not be surprised. War is so total a departure from the traditions of civility men have labored for centuries to achieve, so consuming in its requirement that ordinary men inflict upon one another such extraordinary terror that an army can never again be the same once its troops are denied general confidence that their cause is just. A totalitarian government can march men to war under threat of death; better to take one's chance with an uncertain fate on the battlefield than to die certainly at home by the hand of your own master. But if tyranny can force men to become killers, a democratic government must persuade its citizens that killing in behalf of their government is, in the nature of things, justifiable. Conscription in our kind of society can only work well when sufficient numbers of men believe they would not be asked to kill unless their leaders knew what they were doing. When enlisted men lose confidence in the rationale of the policy and begin to wonder if the killing is worth it, discipline and morale inevitably suffer.

Vietnam has demonstrated that Nietzsche was wrong; a good war does not "hallow every cause." War can defile a cause as it can degrade the men who fight it. Old war movies to the contrary, men who look down the barrel of a gun at another human being, intending his death, want to believe that the irrevocable act they are about to commit has grounds more defensible than the exhortation of politicians. When by intuition, observation, or experience they begin to suspect that the brutality being exacted of them is not only not heroic but futile as well—it will not accomplish what their leaders said it would accomplish, it cannot stay the forces of history—no Congressional resolution or Presidential order can make right to such men what their consciences suggest is wrong.

War is the means by which a government can sanction our worse nature, enabling us to do collectively what singly we would abhor. But men have consciences if governments do not, and when the sanction of the state runs out, men remember what they did and what they became under its protection. This is why governments should not expect men lightly to go to war; governments never feel the need for forgiveness, but men do. If

Samuel Johnson was correct when he observed that "every man thinks meanly of himself for not having been a soldier," governments ought not to require a man to act in such a way that he will think meanly of himself for having been a soldier. "In becoming soldiers," Cromwell's troops petitioned Parliament, "we have not ceased to be citizens."

When men are asked to forget propriety on a scale that challenges the fragile moral values by which they maintain some sanity and some dignity, many things can happen. Some will become more soldier than citizen—as may have happened at Mylai. Some will resist the right of the government to ask of them such an offense to what the Levelers called their "self-propriety" and will seek refuge in Canada or elsewhere. Some are never bothered because in handling the impersonal instruments of war—bombs and herbicides—they are never confronted with the particular consequences of their acts, the charred bodies of the victims or the Montagnard family without food. "I could take it," a young veteran told me last summer, "only because I was in the artillery. I never had to worry about who we hit. It might have been Charlie, it might have been somebody else. We never knew who we hit, so pretty soon we just stopped wondering. That was the best way for everybody."

Still others respond by becoming less soldier, less citizen. A Department of Defense task force reported last week that drug abuse among American military personnel in Vietnam has become a "military problem" for which no effective solution has been found, partly because many enlisted men want so much to get out of the service that they are prepared to risk less than honorable discharge to do so. According to *Newsweek*, since last June "the United States Army . . . has been seen the time-honored medal-award system badly tarnished, witnessed large numbers of its troops take to drugs that are prohibited back home, and experienced a measurable decline in discipline and morale."

For a conscripted army, the only thing worse than defeat is the doubt that it should be fighting at all. There is a limit to how much savagery ordinary men in uniform can either absorb or inflict. Sooner or later they will stop wondering, stop caring, or go mad.

At home, we have also experienced "a measurable decline in discipline and morale." We have turned upon each other in spiteful and accusing fashion, which has resulted in violence, division, charges of intimidation and conspiracy, increased surveillance by the state of its citizens, and increased suspicion of the state by the citizen. Most disturbing of all is the ease with which so many tend to suppress their indignation when they are not personally affected by injustice and suffering. Such is what happens when in the name of its ideals a nation has to "forget propriety." Nations cannot abandon civility abroad and remain civilized at home.

[Le Nouvel Observateur, Jan. 11, 1971]

WHAT I BROUGHT BACK . . .

THE LIBRARY OF CONGRESS,
Washington, D.C.

Dieter Ludwig, a German reporter, has returned from Indochina. Here are his report and photos—intolerable.

I arrived in Saigon on May 8, 1970 after American troops had entered Cambodia.

I started to work as a photographer for the American agencies, Associated Press (A.P.) and United Press International (U.P.I.), and accompanied the American units on their combat missions and, particularly, on those called "search and destroy," that is, missions whose objective is to search for and to destroy the enemy.

After the withdrawal of the American forces from Cambodia, I carried out several reporting missions inside Vietnam. Then, I followed the South Vietnamese troops that returned to Cambodia. When I learned that the military operations were much more forceful on the left bank of the Mekong, I proceeded to Phnom Penh in August. From that time on my job was to accompany the government Cambodian troops on their missions.

WITHOUT AMMUNITION

When I decided to follow the Cambodian units, I hoped I would bring back some real action shots. Indeed, I was to bring back more of those photos than I had ever expected. "If you think you'll be able to work here as you did in Vietnam, you'll soon be reshipped home in a plastic bag," my friends in Phnom Penh had told me. This warning was not as exaggerated as I had first thought it was. During an exchange of small arms fire in the vicinity of Siem Réap, I joined a group of eight government soldiers who tried to reach an enemy position by worming their way along a small canal. Within fifteen minutes, four of them were killed and one was wounded. While the group was withdrawing, its leader was hit by a bullet in his buttock. When we two were under cover, I took his picture that showed him lying on the ground with clasped hands and murmuring a prayer.

I don't know why he prayed but this I know without a doubt: the leaders of the small Cambodian army pray when they need helicopters and arms. A battalion commander almost cried when he told me that a certain number of his men were killed by the Vietcong simply because they had run out of ammunition. The same thing happened to the 95th Battalion on November 9, 1970, when North Vietnamese forces attacked Trang (near Kompong Cham). After a fight that lasted eight hours, the men ran out of bullets and those who were still alive owed their lives to the fact that they ran away.

On November 22, the 6th Paratrooper Battalion ran into an ambush that was set up on a stretch of five kilometers along National Route 7, west of Prey Totang. Most of the men, charged to operate mortars and machine guns, did not carry individual arms with which they could defend themselves. The battalion did not have one single radio set for communcation with other units. As a result, the soldiers took off in every direction. Some even covered the distance of one hundred twenty kilometers that separated them from Phnom Penh where they were found a week later.

Situations of this sort become even worse on account of the fact that Cambodian soldiers are accustomed to take their wives and children with them when they go to war. I can never forget that morning after a mortar attack, carried out by Communist forces on O-Day (National Route 7), when we counted five dead and forty-eight wounded of whom more than half were women and children. Two days later, Cambodian soldiers discovered a family of six peasants that had been murdered by the North Vietnamese apparently because they were seen being friendly to the government troops.

MANHUNT

It wasn't the first time that I had seen civilians killed by the North Vietnamese. But I also saw South Vietnamese soldiers kill unarmed and visibly innocent Cambodian peasants and the same sort of peasants being tortured by government soldiers. I, especially, remember a scene that I had personally witnessed, when I accompanied a Cambodian patrol on National Route 7 in the vicinity of Shoun. While approaching a small village, we saw people running across the road and disappearing in the houses. Obviously, there were no soldiers among them and we didn't see any of these people carrying arms. This didn't prevent the Cambodian soldiers from putting a 60 [mm] mortar into position and bombarding the village. Meanwhile, another armed group encircled a small house located outside the village, opened up with automatic arms and a M 79 grenade thrower until the house collapsed. Nobody returned the fire from the house and after a few minutes of searching the soldiers found a man trembling and sitting in a hole filled with water. When they pulled him out, his face expressed an indescribable fear. He clasped his hands and asked for pity. They beat him and then one of the soldiers pointed his rifle at the prisoners' head. The poor man was frightened out of his wits. I had the feeling that they would have killed him, had they not been restrained by the presence of a journalist.

A little later, the battalion commander arrived and, considering that the man and seven other prisoners were innocent, he released them. Here again, I had the clear impression that the officer had acted only in this fashion because I was there. My impression was confirmed when, a few days later, a Cambodian journalist reported that he had seen the paratroopers, whom he was accompanying, kill on their march all those who looked suspicious to them.

But the most horrid spectacle I had ever seen took place on November 23 in Mien (National Route 7, between Shoun and Kompong Cham, at about 120 km from Phnom Penh).

HEADHUNTERS

A lot of fighting had been going on in Mien and its surroundings where important North Vietnamese forces had stopped a detachment of the Cambodian Army that was moving toward Kompong Cham and where B-57s and F-4 Phantoms of the American Army had bombarded the Communist positions for many days. Most of the positions were intact but the village, on the other hand, was totally destroyed.

It was afternoon and I had a glass of tea with the detachment leader in his command post at O-Dar, when I heard rifle fire coming from the direction of Mien which was located at approximately 2,500 meters from our position. When I arrived, soldiers pointed in the direction of the edge of a forest where one of their patrols was engaged. I ran across the rice fields and joined the men who were pursuing enemy soldiers. They killed three of them and captured a fourth soldier later.

Back in the village, the battalion commander ordered that the wounded North Vietnamese soldier and prisoner immediately receive the necessary attention. Then, while turning to me, he smilingly asked me to take pictures. He knew very well that two days before I had taken pictures of Cambodian soldiers ill-treating a seriously wounded North Vietnamese. It was therefore appropriate to show the "good side of the war", that is, to take pictures when a prisoner was being treated correctly. But, when I was about to take the pictures, I heard repeated shouts. They came from a second patrol that was returning from a mission. With outstretched arms the men were brandishing four Vietnamese heads. I was used to this sight of cut-off heads but on that day I saw something that made me vomit: one of the young soldiers was holding a liver in his hands—a human liver.

I have often heard that the Vietnamese and the Cambodians eat the liver of their dead enemies believing that they would thus take possession of their strength but I had never met anyone who had personally watched such a ghastly scene.

BE MY GUEST

Following the soldiers who just arrived, I saw them throw the heads on the bodies of the three Vietnamese that had been brought in by the first patrol. Then, I went back to the wounded prisoner but I soon learned that the commander had slapped a soldier who had tried to open one of the corpses with a kitchen knife. Thereupon I returned to the place where I noticed a bunch of soldiers and I just arrived in time to see one of them leaning over a corpse. He had removed his shirt and his forearms were covered with blood. The corpse had two large holes below

the chest and the "butcher" was getting ready to cut out the liver, when he noticed me; immediately, he dropped the organ which he was holding in his hand and stood up with a leap. I took a picture of him while he was still holding the knife in his hand and another photo that showed him hiding the knife behind his back (see photos).

Another corpse had likewise been opened but the work on it had not yet progressed as much. When they saw me taking pictures, the soldiers started throwing sandals on the corpses so as to hide their wounds. Obviously, my camera brought them up against a problem. Most of them felt embarrassed and tried to leave. But others looked perfectly quiet. I returned the smile of one of them:

"Do you eat liver."

"Oh, sure."

"And how do you prepare it."

"We cook it with vegetables."

"What sort of vegetables."

"Oh, Cambodian vegetables. It's very good. If you want to taste it, be my guest."

I turned down the invitation.

DIETER LUDWIG.

THE STONES ARE STILL THERE

Mr. GRIFFIN. Mr. President, a war of words has been raging over the use of marihuana.

The national discussion is far from over. While additional evidence will come to light and should be considered, for the present at least I count myself among those who believe the use of marihuana should not be legalized.

Important information which fortifies my view is included in several editorials that appeared recently in the Muskegon, Mich., Chronicle.

Mr. President, I ask unanimous consent that two such editorials be printed in the RECORD.

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

MARIJUANA MAY MAKE YOU A PSYCHOLOGICAL CRIPPLE

The answer to the drug abuse problem, here as elsewhere, is in education, and we cite in these columns—hoping that parents will bring the information to the attention of their teen-aged sons and daughters—testimony on the effects of marijuana presented recently to a special subcommittee of the House of Representatives.

The witness was Dr. Sherman N. Kieffer, associate director for patient care at the National Institute of Mental Health, whose research and findings strongly support the behavioral observations made earlier by others that one of the chief dangers of marijuana use is that it can result in lasting psychological damage by turning young people away from mental growth and personality development during a very critical period of their lives.

What Dr. Kieffer says in part is that it is natural, normal and necessary for a teenager to face and learn to solve a seemingly endless series of problems in the years between 13 and 19.

If he does not grow through this process (agonizing to most teen-agers and their parents), he does not grow up.

He may therefore not be able to meet the normal problems and crises adults must cope with—the setbacks and sorrows of life which usually are interspersed with success and other pleasures.

Dr. Kieffer suggests that if a young man (or woman) regularly use marijuana to sidestep these mental struggles, he can quite possibly grow up to be a psychological cripple.

The demonstrable danger, then, is psychological. And it is serious enough—whether or not current medical research turns up evidence that the active ingredient in marijuana is harmful to the body—to warrant all of the public concern so far expressed over its use.

Personality does not grow in a drug-befuddled mind. But read Dr. Kieffer's own words on marijuana for yourself and come to your own conclusions. He has had access to the latest research reported.

". . . since the drug appears to attract some youngsters who already have emotional problems, it may aggravate those conditions while removing the youngster from normally accepted processes of personal growth.

"One needs to be particularly concerned about the potential effect of a reality-distorting agent on the future psychological development of the adolescent user.

"We know that normal adolescence is a time of great psychological turmoil. Patterns of coping with reality developed during the teen-age period are significant in determining adult behavior.

"Persistent use of an agent which serves to ward off reality during this critical period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society.

"Despite the need for more information on adverse effects, there is reason to believe that the marijuana user is taking a significantly increased risk of either acute or chronic psychological damage.

"Though the instance of serious reaction appears to be low, by definititon, as the number of users increases the total number of those experiencing adverse reactions will rise . . .

"Those users who already have significant psychiatric problems might readily be led to avoid obtaining necessary psychiatric treatment by this form of self-medication, only to wind up as one of the 10 per cent of users whose entire life becomes absorbed in the drug culture . . ."

Which is to say it's something like playing Russian roulette.

All of us have seen the tuned-out behavior of the hippies and "flower children." And certain it is that this generation has much to worry about and much to protest. But it is equally certain that when one carries protest to the point of shielding himself from society behind a smokescreen of pot, he had better be tough mentally, and experienced, for this isn't a Peter Pan world.

One young pot user, interviewed at the time The Chronicle ran its 10-part series on local drug abuse, pooh-poohed the dangers of marijuana use by asking "What is so strange and threatening about a few puffs that bring soft gentleness, shimmering beauty and tranquil joy."

Our answer now as then is that it is strange because it reduces the majesty of the human intellect to a bunch of babbling delusions. There is meaningful beauty in the intricacies of celestial mechanics but how could this have been accomplished by a horde of dreaming vegetables?

It is strange because it is sham. The Almighty didn't have to smoke pot to create a beautiful universe. And you don't need to smoke pot to appreciate it. The invention of the artificial heart pump and the growing of wheat for the starving masses of India require greater acts of love than picking flowers under the influence of pot.

It is threatening because it ignores reality. In today's world he who would make himself a lamb is made by others into lamb chops.

As we said, this is not a Peter Pan world. It is fine to espouse friendliness and freedom of living. And no one will contend that it is better to make war than love. But it is also necessary, somewhere along the line, to make a living.

We can acknowledge that the hippie's way is lighted, at least for many, by good intentions. But these can never take the place of viable goals and workable plans for the future.

The hippie savants have from the very beginning exhorted the faithful to heed St. Francis of Assissi's admonition to go forth and make love. But they omit the fact he added ". . . and life a stone."

The stones are still there. Years of pot-puffing, loving and sniffing didn't move them. Escape into a marijuana fog won't help. Ultimately, as evidenced by the mounting weight of scientific evidence, it can be disastrous.

If you have been smoking pot, stop it. If you haven't, don't. There is no question its use and abuse here is widespread. It is just a step or two down the ladder from the "hard drug" rung and, although it may not always lead to the tragedy of hard drug addiction, it often starts an individual in the morass of drug abuse. One of every 2,000 Americans is now a hard drug addict—and it is estimated that 80 per cent of them started with marijuana.

Again, don't start. And if you are a user, stop.

EVIDENCE MOUNTS ON DANGERS OF MARIJUANA USE

We have dutifully published letters expressing the reaction of some of our readers—most, but not all of them young—to our editorial of Jan. 10 noting the growing weight of scientific evidence that the use of marijuana can result in acute or chronic psychological damage, and that one of its chief dangers is in its "turning off" effect on the mental growth and personality development of youthful users.

We will return presently to the reader response, noting first that our concern in the editorial was with the psychic dimension of the problem, particularly with teenagers whose use of the reality-distorting agent may destroy their ability to meet and solve the seemingly endless series of problems they will face in the critical "growing up" period of their lives.

If they don't grow through this process of mental maturation, they simply don't grow up. And if they can't meet the myriad problems and crises adults are faced with—using marijuana to sidestep these mental struggles—they can, on the evidence of intensive research by the National Institute of Mental Health, grow up as psychological cripples.

The fact is that personality doesn't grow in a drug-befuddled mind. To bring it closer to home, how many youths do you know who were once sports-minded, active and outgoing who are now withdrawn from active intellectual, social, athletic and extracurricular activity? Who have abandoned their former interests, even their ties to family, friends and church? Who have lapsed into a lackadaisical, hippyized sort of life? Who are given, occasionally, to fanaticism, and to compulsive obscenities?

We know some, and it is likely that you do, too. And it is this that we fear; the psychic consequences of smoking pot. The evidence so far—but *only* so far—indicates the danger is psychic rather than biological. If this is so, it is no less dangerous. In terms of personal and societal effects, it could be the more so. We don't know. But trained teams of scientists, physicians, psychiatrists and clinicians are hard at work on the answers under NIMH grants and a massive federal study, and there are at least some hints as to what the findings may be—of which, more later.

Each of the several readers who responded by letter to our editorial—all of them beyond doubt completely sincere, well-intentioned, concerned and convinced attacked our alleged "hypocrisy" or "double standard" in indicting marijuana while (purposefully,

it was suggested) ignoring the hazards of alcohol—the imbibing of which is viewed, by two young readers, as "the hangup of the older generation."

This is to say they equate the use of alcohol with marijuana suggesting that, while both may be bad, the use of one is no more dangerous nor debilitating than the other. The usual extension of this line of thought is that, since the sale and use of alcohol is legal, why not marijuana?

The argument is attractive on this superficial level, but as Dr. Max Rafferty noted in a recent column on this page, it doesn't wash. For many reasons. To begin with, the vast majority of those who drink alcohol are not drinking to get drunk. They drink for relaxation. It can be granted that confirmed alcoholics are in a sense seeking a "high" which may be compared to the hallucinogenic experience obtainable from marijuana, but the fact remains that alcohol can be imbibed in moderate quantities with no "high" either sought or obtained.

Most drinking is social. Marijuana puffers, on the other hand, may smoke at social gatherings, but the mental effect is antisocial. They tend to withdraw from meaningful communication with each other. Research has indicated pot use has a cumulatively dulling effect on the mind—lack of perception, inability to concentrate and to care, and reluctance to make or to keep long-term commitments. It cuts the attention span and tends to make the user lose sight of goals, living from moment to moment and becoming easily distracted and confused.

Further, marijuana has its own "hangover" after effects. Researchers report they can detect marijuana's effects on a person's thinking for 24 to 48 hours after its use. There are indications of long-term effects on the mind, and chilling recent reports from Wayne State University and University of North Carolina psychiatrists tell of repeated cases in which the marijuana "high" comes on again spontaneously, weeks after the person has had a high—in many cases accompanied by a degree of anxiety sufficient to constitute a psychiatric emergency.

Dr. Keith Yonge, president of the Canadian Psychiatric Association, and head of the Canadian commission of inquiry into the use of nonmedical drugs, has this to say of marijuana: "Its use does induce lasting changes in personality functioning, changes which are pathological insomuch as they impair the 'mental and social well-being.' . . .

"The harmful effects are of the same order as the pathology of serious mental illness (psychosis), namely in distorting the perceptual and thinking processes and in diverting awareness from reality, impairing the individual's capacity for dealing with the realities of life.

"The argument that marijuana is no more harmful than alcohol is specious. Although alcohol does constitute a serious health hazard in our society because of its readiness to intoxication, its action on the mental processes cannot be simply equated with that of marijuana. The primary action of alcohol is that of a relaxant. Impairment of mental functioning occurs when intoxicating quantities are taken. Marijuana, as with all the psychotropic drugs, on the other hand, acts solely as an intoxicant, its effects being primarily a distortion of perception and reasoning.

"In psycho-social development man grows from the prevalence of self-gratification and dependency, with little regard for reality, to the prevalance of self-determination and self-abnegatory involvement in his society. Against this progression, the trend toward 'instant' self-gratification and artificial self-exploration (by the use of marijuana and other psychotropic drugs) is distinctly regressive—a reversion to the immature, the primitive. The regression is further evidenced in the other trends in group behavior with which the nonmedical use of drugs is associated—reversion to the crude or primitive in speech, in sexual expression, and in taste for music forms—however much these may be rationalized as emancipation from sociocultural oppression . . ."

So much for that. There is more, including evidence from NIMH grant research at UCLA and the University of Oklahoma that tests on long-time pot users (two "joints" a day for two years or more) revealed "abnormal brain wave readings patterned to behavioral changes" and, in some cases, "chronic lethargy and loss of inhibitions for two years after their last usage, indicating significant and lasting organic brain change."

Regular use, it was reported, "contributes to characteristic personality changes—apathy loss of effectiveness and diminished capacity or willingness to carry out complex long-term plans, endure frustration, concentrate for long periods, follow routines or successfully master new material. Verbal facility is often impared, both in speaking and writing," and some individuals show "a strong tendency toward regressive, childlike magical thinking."

There is rapidly growing documentation of the dangerous mental and psychological effects of marijuana use, and on-going research is now turning up evidence—preliminary to be sure, but cause for both interest and concern—that the drug may have grave physiological, biological and genetic effects as well.

The New York Times reported last week that the marijuana study subcommittee of the New York State Temporary Commission to Evaluate Drug Laws announced as its key finding "substantial evidence that marijuana is a dangerous drug."

"Sufficiently high doses of marijuana can cause unpredictable acute—though temporary—psychotic episodes manifesting themselves in the forms of illusions, hallucinations, paranoia, depression and panic," said the report.

"In addition, preliminary research suggests that continued regular use of marijuana or extremely high dosages may cause liver damage, genetic defects, brain damage and upper respiratory ailments."

The Times commented: "Marijuana is not a 'narcotic,' despite its classification as one under existing studies. At the same time, it is a dangerous drug . . . if marijuana is dangerous, the law must reflect this fact. The subcommittee's report wisely suggests that both use and sale should remain criminal offenses, although punishable by reduced penalties, especially in the case of first-time offenders and experimenters."

It is conceivable that both the subcommittee and the Times will want to re-evaluate the situation as regards penalties as the investigations continue. Studies by Dr. William F. Geber, associate professor of pharmacology at the University of Georgia, strongly suggest the possibility of serious harm to the unborn.

Dr. Geber has injected pregnant rabbits and hamsters with large doses of resins from marijuana plants. The resultant fetus contained malformed limbs, spines, livers and brains. They often suffered from edema, or excessive fluid, on the brain and in the spinal region.

A New York City College professor reported recently that pregnant rats induced to inhale marijuana smoke equivalent to one cigarette a day for 10 days had given birth to offspring with genetic defects. The professor, Dr. Vincent DePaul Lynch of St. John's University, said his findings indicate that marijuana use could have "very serious consequences for human reproduction." He reported his findings to the subcommittee convened to evaluate New York State's marijuana laws.

Dr. Lynch said that 20 per cent of the rats' offspring were born with malformations, and that his research team "calculated every aspect of the experiment so that the rats would receive the equivalent amount of marijuana that a human would consume."

He added that his findings, which have been forwarded to the NIMH and the National Science Foundation, tended to support earlier tests conducted in Georgia (Dr. Geber) and the British West Indies. Dr. Geber, informed of Dr. Lynch's findings, said they "added a definite, important link in establishing the dangerous potential harm of marijuana on the developing fetus."

We have dwelt at length on these findings because it was hard evidence of this sort—the capacity for causing genetic defects—that appeared to initiate a trend away from LSD. Scientists found evidence of breaks in chromosomal linkage in humans using LSD, and the developing mass of research may well reveal a similar threat to the unborn among marijuana users.

One of the most puzzling aspects of the marijuana problem is that many persons who are most active in the fight against pollution and the use of various agricultural chemicals because of the potential harm to our bodies, are most strongly against restraints on the use of marijuana where the danger is infinitely greater, at least for those who use this drug.

We will doubtless hear again that more proof of harm is needed. Well, of course more research is necessary. But we ask now—pleadingly, we ask—how much more evidence do we need to stir us up to act more vigorously to find a solution before it is too late?

SUMMARY OF REPORT OF SPECIAL SUBCOMMITTEE ON THE OUTER CONTINENTAL SHELF

Mr. METCALF. Mr. President, within a few days the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs will have its report available.

I have enjoyed the privilege and the challenge of serving as chairman of that subcommittee, appointed in 1969 by Chairman JACKSON to investigate the matter of a national policy for our continental shelf and seabed.

On February 19, the ranking minority member of the subcommittee, the gentleman from Oklahoma (Mr. BELLMON), summarized the conclusions and recommendations in our unanimous report in a speech before the Marine Technology Society seminar on ocean and seabed policy here in Washington.

Mr. BELLMON's remarks reveal the significance of our report, which will be of national and international interest.

Mr. President, because I feel that my colleagues will profit from reading Mr. BELLMON's address, I ask unanimous consent that it be printed in full in the CONGRESSIONAL RECORD.

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

ADDRESS BY SENATOR HENRY BELLMON

Mr. Chairman, distinguished guests, ladies and gentlemen, all that water that stretches from our coastline, and what lies beneath it, is no small potatoes. You're here, and I'm here today because, like potatoes, we could figuratively boil in that water, if we're not careful.

We want those shining seas to continue lighting our land with a healthy glow. And you members of the Marine Technology Society know that whether this country boils or shines will be determined by the wisdom of our government's outer continental shelf policy.

So naturally you're concerned about what that policy is going to be. The Congress is

equally concerned. That is the reason the Special Subcommittee on the Outer Continental Shelf was created by the Interior Committee.

This interest is international since other countries have growing energy and mineral appetites, too. Like us, they want their fair share of the cake.

But what's fair?

The Interior Committee's concern is a matter of long standing since this is the same committee that spearheaded the enactment of the Outer Continental Shelf Lands Act in 1953.

The Interior Committee's continuing interest in the development of offshore mineral recovery operations prompted the creation of our Special Subcommittee. Our task has been to thoroughly investigate the matter of a national policy for our continental shelf and seabed.

That we've done.

In the last 18 months we've listened to more than 20 expert witnesses in six public hearings and two closed sessions. We've read more than 600 pages of additional communications now bound in three volumes and studied a wealth of information in our own files.

Our report will be available in 10 days to two weeks—just as soon as it gets through the logjam at the Government Printing Office.

Here are some of the committee's findings:

The committee's basic and major conclusion is this:

The mineral estate of this country's continental margin is the heritage of the American people and should be retained and developed for their use and benefit, without interference from any other nation or group of nations.

That conclusion is based on the committee's agreement on a few preliminary basics:

First, the definition of the seaward limits of our sovereign rights.

The committee accepted the definition laid down by the 1958 Geneva Convention on the Continental Shelf and adopted by the American Branch of the International Law Association. That definition says our sovereign rights 'extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency which could encompass the entire continental margin."

The committee believes that definition means that the United States not only has exclusive ownership of the mineral resources of our continental margin . . . it also means we have the last say on the exploration and exploitation of the continental margin.

The International Court of Justice said in 1969 those rights in our submerged land continent are *inherent* rights by virtue of our sovereignty over the land.

Every other coastal nation has the same inherent rights.

Therefore, neither we, nor any other coastal nation, is required to wait for the go-ahead from any other nation to exploit the natural resources of our respective continental margins.

We know what we consider to be the extent of our continental margin. And we know what our inherent rights in that margin are. We do not want these rights eroded.

So where does that leave us on the international scene?

Most of you are aware that President Nixon proposed last May an ocean policy calling for creation of an international regime.

In essence, the regime would govern the use of the seabeds beyond the point where the high seas reach a depth of 200 meters.

A treaty signed by all participating nations would require each to renounce all national claims to seabed resources beyond the 200 meter point in what would be an international trusteeship zone.

The adjacent coastal nations would act as trustee. In this capacity it would collect substantial mineral royalties in that zone. These would be turned over to an international regime which would handle policing of the area and use its resources to provide economic assistance to developing countries.

The President suggested as an interim policy that permits for exploration and exploitation be subject to the international regime to be agreed upon and that part of the revenues collected during that period be turned over to an appropriate international development agency.

No doubt about it, the President's ocean policy proposal contains the offer of bold and daring financial concessions on the part of the United States in the interest of international good will.

The question arrises as to whether these concessions are being made too soon and whether or not our nation is irretrievably surrendering a valuable bargaining position.

The President kept in mind the national interest.

He said there's no reason to stop exploring the seabeds beyond the 200-meter depth during the negotiating process. The Committee believes the President intends for the U.S. to maintain its sovereign rights in its continental margin, even while pressing for acceptance of an international regime.

The Committee generally agrees with the President's policy proposal. But there are a few specific areas where we bump heads.

As you'll recall I said the Committee agreed that this country should not give up the rights it enjoys in its continental margin.

We object to the President's offer to renounce our sovereign rights beyond the 200-meter depth because that could endanger the title we now hold to the resources of our continental margin.

Furthermore, we would have no guarantee that the international regime, yet to be established, would re-delegate to us the same rights we would renounce. And, as I mentioned before, our continental margin are inherent rights.

So, in effect, we would be asking the international regime to give us that which is rightfully ours to begin with.

I might mention here that there are a few nautical hawks in our government that would like to see coastal nations give up the rights they enjoy in their continental margins. Their reason for advocating the sacrifices is their fear that mineral development of those margins would put physical restrictions on what has long been free and unregulated use of the high seas.

The hawks are also concerned about what they call creeping jurisdiction. That is, if developing countries claim exclusive jurisdiction in their continental margins, they might then try to claim the overlying waters as a territorial sea.

These militants believe ocean policy should be reflected in a new treaty embodying the freedom of the seas doctrine. They say some coastal nations have already overstepped their rights under the Geneva Shelf Covention by claiming exclusive jurisdiction over a bigger chunk of the seabed than they were supposed to get.

The Committee found little evidence to support that charge. Most nations are honoring their solemn commitment to the Freedom of the Seas doctrine. That doctrine clearly prevents any coastal nation from claiming jurisdiction over the superjacent waters above its continental margin. In short, the rights a nation enjoys on its continental margin are compatible with the Freedom of the Seas Doctrine.

We see no logic in proposing a treaty which does nothing more than re-state doctrine already covered in existing treaties. We should enforce the treaties we already have.

Now, back to the President.

Committee members think there could be some problems with his interim policy proposal that leases be granted subject to the unknown regime to be agreed upon later.

For instance, representatives of the oil industry say such open end leases would be highly discouraging to them in making new exploration ventures—They're not about to buy a pig in a poke, so to speak. So this country's mineral development and recovery efforts might be seriously curtailed.

Furthermore, such an interim policy would mean loss of revenues from bonus bids and royalties that would otherwise be added to the U.S. Treasury.

But most serious is the possibility that by agreeing to issue such conditional leases, we could jeopardize the title to the natural resources of our continental margin.

The United States voted against the United Nations moratorium resolution calling for a halt to further exploration and exploitation of the seabed. We don't want to put ourselves in a position of having to accept such a halt.

The Committee recommends that leases continue to be issued as they are now—under the provisions of the Outer Continental Shelf Lands Act of 1953 and the 1958 Geneva Convention on the Continental Shelf.

During an interim period lessees should be assured the terms of their leases will not be changed under any future seabeds treaty. Otherwise, we can't expect any investor in off-shore mineral development to take part in such a high risk venture. Under such a policy the energy crisis would get worse.

In our Committee report we did, as I have here—dwell largely on policy matters directly affecting our continental margin.

But I can assure you we are as concerned as is the President that this country's citizens get a fair share of the action outside the limits of our exclusive jurisdiction.

The mineral wealth in the deep seabeds of the oceans should be shared by the nations of the world under a treaty that will encourage investment, exploration and responsible mineral recovery operations.

Before such a treaty is adopted, the United States Government should provide measures to protect investors who want to take advantage of our present high seas rights of exploration of the deep seabed.

The President's ocean policy is contained in the draft working paper presented by the U.S. delegation at last August's meeting of the U.N. seabeds committee.

The paper does not implement the President's proposals as some erroneously think. In fact, the paper bears a disclaimer which cites the need for further study to answer a number of questions raised by the paper.

Certainly many changes will have to be made in the draft working paper before our committee will support it.

You can be sure that there will be sharp and widespread opposition in and out of Congress to the introduction of any new international agreement that would limit our claims of national jurisdiction protected by the Continental Shelf Doctrine.

The United States is going to allow no nation or group of nations to negotiate away our inherent rights without our consent.

As a matter of fact, to do so would be a violation of our Constitution.

The framers of that document put in a safeguard against the danger of ill-conceived treaties affecting the property rights of the United States. Article Four contains a clause which gives the full Congress, not just the Senate or the President, the power to dispose of any U.S. property.

The Committee interprets the meaning of the clause to include the property rights outlined in the 1953 Shelf Lands Act and in the 1958 Geneva Convention on the Continental Shelf.

So, to renounce any of the rights referred to in those laws would require the concurrence of Congress.

The Senate Interior Committee approved the order to print and receive the report of the Special Subcommittee on December twenty first last year.

We think that the Committee has a couple of major tasks ahead of it in helping the Ad-

ministration develop a good, workable seabeds policy.

First, a thorough, continuing review of the August draft working paper presented to the U.N. Seabeds Committee.

The Interior Committee should seek modifications of that paper so that it will conform to our intepretation of the President's intent with the recommendations I've mentioned here today.

Secondly, further investigation of the special problem of an interim policy—one that would insure continued exploration of our continental margin as well as protect investors who want to explore the deep seabed beyond the limits of U.S. jurisdiction.

The comments by the speakers this morning and the ones to follow this afternoon will provide additional help to us in continuing our work.

I'm hoping, on behalf of the members of the Special Subcommittee and the full Interior Committee, that you'll study our report when it comes off the printing press and send us your comments.

My colleagues and I will have to cast our votes yea or nay on any proposed seabeds treaty.

We'd like to do so with up-to-date information and all available viewpoints under our belts. We genuinely want to do what's best for our country. That's why we'd appreciate having your expert comments.

LOYOLA HIGH SCHOOL

Mr. MATHIAS. Mr. President, improving education for our young people continues to be of major importance in the achievement of the Nation's goals. I was pleased to learn of a program at Loyola High School in Towson, Md., emphasizing for freshman students the interrelation of basic subjects and the importance of learning to work individually. I am also pleased that the Baltimore Evening Sun has taken note of the work being done by the Reverend Lee Murray, S.J., headmaster of Loyola, and his staff. I ask unanimous consent that the Evening Sun article be included in the RECORD.

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

[From the Baltimore Sun, Jan. 5, 1971]

LOYOLA HIGH INNOVATION: FRESHMEN LEARN HOW TO LEARN

(By Sharon Dickman)

Loyola High School freshmen are spending more of their time discovering how to learn than memorizing facts.

Curriculum emphasis is changing for 194 freshmen so that maximum attention is given to individual needs and the interrelation of one subject to another.

"The mechanics of learning seem to be pretty much the same in all disciplines," the Rev. Lee Murray, S. J. Loyola's headmaster, said in explaining the decision to change from the structured 40-minute periods to more informal classes.

In the late morning and all afternoon, the first year students don't specifically have a science or a history class. Rather, they learn introductory material in the usual subjects—English, history, science—but under the name "communications."

Foreign languages and mathematics are the only subjects which continue to be taught with emphasis on structure and content. "The math and language people felt they needed the more traditional manner," Father Murray noted.

GENERAL PROCEDURE

Generally, freshmen have two courses, along with physical education, in the morning and then return to their homerooms in St. Mary's Hall to work independently.

Father Murray says he knows of no other program in the country like it, although there are others emphasizing increased development of the individual. But, in one way, he added, the program is old-fashioned.

"It's really the old-fashioned idea of a schoolmaster," the headmaster said. He feels this description is accurate because students spend more time with their homeroom teacher than anyone else.

Each homeroom teacher is like a counselor and already has had periodic meetings with freshmen's parents. He teaches them the subjects under the communications program, although he may not have teaching background in some of these subjects.

MATERIAL ORGANIZED

Father Murray indicated that the subject material was organized by a teacher in that specific field even though it is taught by someone else. However, he said the textbooks "are largely self-instructive" and there seems to be no problem for teachers.

"They don't spend more time teaching," Father Murray said of the eight-man team, "but they're always with some students."

Richard Simmons' class is an example. The desks form a square in the middle of the room but they soon become clustered in small groups for discussions and joint projects.

Mr. Simmons spends most of his time at his desk near a blackboard but there is a steady stream of students conversing with him. And more than one freshman pointed out that Mr. Simmons will never give an answer to a student.

"It's better than his just telling you a lot of facts," Michael Cross, a student, said frankly, "and a week later you don't know anything. He just says 'Start over again.'"

UNHAPPY AT FIRST

Victor March was sitting next to Michael and was eager to give a reaction to the new program. "At first, I didn't like it—it seemed like you were in kindergarten," he explained.

Then he recounted one of the class' early exercises when students sat on the floor, each with some blocks, and tried to communicate without using words. "We learned that you can't do anything without communicating with people," Michael added.

At times, it does sound like the freshmen are enjoying themselves too much to be in school. "It looks to the upperclassmen," Father Murray said, "that the freshmen are playing all the time."

Hopefully, Father Murray said the results should be that freshmen "will find learning easier and will be better equipped to work on their own." And the class of '74 will carry these principles with them through the four years at Loyola.

A LOT OF TALKING

However, besides working on their own, the freshmen should also find it easier working with others. The headmaster emphasized that "circumstances are created so that they have to do a lot of talking to each other."

With about 23 students in each homeroom, the students should get to know other freshmen—especially in the same homeroom—better than in the past, Father Murray believes.

Each day the teaching team has a morning meeting to exchange ideas on student reaction to the program and how well the planning has panned out.

During a recent meeting, Robert Keller, program coordinator, answered another teacher's query about the pace each teacher sets in his own classroom. "We still are eight individuals," Mr. Keller said, "and we don't have to conform to the resource manual in the same way."

And since each individual student progresses at his own pace, there are students approaching different levels in each of the homerooms. Sometimes a student in a group may delay the others because he may not be finished with his part of the project.

To some students competition is no longer dwelled upon and there are no grades to strive for. "Each student receives an evaluation," the headmaster explained, "But, if needed, these can be translated into better grades."

But many of the students claim they are still driven by competition and one believes, "Everyone wants to get done first." Brian Brown declared, "I just like to try to finish things fast. "I don't like to spend a long time on one thing—it's boring," he admitted.

The eight homeroom instructors—Brother Darryl Burns, James Johnson, Mr. Keller, Louis Mercorella, Timothy Pierce, Richard Prodey, Mr. Simmons and Father Peter Smith, S. J. direct all their time to the freshmen and some teachers outside the program rarely see them.

ADDITIONAL INSTRUCTORS

Two additional instructors, Father John Sheridan, S. J. and Michael Iampieri, also sit in on the work sessions. At one meeting Mr. Iampieri, art teacher for freshmen and upperclassmen, joked to the others: 'If you're wedded to your homerooms, I'm sorta going steady with all of them."

Since Loyola is a Catholic high school, religion will continue to be taught but not as a separate course.

A report on the freshmen program states, "All the teachers would have to be conscious of the fact that as a Christian community we are trying to communicate values that are often quite different from the values system of the society the students live in."

The headmaster and freshmen team seem pleased with the innovative program, but there are questions that can't be answered until the present freshmen graduate.

Will the emphasis on individual freedom lessen the value of academic work?

"I don't think kids know exactly what is best for them in every case," John Stewart, a math teacher, said. He continued, "I don't hold for absolute freedom and do whatever you think."

Mr. Stewart said he does not disagree with the goals of the program, but wonders, "If they only do what they feel like doing, they wouldn't be prepared to take college entrance exams."

But students apparently learn more than just what interests them. A recent study of the program maintains, "The presumption of the freshmen program is that content as such is less important than the learning process."

And it goes on to clarify, "This does not mean that there will not be any content." However, the content for the sophomore year at the Blakefield campus is still under study and has yet to be announced.

In general, Father Murray says the parents seem pleased—mostly because many notice their sons have more interest in school.

"Many were frightened because it's different," Father Murray admitted, "but the parents are willing to trust us."

THE NEED TO REVITALIZE OUR RURAL AREAS

Mr. MONDALE. Mr. President, in all the rhetoric on such topics as revenue sharing, unemployment, the state of the economy, our impending population crisis, urban decay, and the need for a better urban-rural balance, we often lose sight of the interrelatedness of these issues.

I would like to commend to the attention of my colleagues an editorial appearing in the Lakefield Minnesota Standard which proves a very clear and vivid picture of what these issues mean to rural America.

I ask unanimous consent that two editorials from the Lakefield Standard be represented in the RECORD at this point.

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

[From the Lakefield (Minn.) Standard, Feb. 4, 1971]

SAME STORY WITH NEW APPROACH

It's interesting, but not necessarily amusing, to note the approach at both the state and national level to the taxation problem.

The favorite preoccupation with chief executives at both levels is not to find ways to reduce spending but to find new and different approaches to the taxation problem itself.

President Nixon, for example, proposes to help cut state and local taxes with a proposal to share $16 billion in federal revenues with state and local units of government.

Gov. Wendell Anderson suggests a similar approach by raising state aids—requiring a raise in state taxes—as a means of reducing local school district taxes.

While this is perhaps providing an interesting challenge for the chief executives, it is merely shifting the money from one pocket to another while doing nothing to solve raises in taxes that have taxpayers showing more concern each year.

But if there is general dissatisfaction with raises in taxes, there has to be even more, if you happen to be a resident of a rural area like this one, with both Mr. Nixon's "revenue sharing" and Anderson's increased state aids.

At the federal level, we in the small rural areas will pay increased income taxes so that the federal government can dole it back to the larger cities as a way out of the mounting problems of extreme urbanization.

At the school district level, we doubt that aids returned will match increased taxes paid for the people of this area.

It would follow, however, that our local property taxes might be reduced and in our rejoicing over this feature, we might tend to overlook commensurate increases in other areas.

In the final analysis, the taxpayer must pay for all the money he receives. If there is any formula for paying a dollar in and getting $2 back, you can bet it won't be applicable in Southwestern Minnesota.

More likely, we'll be paying $1 in to get about 80 cents back and if there is any rejoicing over the 80 cents, it would be only because we did well to get that much of it back.

We tend to agree with Senate Whip Robert C. Byrd that "local people best know how to spend their money without big brother looking over their shoulder from Washington."

IT MAKES SENSE

A bill that would offer tax incentives to industries locating in rural development areas has been proposed in the senate and apparently has the support of Sen. Walter F. Mondale.

In a letter to Minnesota newspapers, Mondale said the Rural Job Development Act would "help revitalize the nation's small rural communities while taking a burden off our cities".

We hope the bill wins the support of enough lawmakers to assure its passage.

It makes sense, it seems to us, since it tends to solve the problems of both the metropolitan and rural areas.

The metropolitan areas have problems with over-population and the rural areas with needed industrial development.

THE HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971—"MEDICREDIT"

Mr. DOLE. Mr. President, I am pleased to join with the distinguished Senator from Wyoming (Mr. HANSEN) in cosponsoring the Health Care Insurance Assistance Act of 1971, or as it is otherwise known, medicredit.

This bill concerns itself with one of the more serious deficiencies of our present health care system, the lack of adequate health care financing for millions of Americans.

I feel this bill embodies a sensible approach to the minimization of the inability to finance adequate health care. It uses the good parts of our health insurance and delivery system, and it seeks to add improvements. It provides Government help for those who need help. And it has incentives for the indigent and those on welfare to go to work and improve themselves, by not depriving them of all the benefits of Government assistance as they improve their situations.

Mr. President, the approach this bill takes to provide adequate health care financing for the American people is similar in many respects to the approach contained in President Nixon's health message transmitted to Congress last week. I intend to cosponsor the administration health care bills that will be sent to Congress in response to that message, in addition, to the proposal of the Senator from Wyoming, because I feel each makes valuable suggestions for combating the current health crisis in America. Specifically, both medicredit and the President's message have in common the following points:

First, they would replace the present medicaid program in whole or in part.

Second, they would establish a federally paid floor of health benefits in all 50 States.

Third, they would provide Federal financial assistance for health care based on the need of the recipient; the most help to those with the biggest need.

Fourth, they would contain incentives for wage earners to improve themselves and for those on welfare to go to work through a system of gradually reducing benefits as the individual's income increases.

Fifth, they would insure benefits sufficient to pay for a serious long-term illness.

Sixth, and they would retain the private insurance industry.

Mr. President, the medicredit approach is essentially a threefold financing method. First, there is the Government-paid insurance policy for the poor. This would include not only those on welfare but those whose earnings are so limited that they have no income tax liability. We are talking here about families with an income of as low as $2,000 or $3,000 per year. Certainly these are the people for whom Government has an obligation to provide medical care. The medicredit approach envisions that these people would receive a voucher which they could turn in to an insurance company. The insurance company would provide a policy of benefits in return, and it is important to note that there must be certain minimum benefits in such policies.

The second feature is especially appealing to me, because it encourages the indigent and the poor to become increasingly productive. There is no automatic cutoff of all benefits when a certain income level is reached. Instead, as the family income increases, the Federal assistance decreases.

The third feature is the protection against catastrophic illnesses. Most Americans are not too concerned, in my opinion, by the medical bills for an occasional visit to the doctor or even by a visit to the emergency room of their local hospital. They are concerned, however, about the impact of a prolonged and serious illness or the results of a serious accident. Should such a catastrophe befall any American family without insurance, the result would certainly be the loss of savings and all other assets, even their home. Fortunately, many Americans are already protected by insurance policies which provide "major medical" benefits. Under the medicredit approach policies eligible for participation in the medicredit program would have to provide catastrophic illness benefits with no ceilings.

President Nixon's health message also addressed itself to the delivery of health care, the production of more medical manpower, and such problems as the conquest of cancer and the provision of health services in rural and ghetto areas. Medicredit is designed to supplement legislation dealing with these aspects of our health system in which there are serious shortcomings.

I believe the approach to financing taken in the Senator from Wyoming's proposal merits thorough consideration and intelligent discussion. It differs in several important respects from the administration's approach, but it is a serious alternative and deserves a full evaluation.

Mr. President, I commend the Senator from Wyoming for his leadership in this vitally important field. His longstanding concern for improving the quality of life for all Americans is compellingly demonstrated through his introduction of this legislation, and I am pleased to join him in introducing it.

Mr. President, I ask unanimous consent to include at this point in the RECORD a statement from the American Medical Association concerning the Nixon administration's health message.

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

CHICAGO.—The president of the American Medical Association today congratulated the Nixon Administration on the development of "statesman-like" health proposals which were outlined in a mesage to Congress late last week.

"I think the Nixon Administration is to be congratulated on their health proposals. They have given this very complex subject a lot of attention and study," Walter C. Bornemeier, M. D., said.

"I think they have gone about it in the right way. They have consulted with all the various people who are, of necessity, involved in health care programs and they've consulted with the AMA as representing most of the medical profession.

"We think they have come up essentially with statesman-like forward-looking proposals. The overall approach defines and focuses on the separate problems that need attention. The Nixon plan is neither monolithic nor inflexible. It preserves the many things that are good about our present health care system."

In many areas, Dr. Bornemeier continued, "We seem much in agreement, although the entire program must be studied carefully before we can make specific point-by-point comment."

"The whole idea of removing the economic barriers to health care for the poor and near-poor has been AMA policy for some time," he said. "The Nixon proposals speak to the problems of health care in the ghettos, something I have been talking about constantly since I became president of the American Medical Association last June.

"We heartily endorse an increased national effort to seek cures for cancer and methods to prevent it. We just don't want to see appropriations at a level that might disrupt or impair national efforts in biomedical research with respect to other critical diseases.

"On the matter of insurance against the catastrophic expenses of a long, protracted illness—a medical-health bill that can pauperize a family—we are again agreed in principle.

"The proposal for health insurance to be purchased on a mandatory basis mainly by employers for their employees is an intriguing one. It is a new, imaginative idea which represents an original contribution to this whole dialogue on national health insurance. We need all the innovative ideas we can get.

"We are going to have to take a more detailed look at the proposals on health maintenance organizations (HMO's). Although the Nixon approach is an optional approach, both to doctors and to patients, we are not sure that HMO's represent real solutions to current medical problems. We feel they should be tried on a demonstration basis, and thoroughly researched—as should a number of other delivery methods."

Dr. Bornemeier said that the AMA's health care plan, called Medicredit, will be introduced next Thursday, February 25.

"It differs from the Nixon plan, of course, but in overall philosophy and approach I think you will find a great deal of common ground between what we think will serve the American people best and what President Nixon thinks will serve the American people best," he said.

INFLATION-RECESSION COSTS JUST TOO HIGH

Mr. HUMPHREY. Mr. President, the cost of continuing inflation, rising unemployment, unused plant capacity, loss of income and reduced governmental revenues is intolerable.

Our national priorities should be to end the war, revitalize the economy and use public pressure and congressional and executive leadership to slow inflation across the board.

With a real full employment budget designed to stimulate an economy it is all the more imperative that there be a comprehensive national incomes policy, coupled with an anti-inflationary but expansive monetary and fiscal policy. We have waited for leadership in economic policy far too long. The longer the administration waits to institute and vigorously pursue an effective incomes policy in wages and prices, the more difficult it will be to restore the economy to health and to put America back to work.

Mr. President, I was a guest of the National Economists Club here in Washington last Wednesday night. This organization represents some of the best economic brainpower in the world. I was privileged to discuss with them some of my views on how a man in public life must make decisions dealing with the economy and the people living within that economy.

In order to share my views with my colleagues, I ask unanimous consent that my remarks be inserted in the RECORD.

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

THE ECONOMY OF THE HUMANIST

(Remarks of Senator HUBERT H. HUMPHREY)

We speak freely of a "political economy." That phrase has never been more true than today. But we should be thinking, as Howard Binkeley, your new President-elect mentioned to me tonight, in terms of a "social economy"—an economy that has as a focus the fulfillment of mankind's aspirations for a life of quality as well as quantity.

Economics, perhaps more so than any other discipline, should represent the marriage of the scientist and the humanist. You deal in minute detail with the economic fabric of our lives. But more than that, you see reflected in the ebb and flow of our economic fortunes the desires, hopes and fears of human beings. You measure, and to no small degree, direct the power and wherewithal we exchange for that life of quality which is every man's right. This is why in this period of economic and social disruption, I am particularly pleased to be here with you tonight. You have your work cut out for you in both the social and the economic field and you cannot realistically separate the two. I want to talk to you about both facets of this single human problem.

Though times change, old patterns of thought have a habit of coming back into style. For the first time in several decades economics is again being referred to as the dismal science. Some persons use even stronger adjectives. Many ecologists and conservationists today speak of the "gross national product" as thought it were a contagious disease.

I am sure that all of you, including the most growth-oriented economists, are much concerned about the quality of life and the kind of environment that will be passed on to coming generations. The threat to our environment does not, as such, arise from a high and expanding gross national product. I have been in many of the less developed countries and it is obvious to me that a poor and deprived economy does not provide or even hold out the promise of an ideal environment.

Our problem is not that we produce too much but rather that we may be producing inefficiently and wantonly and without any order of priorities. We are not exercising the care that takes the future as well as the present into account. We must not become blindly enamored of economic expansion irrespective of priorities and consequences. What, for instance, will be the economic and ecological ramifications of two "Dead Seas." It is believed by competent authority that unless a crash program is initiated, the Mediterranean will die in two years time.

But we must also seek the fulfillment of our tremendous unsatisfied public and private needs. In a nation which can increase its total output by nearly 50 billion dollars a year we certainly have the resources to both prevent deterioration in our environment and improve our living standards.

Having said these nice things about economics and economists, let me turn to some present, very disturbing realities. Our economy has been managed badly in the most recent years.

But what have been the specific results of the game plan so far?

Unemployment — approximately 6.2%, highest since the last Republican recession.

Gross National Product—showing an actual decrease in real growth for the first time since 1958, the next to the last Republican recession. This is particularly painful and ironic. GNP is stalling despite that fancy new GOP-GNP clock the Administration started running—apparently in the wrong economic time-zone.

Prices—non-food and services—up to 7.2%.

This leadership vacuum has produced:

"Accelerated and unduly prolonged inflation;

Soaring interest rates and financial disruptions;

Stagnation of production and jobs, the cost of which continues to grow.

Policies that have remained long on hopes and short on achievements."

These descriptions of our game plan losses are by Gardner Ackley, Walter Heller and Arthur Okun, all former Chairmen of the Council of Economic Advisers. It isn't often you get three economists of that stature to agree on the wind direction in a gale, so I find their evaluations as convincing as I find them disturbing.

While discussing the economic performance of the present Administration, let me demonstrate my memory is intact by saying the inflation did start during the Johnson-Humphrey Administration. We were pursuing expansionist fiscal policies up to mid-1965 and these were proper and were needed to get us to full employment. Had it not been for the increase in military expenditures, we probably would have enjoyed a substantial further curtailment in unemployment without any significant degree of inflation.

In retrospect, it is now clear that fiscal policy should have been sharply reversed in 1966 and we should have continued to exercise monetary restraint even after the surcharge was enacted in 1968. There was inadequate fiscal action in 1966 and the surcharge came too late. However, I would call to your attention the fact that the Federal Government's deficit in the national income and product accounts dropped sharply after the second quarter of 1968. The annual rate of deficit was $10.5 billion in that quarter; it fell by more than half in the next quarter and was only $1.1 billion in the last quarter of 1968. The large surpluses of $9.5 billion in the first quarter of 1969 and $13.4 billion peak in the second quarter of 1969 (at annual rates) were within the time period covered by the last Johnson budget.

Any objective observer would have to conclude from the figures that the major fiscal shifts designed to control the inflation had already been planned and put into execution before Mr. Nixon took office.

The major and well deserved criticisms of the economic policy of "no policy" over the past several years relate to the manner in which the inflation has been fought. Many Administration officials and advisers publicly expressed great confidence in the early months of 1969 that the rate of price increase would slacken soon and significantly.

The fact is, inflation proved to be far more potent and far more persistent than almost anyone anticipated. Instead of declining, the rate of growth in prices accelerated in 1969 and again in 1970. The GNP deflator in the most recent quarter rose more than in any but one quarter in recent years despite the 6.2 per cent unemployment in December.

One reason frankly for this persistence in the price spiral, in addition to the consumers saving rate, subsequent softening of demand and lessening of the economies of production, is the greater spread between wage level increases as compared to productivity gains.

In this regard, I might add that, with plant capacity utilization hovering around 73%, recent easing of the depreciation rules should be a stimulus to making production facilities more efficient and modern. It should not generally be used to add to a capacity that is presently underutilized. With our high-wage labor market, it is essential that we insist on production efficienices that permit us to remain competitive in foreign markets.

I am not going to say that there are no signs whatsoever of prospective abatement in the pace of inflation, but I wish there were more visible and more dramatic signs illuminating a price curve that is slowing down steadily and markedly. As a matter of fact, the underlying assumptions in the recent barrage of economic messages from the Administration indicate less optimism about overcoming inflation within a reasonable time than was true a year ago or two years ago. Still, the day-to-day speeches and policy pronouncements keep telling us that signs strongly point to greater price stability around the corner. It seems to me we are getting some loud whistling from those who are walking past cemeteries where broken promises are buried. Talking about such doleful matters, I suspect the spirit of Herbert Hoover may be trying to warn President Nixon about elusive turning points. Also, I suspect Lord Keynes might be a bit suspicious of the sincerity and repentance of some recent converts.

For years my good Republican friends have looked on me and my progressive Democratic colleagues as unreconstructed economic alcoholics. All we could do was spend to excess—spend, spend, spend. Well, it's taken some extremely fancy semantic and public relations footwork but we now have entered the era of "The Full-Employment Budget." I wish we had thought of that when we had a deficit. How easy it is to overspend and be forgiven when your motives are so pure and your goals so responsible.

But we must ask ourselves what the cost has been and whether the performance has been reasonably good by any standards. As far as I am concerned, the cost has been high and the performance poor. We have suffered from an incredible combination of recession and inflation. It is like suffering gout and malnutrition simultaneously. In 1968 the 4.2 per cent increase in consumer prices and the 3.6 per cent unemployment yielded a combined figure of 7.8 per cent. The price-unemployment combination was 10.9 in 1970 and in the final quarter of 1970 it was over 11 per cent. We certainly did not get a very satisfactory trade-off. We got the worst of both unemployment and inflation.

Whether we call what we are experiencing a recession or just a cessation of growth and a little dip is not very relevant. What is important is the fact that unemployment jumped in less than two years from 3½ per cent of the labor force to 6.2 per cent and that the gap between our potential output and our actual output is about $60 billion a year. Think of it—it will have cost us over $120,000,000 by the end of calendar 1971. Over:

$60 billion in real income that Americans will never spend;

$22 billion in after-tax corporate profits;

$6 billion that our crisis ridden state and local governments will never collect in taxes; and

$31 billion that cannot be used to finance the Federal programs this Nation must continue and expand if we are to provide that life of quality for all Americans.

Looking at the more than $16 billion lost last year in Federal revenues is surely the Administration's just reward for their leadership failure. It would just about cover the budget deficit for fiscal 1971.

The economic developments of the past year-and-a-half have cost the nation many tens of billions of dollars in lost production and revenues, grief to the unemployed, insecurity to workers, continued deficiencies in satisfying some of our most critical needs at home and, finally, deep concern to many nations around the world, especially the less developed countries, which look to us for markets for many of their primary products and who find that even a mild recession in the United States can cut deeply into their exports. Our performance has not made it easy for us to sell the concepts of free enterprise to the developing countries.

The Administration's excessive reliance on monetary policy as the instrument to bring about a prompt and substantial curtailment in inflation, was costly and largely inexcusable. I believe in the free enterprise system. I am and always have been a strong advocate of private ownership and private production and vigorous competition. However, it is irresponsible to close one's eyes to the fact that we have less than perfect competition in wage and price determination with big unions—big corporate enterprise—with diminished competition in many areas of our economy, I guess we call it oligopoly—price competition is at a minimum—administered prices at a maximum.

This is the time when there is need to exercise leadership and confront the spiral of inflation head-on. This is when positive efforts can bring results. If ever there was a time for pursuing an incomes policy and for jawboning it is now and it should have been thus for the past 18 months. Instead of minimal efforts to use leadership and moral persuasion and to mobilize the Nation's deep concern about inflation, the Administration spent most of its time telling us that things would soon be better.

The President on January 27, 1969, issued his *carte blanche* for wage and price gouges. The President said: "I do not go along with the suggestion that inflation can effectively be controlled by exhorting labor and management and industry to follow certain guidelines." I suggest to you that this was and remains an invitation to highly inflationary wage settlements and price increases. The President has said to the private sector: "Do it to them, before they do it to you." We all know the results.

When on June 17, 1970 President Nixon belatedly made some commitments with respect to labor-management arrangements to improve productivity, to issuing what Walter Heller called "inflation inerts," and to the use of Government purchasing authority to slow down the rate of inflation, the President still emphasized more strongly what he would *not* do than what he would do. Once again the green light was given to private determinations that were not in the national interest, with no threat of any restraint whatsoever. I recommend that you re-read that speech.

I hope the Administration may be coming around to using its influence and its authority somewhat more aggressively than by just issuing "inflation inerts," as Walter Heller calls them, or by suspending Davis-Bacon in a relatively meaningless, uninformed and posturing move. There have been rumblings of semi-enlightenment leaking from the White House. But many people are not convinced that a new pattern of economic management will emerge. I hope they are wrong.

It is imperative that the President establish a National Economic Stabilization Board—a Wage-Price Profits Board as a part of a total national incomes policy. This Board can add extra strength to the powers of Presidential persuasion and jawboning which have been in the past and can be helpful. Such a Board can help implement a national incomes policy that will be fair to the worker, the consumer, and business enterprise. The actions of the Wage Price Board can be greatly enhanced by establishing regional and local productivity councils. Management and labor cooperating in such councils can help implement reasonable and economically sound wage and price policies and guidelines. We have got to quit dancing around the fires of inflation and attack it head on. We have wasted precious months and, in fact, have aided and abetted the "inflation enemy" by weak-kneed, half-hearted, ineffective policies. With a real full employment budget designed to stimulate an economy, it is all the more imperative that there be a comprehensive national incomes policy coupled with an anti-inflationary monetary and fiscal policy.

Other things are needed. The Congress should renew the emergency wage and price control authority, including the power to impose if needed a temporary freeze on wages, prices, and profits. Two, renewal of authority for imposition of credit controls. These powers must receive periodic Congressional review. They should be used only in dire emergency, but the power should be there to be used when and if needed.

The President should establish a National Economic Policy Board within the government. The membership should include the Secretary of the Treasury, Secretary of Labor, Secretary of Commerce, Chairman of the Council of Economic Advisers, Director of the Bureau of Management and Budget, and the Chairman of the Federal Reserve Board. This board should meet regularly with Congressional leadership, Majority and Minority, to review the state of the economy. The board should be buttressed by a national economic advisory council consisting of representatives of labor, management, agriculture, and consumer.

The national economic policy board should maintain a continuous review of the state of the economy, including the international as well as the domestic economic scene, and present its report to the President and the Congress at least quarterly.

The President and the Council must be prepared to use persuasion and the pressure of public concern and opinion in securing the voluntary cooperation of labor and management in moderating the wage-price spiral.

A determined effort must be made by government and industry to step up our exports in manufacturing, processing, and agricultural products. In some areas this may call for much broader lending authority and export assistance in order to meet foreign competition.

I do hope President Nixon will accept and implement most of Chairman Arthur Burns' catalog of steps appropriate for an "incomes policy." By the way, Dr. Burns' actions gratifyingly coincide very closely with the report of my Inflation Task Force in 1968, chaired by Otto Eckstein.

Most serious is the fact that past failures have put us in a very unsatisfactory position to reverse the economic downtrend rapidly and markedly. Had the rise in unemployment been associated with a very sharp reduction in the rate of inflation, we could stimulate demand and reasonably expect that relatively full employment could be restored with a reasonable time—without rekindling the fires of inflation.

But the Nixon Administration's performance in 1970—when unemployment increased by more than 2 million persons and prices continued to rise at peak rates—leaves us with grave problems and limited prospects for the near future.

Unless the Administration's direct attack on inflation is far more aggressive and far more effective in the future than in the past we will not soon reach satisfactory levels of employment without again fanning the flames of inflation.

As we look at the individual sectors for 1971 it is hard to find evidence of the kind of growth which will get us back to 5 per cent unemployment at the end of 1971 and a 4.5 per cent zone at the middle of 1972. These targets are fine, but they will not be achieved by wishing. I agree with Arthur Burns that confidence is important, but the big question is how one instills confidence. I do not think it comes through rhetoric or exhortation. Government policies and actions are more important than just talk. There may be some economists somewhere who will bet on the $1065 billion dollar level for 1971, but I have not found them, even in the financial or business community. For my taste, the target is not too high. But, it is the Nixon policies or lack of policies that makes the tar-

get lack credibility. Dr. Burns himself has indicated the $1065 billion figure is "very optimistic."

Nor do I believe that the programs set forth by the President in the past month include the inherent ingredients for a rapid rise in real output. GNP will rise but the expansion indicated in the Economic Report does not seem to be in the cards. Excessive unemployment will likely prove to be much more stubborn than is anticipated. With the labor force and productivity expanding briskly and with the war in Vietnam continuing to wind down, the GNP will have to grow far above the normal rate of expansion just to prevent a rise in unemployment.

I reiterate, the high goal—if that is what the $1065 billion really was intended to be—is commendable.

I personally believe in the power of positive thinking. I believe that faith can move mountains. But, sad to say, the economy lately has proven to be, at best, an agnostic.

By the way, let me for a moment resume my recent role as Professor and give you another reading assignment. It is a very short assignment. You must read all of page 84 and the top part of page 85 of the Annual Report of the Council of Economic Advisers published just three weeks ago. If you can then tell me whether the 1065 is a "high target" or an "intermediate target" or a "possible development" or a "feasible target" or a "reasonable expectation," I will be deeply grateful for the clarification.

We should aim for a high rate of real growth in order to restore relatively full employment at the earliest possible date. This is desirable not only to remove the tragic consequences of unemployment, but also to overcome the horrible waste in a society which has great unfilled needs. Further, the movement toward full employment would yield substantial improvement in productivity and could yield more favorable prospects for improved price stability. Vigorous movement toward full employment can harmonize with the objective of greater price stability. This depends, of course, on what the Administration does on the price front. If no efforts are made to restrain cost and price increases and if there continues to be excessive reliance on the aggregate demand approach, then rapid growth can bring about a rekindling rather than a slowdown in the rate of inflation. So we are back to questioning Administration policy.

Maybe the Administration will behave differently in 1971 and 1972 than in 1969 and 1970. For the sake of the people in this country, let us hope so. Certainly the political developments of 1970 should have dictated a major change in policy, but it is hard to see a budget balancer really becoming an expansionist budget unbalancer to the degree needed to get the economy moving forward again. Nor is it easy to envisage the President pursuing a determined incomes policy after reading his emphatic statements of what he will not do and his mild statements of what he will do.

We must relate politics and economics and social needs in meaningful and realistic patterns.

Administration spokesmen have insisted that much of the rise in unemployment is due to moving from a war economy to a peace economy. What irony that a Republican Administration should try to prove that Karl Marx was right. Are we to believe that the same specialists, technicians, scientists that were called upon to develop weapon systems under government contract are not needed to develop new cities, new systems of transportation, advance technology in pollution control, and to meet a host of other unmet social needs? Are we to be told that men who know how to build supersonic planes and space vehicles can't be helpful in designing modern methods of housing construction?

I suggest that we set ourselves to the task of maintaining full employment and steady economic growth in peace. This should be our national goal, and here is where the men of learning and the men of public affairs should come together.

What we need is a combination of ambitious goals and firm policies that will give all of us confidence that these goals can be achieved. Then we need implementation which will help us strike a better and more effective balance between output on the one hand and price stability on the other.

There is a dreadful lack of planning, goals, and priorities in both the public and private sectors. We have long needed some mechanism that represents both public and private interests to give us a sense of direction in the use of our resources, giving some guidance as to what should come first and what it will take to achieve our goals. A free society will not long survive if it wastes its talent, time, and resources. National planning is not something to be frightened about. It is something to be desired. Wealth and power are no substitute for intelligence and judgment.

In returning to public office after two years and to the Senate after six years, I am overwhelmed with the feeling that "here is just where I left things." Our unsatisfied needs—not desires—are boundless. This affluent society is littered with poverty, hunger, discrimination, slums, filthy air, dirty water, inadequate housing, frustrated youth and a divided people. Yes, we have made progress but we have more to do than we have done. When I see our unfinished business I have a better understanding of the rebellion of our young people. Much of our traditional wisdom still has relevance but much of it has no place in a world of true and meaningful values.

The economics profession has moved far ahead in the past generation, but like the innovative scientists in health, in nuclear energy, in space, you have so very much more to do. Leaving partisanship entirely aside, I ask your profession to find the better ways to reconcile full employment and price stability, dynamic growth and equitable distribution of the resulting benefits, economic security and incentives for superior performance, peaceful international relations and narrowing the gaps between the "haves" and the "have-nots," and proper balance between private initiative and private responsibility on the one hand and public responsibility for economic and social justice on the other hand. We must develop an economy of the humanist.

We should, each one of us, burn in our zeal to see this great productive blending of the minds, hearts and muscle of Americans continue its growth. The economy's growth is our growth. Its growth is a measure of our ability, as a Nation and as individuals, to accomplish what we know we can and must accomplish. Its failure to grow is our failure. Its failure to grow also leaves undone those deeds that enhance the quality of life for all Americans.

And those deprived are those who can least afford further deprivation of mind, body and soul—deprivation that long ago became instead, a depredation.

When times are lean those voiceless ones: the poor, the disadvantaged, the uneducated, the handicapped—are the first to suffer—to have their part of the American Dream disappear in a flash—only a bitter after-taste lingering on. A "Present hope—(their) future sorrow."

STUMBLING TO GREATNESS

Mr. BROCK. Mr. President, there are times when I am humbled by the shining example of courage and dedicatior exhibited by those whose strong spirit is housed in a fragile physical home.

Such a man was my good friend Herman Robinson, who despite his own handicaps spent his life and energies helping others who faced physical handicaps and encouraging them to overcome such barriers in order to live a vital and useful life.

Because I would like to share this inspiration with others I ask unanimous consent to insert the following editorial from the Elizabethton Star for February 28, 1971, in the RECORD.

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

A MAN WHO STUMBLED TO GREATNESS

Most everyone strives to live a useful life. Herman Robinson did more than that.

His hometown community, which he cherished, others in the State of Tennessee, the Nation, and those who knew him throughout the World, have lost a man whom they all admired. He would not give up. From birth, he fought to do the things other healthy children do and which are taken for granted by their parents.

His mother, Mrs. E. E. Robinson of Elizabethton, did not keep a protective shield surrounding him, even though he was a victim of cerebral palsy and could not walk until age 10. Words did not come from his open mouth . . . just gutteral sounds.

Herman Robinson was a guiding example of how one could overcome such great obstacles. He finished high school, several years behind others of his age, went on to East Tennessee State University and received his degree. He served diligently, too, in the Tennessee Legislature for many years.

His love for others and his devotion to help the forgotten was carried out through his newspaper profession. He also, with Allen Taylor, organized the first baseball team in Elizabethton in his teenage days.

Herman Robinson would not be stopped. At the age of 58 when he finished his journey for his fellowman, Herman made sure before he left this World that everything, as much as possible, would be readily accessible to those who attempt to follow his footsteps and carry on his work.

His devotion to help the handicapped was felt by everyone who knew him. His service as chairman of the Governor's Committee on Employment of the Handicapped is an example. During the administration of two governors, the late Frank G. Clement and Buford G. Ellington, he gave of his time and his body to promote the handicapped.

Gov. Winfield Dunn re-appointed Herman chairman last Thursday in a State Capitol press conference. This was the final time all of his immediate family would be together with him before death took its toll. He wanted others to know that the handicapped could live a "productive and useful" life at work and at home.

He traveled extensively throughout the the state and nation, and also abroad while in this capacity, a shining example of what mankind can do to overcome affliction. He did this without being paid for his work as chairman of the Governor's Committee . . . only receiving travel allowances.

In 1965 Herman Robinson celebrated his birthday in the Soviet Union, while on a People to People sponsored tour promoting the United States. Everyone with him watched as he sliced the first piece of a Russian birthday cake. On top, in lieu of candles were the American Flag and the flag of the U.S.S.R.

Herman Robinson was attempting to bridge the gap between men of the World, through his work for the handicapped. He was a member of the President's Committee on Employment of the Handicapped.

His day was long. But he did his other job as Elizabethton bureau chief of the Johnson City Press Chronicle, too. He shouldered awesome responsibilities without hesitancy. He loved what he was doing and the pace he had

set for himself seemed to make him work harder.

He knew how to get to the right person in state government in order to help those who sought his help. He was respected by those he worked with.

He was a Christian who rededicated his life at First Baptist Church along side his son, Robert H. Robinson, Jr., who came forward to follow Christ.

Herman Robinson loved his children. He looked forward to seeing his daughter, Jacquelyn Robinson, graduate from Carson-Newman College in June. Everywhere he went he talked about his grandchildren, Robert III and Susan.

Those who visited his office would see a variety of family pictures of these grandchildren, his children and his wife, Marjorie. Marjorie helped Herman mount the insurmountable.

The void of his passing will be felt by many. But he was happy to the very end, a fallen servant the victim of a heart attack. His "BIG" heart to help everyone, his parental guidance as a father, and his love for the job he was doing was above reproach.

As all of us who pick up pieces of the heart will not forget this great man. He somehow knew that "his" work was coming to an end.

After summoning help from his wife via telephone to take him to the hospital after suffering pains in his right shoulder, among other things, he removed a biographical sketch on himself from his office desk and placed it by his telephone.

He finished his report for travel allowance reimbursement too. And then after lying on his hospital bed, gave instructions to his wife to complete other unfinished details. After Marjorie returned to his bedside and reported these details were complete, Herman Robinson rested his mind. He died three hours later.

His typewriter is silent. His office and home telephone is not ringing for the purposes of others seeking help. Others are now showing their appreciation for what he did.

His pipe rests in his ashtray. His paper work is neatly piled on his desk.

He would want the tears spared from mourners.

His work will continue, but a man of his stature and caliber will be difficult to find. The echo of his footsteps will linger in the halls of the Tennessee Capitol and other state government buildings.

His family will sorely miss him too. Their sufferings were already shared by Herman Robinson even before he died. He was so strong that this made him stand above others in a crowd. But you would never hear him say this.

I know that Herman Robinson was all of this and more. I am glad his family shared the generosity of his heart with others. This is the way he wanted it. I know. I am his son. Robert H. Robinson, Jr.

SENATOR HUMPHREY ON "MEET THE PRESS"

Mr. MONDALE. My very distinguished colleague from Minnesota (Senator HUMPHREY) appeared this past Sunday on NBC's "Meet the Press."

His remarks on the fateful issues facing this country were both wise and candid—at a moment when we need wisdom and candor as seldom before from our public leaders.

Recommending Senator HUMPHREY'S statements to all my fellow Members of Congress, I ask unanimous consent that the following transcript be printed at this point in the RECORD.

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

MEET THE PRESS

Guest: Senator Hubert H. Humphrey (D. Minn).

Moderator: Bill Monroe, NBC News.

Panel: Max Frankel, The New York Times; Clark Mollenhoff, Des Moines Register & Tribune; Charles Quinn, NBC News; and Lawrence E. Spivak, Regular Panel Member.

Mr. MONROE. Our guest today on Meet the press is the titular head of the Democratic Party, Hubert H. Humphrey of Minnesota. Senator Humphrey was the Democratic Presidential candidate in 1968. He served in the U.S. Senate from 1948 to '64 when he was elected Vice President. He was reelected to the Senate last November.

Mr. SPIVAK. Senator Humphrey, the Senate Democratic Caucus adopted a resolution the other day for which you voted calling for the withdrawal of all U.S. forces in a time certain from Vietnam. Since that resolution has no power over the President, can you tell us what you hope to accomplish with it?

Senator HUMPHREY. It is a resolution that states a purpose on the part of the majority of the Democrats. It expresses what I believe to be the predominant will not only of the Democratic majority but the American people. It encourages the President, as is said, to take meaningful steps to bring about a prompt withdrawal of American forces from Indo-China, and it discourages the President from any incursions or any diversions of military activity into neighboring states such as Laos and Cambodia.

Mr. SPIVAK. Senator, during the Johnson Administration you said you didn't believe the Democratic Platform Committee ought to be engaged in the business of being the general staff for the war in Vietnam. Why do you think the Senate Democratic Caucus should play that role?

Senator HUMPHREY. Because the Senate of the United States has powers of advise and consent. The foreign policy of this country is in part made up by the Congress of the United States, and national security policy should surely be one of the prerogatives of the Congress of the United States.

There is a great deal of difference between a committee of a Democratic Convention that assembles once every four years as compared to Senators and Congressmen that are the elected representatives of the American people.

I believe the Congress has a role to play in foreign policy and national security policy.

Mr. SPIVAK. Well, what about in running the war though?

Senator HUMPHREY. The Congress of the United States appropriates the money; the Congress of the United States is supposed to have the power to declare war. The Congress of the United States shares in national security policy and there is no way that you can interpret it any other way.

Mr. SPIVAK. Senator, you were reported as saying recently that if you had been elected President we would have been well on our way out of Vietnam by now. Can you tell us what you would have done that President Nixon hasn't done to speed our withdrawal?

Senator HUMPHREY. I believe that report came from a book or a statement by the distinguished statesman Averell Harriman, and he is absolutely right. We would have been well on our way out of Vietnam by now, and I would have made the policy decision to have an accelerated systematic withdrawal of American forces, notifying the government of Saigon of our intention, of our schedule of time of withdrawal and proceeding without ever permitting that government to exercise a veto over American policy or permitting any actions on the part of the North to deter us from that policy.

Mr. SPIVAK. Would you have notified North Vietnam also?

Senator HUMPHREY. I would certainly have notified our allies and that was the important thing.

(Announcements.)

Mr. FRANKEL. Mr. Humphrey, we haven't heard a public deadline, but isn't the President doing most of the things you said? Aren't we well on the way out of Vietnam?

Senator HUMPHREY. Well, as you know, Mr. Frankel, I have given the President through the early days of his administration my support on the withdrawal program but I do not agree with the policy of extending the war into Laos and Cambodia. I think it is wrong. I think it is a policy which will lead to our further involvement and it has many possibilities of serious danger.

Mr. FRANKEL. Does it matter to you, as it seems to, to the President, as to what we leave behind? That is, what seems to be holding him from total and quick withdrawal is that he wants to be sure that a non-Communist South Vietnam survives. Is that important to you, sir?

Senator HUMPHREY. I think it is important to all of us that South Vietnam be able to maintain its national identity and its national independence, but those decisions are ultimately in the hands of the people of South Vietnam.

Now, we have been there a long time, since 1954. We have poured in a treasury of money, of men; we have poured in our manpower, our resources, our technical assistance.

South Vietnam today has an army of 1,200,000 regulars, equipped by the American government and the American taxpayer. It has 500,000 regional and local forces. It has had years—ten years, since 1961—to develop a viable regime.

I think we have more than fulfilled any obligation we have ever had under any treaty or any commitment that we may have ever made.

Mr. FRANKEL. And if it is the military judgment that all those forces still couldn't hold their own without our help, you would nonetheless withdraw that help now?

Senator HUMPHREY. Mr. Frankel, I am not an anti-military man. I believe in national security and national defense and I do not like to see people ridicule our military, but four presidents have been accepting the advice and counsel of the military since 1954 and each time we have poured in more men, more money, more bombers, more bombs, always to buy time, as we say, for the regime in South Vietnam.

Now, we are not committed to any one regime. It seems to me that after that period of time we ought to have learned some lessons. That merely going on further doesn't repair the situation.

Our effort should have always been with the people, with the economic and the social fabric. I think there has been far too much emphasis upon the military; I felt so in the Johnson Administration; I said so and I feel so now.

Mr. FRANKEL. When did you decide that we really ought to give up this battle and get out?

Senator HUMPHREY. In 1968 when I outlined a program of accelerated systematic withdrawal in my address, first at some commentary in Philadelphia, later on at Houston and more completely at Salt Lake City.

Now, you know and I know that there were prominent people in our government that didn't agree with that analysis and I felt then that we ought to be on the way out, that the military solution was not possible; not a cop-out, not a bug-out, but a systematic, sensible program of phased withdrawal. And now I believe that this must be accomplished. I think the needs at home are so imperative that we have to put our own national priorities at the head of the list.

Mr. MOLLENHOFF. Senator Humphrey, you were one of the authors of the Food for Peace Program way back in the fifties and in the last week or so you have put in some legislation that would bar use of this for weapons of war.

Senator HUMPHREY. Yes, sir.

Mr. MOLLENHOFF. Could you tell us how you would accomplish this without putting too many strings on it, seeming to meddle in the affairs of other countries?

Senator HUMPHREY. Well, first of all, Mr. Mollenhoff, the monies that are accrued from the sale of surplus agricultural commodities into the Food for Peace Program belong to the Government of the United States. Now, to be sure those monies are worked—as to the use of them—are worked out in relationship to other governments, that is part of the program, but Food for Peace is food for peace, not food for weapons, not food for guns, not food for bullets, and I believe that these other countries need things much more than they need bullets and weapons.

Mr. MOLLENHOFF. Senator, from the standpoint of the mechanics of going about this, what kind of legislation—Senator Aiken has said in the last week that this would be completely unrealistic because it would put us in the position of dictating the internal affairs, budgetary affairs of another country.

Now, what is your response to that and how would you work it out in legislation?

Senator HUMPHREY. There are always honest differences of opinion. You know of my very high regard for Senator Aiken. I consider him one of our most able men, but this money that we are talking about, these rupees, for example, or whatever it may be, the zlotys or whatever they may be, they belong to the government of the United States. We are not dictating how they put their budget together in another country. We are simply saying that "We will not loan you our money out of the sale of commodities known as 'agricultural commodities' for weapons systems," and just put it in the legislation.

We have a right, I think, to tell people what we are going to do with our money.

Mr. MOLLENHOFF. But do you put our General Accounting Office into the position of going into the financial affairs of another country in this respect, and in effect dictate how that country will handle its budgetary matters? Can you keep them from shifting funds from one area over into another and really——

Senator HUMPHREY. Yes, we can. As a matter of fact every dollar under Food for Peace is a negotiated arrangement with the other country. There is no money under Food for Peace that is not a negotiated arrangement when it is released from our Treasury so to speak to another country. It is a negotiated arrangement and I say let's not negotiate the use of those dollars for weapons purposes.

Mr. MOLLENHOFF. Can you legislate on this?

Senator HUMPHREY. Yes, we can legislate on it. I would hope we didn't need to. I would hope the Administration could take care of it, but if they won't, we will legislate it just exactly as we legislated other uses of Food for Peace money, for schools, for health, for the American businessman to be able to buy or purchase some of that money.

Mr. QUINN. Senator, the 1972 Presidential campaign appears to be under way already and the New Hampshire Democrats have invited all potential Democratic candidates to come to New Hampshire for a visit. Have they invited you?

Senator HUMPHREY. I can't recall, but I believe there was a letter that came to my office, but as you know, I have just been reelected to the United States Senate and I have no present plans to be a Presidential candidate. I may very well want to look this situation over a year from now and at that time I will make whatever decision I feel is necessary one way or another, and you will be the first to know, by the way, if you want it that way.

Mr. QUINN. Senator, Senator Kennedy has declined the invitation and I think some others have accepted—Senator McCarthy. Are you going to accept or decline the invitation?

Senator HUMPHREY. I haven't really looked at it. I imagine if it is important for Presidential candidates I would decline it but I would love to go to New Hampshire. I have been there before. It is a wonderful state. But I would like to come in under the auspices, let me say, of just a friendly invitation to go to a group that might want to hear any of my views. I am not a candidate.

Mr. QUINN. Senator, what will some of the factors be in reaching your decision later this year?

Senator HUMPHREY. Well, I am going to base my decision on what the situation is in the country, what the issues are, and how the Democratic Party and its spokesmen respond to that situation and those issues. In other words, I want to base it on the realities of what the economic and social issues will be and how they are being handled by [illegible] party, my party.

Mr. SPIVAK. Senator, if we get all our troops out of Vietnam but the war is still on, would you be for or against military aid of any kind for the South Vietnamese and helping to train their soldiers?

Senator HUMPHREY. I believe that a form of economic assistance, technical assistance—

Mr. SPIVAK. I am talking about military assistance.

Senator HUMPHREY. Not active troop deployment in the area.

Mr. SPIVAK. Military equipment.

Senator HUMPHREY. Military equipment.

Mr. SPIVAK. We have all our troops out. Would you send military equipment? Would you help train their soldiers?

Senator HUMPHREY. If there was a threat to their national security, sir. I would treat the South Vietnamese as we do other friendly countries and other friendly powers. I surely do not want American forces there, but as, for example, as for technical assistance, as to military assistance, we would judge that on the basis of their need just as we have with other countries such as Cambodia, Israel and so forth.

Mr. MONROE. No air support?

Senator HUMPHREY. No troops. The time is at hand to get our forces out of Indochina.

Mr. SPIVAK. Senator, the Democratic Policy Committee of the Senate the other day passed another resolution which you approved, saying that the Senate majority should work to stop the inflation and reverse the recession. Now what do you think you can do about inflation in the Senate, and if you can do something, why hasn't the Senate done something before.

Senator HUMPHREY. Mr. Spivak, the Administration's policies on the economic front have been unbelievably inadequate and they continue to be that way. Filled with confusion, filled with controversy of testimony. One Cabinet officer, in a sense, rebutting another. Filled with all sorts of platitudes and promises, and there are answers.

This Administration in the very beginning in 1969 opened up the Pandora's box of inflationary trouble, or extended it, I might add, but when the President—

Mr. SPIVAK. They didn't open it, did they, Senator?

Senator HUMPHREY. I said "and extended it." When the President said that the Administration would not interfere in wage-price decisions. Now what are some of the remedies? Not merely to rely on the Federal Reserve Board and tight money and high interest, which was the early reliance. One, establish a national economic stabilization board, a wage-price board, with the power of public opinion behind the decisions of that board and the use of Presidential influence in what we call "jawboning."

Two, establish within the Administration an economic council to synchronize and coordinate all economic policies of the Administration. Three, to establish advisory councils to the wage-price board and to the administration of business and labor, to establish productivity councils at a regional and local basis to increase productivity. To have a national incomes policy, which this Administration hasn't. This Administration has a disastrous economic policy. It is its great area of vulnerability.

Mr. SPIVAK. But, Senator, weren't we in trouble economically under Johnson when you were Vice President? Didn't we have a roaring inflation and didn't we have unemployment? Didn't we have all these problems with us?

Senator HUMPHREY. Mr. Spivak, we had some inflation. The inflation rate was about four and a half percent at the end of the Johnson Administration. I think any fair man has to admit that the Nixon Administration inherited a degree of inflation. We had relatively full employment, but I must add that the budget for Fiscal 1969 was a surplus budget. I must add that the special tax, the surtax had been put on. I also must add the Nixon Administration taking a look at those facts never once called together the leaders of the Congress, the spokesmen of the economic policy of the government in one concerted move to try to find ways and means to dampen down the fires of inflation. Instead of that it fueled those fires of inflation and now it finds itself in a serious critical position.

Mr. SPIVAK. But Senator, isn't the Nixon Administration now doing what you Democrats started and that is deficit spending, in the interests of what they call full employment? Aren't they doing that? Are they satisfied with that?

Senator HUMPHREY. They have certainly given some legitimacy to what they have always told us was a mortal sin. They have moralized deficit spending but, Mr. Spivak, deficit spending is not the total answer to our problem. This may be helpful in making the economy—getting the economy on the move again. It is in serious trouble with six per cent unemployment; over five million people without work; with the wholesale price index going up this last month the highest it ever has in the past 15 years. It is in serious trouble. The economy farm parity at 68 per cent of parity.

But, what you need more than just a full employment budget is a national incomes policy. You need a wage-price stabilization board, not with compulsory powers, but bringing to bear public opinion and public pressure, the moral power of the White House. You need a concerted effort by Congress and the Executive Branch to do something about these fires of inflation that are eroding purchasing power, that work cruel havoc upon people that have fixed income like our pensioners, that are just taking—after all, even if you increase the gross national product, if you do not stop inflation it is meaningless. And I submit the Administration vacillates. Its policy has been weak kneed and ineffective and it has been constantly contradictory.

Mr. FRANKEL. The two things, I gather, that trouble you most, Mr. Humphrey—Vietnam and the economy, and inflation, are nonetheless things Mr. Nixon really inherited from the Democrats.

Why do you think the country should, after a quick two years of Mr. Nixon's efforts to cope with problems that were handed him by the Democrats, why should the country listen to many of those same Democrats now when they criticize his performance?

Senator HUMPHREY. Well, Mr. Frankel, we had an election in 1968 and you are looking at one of the men that was in it. The people made a judgment. In that election the President said he had a secret plan for peace in Vietnam. I said I had a proposal too and I outlined my proposal to the American public and I think it would make some interesting re-reading to read the address that I delivered at Salt Lake City in the latter part of September, 1968.

Mr. FRANKEL. Do you think the President had no plan at all?

Senator HUMPHREY. I don't accuse him of that. I just want him, if he has a plan, to make it work.

Secondly, the President of the United States said as a candidate in 1968 that he would check the fires of inflation without a rise in unemployment.

Now, we did not have unemployment in 1968. We had begun to reverse the tide of inflation. We were in a surplus position in the budget in fiscal 1969 and I submit that an administration that comes in new ought to learn—if we made mistakes, surely they ought to have learned from our mistakes, and more importantly, there are things they ought to do when they are new and when they come in, particularly on the basis of campaign promises, which were not fulfilled.

This Administration did not present a tax program to the 91st Congress. This Administration did not put a national incomes policy before the American people. This Administration opened up the floodgates of inflation rather than trying to put a brake upon them.

Mr. FRANKEL. Are there any significant subjects on which you would give the President good marks? His efforts at arms control, the new tone on China? Anything in the domestic area with which you are pleased?

Senator HUMPHREY. I am pleased with some of the reversals of positions the President is now taking.

For example, I notice this morning the President has changed his attitude on Model Cities and will now release the funds on Model Cities.

I notice now the President feels we do have a national health crisis and has come forth with at least some form of health measure.

I am sure the President tries. There is an honest disagreement between us as to what is the better method.

It is my view that the President's message on the state of the world had many constructive features to it, even though I think it was much more hard line, much more inflexible than his previous messages. He surely has had some forward position on our relationship with China.

I was dismayed though, I must say, in two aspects of his state of the world message. The manner in which he dealt with Indo-China and the manner in which he discussed the arms control situation. I wasn't pleased with that.

Mr. MONROE. We have less than four minutes.

Mr. MOLLENHOFF. Senator, in the area of labor legislation, you have been a leader over a period of years. In 1949 you were talking about Taft-Hartley as some kind of a burr under the saddle of labor, and when you were Vice President you said you were going to get rid of that burr. Why didn't you get something done on that?

Senator HUMPHREY. We didn't have the votes, Mr. Mollenhoff, and in this country that is what it takes.

Mr. MOLLENHOFF. Well, you have said also that the Landrum-Griffin legislation went too far with its restrictions on labor unions. Now, in the last few weeks and months here we have seen the United Mineworkers under Landrum-Griffin and we have seen what Tony Boyle and others of the United Mineworkers did under that.

Do you feel there should be some change in Landrum-Griffin and should it be made tighter, or more loose?

Senator HUMPHREY. Mr. Mollenhoff, I am not familiar with all the details, but wherever there is a mis-use of the funds that belong to the workers and their pension funds, their trust funds, their union funds, there ought to be strict and stern legislative restraints and there ought to be adequate enforcement. It is just that simple.

I think that we now know that there are difficulties in some of the—not only in unions, but in banks and in business, and we can't condone it.

Mr. MOLLENHOFF. In fact, hadn't we seen enough through this area through the labor racket investigations in the late fifties and some of the problems of the early sixties, to arrive at some conclusions on this, and you were suggesting a few years ago that you loosen these things up.

Senator HUMPHREY. Oh, no, I voted for all the restraints and the controls on pension and welfare funds. Mr. Mollenhoff.

Mr. MOLLENHOFF. But in 1960 you said if you had it to do over again, you would not have voted for Landrum-Griffin.

Senator HUMPHREY. For Landrum-Griffin, but that is not all the legislation, sir, that we have upon the books relating to health and welfare funds.

Mr. MOLLENHOFF. Isn't that the one that puts the restraints upon the books themselves and the financial accounting and so forth that we are involved in?

Senator HUMPHREY. Part of it, sir, but Landrum-Griffin does much more than that and you know it and I know it, so let's not argue about it here.

Mr. MOLLENHOFF. But it does that.

Mr. QUINN. Senator, how many fewer Americans would be in Vietnam now, today, if you were President? There are about 330,000——

Senator HUMPHREY. How many are left?

Mr. QUINN. Around 330,000.

Senator HUMPHREY. About 330,000 fewer.

Mr. QUINN. You'd be completely out?

Senator HUMPHREY. I would.

Mr. QUINN. What about the argument that moving too rapidly will endanger the American troops?

Senator HUMPHREY. You know, we have heard this argument all during the years. I just said a while ago if the South Vietnamese have a million two hundred thousand men that we consider to be well trained—we thought some of them were well enough trained to send them barging across the frontier into Laos, others into Cambodia—of course, they go with American support, American airpower, but it seems to me that the first responsibility of those forces in South Vietnam is to be a force to defend their own frontiers within the country.

Our effort today is not to leave Vietnam alone, but to help it to build a viable economy, to help promote regional security in that area, to help these people defend themselves and to encourage the Government of South Vietnam to broaden its political base because surely there will be another election over there or some form of political change and it ought to be on a much broader base than it presently is.

Mr. MONROE. Our time is up. Thank you very much, Senator Humphrey, for being with us on Meet the Press.

WORKSHOP OF THE WORLD

Mr. SCOTT. Mr. President, the city of Pittsburgh has long been a major industrial area. From our early days the excellent waterways of the Ohio, Allegheny, and Monongahela Rivers have contributed to this excellent climate. Pittsburgh is the major trading center for the 56 countywide marketing area in Pennsylvania, Ohio, West Virginia, and Maryland, providing foods and serving over 7 million persons. It is estimated that 75 percent of the Nation's buying power is within a 500-mile radius of the city of Pittsburgh. The Pittsburgh Press business editor, William H. Wylie, recently provided his readers with an excellent capsule of the might of this great city. Mr. President, I ask unanimous consent that the article, "Workshop of the World" be printed in the RECORD.

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

"WORKSHOP OF WORLD" STILL HAS PLENTY OF MUSCLE

(By William H. Wylie)

For years motorists approaching Allegheny County were told they were entering the "workshop of the world."

Signs near the county line touting Pittsburgh's industrial might were particularly meaningful during World War II when a big chunk of democray's survival was staked on district mines and it's doubtful if the civic boast would have made Axis leaders raise their hands in surrender. But it is known that Pittsburgh's steel-making ability was respected in Berlin and Tokyo.

Of course, the Axis powers plummeted down the sewer of defeat. But Allegheny County is still open for business as usual.

In fact, when the county flexes its industrial muscles, 25 states are overshadowed. That's the word from Lewis E. Conman, director of the U.S. Commerce Department field office here.

Conman, whose people keep track of such things, said the county packs a bigger industrial wallop than 25 of the 50 states. Only 19 other industrialized counties have more manufacturing plants than Allegheny, he revealed in a smattering of fresh business statistics.

In applying its yardstick to the County, Commerce came up with these additional findings:

There are approximately 170 industrial research and testing labs in the Pittsburgh area, making R&D the third largest industry here. More than 20,000 scientists, engineers and technicians earn $175 million annually.

Pittsburgh is the nation's busiest inland river port, moving more than 60 million tons of cargo annually. Approximately 35,100 people are employed by all forms of transportation in movement of goods in and out of the area.

Although the four-county Pittsburgh area ranks as the ninth major market, it is 13th in the number of production workers, ranks 12th in net consumer buying power, 11th in retail sales and ninth in population.

Pittsburgh is the major trading center for a 56-county marketing area in Pennsylvania, Ohio, West Virgina and Maryland, providing food and services to seven million people.

During 1969 an estimated $320 million in goods were exported by Pittsburgh-area firms. The four major categories were electrical machinery, transportation equipment, instruments and controls and non-electric machinery.

THE CIVIL DISTURBANCE INFORMATION COLLECTION PLAN

Mr. BAYH. Mr. President, on Saturday I obtained a copy of the "Civil Disturbance Information Collection Plan," issued by the Department of the Army on May 2, 1968, and unclassified for the first time on February 24, 1971. While this plan has since been superseded, I believe that this comprehensive, 36-page, minutely detailed plan of operation for collecting information about potential civil disturbances would be of interest to every Member of this body.

When I first looked at this document I was saddened and alarmed by the scope and depth of snooping on peaceful civilians which this plan dictates. It is astonishing to me that the Army would include the NAACP and the SCLC, two of the leading organizations in this country urging peaceful reconcilation among the races, and imploring minority groups to following nonviolent ways, in a list of

"groups attempting to create, prolong, or aggravate racial tensions."

Moreover, I was also deeply disturbed at the threat to freedom of the press created by suggested Army information gathering concerning the mass media, including questions such as the "identity of newspapers, radio, or television stations and prominent persons who are friendly with the leaders of the disturbances and are sympathetic to their plans," "the use of mass media to influence civil disturbance elements," and the "presence" and "effect of news media representatives in the disturbed areas."

We need a strong Armed Force to protect this country, and we must be prepared to meet the possibility of civil violence as well as threats from outside our shores. But I am convinced that we can adequately protect ourselves without sacrificing the most fundamental of freedoms of all Americans—freedom of speech, freedom of the press, the freedom peacefully to petition the Government and to protest its policies, and the basic right of privacy.

Each of us must remain vigilant against those benevolent souls, those well intentioned people, who would protect our freedom by employing instruments that can destroy it. Police-state tactics of any kind have no place in these United States of America. We can make our streets safe and our homes secure without tapping telephones or photographing peaceful demonstrations or spying on public officials.

The distribution list attached to the plan, to my mind, conclusively rebuts any suggestion by the Army that its intelligence gathering operation has been a limited one. This operation was clearly nationwide in scope and was broadened to include the whole range of national intelligence gathering agencies. The distribution lists shows in excess of 300 copies distributed across the country, including one to each continental U.S. Army command, and one copy to each of the Adjutant Generals of the National Guards in the 50 States.

Mr. President, I ask unanimous consent that this civilian disturbance information collection plan be printed in full in the RECORD.

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

DEPARTMENT OF THE ARMY CIVIL DISTURBANCE INFORMATION COLLECTION PLAN (ACDP) (U)

1. (U) References:

(a) JCS SM 695–63, May 25, 1963.

(b) JCS Publication 2, paragraph 40505, 40506, and 40507.

(c) DA Civil Disturbance Plan (U), February 1, 1968.

2. (C) General:

(a) The Department of the Army Civil Disturbance Information Collection Plan (ACDP) provides basic guidance and direction for the planning, coordination, and employment of DA intelligence and counterintelligence resources in the collection and reporting of information pertinent to civil disturbances.

(b) It is recognized that Army assistance to local or State authorities in peacetime, as well as in wartime emergency, is a long standing tradition in our country. In most instances in the past, such assistance was rendered with a minimum of advance information concerning the situation. The current civil disturbance situation dictates a change in the degree to which the Army must seek advance information concerning potential and probable trouble areas and trouble makers.

(c) The Army is well aware that the overwhelming majority in both the anti-war and the racial movements are sincere Americans. It also realizes that in both groups there is a small but virulent number who are out to tear America apart. During demonstrations and disturbances these are the activists that control the violent action. These are people who deliberately exploit the unrest and seek to generate violence and terror for selfish purposes. If the Army must be used to quell violence it wants to restore law and order as quickly as possible and return to its normal protective role—to do this it must know in advance as much as possible about the well springs of violence and the heart and nerve causes of chaos. To do less means the professional violence purveyors will have a better chance to achieve their end aims—law breaking, social disintegration, chaos, violence, destruction, insurrection, revolution.

(d) In obtaining the information called for in this plan the Army seeks only to collect that needed to exercise honest and sound judgment of the measures to be taken in suppressing rampant violence and restoring order—to assure that only the mildest effective measures are exercised—to insure that no overstepping of the degree of force or circumscription needed is applied—to conserve military resources and to avoid infringment on the responsibility and authority of civil government agencies—to insure pervasive vigilance for the fundamental rights of private citizens by the selective and enlightened use of force in restraint against those who are truly violating the rights of their fellow citizens.

3. (C) Mission: To procure, evaluate, interpret, and disseminate as expeditiously as possible information and intelligence relating to any actual, potential or planned demonstrations or other activities related to civil disturbances within the Continental United States (CONUS) which threaten civil order or military security or which may adversely affect the capability of the Department of the Army to perform its mission.

4. (C) Situation:

(a) Possible military action required of the Army may include the commitment of federal forces to restore and maintain law and order, to enforce the laws of the United States, or to protect the rights of citizens within a State. Information required to fulfill assigned missions is obtained through liaison conducted with federal, state, and local agencies by US Army Intelligence Command (USAINTC) personnel and by the collection sources designated in Appendix B. USAINTC personnel will not be directly used to obtain civil disturbance information unless specific direction to do so has been received from Headquarters, DA. Predisturbance information to satisfy Army requirements will be obtained by drawing on other Federal as well as State and local sources which secure such data in the course of carrying out their primary duties and responsibilities.

(b) When need for military intervention in a civil disturbance situation appears imminent, the Personal Liaison Officer of the Chief of Staff, US Army (PLOCofS) will be dispatched in advance of the task force to the objective area to coordinate with municipal and state officials, make an estimate of the situation, and report directly to the Chief of Staff, US Army. To fulfill his responsibilities, it is necessary that the PLOCofS have up-to-date and detailed information on the current situation in the designated area.

(1) The officer directing the USAINTC operations in the objective area will provide maximum assistance to the PLOCofS in matters of liaison, coordination, information, and other needs of the PLOCofS in accomplishing his responsibilities.

(2) Upon commitment of Army forces and/or arrival of the Personal Liaison Officer of the Chief of Staff, US Army (PLOCofS) in the objective area, US Army Intelligence Command (USAINTC) personnel are authorized to operate more actively to fulfill intelligence requirements; specifically, intensify or initiate contact with local police and government officials, civil leaders, members of private organizations, and observe demonstrations, riots, and other activities which have a bearing on the situation.

(3) USAINTC personnel will not engage in covert operations pertinent to civil disturbances without prior approval and direction of this Headquarters.

(4) During the execution of civil disturbance control operations, the USAINTC unit covering the civil disturbance responds to the EEI and other support requirements of the Task Force Commander and PLOCofS until they depart the objective area.

(c) Dissemination. Information and intelligence will be disseminated without delay to higher, parallel, and subordinate headquarters in accordance with their requirements by the most expeditious means consistent with its importance and security classification.

5. (C) Execution: This plan is directive to DA elements only and is furnished to other agencies for information and coordination purposes.

(a) DA Agencies: Those DA agencies indicated are requested to respond to requirements listed in Appendix B. Designated agencies may publish supplemental guidance and procedural instructions consistent with this plan. In the event such supplemental instructions are prepared, request that two copies be forwarded to the Assistant Chief of Staff for Intelligence (ACSI), DA, ATTN: ACSI–DSCD, Washington, 20310, within 30 days after publication.

(b) Mutual Support Arrangements. Agencies, offices, and commands from whom mutual support arrangements will be requested are listed in Appendix B. Details of mutual support arrangements, when required, will be outlined in separate correspondence with each agency concerned and will not be made a part of this collection plan.

(c) Comments and Recommendations: Users of this plan are invited and encouraged to submit recommended changes or comments to improve it. Comments should be keyed to the specific page, paragraph, and line of the text in which the change is recommended. Reasons should be provided for each comment to insure understanding and complete evaluation. Comments should be forwarded directly to the Assistant Chief of Staff for Intelligence (ACSI), DA, ATTN: ACSI–DSCD, Washington, D.C. 20310.

6. (U) Priorities: Civil disturbance information collection priorities are contained in Appendix C.

7. (U) Distribution:

(a) Distribution list is contained in Appendix D.

(b) Addressees are requested to make distribution of this plan within their respective agencies and commands. Reproduction of this document in whole or in part is authorized to meet the requirements of individual addressees.

APPENDIX A: REPORTING ON "THRESHOLDS OF CONTROL" FACTORS

1. (FOUO) Violence which is beyond the control of local authorities does not exist solely as a function of the number of incidents. Rather it exists as a function of the commitment of those reserves available to local civil commanders, the capabilities of their personnel, the rate at which the reserves are being used up, compared to the "staying power" of the disturbance causers,

the trends in the character of the disorder, and the interpretations of those specific incidents which reflect on the moods and possible courses of future action by the groups involved in both sides of the disturbance. For example, an outbreak of incidents far in excess of normal levels may not constitute an emergency if local authorities have not committed all of their reserves. In most large cities, with many reserves such as off-duty personnel and personnel from unaffected areas, and a well ordered system of commitment and shifting of resources, this type of situation could perhaps be handled routinely. Conversely, an outbreak of incidents not greatly above normal levels which was sustained for a prolonged period could prove to be an emergency, if the reserves available to civil commanders were committed and exhausted at a rate greater than that at which they could be relieved and rested. A large outbreak of fires may be handled routinely by a fire department that can draw on the reserves of surrounding areas, but a small outbreak may be disastrous if other factors are considered: for example, in the event firemen refused to answer alarms in areas where snipers were active, it could result in the spreading of fires which under normal circumstances could have been easily controlled. The point at which control by civil authorities can no longer be maintained is considered to be the "threshold of control."

2. (FOUO) Thus, the best collectors and analysts are the civil commanders and experts on the scene: the fire and police chiefs, the city managers and like officials. Such individuals will not be expert at predicting the exact course of future events, as has been proved in past riots, but they will be the authorities on the commitment and capabilities of their reserves, the character of the disorder, and the moods of the hostile minority groups. They will differentiate between normal incidents and incident levels, and disturbance incidents and incident levels, without resorting to numerical manipulation. They will make judgments based on consideration of all of these important numeric and non-numeric factors, and their past experience with all elements involved. A police commissioner may not be able to cite the statistics on arrests, fires, false alarms, or lootings in his area on an hour-to-hour basis. But he may be able to report with reliability, that "if these incidents continue at this level for six more hours, my men just will not be able to handle it without help."

3. (C) The Counterintelligence Spot Report System concentrates on incident reporting. Such information is needed in order to chart the course and tempo of an ongoing civil disturbance and keep the responsible military authorities advised of the scale and character of the disorder. However, in addition to the spot reports, information is needed regarding the capabilities of local civil officials to maintain control. Such information will be of great assistance to federal authorities in anticipating the point at which local and state agencies are no longer able to cope with a violent civil disturbance.

4. (C) Liaison with those individuals and agencies who can be expected to have in-depth pictures of the situation, the problems, and the maintenance of order is, in most cases, already established. If these sources are used to provide information regarding advance planning, reserves, commitments, personnel capabilities and limitations, trends in the character of the disorder, and the ability to contain continuing violent disturbances, the picture of future developments and requirements will become clearer than would be the case with incident-by-incident reporting alone.

5. (C) The types of information contained in Appendix B, Section II, Activities During Civil Disturbance, will provide the Federal authorities with the information necessary to weigh the capacity of the civil officials to maintain control of the disturbance.

APPENDIX B TO DA CIVIL DISTURBANCE INFORMATION COLLECTION PLAN (ACDP) COLLECTION REQUIREMENTS

1. (U) Headquarters, Department of the Army civil disturbance information collection requirements are stated in this appendix. These requirements reflect the information which DA requires for the effective discharge of its mission.

2. (C) DA collection agencies who are requested to respond to specific requirements are indicated by the symbols listed below and as annotated on pages B–3 thru B–16. DA collectors are also requested to report information pertinent to other requirements that may be obtained as a by-product of their other activities:

A. Continental Army Command (CONARC).
B. US Army Intelligence Command (USAINTIC).
C. The Provost Marshal General (TPMG).
D. Commander-in-Chief, US Army Forces, Strike (CINCARSTRIKE).
E. The National Guard Bureau (NGB).
F. US Army Security Agency (USASA).
G. Other DA Agencies in COUNS.
H. Major US Army Oversea Commands.

3. (C) Other Department of Defense Agencies, as indicated by symbols below, are requested to report to DA, as soon as obtained, any relevant information which they obtain pertinent to these collection requirements:

I. Department of the Navy.
J. Department of the Air Force.
K. Defense Intelligence Agency (DIA).
L. Other Department of Defense Agencies.

4. (C) The Federal Bureau of Investigation (FBI) is requested to provide information and reports which are relevant to those collection requirements annotated with the symbol "M."

5. (C) Requests to cooperating agencies for information: The following US Government agencies are requested to furnish to the Department of the Army, as soon as obtained, any information which is pertinent to the collection requirements stated herein:

Central Intelligence Agency (CIA).
Subversive Activities Control Board.
Department of Transportation, U.S. Coast Guard.
Department of the Treasury:
(a) Office of the Special Assistant (Enforcement).
(b) US Customs.
(c) Bureau of Narcotics.
(d) US Secret Service.
(e) Internal Revenue Service. Alcohol and Tobacco Tax Division.
Department of Justice:
(a) Community Relations Service.
(b) Civil Rights Division.
(c) Internal Security Division.
(d) Federal Bureau of Investigation.
(e) Inter-division Information Unit.
(f) Immigration and Naturalization Service, U.S. Border Patrol.
Atomic Energy Commission (AEC).
General Services Administration (GSA).

AREAS OF COVERAGE AND COLLECTION AGENCIES

Requirement	Military District of Washington	1st U.S. Army Area	3d U.S. Army Area	4th U.S. Army Area	5th U.S. Army Area	6th U.S. Army Area	Other areas
1. Predisturbance activities.							
a. Indicators of threatening violence in communities having a discontented populace:							
(1) Presence of militant agitators from within a discontented minority community or presence of "outside" militant agitators.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(2) Increase in thefts, sales of arms and ammunition (including Molotov cocktail ingredients), especially to militant minority groups.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(3) Increase in efforts of extremist minority groups to instigate violence through inflammatory propaganda, either written or verbal.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(4) Increase in number of incidents which reflect minority group rebellion against authority, such as false alarms and vandalism.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L.
(5) Reports and rumors of planned agitation or impending violence related to civil disturbances.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L.
(6) Increase in activity, such as rabble-rousing meetings and fiery agitation speeches of extremist civil rights groups.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L.
(7) Sharp increase in absentee rate of discontented minority groups.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L.
(8) Increase in incidents of resisting arrest; the gathering of crowds when arrests are made.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L.
(9) Increase in charges of police brutality; increased resentment of law enforcement.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(10) Stepped up activity by gangs, characterized by anti-social activity on the part of minority group members.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(11) Increase in assaults on police/fire personnel	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
b. Activities preceding planned civil disturbance							
(1) Probable causes, objective, locations, and nature of disturbance	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(2) Probable categories and identification of persons and groups who will create or participate in disturbance.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(3) Estimated number of persons who will be involved. As participants. As observers.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(4) Probable assembly areas and routes. Method of travel	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(5) Leaders identity. Overt and behind the scenes	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(6) Activities, organization, and other plans prepared by the leaders. (a) How will they exert control? (b) Will weapons be used? What type? Where, when, how?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(7) Identity of newspapers, radio, or television stations, and prominent persons who are friendly with the leaders of the disturbance and are sympathetic with their plans. Will any be present? Participating? How?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L

AREAS OF COVERAGE AND COLLECTION AGENCIES—Continued

Requirement	Military District of Washington	1st U.S. Army Area	3d U.S. Army Area	4th U.S. Army Area	5th U.S. Army Area	6th U.S. Army Area	Other areas
1. Predisturbance activities—Continued							
b. Activities preceding planned civil disturbanco—Continued							
(8) Location, kind, and amount of arms, equipment, and supplies available to the disturbers.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(9) Location of other arms, equipment, and supplies which, if insufficiently guarded, may be seized by the disturbers in event rioting occurs. Are safeguards against seizure sound?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(10) Location and name of important buildings/facilities that may be threatened. What makes the building/facilities important? Who is owner/responsible for building/facilities? How can he be contacted?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(11) Location and description of communications systems, public utilities, and stores of volatile fuel. Responsible person? How contacted?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(12) Possible threat to Federal property. What? Where? When? By whom?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(13) Do the facilities in (10), (11), and (12) above have their own physical security? How adequate?	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
(14) Identification of Department of the Army personnel (military or civilian) who are or may become involved on the side of the disturbers.	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	A,B,C,M	G,I,J,K,L
c. Indicators of potential violence:							
(1) High unemployment or menial work rate among discontented minority groups.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(2) High crime rates for discontented minority groups	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(3) Wide disparity of average income between white and discontented non-white.	A,3,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,3,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(4) Poor relations between law enforcement officials and discontented minority groups.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(5) Migration of large numbers of persons from discontented minority groups into cities.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(6) Lack of means for minority groups to redress grievances and lack of meaningful communications between law enforcementage ncies and the minority community.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(7) Protests of minority community to conditions in slum areas, such as: de facto segregation in unions, housing, and schools; lack of jobs; lack of recreational facilities; local merchants and landlords overcharging for housing, goods, or services; police brutality; substandard education facilities and teaching staff.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(8) Efforts by minority groups to upset the balance of power and the political system.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(9) Failure of law enforcement agencies to properly respond due to indecision, lack of manpower, or fear of public reaction.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(10) Inequitable law enforcement, real or imagined, towards minority groups.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
(11) Public apathy or negative reaction to issues of civil rights and impartial law enforcement.	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	A,B,C,G,L,M	G,I,J,K,L
d. Evidence of Subversion [1]:							
(1) Formation of a covert subversive organization directed against legally constituted government.	All	All	All	All	All	All	H,I,J,K,L
(2) Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations composed primarily of non-whites.	All	All	All	All	All	All	H,I,J,K,L
(3) Collaboration between subversive groups and non-white organizations and groups.	All	All	All	All	All	All	H,I,J,K,L
(4) Assistance to non-white militant groups from outside the U.S.A., especially from Cuba and Communist China.	All	All	All	All	All	All	H,I,J,K,L
(5) Indications of movement into extremist, integrationist, and segregationist groups by the Communist Party of the U.S.A., American Nazi Party, Nation of Islam, Knights of the Ku Klux Klan, and the Progressive Labor Movement.	All	All	All	All	All	All	H,I,J,K,L
(6) Aims and activities of groups attempting to create, prolong, or aggravate racial tensions, such as CORE, NAACP, SNCC, National States Rights Party, Southern Christian Leadership Conference, and Council of Federated Organizations.	All	All	All	All	All	All	H,I,J,K,L
e. Purposes and objectives of dissident groups:							
(1) Overall purpose and objectives. Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities, resources to be employed.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,J,K,L,M
(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from other agencies.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
f. Capabilities and vulnerabilities of dissident groups: Evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
g. Funds: Source and extent of funds, how are they distributed. General purpose for which funds are used.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
h. Organization of dissident groups:							
(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organizational charts, rosters of key personnel.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
(2) Subordinate elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
i. Tactics and strategy of dissident organizations: How do these elements plan and execute their civil disturbances and related actions. The nature and scope of their tactics and strategy. Proposed or planned deviations from usual or accepted tactics. Internal factionalism and protagonists. Cause themes and appeals.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
j. Personnel:							
(1) Number of active members; breakdown of membership by ethnic group, age, economic status, education, criminal record. Biographic data on key numbers.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
(2) Potential for increasing membership. Numbers of persons, source of members.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
(3) Women members. Age, position within group, authority, biographic data.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds?	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
k. Administration. How is organization supervised and controlled? Who is responsible for correspondence and related actions? Does organization produce publications? Identify.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A B C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M
l. Training. Are skills useful in creating disturbances and doing violence taught, e.g., fabrication of Molotov cocktails, homemade bombs, firearms, booby traps, and other devices? Judo, marksmanship, communication training, countersurveillance, infrared photography. Training areas, source of support, instructors.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L	A,B,C,G,I,J,K,L,M
m. Logistics. Source of supplies, weapons, vehicles. Location, stocks, capacity of stockpiles. Methods of resupply.	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L,M	A,B,C,G,I,J,K,L	A,B,C,G,I,J,K,L,M

Footnote at end of table.

Requirement	Military District of Washington	1st U.S. Army Area	3d U.S. Army Area	4th U.S. Army Area	5th U.S. Army Area	6th U.S. Army Area	Other areas
2. Activities during civil disturbance.							
a. Activities during a civil disturbance:							
(1) Location, form and extent of violence and damage. Proximate cause for outbreak.	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(2) Identification of individuals and groups participating in civil disturbances. Leaders? Government personnel? News media representatives? Spokesman?	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(3) Targets or planned targets of violence, burning or looting, e.g., neighborhoods, government buildings, Army installations, department stores, and public utilities.	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(4) Patterns of violence which suggest centralized control and organization, e.g., well organized sniping, selective firebombing, and other systematic destruction.	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(5) Indications of participation in or instigation of violence by persons or groups known to be subversive.	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M
(6) Expected duration of disturbance. Is it likely to recur? When can it be expected to break out again? In what locations and in what form?	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M
(7) Motive for the disturbance? Antiauthority? Antiwhite? Mixed?	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M
(8) The reserves committed by local agency commanders in the current situation.	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M
(9) The effects on the current situation of reserves that have been committed.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(10) The projected effects of reserves that have been requested but not yet committed.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(12) The direction of the disturbance; whether anti-authority, anti-white, or undirected.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(13) The trends of riot connected activity; sniping, looting, bombing	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(14) The types of attacks on authorities; rock throwing, sniping	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(15) The reactions of authority to attacks; whether withdrawing or counter-attacking.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(16) The authorization for use of riot control equipment	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(17) The riot control equipment presently in use	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(18) The use of mass media to influence civil disturbance elements	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	A,B,C,D,E,F,G,I,J,K,L,M.	
(19) The refusal of local agency personnel to respond in disturbed areas or while under fire	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(20) The presence of news media representatives in the disturbed area	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(21) The effect of news media representatives in the disburbed areas	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(22) The extent of reporting from the disturbed area, and its sources	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(23) The communications with personnel in the disturbed area	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(24) The emergence of spokesmen for the minority element	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(25) The indication of organization and central direction of rioters	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(26) The presence of militant leaders and their activities	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
(27) The efforts to instigate or perpetuate violence	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	A,B,C,D,E,F,G,I,J,K,L,M	
3. Post-disturbance activities.							
a. Activities following civil disturbance:							
(1) Is disturbance likely to recur?	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	
(2) When can it be expected to break out again? In what location? In what form? To what degree?	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	
(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	
(4) What is attitude of minority groups who participated?	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	
(5) Have militant agitators and other leaders left the area of civil disturbance? Where are they currently located?	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	A,B,C,D,M	

Requirement	USAREUR	USARPAC	USARSO	Other areas
4. International activities related to civil disturbances (Civil disturbance group relationships, international):				
a. Manifestations of support by "peace" organizations or other organizations in either Communist or non-Communist countries.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(1) Name of organization demonstrating support	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(2) Leaders	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(3) Number of participants	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(4) Nature of protest activities	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(5) Salient features of protest, if any	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
b. Exploitation of U.S. prisoners-of-war and internees by foreign countries in support of civil disturbance in CONUS. All available details.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
c. Exploitation of U.S. deserters and defectors by foreign countries in support of civil disturbance in CONUS. All available details.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L

[1] As relates to civil disturbances only.

APPENDIX C: CIVIL DISTURBANCE INFORMATION COLLECTION PRIORITIES

1. (C) Priority Assignment Base. The Priority Assignment Base (PAB) consists of numerical priorities from 1 through 3. Within each priority, three subpriorities (A, B, C) are established to indicate further the relative degree of urgency for satisfying a requirement. The criteria on which priorities and subpriorities have been determined are shown below:

(a) Priorities:

(1) Priority 1: Information concerning the existing civil disturbance/subversion threat against U.S. national interests, the realization of which could result in large-scale riots involving U.S. forces. This category of information is of such importance as to warrant maximum increased effort.

(2) Priority 2: Information concerning a potential civil disturbance/subversion threat against U.S. national interests, resulting from nationwide local racial incidents, deliberate provocations or regional difficulties which could result in limited involvement of U.S. forces. This category of information is of such importance as to warrant moderate increased effort.

(3) Priority 3: Information concerning natural phenomena and human adaptations, their interrelationships and effects on the civil disturbance situation in the nation. Collection of this information warrants routine effort.

(b) Subpriorities:

(1) A—Items requiring action before subpriority B or C items.

(2) B—Items requiring action after subpriority A but before subpriority C items.

(3) C—Items requiring action after subpriority A and B items.

2. (C) Priority Intelligence Objectives. Department of the Army priority civil disturbance intelligence objectives to be supported by this plan are stated below:

(a) Priority 1:

(1) Maximum prior warning of an impending major civil disturbance outbreak in the United States.

(2) Major developments in the composition, disposition, and capabilities of dissident/subversive groups in the United States.

(b) Priority 2:

(1) Plans, activities and capabilities of dissident/subversive organizations to create disturbances and effect arson, demolition, vandalism and other disruptive activities against property and persons of particular interest to the U.S. Government.

(2) Present and prospective dissident/subversive capabilities to initiate or support civil disturbances, subversive and paramilitary operations in the United States.

(a) Contact with dissident and subversive elements in target areas and support of such elements' activities.

(b) Logistic support to anti-Government elements.

(3) Major developments in the composition, disposition and capabilities of subversive/dissident groups.

(a) Organization.

(b) Strength, location.

(c) Support.

(4) Vulnerabilities of local and state governments to penetration, internal subversion and overthrow, through violence or other illegal means, by subversive/dissident groups and biographic data on current, key leaders of such groups.

(5) Nature and extent of insurgency potential in low income, racially troubled areas.

(6) Extent and nature of Communist aid to dissident/subversive groups.

(7) Intra-group relations and schisms; extent and nature of internal resistance and disagreement within subversive/dissident organizations.

(8) Circumstances, trends and occurrences that substantially affect capabilities of subversive/dissident groups to create civil disturbances, including acquisition of arms and enactment of new legislation.

(c) Priority 3:

(1) Routine developments in the composition, disposition and capabilities of subversive/dissident groups.

(2) Circumstances, trends and occurrences that routinely affect capabilities of subversive/dissident groups to create civil disturbances.

(3) Routine data on personnel, funds, resources, organization, and location of dissident/subversive groups.

(4) Other information concerning civil disturbances that requires routine collection effort.

TABLE OF COLLECTION PRIORITIES

Subject	Key cities	Other areas, United States	Other areas, foreign
(1) PREDISTURBANCE ACTIVITIES			
(a) Indicators of threatening violence in community having a discontented populace:			
(1) Presence of militant outside agitators	1B	1C	
(2) Increase in thefts and sales of arms and ammunition	1B	1B	
(3) Increase in efforts of minority extremist groups to instigate violence	1B	1B	
(4) Sharp increase in number of incidents of violence, such as thefts, window breaking, false alarms, muggings, arson	1B	1B	
(5) Reports and rumors of planned violence	1B	1B	
(6) Increase in activity of extremist groups	1B	1B	
(7) Sharp increase in absentee rate of discontented minority workers	1B	1B	
(8) Increase in number of incidents of resisting arrest; gathering crowds at scenes of arrest	1B	1B	
(9) Increase in charges of police brutality, resentment of law enforcement	1B	1B	
(10) Increase in gang activity; antisocial activity of minority group members	1B	1B	
(11) Increase in assaults on police/firemen	1B	1B	
(b) Activities preceding planned civil disturbance:			
(1) Probable causes, locations, and objectives of disturbances	1B	1B	
(2) Probable types of persons who will create or participate in disturbances	1B	1B	
(3) Probable numbers of persons who will create or participate in disturbances	1B	1B	
(4) Probable assembly areas or routes	1B	1B	
(5) Known leaders, overt and behind-the-scenes	1B	1B	
(6) Plans, activities, and organization prepared by leaders	1B	1B	
(7) Friends and sympathizers of participants, including newspapers, radio, television stations, and prominent leaders	1C	1C	
(8) Location of arms and supplies available to rioters	1B	1B	
(9) Location of arms and supplies liable to seizure by rioters	1C	1C	
(10) Important buildings that may be threatened	1C	1C	
(11) Location of communications systems, public utilities, and stores of volatile fuel	2C	2C	
(12) Threat to Federal property	1C	1C	
(13) Identity of DA personnel (civilian or military) who may be involved on side of disturbers	1C	1C	
(c) Indicators of potential violence:			
(1) High unemployment rate for discontented minority groups	2C	2C	
(2) High crime rates for minority groups	2C	2C	
(3) Disparity of average income between white and nonwhite	2C	2C	
(4) Poor relations between law and minorities	2C	2C	
(5) Migrations of minorities into cities	2C	2C	
(6) Lack of means to redress grievances	2C	2C	
(7) Protests of minority community to conditions	2B	2B	
(8) Efforts by minority groups to upset balance of power and political system	2B	2B	
(9) Failure of law enforcement agencies to properly respond	2B	2B	
(10) Inequitable law enforcement	2B	2B	
(11) Public apathy or negative reaction to civil rights issues and impartial law enforcement	2B	2B	
(d) Evidence of subversion: [1]			
(1) Formation of covert subversive organizations	1C	1C	1C
(2) Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations	1C	1C	1C
(3) Collaboration between subversive groups and nonwhite organizations	1C	1C	1C
(4) Assistance to non-white militant groups from outside the United States	1C	1C	1C
(5) Indications of movement into extremist, integrationist and segregationist groups by the Communist Party and other subversive organizations	1C	1C	1C
(6) Aims and activities of groups attempting to create, prolong or aggravate tensions	1C	1C	1C
(e) Purposes and objectives of dissident groups:			
(1) Overall purpose and objectives. Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities; resources to be employed	2B	2B	2B
(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from agencies	2B	2B	2B
(f) Capabilities and vulnerabilities of dissident groups: Evidence of strengths and weaknesses in terms of effectiveness to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security	2C	2C	2C
(g) Funds: Source and extent of funds, how are funds distributed, and general purposes for which funds are used	2C	2C	2C
(h) Organization of dissident groups:			
(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organization charts. Rosters of key personnel	2A	2A	
(2) Subordinate Elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization, and key personnel	2A	2A	
(i) Tactics and strategy of dissident organizations: How are civil disturbances and related actions planned and executed? Nature and scope of tactics and strategy. Proposed or planned deviation from usual or accepted tactics	2C	2C	
(j) Personnel:			
(1) Number of active members: breakdown of membership by ethnic group, age, education, economic status, criminal record, and biographic data on key members	2B	2B	
(2) Potential for increasing membership, numbers of persons, source of members	3A	3A	
(3) Women members. Age, position, and authority within group. Biographic data	3A	3A	
(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds	3A	3A	
(k) Administration: How is organization supervised and controlled? Who is responsible for correspondence and related action? Does organization produce publications? Identify	2C	2B	

Footnote at end of table.

TABLE OF COLLECTION PRIORITIES—Continued

Subject	Key cities	Other areas, United States	Other areas, foreign
(1) PREDISTURBANCE ACTIVITIES—Continued			
(l) Training: Are skills useful in civil disturbances taught, e.g., fabrication of Molotov cocktails, firearms? Communication training. Countersurveillance, other countermeasures. Clandestine skills (infrared photog, SW). Training, areas, instructors. Sources of training support	2C	2C	
(m) Logistics: Sources of supplies, weapons, vehicles. Location, stocks, capacities of stockpiles. Method of resupply	2C	2C	2C
(2–A) ACTIVITIES DURING A CIVIL DISTURBANCE			
(1) Location of violence	1A	1A	
(2) Identification of participants and leaders	1A	1A	
(3) Targets or planned targets of violence, burning or looting	1A	1A	
(4) Patterns of violence that suggest organization	1A	1A	
(5) Indications of participation or instigation by subversives	1A	1A	
(6) Expected duration of disturbance	1A	1A	
(7) Motive for the disturbance. Anti-authority? Anti-white? Mixed?	1A	1A	
(8) The reserves committed by local agency commanders in the current situation	1A	1A	
(9) The effects on the current situation of reserves that have been committed	1A	1A	
(10) The projected effects of reserves that have been requested but not yet committed	1A	1A	
(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance	1A	1A	
(12) The direction of the disturbance; whether anti-authority, anti-white, or undirected	1A	1A	
(13) The trends of riot connected activity; sniping, looting, bombing	1A	1A	
(14) The types of attacks on authorities; rock throwing, sniping	1A	1A	
(15) The reactions of authority to attacks; whether withdrawing or counterattacking	1A	1A	
(16) The authorization for use of riot control equipment.	1A	1A	
(17) The riot control equipment presently in use	1A	1A	
(18) The use of mass media to influence civil disturbance elements	1A	1A	
(19) The refusal of local agency personnel to respond in disturbed areas or while under fire	1A	1A	
(20) The presence of mews media representatives in the disturbed area	1A	1A	
(21) The effect of news media representatives in the disturbed area	1A	1A	
(22) The extent of reporting from the disturbed area, and its sources	1A	1A	
(23) The communications with personnel in the disturbed area	1A	1A	
(24) The emergence of spokesmen for the minority element	1A	1A	
(25) The indication of organization of the rioters	1A	1A	
(26) The presence of militant leaders and their activities	1A	1A	
(27) The efforts to instigate or perpetuate violence	1A	1A	
(3) POST-DISTURBANCE ACTIVITIES			
(a) Activities following civil disturbances:			
(1) Is disturbance likely to recur?	1B	1C	
(2) When can it be expected to break out again? Where? In what form? To what degree?	1B	1C	
(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?	1B	1C	
(4) What is attitude of minority groups who participated?	1B	1C	
(5) Have militant agitators and other leaders left the area of civil disturbance? Where are they currently located?	1B	1C	
(4) INTERNATIONAL ACTIVITIES RELATED TO CIVIL DISTURBANCES			
(a) Manifestations of support by "peace" organizations or other organizations in either Communist or non-Communist countries			1B
(1) Name of organization demonstrating support			1B
(2) Leaders			1B
(3) Number of participants			1B
(4) Nature of protest activities			1B
(5) Salient features of protest, if any			1B
(b) Exploitation of U.S. prisoners of war and internees by foreign countries in support of CONUS civil distrubances. All available details			1C
(c) Exploitation of U.S. deserters and defectors by foreign countries in support of CONUS civil distrubances. All available details			1C

[1] As relates to civil disturbances only.

APPENDIX D (DISTRIBUTION) TO DEPARTMENT OF THE ARMY CIVIL DISTURBANCE INFORMATION COLLECTION PLAN (ACDP) (U)

1. DOD agencies:

Organization:	Number of copies
OJCS	3
DN	3
DAF	3
USMC	2
USSTRICOM	3
DSA	1
DIA	3
DCA	3
USCONARC	3
USARSTRIKE	5
USAREUR	2
USARPAC	2
USARSO	2
USARAL	2
USACDC	2
USAINTC	20
USAINTS	2
USAMC	5
USARADCOM	7
USASCC	3
USASA	3
USASA School	2
MTMTS	2
First U.S. Army	2
Third U.S. Army	2
Fourth U.S. Army	2
Fifth U.S. Army	2
Sixth U.S. Army	2
Seventh U.S. Army	2
Eighth U.S. Army	2
MDW	3
USAJFKCENSPWAR (ABN)	2
III Corps	3
XVIII Airborne Corps	3
2D Armored Division	2
5TH Infantry Division (Mechanized)	2
82D Airborne Division	2
DA	103
SA	(2)
CofSA	(2)
VCofSA	(2)
SGS	(2)
DCSPER	(2)
DCSLOG	(2)
DCSOPS	(5)
ACSI	(15)
ACSFOR	(2)
ACSC–E	(2)
CORC	(2)
CRD	(1)
COA	(1)
CINFO	(2)
TAG	(1)
TIG	(1)
TJAG	(1)
TPMG	(3)
TSG	(1)
CofENGRS	(2)
CofCH	(1)
OPO	(1)
* NGB	(50)

* (One copy for each CONUS State AG)

Directorate of Civil Disturbance Planning & Operations	8
USAMPS	2
USAWC	2
NWC	1
ICAF	1
DIS	1
AFSC	1
USACGSC	1
ASD(I&L)	1
Dir, Scty Policy, ASD (Admin)	1

2. Non-DOD agencies:

Organization:	Number of copies
The President's Foreign Intelligence Advisory Board	2
National Security Council	2
United States Intelligence Board	2
Central Intelligence Agency (CIA)	5
Department of Transportation, U.S. Coast Guard	2
Department of the Treasury:	5
Office of the Special Assistant (Enforcement)	(1)
United States Customs	(1)
Bureau of Narcotics	(1)
U.S. Secret Service	(1)
Internal Revenue Service, Alcohol & Tobacco Tax Div	(1)
Department of Justice	10
Community Relations Service	(1)
Civil Rights Division	(1)
Internal Security Division	(1)
Federal Bureau of Investigation (FBI)	(3)
Inter-division Information Unit	(1)
Immigration and Naturalization Service, U.S. Border Patrol	(2)
Atomic Energy Commission (AEC)	2
Subversive Activities Control Board	2
General Services Administration	1

MINNESOTA SUPPORT FOR RURAL JOB DEVELOPMENT

Mr. MONDALE. Mr. President, I was delighted to give support to the Rural Job Development Act sponsored by the Senator from Kansas (Mr. PEARSON).

There has been a great deal of talk but precious little action and even less resources allocated to the renovation of our rural areas and the restoration of some balance in our population and our economy.

I think an editorial in the Marshall Messenger written by Editor Don Olson gives us an indication of the kind of support this measure has in many of our smaller towns and rural areas.

I wish to call attention to Mr. Olson's editorial as a representative of the kind of understanding and support which these and similar measures have, I believe, throughout our smaller cities, towns, and countryside.

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

SENATOR MONDALE'S WELCOME SUPPORT

(By Don Olson)

Last week Sen. Walter F. Mondale announced his support of legislation aimed at encouraging industry to locate in "job-starved" rural communities. The specific bill he is supporting is the Rural Job Development Act, which was authored by Sen. James B. Pearson, a Kansas Republican.

Sen. Mondale's support of a measure such as this is not surprising because he always has been a strong champion of the countryside. But it should not go unnoticed by those of us who share his concern and appreciate his efforts.

Commenting on the Pearson bill, Sen. Mondale said, "Because we have not effectively used rural America's excellent human and natural resources, we have forced rural Americans to migrate to metropolitan centers in their search for economic opportunity.

"The cities are busting at the seams," he added, "while much of rural America becomes more and more economically depressed."

The bill, which was introduced in the Senate last week, would make a series of tax incentives available to new job-creating enterprises that locate in rural development areas. It would be administered by the secretary of agriculture.

These are the incentives:

A seven per cent tax credit on personal and real property. The credit would be increased to 10 per cent in areas having a population density of 25 persons per square mile. (Lyon county has a density of almost 35.)

An accelerated depreciation of two-thirds the normal, useful or class life of machinery, equipment and buildings.

A tax deduction equal to 50 per cent of the wages paid to workers for whom the enterprise must provide on-the-job training, an encouragement to hire and train local people who lack required skills.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. HUMPHREY). Pursuant to the previous order, the next hour will be controlled respectively by the Senator from Idaho (Mr. CHURCH) and the Senator from North Carolina (Mr. ERVIN), and the Senator from Alabama (Mr. ALLEN). Which Senator now yields time?

Mr. CHURCH. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 2 minutes.

Mr. CHURCH. Mr. President, we have talked and talked about the merits of a rules change. We have given historical arguments; we have given arguments relating to the wisdom of minorities and majorities.

But I want to add one further observation.

In my judgment, an intransigent insistence upon retaining the cloture rule in its present form is a way of informing the American people that we in the Senate regard ourselves as being under siege. We are saying that we 100 Senators are gathered in this Chamber primarily for the purpose of saying "No."

To proceed under the present cloture rule is to insist that the Senate, part of the supreme legislative assembly in our Nation, remain insulated, in the maximum degree, from the most pressing problems of the American people. We are saying that we want to resist, insofar as possible, the resolution of our most bruising domestic and international problems. It is as if we covet the thick masonry walls that surround us.

I insist, Mr. President, that such an attitude reflects a negatively charged vision of our duties and responsibilities as legislators for our Nation. I think such an attitude is unfortunate; I think it bodes ill for the future reputation of the Senate; I fervently hope we do not insist on such a position. These reflections, Mr. President, are not merely my own. They are shared by the American people.

Only this week, the results of the Harris poll, published in the Washington Post 2 days ago, show that the American citizens queried gave the Congress an extremely low grade.

Interestingly enough, the Harris poll shows that the American people gave the Congress high marks in 1965 and 1966, years during which we acted positively and constructively—in the fields of environment, medical care, education, and consumer protection.

Mr. President, I ask unanimous consent to have the results of the Harris poll printed in the RECORD.

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

[From the Washington Post, Mar. 1, 1971]

CONGRESS GETS POOR RATINGS

(By Louis Harris)

By 63 to 26 percent, the American people give the 91st Congress negative marks on the job it did in 1970—a new low.

President Nixon receives scarcely better treatment: by 59 to 28 percent, he is given low marks in dealing with Congress.

Yet when the public is asked whether it is better for the country to have the executive branch and Congress in control of the same party or different parties, people opt for continuing the present arrangement by 49 to 36 percent. Their reason: at a time when politicians and politics are held in low esteem, most Americans feel "it is good and healthy to have Congress and the executive branch keeping each other on their toes."

A cross section of 1,627 households was recently asked: "Do you like the idea of having a Congress of a different party from the President as a check on him, or do you think having different parties running Congress and the White House makes it difficult to maintain proper government in Washington?"

[In percent]

	Good idea	Bad idea	Not sure
Nationwide	49	36	15
Republicans	41	49	10
Democrats	58	29	13
Independents	45	35	20

The cross section was asked, as comparable cross sections had been asked in previous years: "How would you rate the job Congress did in 1970—excellent, pretty good, only fair or poor?"

[In percent]

	Positive	Negative	Not sure
1971	26	63	11
1970	34	54	12
1969	34	54	12
1968	46	46	8
1967	38	55	7
1966	49	42	9
1965	64	26	10

People were asked: "How would you rate the job Congress has done in the past year on the following—excellent, pretty good, only fair, or poor?"

[In percent]

	Positive	Negative	Not sure
Requiring pollution-free car engine	76	15	9
Banning cigarette advertising on TV	64	26	10
Extending Federal aid to education	59	26	15
Giving vote to 18-year-olds	55	36	9
Rejecting SST subsidy	38	28	34
Passing expanded ABM	37	34	29
Passing anti-crime bill	36	39	25
Turning down Haynsworth and Carswell	26	35	39
Overriding Nixon veto on hospital bill	26	35	39
Not passing Nixon welfare reform bill	25	48	27
Not increasing social security	13	71	16
Not passing revenue-sharing bill	10	46	44

Congress receives its highest marks for its measures in the consumer area, as well as aid to education and granting the vote to the 18-year-olds. It is criticized, however, where it did not go along with the major elements of President Nixon's legislative program.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, today's will be the third vote on the question of cloture to end debate with respect to Senate Resolution 9. I do not believe that there has been a great deal of change in the sentiment of the Senate since the first two votes were taken, resulting in 37 votes against cloture on the first vote and 36 against cloture on the second vote.

Senate Resolution 9 does not represent an idea whose time has come. The junior Senator from Alabama submits that if the idea, the thought, of a change in the Senate rule with respect to cutting off debate in the Senate were being supported at this time by two-thirds of Senators, we would see more Senators on the floor at this time to take part in the "kill." No, the idea of a change in the Senate rules on debate limitation is not an idea whose time has come.

Mr. President, it has been suggested, and the distinguished Senator from Idaho, in one of his speeches the other day pointed out, according to the committee print on the Senate cloture rule, that prior to the cloture votes on the pending question, there had been, since 1917, 49 cloture votes taken in the Senate. Only eight cloture motions received the required two-thirds vote, which on the face of it would indicate that 41 is-

sues were defeated in the Senate by use of extended debate. That is far from being correct because actually, in many cases, several cloture votes were taken on a single issue.

In the statistics, there are references to 49 separate cloture votes, not separate issues before the Senate. There is a table appearing on page 43 of the committee print, Mr. President, which I ask unanimous consent to have printed in the RECORD.

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

LATER ACTION ON 63 FILIBUSTERED MEASURES

Bills	Filibustered	Passed	Not passed (17)
Reconstruction of Louisiana	1865	1868	
Election laws	1879	1909 (repealed)	
Force bill	1890-91		×
River and harbor bills (3)	1901, 1903, 1914	At intervals	
Tristate bill	1903	1907, 1912	
Colombian Treaty	1903	1903 [1]	
Ship subsidy bills (2)	1907, 1922-23	1936	
Canadian reciprocity bill	1911	1911 [1]	
Arizona-New Mexico statehood	1911	1912 (admitted)	
Ship purchase bill	1915	1916	
Armed ship bill	1917		×
Mineral lands leasing bill	1919	1920	
Anti-Lynch bills (3)	1922, 1935, 1937-38.		×
Migratory bird conservation bill	1926	1929	
Campaign investigation resolution	1927	1927 [1]	
Colorado River bills (2)	1927, 1928	1928 [1]	
Emergency officers retirement bill	1927	1928	
Washington public buildings bill	1927	1928	
Resolution to postpone national-origins provisions of immigration laws	1929	1929	
Oil industry investigation	1931	1935	
Supplemental deficiency bill	1935	1936	
Prevailing wage amendment to work relief bill.	1935	1936	
Flood control bill	1935	1936	
Coal conservation bill	1936	1937	
Anti-poll-tax bills (4)	1942, 1944, 1946, 1948.	1964	
FEPC bill	1946	1964	
FEPC bill	1950	1964	
Slot machine bill	1950	1950	
Tidelands oil bill	1953	1953	
Atomic Energy Act, amendment	1954	1954	
Civil rights bill	1957	1957	
Do	1960	1969	
Senate rules, adoption of	1961		×
Literacy test for voting	1962	1965, 1970	
Communications satellite bill	1962	1962	
Amend Rule XXII	1963		×
Civil rights bill	1964	1964	
Reapportionment amendment	1964		×
Votings rights	1965	1965	
Right-to-work	1965, 1966		×
Civil rights (open housing)	1966	1968	
District of Columbia home rule	1965		×
Amend Rule XXII	1967		×
Campaign fund financing	1967		×
Open housing	1968	1968	
Fortas nomination	1968		×
Amend Rule XXII	1969		×
Haynsworth nomination	1969		×
Carswell nomination	1970		×
Cooper-Church amendment	1970	1970	
Abolishment of electoral college	1970		×
Family assistance plan	1970		×
Shoe-textile import quotas	1970		×
Funds for supersonic transport	1970	1970	

[1] In special or subsequent sessions.

Source: U.S. Congress. Senate. Committee on Rules and Administration. Limitation on debate in the Senate, hearings. 81st Cong., 1st sess. Washington, D.C., GPO, 42. Addenda compiled by the authors.

Mr. ALLEN. Mr. President, the table points out that of the issues which were defeated by the use of extended debate, 28 of those bills were subsequently passed in the Senate.

The proponents of this measure have been challenged on many occasions to point out one single piece of legislation necessary for the public good that was defeated in the Senate by resort to extended debate. Either the measure was subsequently passed or a compromise was reached. No one has been hurt by the use of extended debate in the Senate.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 additional minute.

Mr. ALLEN. The best way to stop this filibuster—and I would like to see it come to a close—not that there is any pressing business before the Senate, because I call attention to the fact that on the calendar of the Senate at this time there are only two measures, Senate Joint Resolution 17, a joint resolution to establish a joint committee on the environment, which was placed on the calendar by unanimous consent. That is pending. It could pass at any time.

Another measure concerns another change in the rules. So, we are holding up nothing. The best way to stop the filibuster, if it can be called that, is to vote against stopping the filibuster, because if we have another vote today showing no gain or showing no changes, I believe that the distinguished majority leader would be loath to bring this matter up again.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

Mr. President, we can feel in the air that there is no additional sentiment in the Senate for changing the rules of the Senate. At this point, if there are going to be any changes at all, it looks as though there will probably be some changes the other way.

This matter of bringing extended debate to a close applies only with respect to the motion of the distinguished Senator from Kansas (Mr. PEARSON) to proceed to the consideration of Senate Resolution 9. Even if debate is cut off, we likely will go into another extended debate on Senate Resolution 9. That would not end the matter. We could have several days of debate after cloture had been invoked. If the motion to proceed to the consideration of Senate Resolution 9 were agreed to, we would then go into a debate of the resolution on its merits.

I submit, Mr. President, that the sentiment in favor of the resolution itself is much less strong than the sentiment in favor of the motion to proceed to the consideration of the resolution.

If we defeat this motion to close debate by 36 to 37 votes against cloture, the junior Senator from Alabama feels there is very little chance that the distinguished majority leader would permit another cloture motion to be filed.

Mr. President, the best way to stop this filibuster is to vote today not to stop the filibuster.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, I rise to support the efforts of the distinguished Senator from Idaho, the distinguished Senator from Kansas, and others who once again are leading the Senate in a valiant fight, which is the people's fight in this country, to strike down at long last, or at least to relax one of the most archaic and undemocratic barriers to the public will which exists in our country. I refer to the outmoded and undemocratic filibuster in the Senate, rule XXII.

I would support a rules change which would allow a majority to cut off debate in the Senate. I think the fact that every State has two Senators, regardless of its population and that we have other procedural rules and laws which govern the operations of the Senate are safeguards enough for the minority.

Mr. President, despite my own feelings which I have come to have about the need to change to a bare majority, I would support the efforts of the distinguished Senator from Idaho, the distinguished Senator from Kansas, and others to change the rule to three-fifths as they propose, because I think that has the best chance of adoption.

Mr. President, I think it ought to be noted that whether or not this fight is successful this year, it will be ultimately successful. I have supported it in the past, and will continue to support it, and I believe additional Senators will in time see the necessity of changing this rule. I believe this debate will prove to be a successful effort. It has been very help-

ful, because among other things, in addition to the educational value it has for the public generally and for the newer Members of the Senate, it also says to a great many people in the country, who really doubt whether the political process in this country will deliver, that there are people in the Senate who feel that this barrier stands in the way of the public will and that these people will continue to stand and fight to knock the restriction down.

I believe it is important to give people hope after they have lost hope. I speak not merely of black people and other minorities, or young people who have show some disenchantment with the political and electoral processes in the past. I trust that they are beginning to come home again to the political process, and I hope that will be accelerated in the months ahead.

I worry about a great many of the plain people in this country who have legitimate complaints and who feel that they are not being listened to. I think it is in their interests that we speak for them and make every effort to streamline the processes of the Senate and modernize the processes of the Senate and make it more possible for the majority will to govern in this body and in the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield 1 additional minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 additional minute.

Mr. HARRIS. Mr. President, the distinguished Senator from Alabama said that measures which have been blocked by filibusters in the past have later been enacted or compromised. I think that is an important point.

The distinguished occupant of the Chair, the distinguished Senator from Minnesota (Mr. HUMPHREY), has had a role of tremendous and vital importance in the whole field of civil rights when he served the country as Vice President and as a Senator in the efforts in the past to change rule XXII. Those matters have been bound together in the past.

The distinguished Senator from Minnesota knows quite well, as do others, that the race issue, which has been central to all of our national life, has been compromised and compromised and compromised throughout the years at great cost to life, property, and self-esteem in this country.

One reason it has been compromised is because of the necessity in the past in this body to get, not just a majority vote for the passage of civil rights legislation, but to get a two-thirds vote in order to withstand a filibuster.

That is ample reason why we should now cut off debate and allow the Senate to vote on changing rule XXII. The proposal offered by the distinguished Senator from Idaho, the distinguished Senator from Kansas, and others, should be adopted.

Mr. ALLEN. Mr. President, I yield 8 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, I think the Senator from Alabama for the time he has yielded to me. I do not have to reexpress my sentiments or my esteem for my distinguished colleagues who propose a change in rule XXII. They have been interested in this matter over the years. The matter is of equal interest and concern to those of us who oppose this proposed change.

Again, with great deference to the proponents of change, I believe that we in the Senate are just killing time on this matter under these circumstances.

The Senator from Alabama said there is no wave or surge of sentiment and there is not even any discernible interest on behalf of the people throughout this Nation for a change in rule XXII at this time. In fact, there is evidence that a lot of people are taking a second thought and a "rethink" to the extent that, after all, why change the rule now?

Our esteemed friend from Oklahoma, in his great sincerity, suggested that the rule should be changed so it would be easier to pass a bill for the benefit of the poor people, the minorities and other groups. I respectfully submit that we are passing bills here, that we passed bills last year and the year before, that the people are not able to pay for. We are passing far more bills than we are willing to impose taxes to pay for. I remember last year we passed bills—and not military matters—by the billions of dollars, at a time when we are operating under a deficit. It is something like the old man down home said, "We will just appropriate the money."

That is the standard we have adopted here. This is not the time to stop, but it is time to slow down and get our bearings.

Mr. President, we have a mighty good rule now that will permit the cutting off of debate in proper instances. I refer to rule XXII as it is presently written.

I sense a realization among the minds of many of the so-called liberals that, "perhaps, after all, we have gotten a lot of our bills passed, and there might be a move to amend or substantially modify the very items we have been fighting for throughout the years, and we had better not open the door to cutting off these matters. We better not make it any easier to modify these bills in the future than can now be done under rule XXII as it is written."

Mr. President, I miss very greatly a dear friend, a respected and admired colleague who has recently left us. His wise counsel, depth of knowledge of the institutions of Government, and his solid judgments in matters of controversy guided our way for many years in this Chamber. I refer of course to the former Senator from Georgia, Richard B. Russell.

As in all matters, his comments on rule XXII of the Senate reflected his wisdom and depth of perception.

Ten years ago, on January 9, 1961, during debate on the same issue that confronts us today, the distinguished Senator from Georgia said:

> Many years ago, a distinguished British scientist and able author came to this country and studied our institutions of government. After concluding his study, he said, "I see nothing so remarkable about the Constitution of the United States, because it is all sail and no anchor." He went on to say that in the years to come, mobs would arise and would take over this country on the impulse of the moment, and that we would, therefore, have our institutions of government destroyed. He also said that the American Republic would be as fearfully plundered as the Roman Empire was in the sixth and eighth centuries, but that the Huns and Vandals would be generated within our own institutions. But, Mr. President, he overlooked the great anchor that has provided stability to these United States through all the years since the Constitution was adopted in 1789; that anchor has been the Senate of the United States, and the rules of the Senate which permit the representatives of the several States to stand upon this floor and speak. That anchor has been the refusal of the Senate to gag its Members as every other parliamentary body has done. In my opinion, the one great stabilizing factor that has preserved our form of government through all the years has been the right of discussion in the Senate.

This is an eloquent and persuasive statement from a great legislator, and a lifetime student of American Government. Are we to permit the Senate to become "all sail and no anchor"? If the Senate amends rule XXII to three-fifths, we simply make it that much easier for the next and inevitable step to be taken, the acceptance of the majority vote in cloture and all other matters. With it we would destroy the sea anchor of our Constitution, the stabilizer that keeps the bow of the ship of state headed into the gales that strike us so often in these turbulent days.

Another early visitor to our country, in its formative years, also had doubts regarding our constitutional government. Alexis De Tocqueville, in his book, "Democracy in America," said:

> If ever the free institutions of America are destroyed, that even may be attributed to the omnipotence of the majority . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Senator RUSSELL had some very cogent thoughts on the possible tyranny of the majority, also. A little later in the debate, on the same day 10 years ago, January 9, 1961, he said:

> In the course of the discussion we have been assailed time and again with the argument that there is some great sanctity attached to the sheer weight of numbers, and particularly a majority of one. If there is one body in our system of government which is unique and distinctive it is the Senate of the United States. The feature that makes us such a distinctive body is the fact that our composition is a constitutional refutation of the right of a majority of one to proceed to act in the Government.

Mr. President, I am not given to scare stories or predictions about them. But referring to the times of danger in our country, just yesterday the news was filled with stories about the nefarious act of blowing up a part of the Capitol of the United States. Presumably, that was done by one of our own people.

I watched the 30-minute television news program last night. The President of the United States was making an appearance before the State legislature of one of our fine States. Later there was a demonstration by different groups of people. I mean every word when I say they are fine people. Some were students, some were workingmen, and some were farmers. But there was a demonstration there against the President of the United States which included the throwing of rocks and other missiles. One such missile hit his car.

This is proof that these are turbulent times. It is time to quiet down. It is time for leadership and for people to act calmly.

I do not know of any bill concerning the war, farmers, or the workingman that is being held up or that has been held up within recent history. Certainly rule XXII did not create any of that turbulence or uncertainty.

My plea is: Let us quiet down, let us be calm, let us have solid leadership; let us not surrender the distinctive quality which I think is the great virtue of this body.

I thank the Senator for yielding.

Mr. CHURCH. Mr. President, how much time remains for the proponents?

The PRESIDING OFFICER. Twenty minutes remain to the Senator from Idaho.

Mr. CHURCH. Mr. President, the Senator from Mississippi (Mr. STENNIS) never speaks in this Chamber without receiving the most serious consideration. I have listened to his excellent address in support of rule XXII, as it is now written, and to his wise observation that any vessel needs a good anchor. Certainly, I concur that a vessel featuring all sail and no anchor is a dangerous one on which to travel. But I submit that the best ship is one which boasts both an adequate sail and an adequate anchor.

When the record shows that of 49 attempts to secure cloture over a period of 54 years, only eight have been successful, then it is not unreasonable to conclude that our anchor is too large, our sail too small.

Again and again, it has been said in this debate that rule XXII has never interfered with the passage of any important legislation. I submit that this assertion is not so. Only last year, we had a most important proposal before the Senate to amend the Constitution of the United States. Polls indicated that 80 percent of the American people favored the amendment. There was a legitimate basis for concern that, unless we eliminated the anachronism of the electoral college and permitted Americans to vote directly for President and Vice President, as the times require, we could easily face an election when the candidate receiving fewer popular votes than his opponent, would, nevertheless, win the Presidency in the electoral college.

Sixty percent of the Senate favored proceeding to a vote on that amendment, after a long, exhaustive, comprehensive debate as to all its implications. But 60 percent of the Senators could not get a vote, even though the Constitution itself required a two-thirds vote in order for this body to give its approval to a constitutional amendment. That great inbuilt constitutional protection was not sufficient to convince the opponents of the amendment that they should permit the debate to be closed and allow 60 percent of the Senators to vote on the merits of the proposition.

No, Mr. President, this vessel, the Senate of the United States, does not suffer from too much sail; it suffers from too much anchor. If we were to modify rule XXII as proposed, we would remodel the ship in such a way that the anchor and the sail would come into better balance, so that the ship would be rendered more seaworthy for the stormy waters that lie ahead. All of us could be better assured that the ship would see us through.

I hope, after a full month's debate, every part of which is already familiar to the Senate, so frequently has it been repeated through the years, that we could now come to a vote on the merits of this very prudent suggestion for modifying rule XXII.

Mr. President, I reserve the remainder of my time.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama. How much time does the Senator yield himself?

Mr. ALLEN. I yield myself 5 minutes.

Mr. President, there is no such thing as unlimited debate in the U.S. Senate, except in the sense that once a Senator obtains the floor to speak on a debatable issue, he can speak as long as he desires and so long as his physical condition and determination will allow him to speak. Except for that, we have only the right of extended debate in the U.S. Senate.

Rule XXII, far from being a delegation of the power or right of unlimited debate, or even extended debate, is a limitation upon the right to extended debate. This is a rule that has served the Senate and the Nation well for 54 years. The rule now is substantially the same as the rule adopted in 1917. There have been some minor changes. At one time the rule required a constitutional two-thirds, two-thirds of all the elected membership, which today would be 67, to close debate. Now the requirement is only two-thirds of the Senators present. So if 51 Senators are present, the Senate is empowered to act to close debate; and if 34 Senators voted in favor of invoking cloture, we would have cloture.

The distinguished Senator from Idaho pointed out that the constitutional amendment providing for the direct election of the President of the United States with as little as a 40-percent plurality failed to come to a vote in the Senate. Mr. President, it takes two-thirds of the Senators present to pass a constitutional amendment. It takes two-thirds of the Senators present to invoke cloture. If two-thirds of the Senators had been in favor of that constitutional amendment, we know that they would have invoked cloture and would have passed the constitutional amendment.

Since 1917, the Senate has passed tens of thousands of pieces of legislation. The only kind of measure that has been pointed out that was killed by a filibuster—and I submit it was not a filibuster—was the constitutional amendment providing for the direct election of the President with a plurality of 40 percent.

The figure of two-thirds is not reached or grabbed out of thin air. The Constitution itself provides for a two-thirds vote on many issues of importance both in this body and in the other body. It takes two-thirds of the Senators present to ratify a treaty. It takes two-thirds of the Members of the House and two-thirds of the Members of the Senate to submit a constitutional amendment to the States, and then the Constitution requires ratification of the amendment by three-fourths of the States. Two-thirds of the membership present is the number required to expel a Member, two-thirds to convict on impeachment charges, and two-thirds to override a Presidential veto.

Talk about power and talk about filibustering, because that, in effect, is what it is, it takes two-thirds of the Members of the House and two-thirds of the Members of the Senate to override a Presidential veto.

The distinguished Senator from Missouri today spoke for an hour, and part of the thrust of his remarks was that the executive has taken over many of the powers of the legislative branch of the Government.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

He yields himself 2 additional minutes.

Mr. ALLEN. This is just another instance where the Senate would be stripping itself of power, where it would be stripping itself of its prerogatives, where it would be stripping itself of the very attributes that have made it the greatest deliberative body in the world.

Are we going to take away from the Senate the power to discuss issues at length? Over in the other body, Members are permitted to speak for only 5 minutes. They may bind themselves in such a way that they cannot even offer amendments to a bill, so a bill can be rammed through the House of Representatives and come to the Senate, and if we do away with rule XXII and make it easier to stop debate in the Senate, we are going to have legislation flying through the Senate, just as it does through the House.

Mr. President, every 2 years we have a debate on this question. One purpose it serves is that it allows many Senators to extend their recess period for an additional 30 days. I submit that if this motion to close debate on the motion to proceed to the consideration of Senate Resolution 9, seeking to modify rule XXII, is adopted, we are going to have an extended debate, and therefore an extended recess for some of our Members.

Where are those seeking the adoption of this resolution? Where is a Senator, other than voting by rote, in favor of any cloture motion? Mr. President, two-thirds of the Members of the Senate do not favor this cloture motion, as will be ascertained when the vote is taken.

I do wish to commend, as the distinguished majority leader commended

them, the principal proponents of this measure, on their abiding by the rules of the Senate in seeking to change the rules of the Senate, in their tacit agreement, by their actions, that it does take a two-thirds vote of the Senate at the beginning of a session or in the midst of a session——

The PRESIDING OFFICER. Two more minutes.

Mr. ALLEN (continuing). To break off debate in the Senate.

On matters of substantive legislation, you can get a two-thirds majority in the Senate quite easily, as has been done many times. But it is a source of great comfort to realize that there are not two-thirds of the Members of the Senate who are willing to change the framework of the Senate, to change the rules of the Senate that have served this body and this Nation in such good stead.

Yes, vote for cloture, if you want to, on substantive legislation. Do not vote for cloture on changing the rules of the Senate, thereby making it easier to cut off the right of extended debate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CHURCH. Mr. President, I yield the remainder of my time to the distinguished majority leader.

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

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

Mr. MANSFIELD. Mr. President, shortly after 1 p.m., the Senate will be asked to decide whether there has been sufficient consideration of the motion to proceed to consider Senate Resolution 9. An affirmative vote simply means that the Senate is willing to get on with its business and debate and decide the merits of the principle that three-fifths of the Senate should be enough to impose a limitation on debate in this Chamber. It is a principle with which I have long agreed though there is nothing magical about the choice of a three-fifths rule. It does provide a more equitable balance, however, while still protecting sufficiently a minority viewpoint.

I favor the substance of Senate Resolution 9. I believe the Senate ought to be permitted to proceed with the questions involved and to decide them on the merits. Chief among these questions is whether by precluding a vote on the merits of three-fifths, the Senate is not heading down the road to majority cloture. I cannot agree with those in this Chamber who say a three-fifths rule is only one step away from majority cloture. To the contrary, I feel that three-fifths may well be the barrier to majority cloture. If that were not the case, I would not favor the three-fifths resolution. I would prefer to work with the present two-thirds requirement that permit the Senate to move toward a position of majority cloture. Still, there must be a more equitable balance.

Over the years, two-thirds has proven too rigid a standard and too heavy a burden on orderly procedure. In time, this burden will have to be reduced, and by then it could well be with a majority cloture provision. Adoption of the three-fifths resolution now, in my judgment, avoids taking later a path leading to the destruction of the uniqueness of this institution and its vital importance in our scheme of Government. Any path leading to majority cloture would do just that.

To put it simply, I could never and will never support an effort leading to majority cloture. To me the issue of limiting debate in this body is one of such monumental importance that it reaches to the very essence of the Senate as an institution. The protection of minorities, as provided by the U.S. Senate ranks with other fundamental issues framed by our Founding Fathers. To say this is not heretical or undemocratic. Our Constitution itself specifies that nine distinct issues be resolved by more than a majority. The Constitution of the United States is not undemocratic.

To me, the issue of protecting minorities is of transcendent importance. How it is achieved in the U.S. Senate distinguishes this institution as a legislative body throughout the world. It is absolutely vital that this unique characteristic of the Senate be preserved.

To be sure, not always has the so-called cloture rule as presently written assisted the efficient disposition of legislative business. Requiring two-thirds on the great civil rights proposals was an enormous burden. But the burden was met. At the same time I believe the action of the Senate at the close of the 91st Congress in December of 1970 demonstrates that such a procedure does not just benefit one particular minority; but rather it benefits all. In question at that time was the wisdom of the restrictions on the use of ground combat troops in Laos and Cambodia. As I recall, the threat of a so-called filibuster by an apparent minority played no small role in assuring that the restrictions were retained. I do not believe that many Members of this body would today disagree with that decision. Its success is attributable in great part to the few in this body who insisted that the Senate's right on combat restrictions become a part of the law. It was a vigilant minority using the protection of rule XXII that helped so much to achieve this result.

It should be said also that issues arise at times in an atmosphere charged with deep emotions. While other institutions of Government have no protection against responding abruptly and without ample consideration, the Senate stands uniquely as the only forum where calmness, coolness, and reflection may be demanded of even a majority. It should continue to be this way, and a change to three-fifths would preserve this indispensable quality. At the same time, this modest change, in my judgment, would answer the demands that we instead go all the way and write a majority cloture rule. Three-fifths is equitable. It is fair and just. With its adoption, in my opinion, these biennial exercises to change the rules of the Senate will be put to an end. Indeed, it is the only way to stop the effort to gain a majority cloture rule.

Allowing the retention of the two-thirds rule and the inordinate burden it imposes merely threatens the destruction of the very character that distinguishes the Senate and its unique function in our scheme of Government. So, before dismissing the three-fifths proposition so readily, we should ask if not that action would contribute to a process that will lead ultimately and inexorably to majority cloture. The most important aspect of this debate is the issue of minority protection. But the meaning of minority protection should not be clouded by definitions arising in the past on issues long since resolved.

Yes, two-thirds is an onerous burden. It is onerous because there are many who never vote to invoke cloture regardless of the issue. It is thus an unreasonable roadblock so long as Senators remain rigid on rule XXII.

Three-fifths does strike the proper balance. It is workable. It does overcome the rigidity factor. And, most important, it waters down considerably the threat of moving toward a majority cloture position. As will be recalled, 4 years ago a motion to move the previous question was attempted on this issue and failed. The Senate may not be so fortunate in the future. The adoption of three-fifths will strengthen this institution and the protection against majority cloture. To that end, I hope for and I urge the adoption of the pending cloture motion.

Mr. ALLEN. Mr. President, I yield the remainder of my time to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, the Senator from Montana has always given us much logic and much sincere thought; and part of that logic, I respectfully submit, sustains our position here.

I want to read from a statement he made 10 years ago on this identical issue, on January 9, 1961. The Senator from Mississippi had the floor and mentioned proposed legislation that had passed the House but was defeated in the Senate; and the Senator from Montana, with his usual clarity and forthrightness, rose and said this:

> One of those pieces of proposed legislation was the proposal—for which, unfortunately, and to my sorrow, I voted in the House of Representatives—called for drafting the railway strikers.

He said, further:

> Many times since, I have thanked God that there was an institution such as the U.S. Senate where a mistake which we made in the House of Representatives, and to which I contributed, could be corrected and was corrected.

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

Mr. CHURCH. Mr. President, how much time remains to the proponents?

The PRESIDENT pro tempore. Five minutes.

Mr. CHURCH. I yield 3 minutes to the Senator.

Mr. STENNIS. I thank the Senator.

I was just going to read from the statement of the former Senator from Oregon, Mr. Morse, who responded at that point in the debate, in part, by saying:

The Senator from Montana is correct on the point that on that occasion it was the Senate debate of substantial length which prevented, I believe, the making of what would have been a great mistake.

The Senator from Montana then complimented the Senator from Oregon for his position.

Mr. President, this just shows that the issue here today goes to the very vitals of this great institution. After they are here a while, Senators can see clearer and better, and some entirely change their view and their position, and some change in part. We are dealing here with the most delicate, sensitive, and vital question that I think could possibly come before this body this year.

I trust that we will sustain our former position and keep rule XXII as now written.

I thank the Senator very much for the time.

Mr. CHURCH. Mr. President, I yield 1 additional minute to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, what the distinguished Senator from Mississippi has said is correct. It is perfectly consistent with my position against majority cloture in the U.S. Senate. In the other body, circumstances are different and there are occasions when issues are decided too hastily and in an atmosphere charged with emotion. It is true that I was placed in the position of casting a vote I have regretted ever since. I am against majority cloture but I am willing to move from two-thirds to three-fifths. No further, however, because three-fifths will preserve the uniqueness of this body that is so vital in our scheme of government.

On the occasion that has been referred to I was indebted—and I think the country was indebted—to such men as Senator Morse of Oregon, Senator Taft of Ohio, and Senator Wheeler of Montana, who were in the forefront in preventing hasty action on an obnoxious measure which had passed through the House abruptly and without a resolution even having been printed. I am delighted that the distinguished Senator has recalled this incident.

The PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield myself the remainder of the time.

I cannot possibly add to the sagacious words of the majority leader in summing up the argument for Senate Resolution 9. I can only echo what he said when he reminds us that the best way to safeguard the Senate against the uncertainties of the future, the best way to protect the sanctity of Senate procedures and assure that the right of extended debate will be preserved, is to move from a two-thirds cloture rule to a three-fifths rule. I think the argument he made for his proposition is quite beyond reasonable rebuttal. The history of the Senate itself bears him out.

For that reason, I hope that the Senate, following more than a month's debate on this familiar issue, will now see fit to invoke cloture, so that we can proceed to a determination on the merits.

Mr. President, finally, I ask unanimous consent to have printed in the RECORD an editorial published in the March 1 issue of the New York Times under the caption "Can the Senate Act?"

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

CAN THE SENATE ACT?

The pattern of voting in the Senate on the recurrent attempts to break the existing filibuster makes clear the necessity for a change in rules. The initial attempt last month failed, 48 to 37, which was well short of two-thirds. A later vote was 50 to 36, again short.

A larger turnout is expected tomorrow because the party floor leaders are making a maximum effort to round up absentees. But unless President Nixon has done some remarkable—and remarkably secret—missionary work among conservative Republicans, a bigger vote will make no difference. Two who missed the last vote are seriously ill and are not expected to vote. Of the remaining dozen, eight are for closure and four are against it. In other words, the absentees cancel one another out because under the two-thirds rule it requires two affirmative votes to offset one negative vote.

The arithmetic of this controversy is worth rehearsing because it shows up the sham in which the Senate has been engaged for the past month. There is a majority in favor of a rules change. There has been from the beginning, as each vote has shown. All that has been lacking is the willingness of Vice President Agnew to rule that, a majority having voted "aye," debate is ended.

The losers would naturally appeal his ruling; the majority would move to table this appeal, and on this tabling motion an immediate decisive vote could be obtained. When a Vice President and a majority of the members agree that a new Senate is its own master and is not bound by the two-thirds rule of the previous Senate, only then will the filibuster rule be changed.

Why does it matter whether the two-thirds rule is amended? It matters because this procedural question reaches to the heart of the Senate's capacity to act, particularly on major issues and particularly in the closing weeks of a session. As the arithmetic of these closure votes has demonstrated, it is almost impossible to get two-thirds of the Senate to agree on anything unless the ordinary public becomes aroused, as it did on the civil rights bills of the mid-sixties. In ordinary circumstances, a filibuster or the mere threat of a filibuster enables small voting blocs to get exaggeratedly favorable terms in the legislative bargaining which precedes the passage of most bills.

A shift from a two-thirds to a three-fifths rule would improve the majority's bargaining power in dealing with selfish or obstreperous minorities. The question before the Senate is not the right to free and full debate. That is beyond dispute. The question is whether the Senate can simplify its procedures to permit the majority to conduct the public's business in a reasonably democratic and expeditious manner. The connivance of the Vice President and of many Senators in the cynical farce of recent weeks cannot conceal that question.

The PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, if no other Senator wishes to speak on the side of the proponents, I yield back the remainder of my time.

The PRESIDENT pro tempore. All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion which will be stated by the clerk.

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. MONTOYA, PHILIP A. HART, JAMES B. PEARSON, WILLIAM PROXMIRE, JENNINGS RANDOLPH, THOMAS F. EAGLETON, EDWARD W. BROOKE, EDMUND MUSKIE.

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 12 Leg.]

Aiken	Fannin	Muskie
Allen	Fong	Nelson
Anderson	Gambrell	Pastore
Baker	Goldwater	Pearson
Bayh	Gravel	Pell
Beall	Griffin	Percy
Bellmon	Gurney	Prouty
Bennett	Hansen	Proxmire
Boggs	Harris	Randolph
Brock	Hart	Ribicoff
Brooke	Hartke	Roth
Buckley	Hollings	Saxbe
Burdick	Hruska	Schweiker
Byrd, Va.	Humphrey	Scott
Byrd, W. Va.	Inouye	Smith
Cannon	Javits	Sparkman
Case	Jordan, Idaho	Spong
Chiles	Long	Stennis
Church	Magnuson	Stevens
Cook	Mansfield	Stevenson
Cooper	Mathias	Symington
Cotton	McClellan	Taft
Cranston	McGee	Talmadge
Curtis	McGovern	Thurmond
Dole	McIntyre	Tower
Dominick	Metcalf	Tunney
Eagleton	Miller	Weicker
Eastland	Mondale	Williams
Ellender	Montoya	Young
Ervin	Moss	

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent on official business.

The Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

Under the previous order, the Chair directs the Sergeant at Arms to clear the Senate Chamber and the lobby of all aides to Senators during the rollcall vote.

The question is, Is it the sense of the Senate that the debate shall be brought to a close? The yeas and nays are mandatory, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAVEL (after having voted in the negative). On this vote I have a pair with the Senator from Oregon (Mr. PACKWOOD) and the Senator from Massachusetts (Mr. KENNEDY). If the Senator from Oregon (Mr. PACKWOOD) were present and voting, he would vote "yea." If the Senator from Massachusetts (Mr. KENNEDY) were present and voting, he would vote "yea." I have already voted in the negative. Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Washington (Mr. JACKSON) and the Senator from Texas (Mr. BENTSEN). If the Senator from Washington (Mr. JACKSON) were present and voting, he would vote "yea." If the Senator from Texas, Mr. BENTSEN) were present and voting, he would vote "yea." If permitted to vote, I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. RIBICOFF (after having voted in the affirmative). On this vote I have a pair with the Senator from Nevada (Mr. BIBLE) and the Senator from Iowa (Mr. HUGHES). If the Senator from Nevada (Mr. BIBLE) were present and voting, he would vote "nay." If the Senator from Iowa (Mr. HUGHES) were present and voting, he would vote "yea." Having already voted "yea," I withdraw my vote. If I were permitted to vote, I would vote "yea."

Mr. RANDOLPH (after having voted in the affirmative). On this vote I have a live pair with the distinguished junior Senator from Arkansas (Mr. FULBRIGHT), and the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). If the Senator from Arkansas (Mr. FULBRIGHT) were present and voting, he would vote "nay." The Senator from Montana (Mr. MANSFIELD), who is involved in my request, has already voted in the affirmative. I have already voted in the affirmative. For purposes of accommodation, which I have mentioned, I withdraw my vote.

Mr. MANSFIELD. I withdraw my vote on that basis.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

As previously announced by the Senator from Connecticut (Mr. RIBICOFF), the Senator from Nevada (Mr. BIBLE) is paired with the Senator from Iowa (Mr. HUGHES) and Mr. RIBICOFF. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Iowa would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent on official business.

The Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The pair of the Senator for Oregon (Mr. PACKWOOD) has been previously announced.

On this vote, the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD) are paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Colorado and the Senator from Oregon would each vote "yea" and the Senator from South Dakota would vote "nay."

The yeas and nays resulted—yeas 48, nays 36, as follows:

[No. 13 Leg.]

YEAS—48

Aiken	Harris	Pastore
Anderson	Hart	Pearson
Bayh	Hartke	Pell
Beall	Humphrey	Percy
Bellmon	Inouye	Prouty
Boggs	Javits	Proxmire
Brooke	Magnuson	Saxbe
Burdick	Mathias	Schweiker
Case	McGovern	Scott
Church	McIntyre	Smith
Cook	Metcalf	Stevens
Cranston	Mondale	Stevenson
Dominick	Montoya	Symington
Eagleton	Moss	Taft
Fong	Muskie	Tunney
Griffin	Nelson	Williams

NAYS—36

Allen	Eastland	McClellan
Baker	Ellender	McGee
Bennett	Ervin	Miller
Brock	Fannin	Roth
Buckley	Gambrell	Sparkman
Byrd, Va.	Goldwater	Spong
Cannon	Gurney	Stennis
Chiles	Hansen	Talmadge
Cooper	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Jordan, Idaho	Weicker
Dole	Long	Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Gravel, against.
Byrd of West Virginia, against.
Ribicoff, for.
Randolph, for.
Mansfield, for.

NOT VOTING—11

Allott	Hatfield	Kennedy
Bentsen	Hughes	Mundt
Bible	Jackson	Packwood
Fulbright	Jordan, N.C.	

The PRESIDENT pro tempore. On this vote, the yeas are 48, the nays are 36. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. CHURCH and Mr. JAVITS addressed the Chair.

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

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CHURCH. I had promised to yield to the Senator from Iowa, but I yield to the Senator from New York.

A RESERVATION

Mr. JAVITS. I should like to make a reservation.

Mr. CHURCH. For the purpose of making a reservation, I yield to the Senator from New York.

Mr. JAVITS. I thank the Senator from Idaho.

Mr. President, I have made this reservation before; I make it again. I do not admit the vote to be a waiver of the question of order as to whether a majority having voted in favor of cloture, as we are operating under the Constitution, not under the rules, for this purpose, cloture should now be ordered. I believe that the next impending vote will be the last one. I shall make the point of order at the end of that vote, assuming it will be the last vote.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield to me for the purpose of making an announcement?

Mr. CHURCH. I yield.

ANTICIPATED VISIT TO THE SENATE BY APOLLO 14 ASTRONAUTS

Mr. MANSFIELD. Mr. President, it is anticipated that at about the hour of 2 o'clock the Senate will stand in recess to receive the three distinguished astronauts, Messrs. Shepard, Roosa, and Mitchell.

It is requested by the joint leadership that the distinguished Senators from New Hampshire (Mr. COTTON and Mr. MCINTYRE) be prepared to escort Captain Shepard from the entrance of the Chamber; that the distinguished Senator from Colorado (Mr. DOMINICK) and—due to the absence of the Senator's colleague—the distinguished minority leader (Mr. SCOTT) escort Mr. Roosa; and that the distinguished Senators from New Mexico (Mr. ANDERSON and Mr. MONTOYA) escort Mr. Mitchell.

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. CHURCH. Mr. President, I should like to say, first of all, that it will take a little sorting out of the pairs before an accurate assessment of this vote can really be made; but it is obvious that there is no shift in evidence as between the proponents and the opponents; at least, none has occurred so far. I must observe, to my sadness, that we continue to be plagued by absences, more Senators being absent today, on the third attempt to obtain cloture, than on either of the previous attempts. This, of course, has distorted the results.

Mr. MILLER. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I quite agree with the Senator from Idaho that we seem to be locked in concrete on the votes. The Senator from Idaho and the other proponents are striving for a principle, and the principle is that there be a little relaxation in the cloture rule so that the Senate may, it is hoped, reflect public opinion in this country in which the Senate does. This is an important principle. After all, I think we do want

to have both Houses of Congress reflect public opinion, possibly a little more than we have in previous years.

But the Senator from Iowa has been striving for another principle which I think is not completely irreconcilable with the first principle. That principle is one of bipartisanship in what we do. I must say that I simply cannot understand some of my colleagues on this side of the aisle who have been voting for this proposition. Do they not understand that this proposition, the way it stands, could lay the foundation for a ruthless majority to choke off the minority? I want to make progress, just as much as anyone else, but when we make progress, it ought to be bipartisan progress; and by bipartisan I am not talking about 65 on one side and five on another side. I am talking about a majority of the Members of both parties. Then we would have genuine bipartisanship toward the implementation of public opinion as to what we do.

I would hope that since we appear to be locked in concrete, the proponents, particularly the distinguished Senator from Idaho, might see fit to sit down to determine whether we want to establish these two principles in such a way as to make progress, on the one hand, and to assure bipartisanship, on the other hand, in order to reconcile these two principles. I think it is worth a try.

In my 10 years in the Senate—this is my 11th—we have gone through this exercise every 2 years, and we have not got off the ground. I do think the people would like to see some progress made. However, at the same time, I think the people would like to see bipartisan progress. That is what happened in the debate on the great Civil Rights Act of 1964. Cloture was invoked by a majority of Senators on both sides of the aisle. It was genuine bipartisanship. That is why the bill moved as it did.

So I would appeal to my friend from Idaho to consider what I have just suggested.

Mr. CHURCH. Mr. President, I am well aware of the proposal of the distinguished Senator from Iowa. I understand his reasoning. He is concerned lest one party in the Senate run roughshod over the other. Accordingly, he has proposed a modification of Senate Resolution 9 to the effect that a three-fifths vote would be sufficient, provided that a majority of Republicans and Democrats favor the limitation of debate.

I would say to the Senator that we have researched the record to determine how, in the past, those attempts at invoking cloture would have worked out under his proposed amendment. It is interesting to note that in the eight successful attempts to secure a limitation of debate during the past 54 years, in every case a majority of Senators on both sides of the aisle favored the limitation. I say frankly to the Senator from Iowa that if the balance between Republicans and Democrats were reasonably even, as it is today, I would have no difficulty with his amendment. But, from time to time, with the swinging of the political pendulum, one party comes to dominate the Senate with, say, two-thirds of the vote, or even more. So, the single weakness I see in the Senator's proposal is that if the pendulum were to swing over to the point where, let us say, 65 percent of the Senate consisted of Republicans—difficult as that is to conceive—then the Democrats, having only 35 percent of the total, might, under the Senator's amendment, come to exercise an inordinately severe veto power. That is the only problem, I would say to the Senator.

If there is a way to work around that problem and eliminate that possible danger, when the Senate is lopsided as between the two parties, then I should think the Senator's proposal would have definite merit, because it would assure that neither party could run roughshod over the other in a matter so important as limiting Senate debate.

Mr. MILLER. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MILLER. The Senator will, of course, recall that not too many years ago we had 68 percent of the membership on the Democratic side of the aisle and 32 percent on the Republican side of the aisle. I must say that because the record shows that under the two-thirds rule, every time cloture has been invoked, there have been a majority from both sides of the aisle, the risk of a ruthless majority of 68 Democrats closing off debate of 32 Republicans does seem quite remote.

I think that the more important thing to concern ourselves about is whether there is genuine bipartisanship under which what we do here will go forward, in the minds of the public, to be implemented the way we want it to be. I think that the point the Senator from Idaho has just brought out, that where you have a better balance, such as we have today, the most important thing is to assure a majority from both sides of the aisle, is the principle I am seeking, and I do not believe it is irreconcilable with what the Senator from Idaho is trying to achieve. My point is, let us sit down and see if we can reconcile them, so we can make progress.

Mr. CHURCH. I ask the distinguished Senator from Iowa if he knows of other Senators who are favorably disposed toward his suggested amendment of the resolution.

Mr. MILLER. May I say I know of some other Senators who are very much concerned about the point that my amendment brings up, which is the lack of bipartisanship that is inherent in the pending proposal.

I feel so strongly about it that, as I said before, I cannot vote for the pending proposition without some modification to assure bipartisanship; but I do believe that we can, if we modify this resolution, reconcile the two principles we are both fighting for, and obtain a majority, to make progress and assure bipartisanship in what we do.

Mr. CHURCH. Mr. President, I would say that if there is a way to reconcile the two proposals without prejudice to the objectives we seek, if there is a way to circumvent the one possible hazard I see in the Senator's proposal, then I would be most interested in looking at it, and other Senators have expressed an interest in this proposition also.

So I say to the Senator I would be very happy to entertain his suggestions along this line, and I think that a consultation would be very much in order.

Mr. MILLER. I appreciate the Senator's position. May I say, I think men of good will who are striving for principles that can be reconciled can make progress, and I stand ready to do the best I can in that respect.

Mr. CHURCH. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, it is the opinion of the Senator from Rhode Island that no matter how many gimmicks we invent, we just have to be a little more realistic and pragmatic than we are in these discussions.

Here we are, faced with this incongruity: We are invoking old rules—rules that we say do not exist in order to bring about a reparation of the rules to meet our desires. So what do we do? We find ourselves in the very difficult position that we need a two-thirds vote in order to create a three-fifths shutoff.

I do not think that is ever going to happen. Unless we adopt the reservation made by the Senator from New York, I think this is an impossible task.

My own feeling is that rather than continue this charade, if we are going to need two-thirds to cut off debate, then I think the best thing to do is refer the matter to the Rules Committee and let the Rules Committee come out with a recommendation, and then we can have a real filibuster if you will.

As the matter stands now, I do not see what all this adds up to. Here we are today, knowing we need two-thirds in order to bring it down to three-fifths. It stands to reason that anyone who is against the three-fifths rule is not going to vote to shut off debate. So, unless we get ourselves into the frame of mind that at the beginning of every new Congress we have the right to reform the rules, I am afraid we are never going to change the situation.

I am one who has always felt that it would be dangerous to this body, and would reduce the integrity and the personal influence of every Member, if we went to a simple majority vote. I know there are many who are voting against cloture here who would be perfectly willing to go for the three-fifths rule, but are fearful that this is the first step toward a majority cloture, and in that I agree with them and oppose such mere majority cloture.

So I think the best way, rather than prolong this debate on the floor, is to send the matter to the committee. Let us make our presentations to that committee, and let the committee members come out, as they have done several times, with a recommendation that cloture be reduced to three-fifths. Then let us see if we cannot do something about it. To date the score has been the same on three or

four votes. The score will always be the same unless we get a ruling from the Chair that a simple majority counts. I do not think we can get that ruling, and I do not think if we could get it we could enforce it.

Mr. President, I repeat again, this country is in trouble, not only at home but we are involved all over the world. We have been here since January 21, doing what? Nothing but talk, talk, talk. And if we stay here another 2 months working on this rule change, we will still talk, talk, talk. The time has come for action. There are too many important things that confront the American people, and I think we ought to get down to the substantive business of this body.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho has the floor.

Mr. CHURCH. Mr. President, as always, there is great merit in the argument of the Senator from Rhode Island, not only in regard to the substance of the argument, but with respect to the convincing way in which he delivers his remarks.

However, I would point out that sending this resolution to the Rules Committee is rather like sending a very sick person to the morgue. We all know that. I confess there is not much life left in this proposition, but there is some, and in the interests of doing what can be done to administer to the ailing patient, I am looking for a hospital, not a morgue.

Obviously, there has to be some movement. The Senator from Rhode Island quite properly points out that there is an unresolved aspect to this question which has yet to be faced, and if I understood the distinguished Senator from New York correctly, he said that on the next cloture vote, if two-thirds of the Senators are unwilling to permit the Senate to proceed to a consideration of this question on its merits, he would then propound those inquiries of the Vice President designed to solicit some ruling which could permit the Senate to pass upon the efficacy of altering the rule by majority vote.

All right; we know such a test is in the offing. Therefore, I do not stand here this afternoon and suggest that we continue to proceed down an endless road. This constitutional question, a most important one, is evidently going to be raised by the Senator from New York, and the Senate will then—on Tuesday next—have an opportunity to work its will.

But let me say that, in my own efforts to resuscitate the patient at hand, I do think there is room for movement. The Senator from Iowa has made a proposal that he and others favor—he and others who have been voting against Senate Resolution 9. I do not know whether it will be possible to reconcile our differences, but if it is, if it can be done without prejudice, then I would want to try, and I say to the Senator from Rhode Island just give us a chance. There are 58 Members in this body who have indicated to me that they favor a three-fifths rule, that they would vote for Senate Resolution 9—not only a constitutional majority, Mr. President, but a very substantial one. And there are other Senators, in addition, who indicate that if we give this proposition some added dimension, they are prepared to consider supporting it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. So I say, "Let us not bury the patient yet." Give us another week. I ask the majority leader whether he would accommodate that request. I would propose that we file another cloture motion on Friday of this week, that we give the Senate notice, that the leadership send out telegrams, that all of us who care raise our voices to the wandering Senators and tell them to come back to this Chamber, come back to their desks and responsibilities, and face up to a decisive—and what could well be the final—vote on this issue.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PASTORE. First of all, I want it clearly understood that the Senator from Rhode Island has never been a toxicologist. I have never performed an autopsy in my life, and I am not suggesting that anything be sent to a morgue.

I voted to reduce it to three-fifths. I stood on this floor time and time again and told the Members of the Senate how I felt about cloture and how far we should go and how far we should not go.

Now will somebody answer this for me: If a compromise is going to be made, how is that compromise going to be made on the floor of the Senate? We still have to go to committee to make the compromise, and that is what I am talking about.

All I said is this: Unless we can get a favorable ruling on the reservation that has been suggested by the Senator from New York, the only way we are going to work a compromise is to get it done in committee. I am not suggesting in any way that it be sent to a morgue instead of a hospital. I do not know about what patient is dying. But I want the Senate to know that PASTORE is just as alive as he has ever been in his life.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. Let me simply say that no one has raised any doubts about the good health or vigor of the distinguished Senator from Rhode Island.

Mr. PASTORE. And let no one ever do that.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDING OFFICER (Mr. TUNNEY). The Senate will be in order.

Mr. CHURCH. Mr. President, I cannot agree that sending this matter to the committee would be helpful. I think the record is against it. Five times it has been sent to the committee in the past. Four times it never came back to the Senate floor. Even if it were to come back to the Senate floor, we would have the same problem we are facing now—another filibuster. Such a course would not advance us one whit.

As to the Senator's point that compromises can be worked out only in committee, it should be clear to all Senators that this simply is not so. Compromises are worked out all the time by Senators striving to find a way to accommodate the will of the Senate so that we can proceed with our legislative duties.

I yield now to the distinguished majority leader.

Mr. MANSFIELD. I think the distinguished Senator from Idaho has suggested a reasonable proposal—and a final proposal as I understand it. A cloture motion will be filed on Friday and a final vote—I emphasize the word "final"—will be held on Tuesday next.

May I say that I have some grave questions in my mind about the proposal if it provides that a majority of both parties would replace the three-fifths principle. It is entirely conceivable that a simple or a constitutional majority would become the standard and I am on record against that. I could not vote for a proposition of that kind. If, however, it provides that three-fifths would be needed it would be consistent with my position.

I only raise a warning signal at this time, so that the Senate will know where the Senator from Montana stands.

Mr. CHURCH. Let me say, in response, that I agree with the Senator from Montana. No accommodation that rests, in any way, upon the principle of majority cloture would be acceptable to me. As I understand it, we are merely going to explore the possibility of retaining the three-fifths rule, but consider the suggestion of the Senator from Iowa that, in addition to the three-fifths rule, a majority on both sides of the aisle be required.

But, in searching out the possibilities, I would not step back. I will look for a compromise that would move us a step forward, but not one that would open the door to majority cloture.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SCOTT. This is our final vote. I think it is important that it offer whatever forward movement by compromise can be offered. This is a time to consider compromise approaches.

So far as I am concerned, I am interested in and could support the suggestion of the distinguished Senator from Iowa as a compromise, either standing alone or possibly with some other proposals that might be worked out.

I would be glad to offer the good offices of my office, which is just down the corridor, to the Senator from Iowa and the Senator from Idaho, if they wish to try to work it out. The office is unencumbered by any damage.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. JAVITS. One thing has not been said, and that is that the case—because the country and the world are in trouble—for rules change is very strong. I do not believe that it is desirable to leave the argument solely to those who are opposed, who are engaging in what is euphemistically called extended debate, which is their right. I would hope that Senators such as myself and others who feel strongly about this matter, in the

present state of the world, would take the next week to make our case to the people. I think we need to do it in dignity and self-respect to ourselves.

So, for myself, I shall hope to occupy the floor for a reasonable period of time during 1 or more days, so that this case may be made for the country.

That is what makes movement as much as what may be very difficult compromises, as Senator MANSFIELD has pointed out, though I will join Senator CHURCH in giving the utmost consideration to Senator MILLER'S ideas.

But I do hope that other Senators will feel it in their hearts and consciences to speak up now. This is the last opportunity to make the case for this Congress. The world is in trouble, and the country is in trouble, and this can only get us in even more trouble; and we ought to make clear to the people what is at stake and why they ought to be urging their Senators to vote for cloture and to get these rules changed.

Mr. CHURCH. I thank the Senator.

Mr. ERVIN. Mr. President, I think it is about time that the Senate begins to act in a more righteous manner. We had 96 Senators today who went on record as to how they stood on this proposition. The vote was 48 for cloture against 36 opposed to cloture. That made 84 Senators actually present and voting. In addition, 12 Senators paired, making 96 Senators who today expressed their opinion with respect to the proposed change of the rule.

Only four absent Senators have not expressed themselves here today. I happen to know that one of them is my colleague from North Carolina, Senator JORDAN, who, unfortunately, is detained in a hospital. The other is the Senator from South Dakota (Mr. MUNDT), who, unfortunately, is detained in a hospital. Both of them would vote against cloture and against the rule change if they were able to be here. That makes 42 of the 100 Members of the Senate—with the great persuasive power on the part of my good friend from Idaho and my good friend from Kansas—who are opposed to the rule change.

We have had three votes on this matter. These votes have been widely advertised throughout the country, and not one Senator has changed his vote on any of the three rollcalls.

On this vote here today, the proponents of the rule change lacked 22 votes of having enough to get cloture. Where do they expect to get 22 votes to get cloture? I admire the optimism of my good friend from Idaho but I do not respect his mathematical judgment in this particular case.

Now I do not think there is any difference in practical effect between a 60-percent cloture rule and a majority of 51 percent cloture rule.

Any aggressive President can change 51 men into 60 men. They can do that, as some Presidents have tried in the past. They can try to get some of their folks to change their position on an issue, or they can get others to take a journey to the far corners of the earth. That has been done.

Mr. President, Presidents can do this by contracts in States. There is no difficulty changing 51 percent into 60 percent. That is the reason I stand for the rule as it is now written.

I thank the Senator for yielding.

VISIT TO THE SENATE BY THE APOLLO 14 ASTRONAUTS

Mr. MANSFIELD. Mr. President, shortly, the distinguished minority leader and I will ask unanimous consent that the Senate go into recess for the purpose of honoring the three astronauts, Messrs. Shepard, Roosa, and Mitchell. It has been agreed to by the joint leadership and the Senate that the astronauts will be escorted to their seats of honor in front of the President pro tempore by the Senators from their States.

All I want to say at this time is that we are delighted that these men of vision, daring, and boldness, have seen fit to come to the Senate.

We are honored that they will be with us and we look forward to greeting them very shortly.

Mr. SCOTT. Mr. President, perhaps the astronauts will find something familiar about the Senate and being in the Capitol Building, because we have managed to scatter a few loose rocks of our own around here recently.

Today we honor three men who, like Wilbur and Orville Wright, have pioneered a new era in scientific advancement. Any advancement in science brings out a certain element who fail to appreciate the importance of progress by our great Nation to maintain its proper role in the society of international advancement.

But, Mr. President, the honors we bestow today must extend beyond these three outstanding astronauts. Each of the thousands of men and women associated with the space program are to be commended. They have worked against time to make America the leader. And, Mr. President, let us not forget those great Americans, the taxpaying public, who have supported the space program from its inception and who, during the short span of 9 years, made it possible to put three teams of astronauts on the moon, thus taking the leadership in the conquest of space.

To Alan Shepard, to Stuart Roosa, to Edgar Mitchell, congratulations for a job well done and welcome to the Senate.

We are pleased to have you back on earth where undoubtedly you find better and more distinguishable signs to reach one's destination.

To Alan Shepard, I offer this thought: When he leaves the space program, he should have little difficulty in becoming the first golf pro at the Lunar Country Club, but first, may I suggest you review your golf future and credentials with the Senate's golfer in residence, the Vice President.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I ask unanimous consent that the Chair make an announcement.

The PRESIDING OFFICER (Mr. BROCK). The Chair, on behalf of the leadership, appoints Senators COTTON, MCINTYRE, DOMINICK, SCOTT, ANDERSON, MONTOYA, and CURTIS as a committee to escort the astronauts into the Senate Chamber.

PRIVILEGE OF THE FLOOR

Mr. LONG. Mr. President, might I have the privilege of the floor for one of my assistants during the reception of the astronauts in the Chamber?

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, to greet our distinguished visitors and that the Senate will be called back into session at the discretion of the Chair.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered, and the Senate will now stand in recess subject to the call of the Chair.

Whereupon, at 2:05 p.m., the Senate took a recess, subject to the call of the Chair.

The three astronauts entered the Chamber. Alan B. Shepard, Jr., was escorted by Senators COTTON and MCINTYRE; Edgar D. Mitchell was escorted by Senators ANDERSON and MONTOYA; and Stuart A. Roosa was escorted by Senators DOMINICK and SCOTT; and they took seats in front of the President pro tempore.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. BROCK). Mr. Shepard, if you have some remarks to make at this time, the floor is yours.

Mr. SHEPARD. Yes, I do. I would like to use my position and prerogative as the commander of the lunar mission, immediately to delegate my responsibilities to my subordinates. We have been spending a little time this morning on a rather detailed report on the successful mission of Apollo 14, the third lunar landing mission. We will not attempt to do that here this afternoon, but will make just a few remarks about why we are so pleased with the flight. I believe the remarks would be in order at this time.

I would like to call upon my two colleagues to make a short presentation to you. First let me introduce my fellow pilot in the lunar module, Capt. Ed Mitchell.

Mr. MITCHELL. Thank you, Alan.

Mr. President, distinguished gentlemen: I thought that I would take my allotted 2 or 3 minutes to give you a brief demonstration of efficiency in Government and cite you an example of National Aeronautical and Space Administration efficiency.

Captain Shepard and I spent 9½ hours, approximately, on the lunar surface. During that time, we set up a nuclear power station. We set up a telemetry station that was powered by the nuclear power station. We connected to that telemetry station six different scientific experiments which are now working quite well and are relaying data back to the United States.

We operated the setup and reported the results of five additional experiments that we handled manually. We took about 267 photographs on the lunar surface and two magazines of movie camera film.

We drove four tubes into the lunar sur-

face to sample the material needed; dug a trench, again to sample the material beneath the surface; and traversed 2 miles of the lunar surface to sample the surface as we saw it.

We evaluated a new lunar vehicle on the lunar surface in an attempt to help understand the use of wheel vehicles on the moon.

We set up a television station, broadcast for 9 hours on television, during which we were the principal actors, including the first lunar Olympics which had two holes of golf and one pro.

We think that was a fine record for 9½ hours.

[Applause.]

Mr. SHEPARD. While Ed and I were busy doing all those things—and I did not realize we had done all of that—while we were busy during these two separate excursions of the lunar surface, Astronaut Roosa was orbiting around the moon by himself. He claims that he was working by himself, but I do not know about that. He did a fantastic job of recording, primarily photographically, a tremendous wealth of material which has a great deal of scientific value as well as being pleasing to the eye.

He did a tremendous job on the mission. I would like to ask him to say a few words. Lt. Col. Stu Roosa.

Mr. ROOSA. I thank you, Al. It is certainly a thrill for me to be able to address this distinguished body today. You know, a CMP, of course, on the mission spends about 2 days in lunar orbit by himself.

But, as you come around the moon and you see the jewel of the earth sitting down in the void of blackness, it makes you feel many emotions.

One of these is humility. And that is what I feel now as I sit on this podium and address this body, as I think back of the distinguished personalities that have passed through this Chamber.

It is a tremendous thrill to me as a citizen of this country to sit here. I look upon Apollo 14 as a terrific privilege and opportunity to serve this country.

I also want to thank each one of you for making the mission possible, and the success of Apollo 14 belongs to each one of you just as much as it does to me.

I take great pride in being part of this mission. I take great pride in being a crew member. I take great pride in being part of the NASA organization. But, most of all, I take great pride in being a citizen of the United States.

I think the space program personifies the spirit of our forefathers that carved this great Nation out of a wilderness. I think this spirit is vital for this country.

I feel humble to be part of it, and I thank you very much. [Applause.]

Mr. SHEPARD. As the commander of Apollo 14, I recognize that there was a great deal published in the press during the preflight stage about the frailties and limitations of a 47-year-old fighter pilot. I must say that I am happy to report that at the end of this mission, none of these limitations was obvious.

Having been in the space program since 1959, it gives me a great deal of pleasure to be able to look around and see familiar faces here on the floor, faces that have been with us for that length of time.

I enjoy the company of these familiar faces, of course. But more than that, I have enjoyed seeing the faces that have been with us during the problems we have experienced. We have not always had spectacular successes. There have been some problems. As you look out here and see the faces of you gentlemen who have been with us during that tougher period, it gives me a great deal of pleasure. It is very nice to be back with you again and to say that we talked this morning about some rather obvious benefits of the efforts of Apollo 14, and the direct scientific benefits that will accrue as a result of the mission.

I think that is certainly the objective of all of us who have familiarity with the way the space effort has gone and the splendid progress it has made. But perhaps even more important than that, it gives me pleasure to be able to report to you today that we have had a totally successful mission, not only from the areas of scientific and technical endeavors achieved, but also in the areas of international prestige and the tremendous posture of this country.

We appreciate coming by here today and being able to share these thoughts with you.

I thank you.

[Applause.]

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself and all Senators, I think it is about time that we give a little recognition to those who supported the men in this venture.

I would like at this time to introduce Mrs. Shepard, Mrs. Mitchell, and Mrs. Roosa and their children.

[Applause.]

I would like to invite them onto the floor of the Senate so that the rest of us can meet them along with their husbands.

The PRESIDING OFFICER. The wives and their children will be escorted to the Chamber.

Thereupon, the astronauts and their families were greeted by Senators in the well of the Senate Chamber.

The Senate reconvened at 2:43 o'clock p.m., when called to order by the Presiding Officer (Mr. BROCK).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91–354, the Speaker had appointed Mr. EDWARDS of California and Mr. WIGGINS as members of the commission on the Bankruptcy Laws of the United States, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 3(a), Public Law 91–129, the Speaker had appointed Mr. HOLIFIELD and Mr. HORTON, and Hon. Joseph W. Barr of Maryland, from outside the Federal Government, as members of the Commission on Government Procurement, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 712(a)(2) of the Defense Production Act of 1950, as amended, the chairman of the Committee on Banking and Currency had appointed Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. BROWN as members of the Joint Committee on Defense Production, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 7(a)(1)(B), Public Law 91–377, the Speaker had appointed Mr. George E. Leighty of Maryland, from private life, as a public member of the Commission on Railroad Retirement, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 301, Public Law 89–81, the Speaker had appointed Mr. JACOBS, Mr. MAZZOLI, Mr. CONTE, and Mr. MCCLURE as members of the Joint Commission on the Coinage, on the part of the House.

The message announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 460. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 481. An act to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; and

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Veterans' Affairs:

H.R. 460. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 481. An act to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; and

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. On behalf of the Vice President, the Chair appoints Senators PELL and CASE to the United Nations Committee for Peaceful Uses of the Seabed.

EXTENSION OF TIME FOR FILING RULES OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SPARKMAN. Mr. President, under the Legislative Reorganization Act, under which standing committees of the Senate are required to place in the CONGRESSIONAL RECORD as of March 1, 1971, the rules that have been adopted by

those committees, because of the lateness in the organization of the Committee on Banking, Housing and Urban Affairs, and because of the pressing business of the Senate, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until March 15, 1971, to include its rules in the CONGRESSIONAL RECORD.

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

Mr. JAVITS subsequently said: Mr. President, I rose when the Senator from Alabama (Mr. SPARKMAN) asked unanimous consent to defer the filing of the rules for the Banking, Housing and Urban Affairs Committee, because I wished to reserve the right to object. It is not material, and I shall not press it. But I do wish to call the attention of the Senate to the fact that this is a very desirable provision, and if committees loosely, in a sense, can just get up and get unanimous consent to put it over, it can easily mean nothing.

Therefore, while I realize that this committee has a special problem, and I have no objection to an extension for them, I serve notice that I shall object to any effort to extend that particular provision hereafter except for cause, and I shall, as any Senator is entitled to, ask for the cause. There may be good reason, in that the committee cannot get together, or something like that. But I do feel, in all honesty, since I was the author of this particular provision, that it can be made meaningless by successive unanimous consent extensions; so I shall object unless extension is sought for proper cause.

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. LONG. Mr. President, the experience we have had here today indicates to us how much things change, and how rapidly change can be brought about. It is well, however, in the midst of change, that some things should remain constant.

In the future, I suppose the day will come when we will be sending men to distant planets far beyond the moon. Some of those journeys may very well take years. I suppose, if I am around, I shall be praying for their safe return, just as I did for the other astronauts on previous trips.

I think we should all pray that this may still be the land of the free when they have returned, because that is basically why we have been debating here in the Senate for the past several weeks—the right of free speech, the right of free dissent, the right of a minority to make itself heard and to state its case.

We have already had enough votes to have made it clear that this Senate is not going to shut off debate under the rules of the Senate. The only way to achieve that result is by rape of the Senate and by rape of its rules. That kind of thing can be done whenever the Senate of the United States feels that the situation is so dire as to result in an emergency that would require us to set aside all rights which Americans possess, and engage in usurpation such as we have seen the Supreme Court of the United States engage in repeatedly, and such as we have, on occasion, seen the Executive engage in.

The Senate can do that whenever it wants to do it. But I would submit this question: What need is there, or what problem exists or, what is today so essential about prompt action in this body, that we must dispense with, compromise, or dispose of the right of free men to stand here and fight for that in which they believe?

Mr. President, in years gone by we have heard it said that free speech could not be so important that it should jeopardize the passage of a civil rights bill. Well, the civil rights issues have come and gone. Everything that someone could suggest in the name of civil rights has been enacted. So far as I am able to determine, there is nothing that can muster a majority vote that would be entitled "civil rights" which anyone is now proposing. No one now contends that free speech must be discarded in order to protect someone's civil rights, or in order to meaningfully guarantee the civil rights of some citizen. That is behind us.

Quite to the contrary, so many bills have been passed in the name of "civil rights" that it may well lead, some day, to an effort to repeal some of those measures. Those who have favored the civil rights laws may very well themselves want to claim this right of free speech which impeded some of those civil rights bills in years gone by, to protect the rights they now enjoy. It may well be that the shoe will be on the other foot. That would not be at all unusual, in the way this Government tends to work. The weapons now available for one minority may well be used by another completely new minority which happens on the scene. It works both ways, and it may well be that the freedom of debate which exists here in the Senate might some day be the greatest bulwark of civil rights that exists.

But the free speech we have here has protected us against a lot of unwise decisions, and it will do so again if we but have the good judgment to preserve and retain it. What were the measures, in the previous Congress, that failed to come to a vote? If I recall correctly, there was a proposed constitutional amendment. It had to do with equal rights for women, and it presented a number of problems. Eventually, these measures were voted upon.

Then we had another proposal that had to do with the direct election of a President. As has been discussed in the Senate by the Senator from Nebraska (Mr. CURTIS), even the proponents of that measure, at the time it was passed by the House, could not foresee all the problems that the measure would raise. We did not vote on it. But if a two-thirds majority had wanted to vote on it, they could have brought that debate to a close, and it would thus have taken a two-thirds majority to pass the measure.

Mr. President, we saw in the last Congress the first version of a guaranteed annual income for not working, proposed by the President and passed with only token resistance by the House of Representatives. After the bill passed, defects were uncovered, shortcomings of the measure were brought to the attention of Senators, and we found that a great number of problems were involved that had never been pointed out before. We found that it could lead to a kind of welfare state that no one really wanted—and I am not opposed to something just because it has the word "welfare" in it.

This was a proposal which could well have resulted in more than doubling the welfare rolls immediately. In the long run, with benefit increases, it could have resulted in 50 percent of the entire country drawing welfare payments. It would have set precedents which would have plagued this Nation for all time to come.

This measure had been labeled "welfare reform." Yet, when we analyzed it, we found that in fact there was practically no reform in it. We were told that although 14 million welfare recipients were going to be added to the welfare rolls, there would be a strong work requirement. Then we discovered that there was no intention of putting any substantial number of these people to work, that the proponents of the plan, themselves, had estimated that only 225,000—less than 1 percent of all the new welfare recipients—would even receive work training.

So it was not really a "workfare" proposal at all. It was just a guaranteed income for not working. Having said that welfare recipients should register for "suitable" work, the bill, by its own terms, then proceeded to define "suitable" in a way that would offer any recipient who wanted to avoid a job a multitude of excuses for not going to work. It would seem to me that "reform" would convey the idea that present abuses and defects should be corrected. Yet we saw that, far from welfare reform, every mischief of the existing welfare system would have remained in effect under the bill and that new mischief would be heaped on top of that.

All the dangers of this measure have not yet been fully brought out. We are still discovering new shortcomings that had not been disclosed. Yet those who would change the rules of the Senate would deny those who have found defects in these kinds of proposals, those who bring out the shortcomings, the opportunity to hold the floor of the Senate and to freely explain and expose the defects, and to insist on fighting such a measure until they were confident that the Senate had been adequately advised of the dangers inherent in the proposal.

Mr. President, it is not just adequate to guarantee that a Senator have the right to make a speech. It is not a new experience to this Senator to speak to an empty Chamber. If one is right about something and Senators are not present to hear one make the speech, he has to hope that they will read it in the RECORD. If they do not read it in the RECORD,

and one is determined to prevail, then he has to make his speech more than one time.

Senator Burton Wheeler used to say, that to be sure the Senate knew what you were proposing, you had to make the speech at least twice. After 23 years of service in this body, I am constrained to believe that one has to make his point much more than twice to be sure Senators are aware of the dangers one is pointing out. The speech has to be made enough times so that people hear it, talk about it, think about it, and become aware of the fact that what is being proposed in the nature of a reform is not a reform at all but is a danger to the Republic; and when in due course they learn the facts, learn what is right, learn both sides of a problem, they will take an entirely different point of view about it.

As I have said, I doubt that even to this day the President of the United States, himself, even begins to realize all the shortcomings and defects of the so-called family assistance plan. Some of us will have the duty of trying to enlighten those who are trying to pass the measure, to show them what is involved, and to offer amendments to improve upon it. But that we cannot do if we are to be rushed in such a fashion that the Senate insists on voting, whether or not it knows what it is doing.

I have seen what happens when the Senate votes cloture. When it does so, the Senate is in a completely unreasoning mood. I have seen situations on the floor of the Senate in which the majority had the bit in its teeth, so to speak, and was not disposed to accept any amendments, was determined that it would not accept any amendments, and proceeded to beat down amendments even though they obviously were constructive. I have seen situations in which we have been under a unanimous consent agreement to vote, or situations in which the Senate first voted cloture, when the Senate was not even willing to correct a grammatical error. No—just a majority determined to do something, no matter what violence it did to our institutions, and having made up its mind that it was going to do it, proceeded to insist on the right to shut off debate and to vote these measures through, although some tried to point out that such action was not wise.

Those kinds of things should not be done, Mr. President. There is no emergency anywhere to suggest that that should be the case. Yes, I admit that free debate, like free speech, like the freedom of the press, can be a very vexatious thing. It angers one to read something with which he does not agree. It irritates one to be compelled to hear an argument with which he is familiar and with which he does not agree. It is tiresome; it is bothersome; it is irritating. But of such things freedom is made. I do not agree with many things I hear and read, but I would be the first to say that the right of the other person to speak is a necessary counterpart of my right to be heard and to explain why I think those people are wrong or why I think I am right in the position I take.

Mr. President, one of the articles in the Bill of Rights relates to the protection of the individual in the freedom of religion. No matter how humble he may be, the Bill of Rights guarantees to every individual the right to freedom of religion. That right cannot be taken away by all the minions of groups in the United States. A majority vote cannot take away from him his right to religious freedom. A two-thirds vote cannot deprive him of that sacred privilege. It is guaranteed by the Constitution of the United States. He does not require anyone to sponsor him. He stands on his own feet, in his own right, and says, "The Constitution is my authority. I am entitled to freedom of religion; and if I do not get it I shall go to a Federal court where that right will be asserted, and I will be protected."

I cite these things to show that it is the genius of the Constitution of the United States to have prohibitions and limitations, and to have all these fundamental rights guaranteed by the Government of the United States.

Another clause in the Bill of Rights relates to the right of every citizen to bear arms. That is a right which cannot be taken away by any majority. It cannot be taken away by a two-thirds vote of the Senate. It cannot be taken away by a unanimous vote in the House of Representatives. The rights of an individual citizen of this Republic cannot be taken away from him in any such manner. He can wrap the Constitution about him and say, "This is my protection; this is my defense."

No soldier can be billeted in the house of any citizen of the United States except in time of war, and then only upon the payment of adequate compensation.

These are fundamental rights. I cite them to show that there are some things which cannot be controlled by majorities, which cannot be wiped out by a two-thirds vote, which cannot be negated by a group meeting in some caucus room or by a policy committee in the chambers of the Government of the United States.

The Bill of Rights protects citizens against unreasonable searches or seizures. I shall not elaborate upon that question because Senators know what that means. It means that all the king's armies cannot put upon a citizen an unreasonable search of his private possessions. It is done sometimes, but when it occurs it is in violation of law, and in defiance of the law.

Another right guaranteed by the Bill of Rights is the right of freedom of expression. How are we to have freedom of expression if we limit the representatives of the people and tell them how little they can say and how seldom they can say it in this Chamber? There should be more freedom of debate in the Senate than in any other agency of the United States. When we speak we are not speaking for ourselves. We are speaking for the people in the States whom we represent. When my colleague speaks in this Chamber, it is the voice of my State. It is the voice of Louisiana when the Senator from Louisiana speaks in this Chamber. That right ought not to be limited. Should we limit an entire State which wants to speak upon some public question through its representative and advise other Senators what the position of that State may be? Shall we say, "No; you cannot do it. We have heard a great deal of talk, and we are not going to hear any more. We have already heard the boss' voice, that this bill must pass, and that is the only voice we are going to listen to."

No, Mr. President; if we are to preserve the freedom of a citizen's opinion, we should also guarantee the freedom of expression of his opinion. An opinion locked within the privacy of a man's bosom does not do his fellow citizens any good. But if he has convictions and views, and speaks them through his representatives, they will impress the world, and leave their influence upon the action which may be taken.

The Bill of Rights requires a unanimous verdict of the jury in a Federal court. A man cannot be sent to jail by a majority vote. He cannot be sent to the penitentiary by a two-thirds vote. There must be a unanimous vote. The accused has the right to be heard in his trial. He has the right to be represented by counsel. He has the right to face his accusers and deny the charges brought against him. Yet I suppose there are those who would say, "That takes up too much time. There is nothing involved but a man's life. We cannot put up with this tomfoolery. We are going to bring in a cloture rule limiting the accused to one witness and limiting his lawyer to 30 minutes. We want to get some action and dispose of these cases."

No, Mr. President. That is not the genius of our country. That is not the genius of our courts. That is not the genius of our people, and ought not to be the genius of any group in our Republic.

The Constitution requires that the accused be confrcnted by his accusers. I am amazed that someone has not suggested a rule limiting the accused to two witnesses, and limiting their testimony to 30 minutes. I am surprised that someone has not said, "We are going to cut him off. We are going to have action. We are not going to let the minority of a jury keep us from executing the law. We were elected last fall, and we have some pledges to keep, and we must put them into effect. We must find some shortcut to fulfill our pledges.

Mr. President, the Senate of the United States is a great institution which has served this Nation well while operating under essentially the existing rules for over 170 years. Through crisis and war, through peace and good times, the Senate has never failed the American people. To be sure, things have not always run smoothly in this body and often many of us have felt the irritation of lengthy debate by one or a few of our colleagues.

However, Mr. President, I have looked back over my 22 years in the Senate and even beyond that to find a single occasion when material damage has been done to the interest of the Nation or to the people through the operation of the rules assuring free and full discussion to every Member of this body. I have found no such occasion, Mr. President. To the

contrary, the present rule has prevented much more harm than it has worked.

It was under existing rules that the Senate acquired the proud title of the world's greatest deliberative body. The rules by which we have so long conducted our business have, over time, marked the Senate of the United States as the last citadel of free and full discussion.

It is here in the Senate that the rights of the minority can be fully heard and fully protected. To my knowledge, only in the Senate of the United States among the parliamentary bodies of the earth, may Members speak fully and freely to bring to the attention of the people they represent, vice in measures which are not readily apparent and which the majority are prone to gloss over.

I consider it a great honor to be a Member of the Senate and I feel strongly the great responsibility that membership imposes on each of us. We have a glorious heritage to carry forward and none of us may escape the full awareness of the responsibilities and many burdens that are being thrust upon us. The problems this country faces have caused the duties of the U.S. Senator to be greatly increased over the past few years. This Nation is growing and changing rapidly from within and the place it has taken in leadership among the nations of the world, has brought to the fore many vital and complex problems which cry out for solutions.

While I, in no way, wish to infer that Senators in a prior time of our history had little to do, certainly all of us must agree that during the last half of this century there has been a tremendous increase in the work and responsibility of the Senate and its Members. Most of this has been of our own creation, as we continually expanded the powers of the Federal Government.

With Congress now in session most of the year, as compared to the shorter sessions in past years, it requires no elaboration to point out that the duties of a U.S. Senator and of the entire membership as a whole, has been vastly increased.

Regardless of these pressures, it would be tragic beyond description if this body were ever stampeded into adopting rules of procedure which would deny to any Senator a full opportunity to be heard on any matter brought before the Senate.

I do not intend to be a party to any such effort.

In no legislative body in the world is the right to fully deliberate more carefully protected and guarded than in the Senate of the United States. We must keep in mind that the minority has rights that are just as inviolable as those of the majority.

The full truth and meaning of that statement goes to the very form and substance of our republican system of government. A look at our history will bring to light many instances to support that statement. Great reforms or great steps forward for our people often began through the advocacy of small minorities, minorities that gradually through the years swell into majorities. In time, ideas for advancement that were almost universally frowned upon in years past come to be taken for granted as right and proper. Anyone who has been a Member of this body should be able to cite notable instances in which waves of enthusiasm for legislation or action by the Senate have given way to equally persistent waves of enthusiasm for their rejection after the proposal had been thoroughly debated, thoroughly discussed, and eventually understood by the people. For this reason, clearly, we should take no action for revision of the rules that would in any way foreclose constructive and necessary debate and thorough exploration of controversial issues that come before us.

I hope I never see the day when the Senate imposes upon itself rules to permit crushing of the rights of minorities to be heard and to be given no opportunity to persuade others to conversion of their views.

Some years ago this body lived through a striking example of how the freedom of debate and freedom of deliberation in the Senate serve as a bulwark against revolutionary changes in our Government.

I refer to the so-called Supreme Court packing proposal presented to this body in 1937.

While I was not a Member of the body at this time, that great moment in our history remains fresh in my mind.

It is easily conceivable that similar proposals, disastrous to our republican way of life, may be made in the future. Some of them are at our doorstep today but I remind Senators that the most unfortunate Supreme Court packing proposal never reached the stage in the Senate where resort to cloture was invoked.

The historic processes of the Senate committee hearings and full publicity worked so well that that threat to our form of government was averted by utter rout of the forces that had advocated the proposal.

Yet, Mr. President, the committee procedure which is so much a part of our process of legislating and guaranteeing the wisdom of the legislation has been bypassed. Every Senator, when he is convinced he is right about a measure, is inclined to feel that a committee should be bypassed. We have seen the procedure used of taking a measure proposed by the House, putting it at the desk, and in due course calling it up from the calendar.

We see a proposal now that the Senate rules should be changed without permitting the committee to consider it.

I am one of those who once served on the Committee on Rules and Administration. It is my experience that that committee does a very good job. It works diligently and consciously. It contains good men. Those men should be accorded an opportunity to consider any proposed change of our procedure in the Senate.

Yet we see here an effort not only to do violence to the right of free debate in the Senate, but also to bypass the appropriate committee and to deny the measure thorough study, the right of hearings within the committee, the right of compromise which the committee tends to develop, all in the effort of some to shut off debate. And for what? Where is their bill? Where is their justification for restricting and eliminating the right of free debate in order to legislate more effectively?

As was pointed out by the very able Senator from Arkansas in his speech the other day, it is not our job to legislate rapidly. Our job is to deliberate, to study, to analyze the facts, and to consider the alternatives in an effort to be sure that we are right when we make a change in the laws of our country.

If it is efficiency which is desired, I point out that there is no greater waste of time than that which has taken place in the Senate for the last month. This as been time and again with every new Congress.

We have rules that say that it requires a two-thirds majority to shut off debate and force a measure to a vote. Those who oppose the change in the two-thirds rule do not desire to have debate shut off.

The sponsors of the measure have denied us the right to committee hearings. They seek to shut off debate and not consider the arguments of all Senators even though they must know that they cannot bring the measure to a vote and force this measure through. They knew it on earlier occasions. They know it now. But notwithstanding that, they insist on a number of cloture votes. How many votes have they changed? So far as I know, they have changed none. But suppose they do change some. They would still be far from having their two-thirds majority required to force the Senate to restrict the right of free debate.

This is all for no good purpose. They have no bill in mind.

They have yet to point out what measure they propose to enact under a gag rule which could not be enacted under free debate in the Senate. Where is it? What is that measure?

There have also been efforts to bypass the Committee on Rules and Administration and to do violence to Senate tradition and Senate procedure.

They have wasted enough time with this proposal and with this bum's rush approach to constitute an entire session of Congress, notwithstanding which, I suppose at the beginning of the next Congress and at the beginning of the next Congress after that, we will see the same bum's rush approach attempted in an effort to try to deny Senators the right of free speech.

This is at a time when they cannot suggest any bill, any single bill that must be the subject of shutting off debate. As I say, I can understand how one or two Senators who are concerned about a proposed constitutional amendment which did not become law would like to bring their amendment to a vote. But if they had the two-thirds majority needed to pass this constitutional amendment, I point out that it requires nothing more than two-thirds of the Senators. If those two-thirds of the Senators who would vote for the constitutional amendment were to vote to limit debate, it would be self-evident that if they had a two-thirds majority they could obtain the requirement to shut off debate. That would be the end of it.

The other measure that could well be the subject of extended debate is the Family Assistance Plan, which I referred to briefly earlier. No one in the Senate would contend that that measure had been adequately debated.

From my point of view, I have no intention of conducting a filibuster on that measure. I have no knowledge of anyone else who does. But I will say that if the plan which is presented to the Senate is as unsound and has as many defects in it as the amendment offered to the Senate the last time, if it is fraught with hazard and peril to the country as the measure that was considered by the previous Congress, I would feel compelled to oppose it and to debate that matter at considerable length.

I will say that I have no intention of conducting a filibuster against the measure. If the Senate by and large voted to pass some measure that I believed totally unsound in the welfare area, I would be content that the Senate voted to pass it, but only if this Senator and others who found grave shortcomings in that measure had the opportunity to discuss it, only after we had had the opportunity to offer amendments and have a vote on our amendments, and only after we had had an opportunity to expose the shortcomings we found in such a proposal.

Mr. President, just to point out one of the defects that were so much a part of the President's Family Assistance Plan proposed in the last Congress, it was said that under the existing law a father was encouraged to leave his family so that the family could go on welfare. Mr. President, that same defect would exist if the Family Assistance Plan were law.

The only difference would be that we would be paying a lot more money to the family on welfare when the father departed than we are paying under the existing law. If the family assistance plan became law, a father making about $3,000 in income would be eligible for a small family assistance payment. But if that father simply left the family, and under departmental regulations he would not have to go very far and perhaps he could stay with them and just pretend his income is not available to them, they could draw a much larger benefit in most States by simply working out an arrangement whereby it is made to appear that the father was not present and not supporting his family.

Now, one of the worst things about the existing welfare law, and the same thing would be true under the family assistance plan, is that there is an incentive to destroy the institution of marriage. I will explain how that works. It is an incentive for people who have children not to get married. If a man marries a woman who has children by him, welfare law assumes he will support the wife and children with his income, and they are not eligible for welfare. But if he declines to marry that person, both under the family assistance plan and under the existing welfare program, the mother and children immediately become eligible for welfare if they have no income of their own. So a man can have all of his income without having to share any of it with the mother of his children, and she can obtain the full benefits of welfare or full benefits of the family assistance plan, whatever it may be. The only difference is that one pays more than the other. In addition, they have food stamps, medicaid, direct subsidies, and all those things available to the mother of his children provided the man does not marry her.

As a matter of fact, the man can spend the night in the same bedroom and in the same bed with that woman and as long as she contends he is not making any of his income available to her or the children, that mother and children can enjoy full welfare benefits. It would be only a small increase in the welfare payments to add the father to the welfare rolls. But if the father went on the rolls the benefits could be reduced by about 80 cents for every dollar he earns—if indeed the family is eligible for benefits at all.

Under those circumstances, over a period of time in a free capitalistic economy, it can be assumed that people will be inclined to do what is to their advantage in terms of dollars and cents. The economics of welfare indicate that people should not get married, and that is what is happening.

Unfortunately, it is true. The latest figures indicate that in white families roughly 11 percent of the children live with one parent, and the figure is about 39 percent in Negro families.

This is likely to become accepted morals over a period of time when it is to the cash advantage of a person not to get married because that person would lose $4,000 a year in income which otherwise would be available. If they do get married, the man will have to support a wife and children and if the man does not get married, the wife and children, will be supported by the taxpayers.

The family assistance plan is not the end of these guaranteed income suggestions. The Senator from Oklahoma (Mr. HARRIS) has very logically suggested that if this proposal is to go into effect, we should not stop at $1,600 plus food stamps plus medicaid, but that the family should be guaranteed enough money to be lifted out of poverty; that if it has to be done, how can there be justification in providing income for people and still have them living in poverty? He suggests that the guaranteed income figure should not be $1,600 plus food stamps, but that it should be at least $3,700 for a family of four. It makes a lot more sense than the arbitrary $1,600 plus food stamps proposed by the President.

How much would this proposal cost? We are told that when in full operation, that proposal would cost us about $30 billion a year, and that under that program, welfare benefits would be paid to 59 million people.

Mr. President, that would not be the end of it. That is a very scant, meager proposal, and it will make people look like pikers when they hear what the National Welfare Rights Organization wants.

Former Senator McCarthy of Minnesota thought enough of their plan to sponsor it and I am sure it will have other sponsors when it comes up next time. They say that every family of four should be guaranteed at least $5,500. If they do not get $5,500 they say the people should fight about it and conduct riots. We had some experience with that over in the Committee on Finance where they conducted a sit-in strike. Only last year we were trying to do committee business and their members were charging up and down the halls saying, "$5,500 or fight; kill, kill, kill." They did not do anything about it, such as occurred yesterday, but as far as we know that is a forerunner of things to come: "$5,500 or fight."

There would be 59 million people drawing welfare. Who would be prepared to go before them and say that those 59 million people are not entitled to $5,500? Cannot Senators hear what would be said? "Who can live on $3,700? A man and his wife need at least $5,500 to hold hide and hair together." Cannot Senators hear people standing there and screaming for it? If Senators cannot hear it I suggest they come to the Capitol this year and they will hear it. One can hear them a block away when they shout "$5,500 or fight."

What would that proposal cost? There would be approximately 98 million people on welfare. That would not be the end of it, once they got the $5,500. Anyone who wanted to be elected to office would be guaranteed the vote of 55 percent of all the people by saying, "Let us raise the $5,500 to $7,500."

He would be assured of victory, because that is half of the population right there, on one issue, once they have proceeded to help them organize that big bloc.

It is fine to pay benefits of $5,500 for every family as a guaranteed income. But who is going to pay for it? Nobody expects any of the 98 million who are drawing $5,500 to pay for any of this. Obviously, it has to be paid for by the other 98 million who are not drawing down $5,500. So when we try to figure how to raise the money which would increase the Federal revenue about 30 percent for that one item alone through the relatively small number of people who would be left to pay all the taxes, it would mean that we would have to levy taxes that would leave some person something, according to his needs, after taxes.

So there would be two welfare programs. One would be what would be left to a workingman after taxes, and the other would be what would be given a family that does not work on the basis of the guaranteed income. So the guaranteed income for not working would, over a period of time, be almost as much as the income left, after taxes, for a person who was working, no matter how much he made.

But that would not be the end of spending. Whether we like it or not, we are going to have to do something about child care. I myself sponsored a measure to set up a separate corporation, provide it with initial working capital of $500 million to arrange to make available good child care.

How much should we be spending on this? About $500 million would be a very

substantial step in the right direction to provide good child care, so that mothers could seek honorable, gainful employment. But we were confronted with other proposals by those who say, "That is so small, we should not even make a start."

Senators may recall how, last year, the child care provisions of the Finance Committee bill were defeated on a separate vote, with the opponents being sponsors of child care measures which would have cost from $2 billion to $6 billion. Large as those figures were, they were small compared with other proposals of what should be spent by the Federal Government for child care.

There was a White House conference to discuss this subject. It was estimated that it would cost at least $2,000 per child to provide meaningful child care with educational benefits for the children. Projecting that figure and multiplying it by the number of children it was felt should have such care, it was estimated that we should spend about $10 billion a year for that purpose.

Estimates of welfare costs in the past have tended to be too low. Welfare legislation has cost more than the estimates.

The distinguished Senator from West Virginia (Mr. BYRD), who is in the Chamber, is well aware of why such programs tend to cost much more. It is because no one, so far, has mustered the courage to keep off the welfare rolls people who do not belong on them. I know that the Senator from West Virginia has tried to do something to correct that condition. I am sure that he has had bad days following the mornings when he read in the newspapers articles vilifying and chastising him for being the enemy of the poor, merely because he had the courage to contend that persons who were not eligible for the programs should not be in them, and that much more could be done for people who really need help if we declined to put on the rolls the people who do not need the help. The Senator from West Virginia investigated and found that 59 percent of the people on the AFDC rolls in the District of Columbia did not belong on them at all, and that many others, who were eligible, were being overpaid.

Despite this background, the Department of Health, Education, and Welfare proceeded to put into effect a requirement that all welfare applicants should be put on the rolls on the basis of their own certification. Can Senators imagine that? Well over 50 percent were not eligible or were drawing too much. Nevertheless, the Department of HEW sought to require States to put people on welfare on the basis of their own certification.

The Supreme Court came in behind that regulation and undertook to suggest that welfare is a constitutional right and said that no one who was on the rolls, even by fraud, can be taken off the rolls without a hearing.

The Department came along behind the Supreme Court and said that not only were the applicants entitled to a hearing, but also to an appeal and to counsel, and that the Government must not only advise the applicant of his right to appeal but also pay for the costs of the appeal, if the applicant desires to appeal.

Suppose a person goes on the rolls totally by fraud and it takes 6 months after the Supreme Court's decision to discover the fraud. After showing that the person is on the rolls by fraud, how much can the Government get back? He might have had plenty of income on the side, all the time. How much money can the Government get back? There is no mention in the HEW regulations about the Government getting back one penny of what is paid by fraud.

Just the other day, in Louisiana, someone applied to go on welfare, and the person who had put the applicant on the rolls previously saw the woman leaving. She inquired of the person who handled the case why the woman had not been satisfied with the generous treatment she had received. It was found that the woman was using a different name than she had used the first time. This happened right in my hometown. A search warrant was issued, and it was found that the woman was on the welfare rolls four times, under four different names, and with four different social security cards, and would have been on a fifth time, except that by chance she met a welfare worker who knew her and who worked in the same office. The woman's neighbor was on the rolls twice and was planning to get on a third time. She might have succeeded if the welfare people had not met the first woman. So two women were receiving welfare benefits eight times.

I read an article suggesting that a woman is not going to have a child merely for the purpose of going on welfare and getting, maybe, $30, $40, or $50 a month extra; or that if she has two children, she is not going to have another child to get even a lesser amount. I would be the first to say that in all probability that is not why any welfare mother has a child. But we should keep in mind that a child is not necessarily on the rolls only one time.

There is no method presently available to the Federal Government, other than just catching these people by accident, to know whether a person is on the welfare rolls one time or 10 times.

Some State has suggested that we should start taking pictures of the welfare beneficiaries, so that if a person is on the rolls five or six times, the pictures could be compared—a totally impractical suggestion. No one has yet devised a system whereby you can computerize pictures and compare pictures one to the other. If a person is on the welfare rolls five different times, even if it is in the same office, one would not know but what the person depicted might be the recipient's cousin or sister. Everyone has a look-alike. Everyone has a twin somewhere. And since the Supreme Court has declared residency requirements to violate the Constitution if imposed by a State government, there is no area anywhere for anyone to deny a person the right to go on the welfare rolls in 50 different States as fast as he can show up in those 50 States, and there is no arrangement anywhere to check up and see whether a person is or is not present at the place where he is drawing his check.

The procedures that have been imposed, with the cooperation of the Department of Health, Education, and Welfare and with the intervention of these poverty lawyers, has been that if we want to go to a place and see if the person actually lives there, we have to notify her to be there and show up at that particular time. She could be six States away, and get a ticket and come back and be there with her children—or the neighbor's children—back there at that particular address, when you show up to see if that is her residence.

The only way you could positively identify people would be by fingerprints. But when you suggest that you can only go on welfare once, you cannot be on five times in one State or 50 times in 50 States, just watch the howl that goes up. They will all be out here screaming that it is criminal to ask for fingerprints of a person to insure that he is only drawing welfare benefits once, instead of 50 times.

I am sure we shall have to face that problem. I wish we could avoid it, because I would like to hope we could bypass that argument. But, Mr. President, that is just one more of the many facets of the welfare mess, which are mostly created right here in Washington. That is a battle we have to fight.

I say, Mr. President, that if we are to do justice to the people of this country, we cannot fight that battle and resolve it wisely under cloture, because if the Senate has voted to shut off debate and limit every Senator to but 1 hour, then whatever Senator there is on this floor who understands that measure best would have only 1 hour to speak. Frankly, Mr. President, even that 1 hour would not do him much good, because my experience about limitation of debate is that once the Senate has voted cloture, it does not want to hear anyone's argument—just to sit down and vote.

If the distinguished occupant of the chair (Mr. BROCK) does not recall, I recall how it was when we had the cloture vote on the space satellite program. Some of the most logical amendments the mind of man could suggest were simply tabled, without a minute's debate in opposition to the amendment; just a motion to table. The argument was that the manager of the bill was confronted with a great number of amendments, and if he tried to explain the side against the amendment, he would use up his 1 hour and have no more time left to discuss the measure; and so he had no alternative but to move to table, and call on everyone who voted for cloture to vote to table all amendments, regardless of the merits, on a matter as important as a bill to control all future communications in space.

Those kinds of outrages, Mr. President, do a grave injustice to our Republic. They should not be enacted under a 1-hour limitation of debate for each Senator, where the minds of all are closed. The Senate should permit every Senator to speak and debate freely; and

a measure of that sort, to be properly enacted by this body, might well require as much as 6 weeks of debate and voting on the amendments that would be offered, and the marshaling of evidence to show whether or not the Senate has made a mistake, and for the effort to change a mistake when made, and the effort to disabuse people's minds of the propaganda that has been spread throughout this Nation. The opportunity should be available to every Senator, and we should take whatever time is necessary to do justice on that basis, to see that we do not make the type of fatal mistake that could be made, to send this Nation down a path of bankruptcy—either moral or dollar bankruptcy—which could have been avoided had we saved for ourselves the protection of reason, logic, the opportunity of a man to marshal his arguments, and the opportunity to present the facts on his side of the case.

Mr. President, I shall have more to say on this subject later on. I am very hopeful that we can pass a social security bill in short order. I hope that the House of Representatives will send us that bill, unencumbered by the family assistance proposal or any other guaranteed income scheme for the time being, and offer us the opportunity to pass a bill which we have debated, thoroughly considered, and passed in the Senate by a vote of 81 to 0. When that bill has been sent to the President's desk, I recommend the House send us whatever they want to send us in the way of a welfare bill, and I assure those on the House side that when that happens, I shall see to it that the Senate conducts prompt hearings, that we avail ourselves of the best advice that can be obtained as well as that which is volunteered to us, and that, when the hearings have been completed, without more than 2 weeks' debate, we will undertake executive sessions in which the Senate Committee on Finance will work its will; and when we have done that, we will report the matter to the Senate. Then this matter will be in the hands of the leadership, to determine when it wishes to call the matter before the Senate.

I have no idea how controversial or noncontroversial that bill may be. I do know that the Committee on Finance brought before the Senate last year a measure that was very controversial and necessary. The parliamentary maneuvering and the debate that occurred resulted in compromises, in the interests of getting something done, and we sent a very good social security report on medicaid and medicare, and public welfare improvement bills, to the House of Representatives; and I regret very much that the House did not see fit to meet with us in conferences to iron out the differences, because the public interest would have been served had they done so.

But I cite that just to show that sometimes a measure which starts out being very controversial, through the force of debate, consideration, logic, compromise, and amendments that can be offered to improve it, and new ideas that can be injected, sometimes resolves itself into a a measure on which a unanimous vote with all Senators applauding the final product, although they do not completely agree with everything in it, can be had.

That is conceivable. It may be too much to expect that we could work out that type of a difficult, complicated arrangement at this time, but, Mr. President, it is my hope that that might happen; because there is no doubt in my mind that Chairman MILLS and the able members of his committee—JOHN BYRNES, JOHN WATTS, and the other fine men who serve with him—are every bit as dedicated to the best interests of this Nation as is this Senator or any other Senator. If they will do their best to move us along the line of real reform of the welfare program, as I am sure they would like to do, rather than just increasing the size and multiplying the problems, then I think there would be a possibility that we could do an equally good job, perhaps an even better job, on this side, with the result that this matter might be worked out in a manner that best serves the national interest.

But I am confident that that will not be done just by federalizing the so-called welfare system. The only impediment there is now to the cost of running through the ceiling is the fact that the States have limited funds with which to match Federal matching. If it were to be federalized, it would still require reform amendments that would, among other things, require a father to support his wife and children and which would encourage people to work for a living, rather than simply living on welfare. These are measures that we can and I hope will work out.

Again I say that the best safeguard to be sure that the answer is in the national interest, rather than to the contrary, is that we retain the right of free debate in the Senate.

Mr. BYRD of West Virginia. Mr. President, I want to compliment the able Senator on his speech. I want to compliment him on his work. He is dealing with a snakepit when he deals with the welfare problem. I think he has the astuteness and the diligence and the courage, however, to do the job.

I also want to compliment him on insisting that an increase for the recipients of social security should be in a separate package from that of welfare reform, and for urging that such a social security increase be sent expeditiously from the other body to this body, and his assurance that it will be acted upon in the Senate hastily when it is so received.

Mr. LONG. I hope very much that we can act upon it as soon as we are in a position to act knowledgeably and responsibly. I would not like to see us act upon it so rapidly that we fail completely to protect the interests of all persons—those who are paying for it as well as those who would hope to be benefited by it.

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

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

GIVE US SOMETHING MORE THAN HOPE

Mr. COTTON. Mr. President, on February 10 the Chairman of the Civil Aeronautics Board, the Honorable Secor D. Browne, appeared before the Subcommittee on Aviation of our Commerce Committee during hearings on the economic state of our airline industry. I took the opportunity on that occasion to once again point out the plight of my State of New Hampshire and New England generally resulting from the lack of adequate air service. I requested that Mr. Browne and his fellow members on the Commission give our problem a "sympathetic look."

I, therefore, was somewhat heartened to read the address by the Honorable Robert T. Murphy, member of the Civil Aeronautics Board, before the 54th annual banquet of the Traffic Club of New England in Boston, Mass., on February 16. In that address, Mr. Murphy noted, in part, the following:

> But one thing I do know is that the recent Apollo 14 flight vividly demonstrated that it is much easier for a citizen of New Hampshire to fly to the moon than it is to fly from any point in the Granite State to anywhere else.
>
> Of special interest here in New England is the very critical need of Northern New England, that is, Maine, New Hampshire and Vermont, for adequate air service. This is a subject to which we have devoted particular attention over the years with very disappointing results. Their basic need is for an adequate local service which we have very properly fostered and developed with modest subsidy support in all other parts of the United States including Alaska and Hawaii.
>
> Today, the only two states in the nation for which no subsidy is being paid for air service are Maine and Vermont and the amount paid for service to New Hampshire is negligible. As Senator Norris Cotton recently pointed out, the economic welfare of this region demands that it not be shortchanged by lack of air service. If we are to have a sound national air transportation system then certainly Northern New England must be part of that system. I believe it is fair to say that the Board intends to conduct an investigation of service needs there during the forthcoming year with a view toward correcting the intolerable situation which has been allowed to drift too far and too long.

Mr. President, these words of Commissioner Murphy warm the cockles of my heart. For years this Senator has been pointing to the same intolerable situation which has been allowed to drift too far and too long, in the words of Commissioner Murphy. As the poet Robert William Service once said, "A promise made is a debt unpaid," and I felt that by virtue of Commissioner Murphy's remarks a long outstanding debt of adequate air service to New England was about to be paid.

However, Mr. President, I was then reminded of my own words of earlier date, warning my constituents not to be beguiled by then glittering promises of reasonable and adequate air service in our State. And I regret that this cynicism,

developed on the basis of prior experience, was borne out after doing a little research.

On an earlier occasion Mr. Murphy noted, in part, the following:

I have an abiding interest in the preservation and development of a sound air transportation system geared to the present and future requirements of this area . . .

* * * * *

I suggest that we could borrow as our motto for the future development of air transportation in New England the motto which is found on the Great Seal of the State of Rhode Island—the word, "hope." * * *

Mr. President, those words were spoken by the same Member when he was Vice Chairman of the Civil Aeronautics Board at the Transportation Session, 39th annual conference of the New England Council in Boston, Mass., on November 22, 1963.

Mr. President, I appreciate Mr. Murphy's sympathetic words of February 16. However, I do wish that he and his colleagues at the Board would furnish us in New England something more than hope. It is, I assure you, an exceedingly lean diet to have to subsist on hope alone for almost 7 years.

Mr. President, my faltering faith and growing cynicism is added to when I consider Commissioner Murphy's sympathetic words 7 years ago, and his even warmer words just 2 weeks ago only to realize that he was one of three Board members who cast a vote which resulted in preventing the merger of Northwest Orient Airlines and Northeast Airlines. Such a merger could have provided the only possible ray of tangible "hope"—in Commissioner Murphy's words—for northern New England to receive reasonable and adequate air service from an air carrier with the necessary financial stability, equipment, and experience. Thus, an opportunity was at hand for the Civil Aeronautics Board to dispense with rhetoric, hollow promises, and discharge its long-standing debt to New Hampshire and its sister New England States. Unfortunately, it has chosen not to so act. Rather the Board once again has turned its back on the needs of northern New England for reasonable and adequate air service.

Yesterday, March 1, the Board reaffirmed its decision of last December on the proposed merger of Northwest and Northeast Airlines withholding the Los Angeles-Miami route. Truly, yesterday carried forth the ill-boding of Shakespeare's admonition, "Beware of the Ides of March," with respect to New Hampshire and its sister States for the Board's action spells the death knell for the proposed merger by dashing all hope upon the rocks of despair.

In conclusion, Mr. President, I would respectfully suggest that the next time Commissioner Murphy speaks of hope, I do wish he would recall the following lines from "The Rovers" by the English author, John Hookham Frere:

Despair in vain sits brooding over the putrid eggs of hope.

For the benefit of my colleagues in the Senate and Commissioner Murphy, I ask unanimous consent that the full text of his remarks of February 16, 1971, and November 22, 1963, be printed in the RECORD.

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

ADDRESS BY THE HONORABLE ROBERT T. MURPHY

It is a distinct honor and pleasure to participate in this Fifty-fourth Annual Banquet of the Traffic Club of New England which is the largest and most distinguished transportation convocation in this whole region.

When your able and very personable President, Walter Ballou, asked me if I could speak to you on the thought-provoking topic of, "Space Travel—Its Future for the Airline Passenger" or something equally exciting along those lines, I immediately knew that you and I were in for trouble. Obviously, I was dealing with a man who has silently suffered through many a post prandial dissertation on prosaic traffic subjects designed to put all but the most literal-minded statistician dozing over the coffee cup or squirming uneasily in his chair with a nervous eye on the nearest exit. If he could help it, he wished to spare his colleagues such a fate. In fairness to him I thought that I would make that very plain at the outset since I am frank to confess that I haven't the slightest notion at this moment of history just what the conquest of outer space can potentially offer to the future generations of travelers and shippers. Consequently, if any indictment of the Dinner Committee is drawn subsequent to this evening, Mr. Ballou is entitled to all the immunity granted by the Constitution of the United States as well as that of the Commonwealth of Massachusetts.

We are still close enough to the beginning of 1971 to recall that with the advent of the New Year come many things—swirling memories of things past, vistas of things new, good wishes, good cheer, calendars and New Year's resolutions. At the beginning of this year, to my desk there came on a dark and dreary January day, a modest little calendar book—one of those neatly divided into small blocks for every day of every month wherein you methodically program your life, assuming that one is that type of a methodical person. On its black cover it bore the imprint of one of the world's largest airlines. Before consigning it with those numerous items gathering dust in a handy desk drawer I thumbed it through and there, in the forepart, my eye fell upon a page bearing the impressive legend, "Desiderata"—a page of philosophical advice which seemed to merit reading and rereading. The first sentence, in particular, bore in on me with an unusual impact. It read:

"Go placidly amid the noise & haste, & remember what peace there may be in silence."

Here, I thought, was sound advice, particularly emanating from such an exalted source as one of the world's largest air carriers. Perhaps, I thought, it would be well to take these words of wisdom to heart and to adopt them as my very own as a sound and advisable New Year's resolution. The more I pondered the matter the more these sage words were commended to me. I found them a warning and an inspiration. At times such as these with so many strident voices being raised and so many conflicting statements being issued as to just what is right and what is wrong with the airline industry, it seemed to me to be an advisable plank for a 1971 platform.

But, here only a few short weeks later, I find myself constrained to publicly shatter the firm resolution which I privately adopted and which may have had some real public interest benefits, at least insofar as the anti-pollutionists are concerned. The fact that Walter Ballou and my old friend, the distinguished senior Senator from my native State, Senator John O. Pastore, both called upon me to rise to the occasion is perhaps sufficient justification for the early abandonment of that plank in my 1971 platform.

I know that I am speaking to an audience composed of people who have a keen knowledge of, and familiarity with, all transportation modes. However, I trust that it will be of interest to you if I share some general thoughts on the status of the air transportation industry in the seventies.

As you know, unlike some of the other transportation modes the airline industry has enjoyed a vibrant, surging growth during the past decade. During the period 1959 through 1969, traffic jumped by 322 percent and the total net assets grew by 320 percent and employment shot up 90 percent. It has surged to the forefront in trans-oceanic passenger services. Likewise, it has become the principal common carrier for intercity passenger travel in this modern jet age. Measured by any terms or evaluated by any economic index, we have built the world's finest domestic and international air transportation system. At the same time we have achieved preeminent status as the world's leading air technology manufacturing source. Travel almost any place in the world, as many of you do, and you will find the U.S. flag proudly carried by one of our great international air carriers and likewise you will find at all the world's great airports the flags of almost every country of the world emblazoned on the fuselage of U.S. aviation equipment. We can take some pride in these facts—justifiable pride, whether one is in Government or in the industry. Despite what some may say, it is a fact that the air transportation industry has been nurtured and developed by a sound and wise Federal policy in the promotion and development of a domestic and international route system designed to serve the public interest needs, and the commercial and private demands of U.S. citizens.

For most airlines, however, the year 1970 was a rough one. For the first time in a decade traffic growth, both passenger and freight, fell sharply from their annual average growth rate. Indeed, when the final figures are in, it may appear that passengar air traffic in the domestic United States for the trunk carriers remained practically static. This has led to an alarmist feeling in some quarters that the future integrity and viability of our air transportation system is imperiled. Indeed, some have gone so far as to endeavor to draw a general analogy between the disaster visited upon other transportation modes in recent years and months to that of the problems confronting the airlines. I do not seek to minimize those problems. However, let me say without qualification that, in my own personal judgment, such an analogy is neither relevant, warranted or helpful. I think we must view some aspects of the future of air transportation with informed concern but certainly not with hysterical alarm which can only produce a crisis of confidence.

The cyclical financial problems confronting some of our carriers today are essentially attributable to three basic causes, (1) the downturn in the general economy which has been deeper and more extensive than most experts forecast, (2) rising costs—costs of labor, materials, airport charges and, importantly, capital, and (3) substantial, but hopefully temporary, over-capacity due principally to the introduction of the wide-bodied, mammoth 747.

While it is true that business in general has been caught in the crossfire of simultaneous inflation and recession, the problem for the airlines has been more acute because of the equipment transition to the wide-bodied jets occurring at the very same time as the downturn in our general economy. In commenting on this unfortunate concurrence of adverse factors, Mr. Robert Six, the most senior of trunkline presidents recently noted:

"To further complicate matters, this precipitous drop in traffic growth occurred when the carriers were bringing the first of the new wide-bodied jets into their fleets. Available seats thus increased faster than the number of passengers. The new aircraft have resulted not only in excess capacity but also in higher costs. Any new aircraft is much more expensive to operate during the first two years, and this is true of the 747. We introduced this aircraft in mid-1970, and its operational cost will remain higher than conventional jets until near the end of 1971. After 1971, experience and improvement of reliablibity should lower costs to a level below those of present jets."

The decisions to buy those aircraft were made three or four years ago at the very height of airline prosperity and, because of the long lead time required to manufacture such equipment, decisions were required to be made that far in advance. One must bear in mind in appraising the present overabundance of capacity in relationship to present traffic demand that you cannot buy one-half an aircraft nor, indeed, buy them off the shelf, and decisions to acquire them must be made in terms of long-range judgments. If there has been an over-purchase of equipment the responsibility rests wholly on airline management which undoubtedly will give serious consideration to curtailing orders for future delivery of jumbo jets wherever that is possible.

In looking at the trunkline industry, it is paradoxical that the bulk of the losses this past year were incurred by the largest carriers—carriers that account for about 70 percent of the traffic and revenues and which have access to the largest and most lucrative markets both here and abroad, possessing and enjoying route systems productive of the longest range of nonstop mileage. This has led some observers to question whether there is not a dis-economy of scale which makes the largest air transportation corporations more vulnerable to the buffeting of adverse economic winds of change. Likewise, in their view, there is a serious question whether moves which would make these companies even larger would not seriously compound existing economic problems of size.

In the smaller category of carriers, Delta has reported a profit of $41,359,000, a near record profit for this carrier which has a consistent record of efficiency and profitability over a long span of years. Northwest, despite a crippling strike, and Continental will both post a profit showing. Western will register a marked improvement over 1969 and will probably avoid the red ink side of the ledger. National, a victim of a prolonged six-months' strike, will incur a relatively small and understandable loss while Northeast, although cutting its 1969 losses dramatically, will likewise show a loss. Collectively, however, this segment of the trunk industry, which is relegated to about 30 percent of available traffic and revenues, will show a net profit in the range of $65 to $70 million. Thus, we find a kindly and encouraging light emanating from this segment of the industry in the encirclement of darkening gloom from their bigger brothers.

I believe it is fair to expect an upturn in the fortunes of the airline industry in 1971. Already, many air carriers are taking measures to economize and to adjust capacity to demand, for which they deserve great commendation. It is noteworthy that, in his recent message to the Congress, the President has predicted an improvement in the economy and the abatement of inflationary trends. I believe that traffic will grow this year, but probably not to noticeable levels until the second and third annual quarters. An upsurge in traffic taken with a better tailoring of capacity to demand plus a more efficient utilization of plant and equipment should, hopefully, eliminate red ink for most of the industry in 1971. But much depends, of course, on the swing in the general economy, over which the air transportation industry itself has no direct control. It is encouraging to observe the statement of the President of National Airlines, Mr. Maytag, who observed only a few days ago, "Airlines have recently begun to see a bit of blue sky."

During the seventies it is also reasonable to expect a gradual elimination of costly delays in the air and on the ground at all of the nation's high-density airports. A great step forward has been taken with the recent enactment of the Airport and Airway Revenue Act of 1970 which will provide the means and the self-generated funds to close the gap between the demand upon, and the capacity of, airports and airways facilities.

Looking down the corridor of time it is significant that, according to all industry and Government forecasts, the end of the 1970's will see U.S. airlines flying three times as many passenger miles as they did in 1969. Likewise, air freight and cargo, which now accounts for only a fraction of 1 percent of cargo movements, is destined to grow accordingly. Consequently, this great growth potential promises profitable utilization of wide-bodied jets—the Douglas DC–10, the Boeing 747 and the Lockheed 1011 in the foreseeable future. In this sense, the acquisition represents the sound preparation for predicted future demands.

I do not suggest the adoption of a Pollyanna attitude toward the special problems and plight of some of the carriers who have been pretty hard hit, nor to the industry viewed as a whole. Prudent administration of the business affairs of every air carrier as well as prudent administration of the regulatory requirements must be forthcoming in order to successfully meet special short-term needs. This, I can assure you, is the desire and goal of the entire Civil Aeronautics Board.

In this connection let me say that there have been allegations leveled against the Board which are not in accord with the real, hard facts. For example, although it has been said by some critics that the Board has been impervious to the need for increases in air fares, the fact of the matter is that since October 1969 we have authorized upward adjustments of passenger fares estimated to have a favorable revenue impact for the carriers of more than $523 million over a 12-month period. Under the restrictions of a court order obtained by 32 Members of Congress (*Moss, et al.* v. *Civil Aeronautics Board*) we are required to complete the giant and complex *Domestic Passenger Fare Investigation* before further across-the-board fare increases can lawfully be implemented. All parties to that proceeding are agreed that some measure of additional price adjustment is in order. We are hopeful of completing the principal part of this case during the next few months, following which further remedial action, as justified by the record, can be taken.

Great care and restraint should be taken in connection with the pricing of airline services to avoid the potential effect of pricing air travel out of the reach of any of our citizens except the affluent jet set or the traveling businessman.

The important thing, as the President has cautioned, is for each of us during this period to lower our voices. Each segment of air commerce, the airlines, large and small, scheduled, and nonscheduled, the regulators, the public press, the legislators, and the travelers, must avoid pointing the finger of blame at the other. We gain nothing by this and can only delay the time when we can reach a solution to the problems faced by all of us. Both management and Government must avoid taking immovable and unchangeable positions. There was an observation made by a television pundit the other evening that I think is very apt. He said that man was able to travel 250,000 miles through space and land within 60 feet of his target on the moon because there were no people in between. The challenges presented by nature we can overcome but the problems which men create for one another seem at times to be insoluble.

In conclusion let me say that I view this period much like a frontal pattern in the weather. While it is passing through, there are storms and lightning and turmoil. But it is not a permanent thing and like a storm front I believe our economic storm is a symbol and sign of growth and ferment and progress inside the industry. Unfortunately, it appears that in order to reach new levels of efficiency and public service, this industry must periodically weather these storms. But I believe that just as the crisis has been more violent this time than it was a decade ago, the weather to follow will be more salubrious and prosperous for the airline industry.

STATEMENT BY THE HONORABLE ROBERT T. MURPHY, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD, AT TRANSPORTATION SESSION, 39TH ANNUAL CONFERENCE, THE NEW ENGLAND COUNCIL, STATLER-HILTON HOTEL, BOSTON, MASS., NOVEMBER 22, 1963

I am honored, indeed, to have this opportunity to participate with you of the New England Council in this discussion today on the transportation needs of my native New England region.

I have an abiding interest in the preservation and development of a sound air transportation system geared to the present and future requirements of this area. Thus, I feel a special duty to acquaint myself with the affairs and thinking of this organization dedicated to the economic development of New England so that I may better understand the problems and their best solution from a grass roots point of view.

No section of this great country is more acutely dependent upon air transportation for its economic and industrial well-being than is New England. This is particularly true of Northern New England—Maine, New Hampshire and Vermont, where rail passenger service has so declined as to be practically nonexistent over much of the area and where problems of terrain and climate pose special problems for surface transportation during much of the year.

In analyzing and planning for a truly regional air transportation system for all of the New England States, we must look beyond the periphery of service to the major metropolitan area of Boston. Adequate levels of air service at Boston do not necessarily accrue to the benefit or meet the needs of other industrial areas of New England whose economy is not irrevocably linked with this great and important Hub City. We must direct our attention to the eastern part of this State, to the many cities and communities north of the Massachusetts border and to the south and southwestern part of old New England. I suggest that we could borrow as our motto for the future development of air transportation in New England the motto which is found on the Great Seal of the State of Rhode Island—the word, HOPE. It has been a special devotion to this great virtue of hope which has kept the sovereign State of Rhode Island very much alive and quite progressive as the smallest political entity in our great Republic despite a trend toward bigness—a trend which has ground under heel at times a tolerant respect for the significant social and economic contributions which can be made by small entities in various phases of our political and social strata.

What does New England need in the way of adequate air service? Of course, no single person can have all the wise answers to such a challenging question. However, I do know this: if New England is to retain

its present industry and attract new industry and to move forward, together with other great areas of this country, toward better days for its citizenry, it must hold on to its present level of air service. Present service and carriers must be the base on which we build for the future. To dissipate present service would be a grave mistake and to suggest that it can be radically reduced would not, in my judgment, be wise counsel at all.

We know that other parts of the country, in recent years, have enjoyed a much more impressive rate of industrial and economic growth. A salient factor in arresting the trend of industry away from New England is the preservation and betterment of all of our transportation media—including air transportation.

Keys to an adequate pattern of New England air service are frequent and reliable regular service. Northern New England should have direct through service available to points beyond Boston to New York and south, for example. We need the assurance of through trunk service as our traffic grows.

In any long-range planning for New England, we must take a leaf from what is happening in New York and in Chicago. There is no need to create air traffic problems at Logan Airport by stopping through traffic even though there is still room for expansion and growth here without moving toward satellite airports at this time. There is no reason for people living in Rhode Island to travel north to Boston for beyond air service. In Connecticut, air commerce is being squeezed down to the point of one trunk airport in the entire State—an irreducible minimum of trunk service for this growing industrial State. All elements of the New England business community and of this organization must actively support the services now available if we are to see the future improvements which are so vital to the area.

Special attention must be focused on seasonal air service to meet the vacation economy travel needs of Northern Vermont, Maine and New Hampshire and the other well-known vacation spots in New England. The tourist industry depends on good transport service to make the many attractive vacation spots in New England accessible to the ever-increasing East Coast population. These needs will not be wholly met through area airports which require arrangements for long surface movements to destination. This travel market, so important to the local economy, can and should be served and developed through the aegis of New England's own carrier, Northeast. With subsidy support now available for regional services, Northeast should be able to better meet these needs.

Sound, reliable air service in many areas of New England is not economically possible without subsidy as is also the case in all other parts of the United States, including Alaska and Hawaii. This subsidy represents a sound Federal investment in the economic well-being of this area. It is bread cast upon the waters which will return many-fold in terms of increased business, industry, employment, sales, etc. all to the benefit of the national economy and, hence, our national Treasury. New England's subsidy claim is a relatively modest requirement in comparison with that allocated to other areas of the United States and cannot be regarded as improvident or unnecessary. If we are considering spending $750 million to $1 billion to assist development of some 200 supersonic transport planes, primarily useful in coast-to-coast and foreign travel, then we ought not to balk at wise and provident expenditures for transportation services in New England which are vital not only to the local economy, but which will in turn contribute to our national economy.

Basic to reliable air transportation service in New England is a system of adequate, safe airports. Many of the service complaints of the past were attributable to lack of the modern navigation systems and aids which would assure all-weather service in many areas of Maine, New Hampshire and Vermont. Certain improvements must be installed if we are to build soundly for New England's future in the '60's and '70's. Frequency and reliability of air service are the key to traffic growth. As one New Hampshire aviation expert said recently, it is somewhat ironic that we talk and plan for landing vehicles on the moon with great confidence when it is still impossible to land a plane in inclement weather in New Hampshire. Further improvements are essential and your state and community airport officials must continue their efforts and press their case with the FAA.

One final thought. New England is an ideal area where a modern, economic small aircraft could be laboratory tested, as it were, to see if we can reverse the trend of trying to adapt public service policy to technology, rather than technology to policy. In short, I fear we have been allowing the machine to rule us, rather than building the machines to best serve our multifaceted transportation needs. We are told that the jet is too large to serve small cities and that the DC-3 is wearing out and is no longer acceptable. Why should not the Government cooperate in working out reasonably-priced rental arrangements with selected carriers for experimental use of some of the small aircraft now available? No one can say how such a program would work out but, in my view, it is certainly worth further study and active consideration. Congress has expressed interest in such a proposal and although we would probably require specific legislative authorization, I am of the view that such an experiment could be useful in developing traffic and improving service over some of the lighter traffic routes in this area. The local service carriers and the Government have expended considerable energy in attempting to define criteria for a useable small plane and significant progress is being made. We also see favorable signs in the trunk carriers' increasing interest in shorter-haul aircraft. It would be anomalous indeed were we to see a downgrading in service at middle and smaller size cities as so-called technological advances continue. We must not permit this to happen.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

(The remarks of Mr. HRUSKA on the introduction of S. 1087, the Law Enforcement Revenue Sharing Act of 1971, appear earlier in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. FANNIN on the introduction of S. 1088, to create a U.S. Court of Labor-Management Relations, appear earlier in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the colloquy for which time has been allotted under a previous order, the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes just prior to the period for the transaction of routine morning business.

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

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 o'clock a.m. following a recess. 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 Minnesota (Mr. HUMPHREY) and the able Senator from Kansas (Mr. DOLE) will conduct a colloquy for a period of not to exceed 45 minutes. The colloquy will pertain to the 50th anniversary of the Disabled American Veterans.

Following the colloquy, the Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for 45 minutes, with statements therein limited to 3 minutes. Upon the completion of the transaction of routine morning business, the Senate will proceed to the further consideration of the pending business.

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. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the motion of the Senator from Pennsylvania (Mr. SCOTT) to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. I thank the Chair.

RECESS UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 30 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, March 3, 1971, at 11 a.m.

NOMINATION

Executive nomination received by the Senate March 2 (legislative day of February 17), 1971:

DEPARTMENT OF COMMERCE

James T. Lynn, of Ohio, to be Under Secretary of Commerce, vice Rocco C. Siciliano, resigned.