mediately depleted, and hundreds of requests for the tabloid had to be refused although other materials were substitued when possible.

The nature of the requests was most enlightening since many came from elementary students and teachers. This added impetus to the Institute's plans to produce a sound filmstrip for the middle grades—5, 6, 7 and 8. But, due to budgetary considerations, funds were not available. A membership survey indicated that a sizable number of prints would be purchased if the film-strip were produced. A New York film company is now completing production of that filmstrip in cooperation with the Institute on the basis of a minimum guarantee of orders. It appears that the result will be a successful program for the Institute and its members, with no cash investment by the association.

FILM VIEWED BY 8 MILLION

The Institute's 16mm color film, "The Endless Search," has conveyed the industry's story to nearly 8 million television viewers through public service time. A 28 minute production, it is made available in high schools, colleges, and universities through the institute, and to specially defined audiences through a professional film distributor.

While these and other facets of the Institute's programming are felt to be improving public understanding, the board of directors also anticipated that the industry itself would have to better understand the ramifications of attempting to cope with metallic solid waste.

RESEARCH IN FERROUS WASTE

Realizing this great need for research in the reclamation of ferrous metallics, the Institute in 1967 formed the Scrap Metal Research and Education Foundation. The objective was to focus more attention on the research function within the industry. In May 1970, the Foundation received a grant from the U.S. Department of Health, Education, and Welfare, Bureau of Solid Waste Management, and the Institute for "A Study to Identify Opportunities for Increased Recycling of Ferrous Solid Wastes." It is hoped that this study will also identify those areas which tend to break down the scrap cycle, with the thought that future Foundation research will determine methods to eliminate inhibiting factors.

The Foundation is also supporting research work by the Association of American Railroad Car Dismantlers, an adjunct of the Institute. Of concern is a method to dismantle obsolete railroad cars other than by open-burning which creates air pollution.

BRIDGING THE ECOLOGY GAP

This, then, is the basic role which the Institute of Scrap Iron and Steel plays in bridging the ecology gap between its industry and public—a clearing house and information source on the state of metallic solid waste reclamation for government, concerned and interested citizens, the news media and industry.

It is through the determination of the Institute's public relations committee, with advice of public relations council and the Institute staff, that this program has taken meaning.

In the future, as in the past, the Institute will be a flexible organization ready to meet the needs of its members and the society which they serve in the quest for environmental quality through reclamation, conservation, beautification.

SENATE—*Friday, March 5, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

Eternal Father, on this World Day of Prayer we lift our prayer to Thee that by drawing close to Thee the people of the whole world may be drawn closer one to another in the brotherhood of man. Put away from us all that breaks kinship with the race which Thou hast made of one blood. United in prayer may the nations join in striving to make all mankind one family, living in a more perfect society where peace and justice shall reign according to Thy will. Forgive our warring world, and hasten the day when swords are turned into plowshares and men cultivate the sinews of the spirit.

Hear the prayers which we speak and the deeper prayers of our hearts which our lips cannot frame.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, March 4, 1971, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, the Senator from Arkansas (Mr. FULBRIGHT) is recognized for 15 minutes.

(The remarks of Mr. FULBRIGHT when he introduced S. 1125, dealing with Executive privilege, are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE PRESIDENT

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

SPECIAL REVENUE SHARING FOR URBAN COMMUNITY DEVELOPMENT AND PLANNING AND MANAGEMENT ASSISTANCE FOR STATE AND LOCAL GOVERNMENTS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

As the size of Federal programs for renewing our cities has grown in recent years, so has the evidence of their basic defects. Plagued by delay and duplication, by waste and rigidity, by inconsistency and irrationality, Federal grant-in-aid programs for urban development have simply not achieved the purposes for which they were established. Sometimes, they have even worked to complicate and extend the very problems they were designed to remedy.

The time has come for us to stop merely giving more money to these programs and to begin giving more thought to them. That is why I am proposing today two new instruments for renewing and rebuilding our cities. One is a new plan of Special Revenue Sharing for Urban Community Development. The other is a new program of Planning and Management Assistance for State and local governments which will benefit both urban and rural areas.

GROWING NEEDS AND GROWING EXPENDITURES

The Federal Government's first significant involvement in community development came with the passage of the Housing Act of 1949, which established as a national goal the realization of "a decent home and a suitable living environment for every American family. . . ." We were already a nation of cities when that legislation was passed. In the two decades since that time we have become even more highly urbanized.

In 1950, some 56 percent of our population lived in metropolitan areas; today the comparable figure is almost 69 percent. The recent Census shows that three-fourths of our population growth in the last ten years came in metropolitan areas, especially in the suburbs which grew by more than 25 percent.

This concentration of population growth in already crowded areas is not a trend that we wish to perpetuate. This administration would prefer a more balanced growth pattern—and we are taking a number of steps to encourage more development and settlement in the less densely populated areas of our country. But this does not mean that we will avoid or slight the challenge of the cities and the suburbs. This is a highly metropolitan nation. It must have an effective

strategy for meeting metropolitan problems.

As those problems have mounted in recent years we have often responded by creating more programs and by spending more money. Since 1949, we have committed more than $10 billion to those urban development programs which I would consolidate into this Special Revenue Sharing Program. We will commit almost three times as much money to these programs this year as we did six years ago. While a number of good things have been accomplished with this money, the returns have still fallen far short of even the most reasonable expectations.

On every hand we see the results of this failure: a sorely inadequate supply of housing and community facilities, vast wastelands of vacant and decaying buildings, acre upon acre of valuable urban renewal land lying empty and fallow, and an estimated 24 million Americans still living in substandard housing. Many of our central cities—once symbols of vitality and opportunity—have now become places of disillusion and decay. As many suburban neighborhoods have grown older, they, too, have begun to deteriorate and to take on the problems of the central cities. Even some of the newest suburban "subdivisions," planned and developed in a shortsighted, haphazard manner, are not prepared to provide essential public services to their growing populations. They are already on their way to becoming the slums of tomorrow.

It is a sad and ironic fact that even as America has become a more highly urbanized nation, its cities have become less attractive and their governments less able to deal with their problems. Federal assistance has failed to reverse these trends and frequently it has compounded them.

PROBLEMS WITH THE PRESENT SYSTEM

Just what is it that is wrong with our present system of Federal aid? There are two basic problems. First, Federal assistance is excessively fragmented—it is channeled through many separate and independent grant programs. Second, spending under each of these programs is excessively controlled at the Federal level.

1. *Fragmentation.* The present system of categorical grants-in-aid has grown up over the years by bits and by pieces. As each new goal or concern was articulated, new categorical programs were set up. Conventional urban renewal was begun in 1949 to help acquire and clear land in deteriorating areas and plan for its development. Other specialized urban renewal programs followed which focused on the demolition of unsafe structures, on making interim repairs in neighborhoods which were scheduled for renewal, and on helping localities enforce their own housing codes. In 1968 a new neighborhood development program was established for funding urban renewal projects on a year-by-year basis rather than through commitments extending many years into the future.

Other programs were also created over the years for a variety of other purposes, including the rehabilitation of private buildings and the construction of water and sewer facilities and other public works. The tangle of separate Federal programs became so frustrating that when a new model cities program was added in 1966, it was expressly designed to provide general, flexible support for coordinated development programs, though only in a limited number of targeted areas.

The proliferation of separate grant programs has created a difficult situation for local governments that wish to utilize Federal development money. For each community must now make a series of separate applications to a series of Federal officials for a series of separate grants, each of which must be spent for a stipulated purpose—and for nothing else. Ideally, all of these grants should fit into a single comprehensive development program, tailored to each community's particular needs. But it is extremely difficult for any community to create an overall strategy for development when each element in that strategy must be negotiated separately by officials who cannot be sure about the outcome of all the other negotiations.

To make things even worse, some of these Federal programs require local communities to work through semi-autonomous local officials—often bypassing the elected local leaders. Thus, even if one leader, a mayor, for example, *does* manage to create a comprehensive development plan for the money he controls, he is often unable to include in his plan that Federal assistance which goes directly to an urban renewal agency or a local sanitary district. Often mayors are unable even to calculate the overall level of Federal development aid that is coming into their communities.

These categorical programs, in other words, are separated not only on the giving end in Washington, but also on the receiving end in the local community. And there is no one, anywhere, who can plan so that all the various parts will fit into a comprehensive whole.

The fragmentation which afflicts the planning process continues after the grants are made. Each program is surrounded by its own wall of regulations and restrictions and coordination between programs is often very difficult. Sometimes programs work at cross-purposes and sometimes they needlessly duplicate one another. For example, the Federal Government, working through two different agencies, has been known to fund two different local authorities to build two sewer systems to serve the *same* neighborhood.

The inflexibility of the present system often means that money cannot be used where the need for money is greatest. If a city suddenly finds that it must put in new street lights, it cannot use funds that are earmarked for demolition or rehabilitation. Geographic restrictions are also a problem. Money for an urban renewal project which has been approved for one carefully defined neighborhood, for example, cannot be used at a closely related site just across the street, if that street happens to be the boundary of the renewal area.

The result of these fragmented and inflexible grant programs has been a highly irrational pattern of development in many urban communities. Rather than focusing and concentrating resources in a coordinated assault on a common problem, the categorical grant system works to divide and scatter those resources and severely to diminish their impact.

2. *Federal Control.* The first major problem, fragmentation, concerns what happens *among* various grant programs. The second major problem concerns what happens *within* each program as a result of excessive Federal control.

Almost all of our present development grant programs require a local community to file an extensive application with Federal authorities who, if they approve the plan, will then pay out available money on a project-by-project basis. Because competition between localities for limited Federal dollars is most intense, local officials are highly motivated to meet both the formal requirements and the informal preferences of Federal officials as they file their applications. And since Federal monitoring often continues after the funds are approved, local decisions inevitably continue to reflect Federal viewpoints.

But what is gained by these requirements? There is simply no good reason why a Federal official should have to approve in advance a local community's decision about the shape a new building will have or where a new street will run or on what corner it will put a new gas station. Yet that is precisely the kind of matter that now must be reviewed at the Federal level. In one case, in fact, the Federal reviewer actually turned down a grant application because the architect had included an eight-sided building in his design and the Federal regulations did not specifically allow for funding octagonal buildings.

Decisions about the development of a local community should reflect local preferences and meet local needs. No group of remote Federal officials—however talented and sincere—can effectively tailor each local program to the wide variety of local conditions which exists in this highly diversified land. The only way that can be done is by bringing more tailors into the act, tailors who are elected to make sure that the suit fits the customer.

While little is gained by inordinate Federal involvement; a great deal can be lost. Excessive Federal influence can work to limit the variety and diversity of development programs—which means that the opportunity to experiment with new techniques and to learn from a wide range of experiences is also limited. Because little decisions tend to drive out bigger ones, the present arrangements give the Federal Government less opportunity to focus on the questions it can answer best. And even under the best of circumstances, excessive Federal control results in massive inefficiency and intolerable delays.

I looked recently at some of the applications that communities have submitted for certain urban development funds. One of them was two and a half feet high. I am told that Federal participation in any given urban renewal project now involves almost 300 separate procedural steps. No wonder it now takes an average of three years for an urban

renewal plan to be developed and accepted and an average of ten years before a project is completed.

One result of such delays is a particularly troubling urban problem which is known as "planner's blight." It often sets in between the time a Federal renewal project is announced and the time it is actually started. During this interval, a neighborhood frequently stagnates. Since they have been marked for eventual destruction, streets and parks and buildings are allowed to fall into disrepair. Residents and businesses move away and no one moves in to replace them. As the quality of life declines in one area, surrounding neighborhoods—which have not been marked for renewal—can also be adversely affected. Thus a program which was set up to cure a problem, can actually work to make that problem worse, particularly for the poorer residents of the neighborhood who are often unable to receive relocation assistance until the project actually begins.

"Planner's blight" is one dramatic result of Federal redtape. But there are many other costs as well. Instead of focusing their time and their resources and their talents on meeting local needs, city officials must concentrate on pleasing Washington. They must learn to play a terrible game called "grantsmanship," in which the winners are those who understand the rules and intricacies of the Federal bureaucracy rather than those who understand the problem that needs to be solved. Many local governments now feel they must hire experts who have specialized in grantsmanship to carry on their dealings with Washington. Additional distortions in local efforts occur when local resources are diverted from higher priority programs in order to provide the matching funds which are needed to qualify for many Federal grants.

Deprived of the freedom and the tools to undertake broad programs of renewal and development in their jurisdictions, local officials grow more and more frustrated. And so do local voters who too often find that the official who is most accessible to them can escape from their complaints by saying, "We had to do it this way to qualify for Federal money."

TWO TRAPS TO AVOID

Clearly we can do better than this—indeed, we must do better if our cities are to be revived. But our search for a better answer will never be successful unless we avoid two temptations which have trapped us in the past.

The first is the temptation to try to force progress with money. If only we appropriate more funds, we are often told, then everything will be all right. How long will it take us to learn the danger of such thinking? More money will never compensate for ineffective programs. The question we must ask is not "how much?" but "how?"—and the answer to that question lies not in the quantity of our resources, but in the quality of our thinking.

The second trap we must avoid is that of confusing national interest with Federal control. We have too easily assumed that because the Federal Government has a stake in meeting a certain problem and because it wants to play a role in attacking that problem, it therefore must direct all the details of the attack. The genius of the Federal system is that it offers a way of combining local energy and local adaptability with national resources and national goals. We should take full advantage of that capacity as we address the urban challenge.

HOW THE NEW PROGRAM WOULD OPERATE

The $5 billion program for General Revenue Sharing which I proposed to the Congress on February 4th was designed to give greater resources to hard-pressed States and localities. But a lack of resources is only one of the deficiencies from which State and local governments now suffer. They also lack the opportunity to exercise sufficient responsibility in meeting social needs. As a further step in revitalizing State and local governments, I am therefore recommending a series of six Special Revenue Sharing programs under which the National Government would set certain general goals while programmatic decisions would be made at the State and local level. I have already sent two such proposals to the Congress—in the fields of law enforcement and manpower training.

My third Special Revenue Sharing proposal is for urban community development. I recommend that four categorical grant programs now administered by the Department of Housing and Urban Development be consolidated into a single fund. The size of this fund in the first full year of operation would be $2 billion. Cities would be able to spend their money as they see fit, provided only that they used it for community development purposes.

The four elements which would be combined to form this new fund would be the current programs for urban renewal, Model Cities, water and sewer grants and loans for the rehabilitation of existing structures. The urban renewal program, in turn, now contains several subcategories which money will become part of the new fund, including so-called "conventional" urban renewal, the Neighborhood Development Program, assistance for concentrated local code enforcement, interim assistance for blighted neighborhoods, demolition grants and rehabilitation grants. I am proposing that this new program begin on January 1, 1972. In its second year of operation, I would add to this fund by including the money which the Office of Economic Opportunity now spends on some of the elements of its Community Action Programs.

DISTRIBUTING THE FUNDS

How would the money be distributed? Because these funds are designed to achieve the specific purpose of urban development, most of the money would be sent to the metropolitan areas of our nation where the vast majority of Americans live and work. Eighty percent of this Special Revenue Sharing fund would be assigned for use in Standard Metropolitan Statistical Areas. The Office of Management and Budget defines a Standard Metropolitan Statistical Area as an area which contains a central city or cities with an aggregate population of 50,000 or more and those surrounding counties which have a metropolitan character and are socially and economically integrated with the central city. There are 247 such areas in the United States at the present time.

The money assigned to Standard Metropolitan Statistical Areas—eighty percent of the total fund—would be allocated among the SMSA's according to a strict formula which would be written into the law so that each SMSA would be assured in advance of its fair share. The central cities and other cities in each SMSA with a population of more than 50,000 would, in turn, automatically receive a stable annual share of the SMSA's funds—again, according to the same objective formula.

In each Standard Metropolitan Statistical Area, some balance would remain after the major communities had received their formula share. In the initial years, this balance would be used by the Department of Housing and Urban Development to compensate any major city in that metropolitan area which received less from the formula allocation than it received annually from the old categorical grant programs over the past few years. Thus, all of these cities would be "held harmless" against reductions in the total urban development support they receive from Washington. None would be hurt—and many would receive more assistance than they do at present.

This administration also recognizes the needs of the growing and changing suburban and smaller communities—with populations under 50,000—within metropolitan areas. After the formula allocation and "hold harmless" commitments have been honored within each Standard Metropolitan Statistical Area, the remaining balance would be available to assist such smaller units, as well as counties, and to encourage areawide developmental cooperation.

The formula according to which the funds would be distributed among the Standard Metropolitan Statistical Areas and among the cities within them would be "problem oriented"—so that the money would be channeled into the cities which need it most. The formula would take into account the number of people who live in an area or a city, the degree of overcrowding there, the condition of its housing units, and the proportion of its families whose income is below the poverty level.

The remaining twenty percent of the Special Revenue Sharing fund for Urban Community Development—the part that did not go by formula to the Standard Metropolitan Statistical Areas—would be available to the Secretary of Housing and Urban Development to distribute. Much of this money would be used during the transitional period to help hold communities harmless against reductions in the overall level of their urban development support. These funds would also be used to encourage state involvement in urban community development, to perform research, to demonstrate new techniques and to aid localities with special needs and with special opportunities to implement national growth policy.

SPENDING THE FUNDS

How would cities use this money? For community development purposes—which could include investments in both physical and human resources. All of the activities which are eligible for support under the present urban development categorical grants would be eligible for support from the new Special Revenue Sharing fund which would take their place. Cities could thus use their allocations to acquire, clear and renew blighted areas, to construct public works such as water and sewer facilities, to build streets and malls, to enforce housing codes in deteriorating areas, to rehabilitate residential properties, to fund demolition projects, and to help relocate those who have been displaced from their homes or businesses by any activities which drew on these urban community development special revenue sharing funds. They could also fund a range of human resource activities including those now funded by Model Cities and Community Action programs.

Just which of these activities would be supported and what proportion of available funds would be channeled into each activity are decisions that would be made locally. No Federal approval would be required. Cities would simply be asked to indicate how they plan to use their funds and to report periodically on how the money was expended. This requirement is included merely to insure that funds would be used for eligible activities.

As is the case with all other revenue sharing programs, there could be no discrimination in the use of these funds. The rights of all persons to equitable treatment would be protected. Any monies expended under this program would be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

THE TRANSITION PROCESS

The Department of Housing and Urban Development has already taken a number of steps designed to achieve more coordination among grant programs and greater decentralization on decison-making within the present structure of categorical grants. For example, the Department has been encouraging cities to create total community development strategies and has been working to fit categorical aids into such strategies wherever possible. It has also delegated substantial authority to its own regional and area offices. Such efforts are helping to lay a foundation for Special Revenue Sharing and all of them will continue.

One of the most important existing stepping stones to revenue sharing is the Model Cities program which was designed to provide a local community with flexible funding and sufficient freedom so that it can coordinate a wide variety of development programs in a given target area. The Model Cities idea grew out of a mounting frustration with traditional categorical grants. Ideally, it embodies—on a limited basis—the principles we are trying to extend to all development aid through Special Revenue Sharing.

Even in the Model Cities program, however, the ideal has not yet been fully realized. The program is still limited in scope and it still suffers from certain restrictions—the need to negotiate projects with Washington, for example, and the fact that some programs are still limited to certain neighborhoods. The Department of Housing and Urban Development has worked to minimize these limitations and it will continue to do so. At the same time, I hope that the Congress will enact this Special Revenue Sharing program and thus complete the work which began when the Model Cities program was set up five years ago.

I would emphasize that there will be no lessening of Federal support for urban development activities between now and January 1, 1972, the proposed starting date for the new program. Our problems will not take "time out" and neither can our efforts to deal with them. Where long-range commitments have been made to fund urban renewal projects, those commitments will be honored. Amendatories—supplementary pledges which cover cost increases in urban renewal projects—will also continue to be funded. We will, however, discourage applications for new conventional urban renewal projects—since they would tie up future funds today which would mean cash through Special Revenue Sharing in future years. Instead, we will prepare for Special Revenue Sharing by placing greater emphasis in all programs on annual incremental funding—of the sort that is now used in Neighborhood Development Programs.

Similarly, all other affected programs will continue to be funded until the new program comes into effect. This includes our Model Cities and Community Action commitments. As soon as the starting date for Special Revenue Sharing is established by the Congress, this administration will work out transition arrangements, so that there will be neither a funding gap nor a period of double funding.

WHAT THIS PROGRAM WILL—AND WILL NOT—DO

Special Revenue Sharing for Urban Community Development offers a precise and direct solution to the problems which now afflict our system of urban aid. Unlike fragmented and rigid categorical grants, this new plan would allow local leaders to marshal Federal and local dollars according to a simple, comprehensive plan which could be rationally formulated and then intelligently adjusted as conditions change. And—unlike the present system of Federal approval for local project grants—Special Revenue Sharing would give the responsibility for making local decisions back to local officials who can make them best. It is this feature which distinguishes Special Revenue Sharing from the so-called "block grant" which also consolidates categorical grants into a single fund but which retains the Federal approval process and the concomitant disadvantages of excessive Federal control.

Instead of spending their time trying to please Federal officials in Washington—so that money will continue to flow—local leaders would be able to concentrate on pleasing the people who live in their city—so that the money would do more good. A great deal of redtape would be eliminated at both the local and the Federal level—and with it a great deal of waste and delay.

The merger of several categorical programs into a single development fund would enhance the authority and capacity of local officials. It would also serve as a means to dramatize the overall share of national resources which are allocated to this process. The concern of Federal officials and the Congress would no longer be with the details of local projects but with the general place of urban development among our national priorities.

For a variety of reasons, local governments would find that they are better off financially under Special Revenue Sharing than they were before. In the first place, the new plan would provide cities with a level of urban development funding which is at least comparable to that which they have now. In addition, it would contain some extra money which would allow many communities to improve their position. In future years, the overall program could reasonably be expected to grow.

General Revenue Sharing, of course, would provide still more new dollars for these local governments. In addition, cities would get back their discretionary power over the money they were previously spending on matching funds. Because they would not have to prepare and follow up on immense applications and detailed reports for Washington, local governments would save a considerable administrative expense. And, to the degree that they used their new freedom to make wiser spending decisions, they would find that their new Special Revenue Sharing dollars would go further than did their old grants-in-aid.

One point that should be very clearly understood is that no program currently funded by categorical grants need be discontinued under the new arrangement. Every community would have the capacity to maintain—and many would have the capacity to expand—any of these current programs. The suggestion that Model Cities programs, for example, would be terminated is extremely misleading. That would happen only if a locality made a deliberate decision that it wanted to terminate the program, something it is free to do right now. Since existing Model Cities programs require local governments to take the initiative in applying for participation, there is little reason to think that many cities would be motivated to dismantle their Model Cities projects under Special Revenue Sharing—unless they were fairly certain they could use the development money more effectively somewhere else.

Similarly, there is little reason to fear that the problems of impoverished areas would somehow be neglected under this plan. The political leverage of those who live in poverty areas has increasingly been focused on local governments in recent years—and it often has greater impact in such places than when it is diluted at the national level.

STRENGTHENING THE FEDERAL SYSTEM

This Special Revenue Sharing program is built upon a fundamental faith in the inherent capacity of local governments to govern well—if they are given sufficient resources and sufficient responsibility.

Some will argue against such a program by contending that a number of State and local officials will prove to be unresponsive or irresponsible. But this is no reason to reject revenue sharing. Whenever one is dealing with thousands of local officials, there is always a danger that some will prove to be less worthy of one's confidence than others. That is always the risk of moving toward greater freedom—it necessarily becomes more difficult for any one authority to guarantee how the many will behave.

The question is *not* whether revenue sharing is a foolproof way to avoid bad decisions. No system can do that. The question is whether—on balance—revenue sharing is more likely or less likely to produce *good* decisions than our present system of grants-in-aid.

The question is not whether there are risks in this program. Of course there are. The question is whether the rewards outweigh those risks.

I have already presented a number of reasons why I believe the potential rewards of revenue sharing are considerable. It should also be emphasized, however, that the risks are really very small. The Model Cities program has both demonstrated and enhanced the growing capacity of local leaders to deal skillfully with developmental questions. Moreover, those who talk about the risks of revenue sharing often forget that revenue sharing will *itself* do a great deal to strengthen and improve State and local government. *That is why I so strongly believe that those who are most concerned about the shortcomings of State and local governments ought to be most enthusiastic about a strong Federal revenue sharing program.*

In many fields today, State and local officials are often forced to function as wards of the Federal Government. Often, they are treated as children who are given a meager allowance, told precisely how to spend it, and then scolded for not being self-reliant enough to handle more responsibility. If we want State and local government to survive, then we must break into this vicious cycle.

The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local leaders. Only then can we reward and strengthen the many leaders who are effective and help the public to identify and to replace the few who are not. If we want to get more good people into government, then we must give them more opportunity to do good things. To do otherwise, to continue with programs that assign to appointed Federal bureaucrats decisions that should be made by elected local leaders, will only serve to compound the danger of governmental atrophy at the State and local level.

A NEW PLANNING AND MANAGEMENT PROGRAM

To strengthen State and local capacities even further, I am presenting a second proposal today, one that would do a great deal to help *all* of our revenue sharing proposals work even better. I am asking the Congress to authorize a new program of Planning and Management Assistance to States, to areawide agencies and to localities. Under this program, $100 million would be available for these purposes.

The new program would involve more money, and would provide recipient governments with broader and more flexible support for building up their capacity to govern effectively. It would be focused primarily on the chief executives of State and local general purpose governments—on Governors, mayors, and county executives—to enhance their ability to make well informed policy decisions, to lay intelligent long range plans, to allocate their budgetary resources wisely, and to coordinate complex development activities in many fields. It will place new emphasis on the creation of a comprehensive management process, one that ties together planning and action, not just in the community development field, but in fields such as transportation, education, law enforcement and all other fields of local and areawide governmental endeavor. Local officials would have a great deal of discretion in determining just how this planning and management assistance would be utilized.

Special Revenue Sharing itself can do a great deal to liberate local governments so that their planning and their programs can become more imaginative and more effective. A new program of planning and management assistance would help States and local officials take full advantage of this opportunity. It is a significant companion proposal to *all* of our revenue sharing initiatives.

CONCLUSION

For a variety of reasons, then, we can be confident that the States and localities will prove equal to their revenue sharing responsibilities. But as we consider these programs, we should also remember one more thing. To choose the revenue sharing mechanism is not to choose any *one* level of government over *another* level of government. In supporting revenue sharing we are not deciding *against* the Federal Government, but *for* the Federal system.

That system is one which has served our country well for nearly two centuries, allowing us to combine national unity and regional diversity, to balance our common ideals with our highly varied ways of pursuing them, to solve the ancient philosophical challenge of reconciling the many and the one.

But the Federal system does not work automatically. Like democracy itself, it lives only because those who work within it are committed to its success. It is now for us to decide whether the Federal system will decay or flourish in our time.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1971.*

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

The Senator from Kansas is recognized.

ANNOUNCEMENT ON VOTES

Mr. PEARSON. Mr. President, when two rollcall votes were taken on March 1, I was necessarily absent. Had I been present and voting, I would have voted "yea" on legislative No. 9 and "nay" on legislative No. 11.

I ask unanimous consent that the permanent RECORD be changed to reflect these two positions.

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—CLOTURE MOTION

Mr. PEARSON. Mr. President, I send to the desk, under the provisions of paragraph 2 of rule XXII of the Standing Rules of the Senate, a motion signed by myself and 40 other Senators to bring to a close debate on the motion to proceed to the consideration of Senate Resolution 9. I hereby reserve all constitutional and procedural rights heretofore mentioned in the filing of a cloture motion on the prior requests in the Senate.

Mr. President, I ask that the clerk report the cloture motion.

The PRESIDENT pro tempore. The clerk will state the cloture motion.

The assistant legislative clerk read the cloture motion, 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.

HIRAM L. FONG, JOSEPH M. MONTOYA, HUGH SCOTT, RICHARD S. SCHWEIKER, JACOB K. JAVITS, FRANK E. MOSS, MIKE MANSFIELD, WILLIAM PROXMIRE, BIRCH BAYH, ROBERT TAFT, JR., EDMUND S. MUSKIE, CHARLES H. PERCY, MARLOW W. COOK, CLIFFORD P. CASE, QUENTIN N. BURDICK, HUBERT H. HUMPHREY, JOHN O. PASTORE, JENNINGS RANDOLPH, WARREN G. MAGNUSON, CHARLES MCC. MATHIAS, JR., STUART SYMINGTON, THOMAS J. MCINTYRE, J. GLENN BEALL, JR., JOHN V. TUNNEY, ROBERT P. GRIFFIN, JAMES B. PEARSON, HARRISON A. WILLIAMS, JR., VANCE HARTKE, CLINTON P. ANDERSON, ALAN CRANSTON, ABRAHAM RIBICOFF, PHILIP A. HART, FRANK CHURCH, PETER H. DOMINICK, MARK O. HATFIELD, GORDON ALLOTT, CLAIBORNE PELL, EDWARD M. KENNEDY, WALTER F. MONDALE, LEE METCALF, GAYLORD NELSON.

A NATIONAL PLAN FOR HEALTH INSURANCE

Mr. COOK. Mr. President, throughout the past few weeks, there has been a great deal of heated and vociferous debate concerning the issue of a national plan for providing health insurance for all Americans. To date, three bills have been introduced in the Senate, and the President's proposal, the substance of which is already known, is expected soon.

I have been vitally concerned, Mr. President, over the nature of the debate that this issue has prompted, and over the supposed "fact-finding" hearings of the Health Subcommittee. This discussion has been tainted with political maneuvering and irrational and unfounded accusations. It seems to me that even though this Congress is functioning in the shadows of the approaching presidential campaign, It would be sheer folly to cloud such a crucial issue with this misleading rhetoric.

As an example of the course this discussion has taken, I offer the following. It has been charged that President Nixon's national health insurance plan would mean a "windfall of billions" to the insurance companies, since it relies on a system in which the insurance is carried by private companies. Statistics from the Social Security Bulletin of February 1971, show that private health insurance carriers in 1969 had a net underwriting loss of $414.4 million on group policies, which represented a 7.3 percent loss on total premium income. Blue Cross-Blue Shield experienced a $363.7 million loss, representing a 3.4 percent loss on premium income. These statistics do not represent an isolated year, but rather the continuance of a trend which began in 1968. Thus, it is certainly illogical to assume that the President's plan would substantially improve the profit picture of these organizations. Actually, it could be argued that such a system would only worsen the current loss ratio. Another example of the illogical nature of these discussions concerns Senator KENNEDY's proposal that the Federal Government provide health insurance for all Americans through the Social Security Administration, which currently administers the medicare program.

The Social Security Administration has been extremely inefficient in processing claims. Figures from the Bureau of Health Insurance for the period of April–June 1970, concerning the average number of days between the date a claim is received and the date it is approved for payment show that the Social Security Administration required 20.3 days for this process, compared to the national average of 9.9 days for processing a health benefit claim. In many instances medicare claims have not been processed for 6 months and longer under the social security system.

Figures from the same source also show that the Social Security Administration's work on hand, a measure of administrative backlog, and thus an indicator of efficiency, averaged 4.3 weeks compared to the national average of 1.3 weeks. This cannot be attributed to an abundance of claims since the Social Security Administration handled only 1.5 percent of national health claims during this period. Comparable figures for Blue Cross in Los Angeles, which processed 4.8 percent of national claims, show that this organization had only 1.3 weeks' work on hand and required only 7.1 days for processing a bill. These figures accurately display the inefficiencies of a governmental organization's attempt to handle a health program.

Mr. President, I do not rise in support of any bill related to this subject. Rather, I am urging this body to exercise the greatest diligence in the discussion of this issue. I believe it may be premature to discuss the many complex proposals that have been offered. We have yet to isolate the causes of our national health crisis. We have not decided what segments of our population are suffering most due to insufficient medical care and the increased costs of such care. We have not found any means of slowing the rise in medical costs. This is a situation that may mean inevitable failure for any plan that we would implement.

The systems which have been proposed before this body suffer, I believe, from the same shortcoming that often characterizes reform measures; that is, a perpetuation of the problems which they are designed to solve. None of these plans seem to deal with the needed stabilization of costs. Rather, the benefits provided by some of these plans could so increase demands for medical services, that no insurance company, including any Government institution, would be financially able to undertake the project. When we are dealing with figures that would amount to 30 percent of the annual budget of the United States, we cannot afford the luxuries of rhetoric, politics, or moralizing.

In situations such as this, where Americans cannot meet the rising costs of necessary goods and services, Congress seems to have fallen into the rut of prescribing the temporary remedy, rather than looking for the cure. If the Government were to provide extensive insurance benefits to all Americans, demand for these services would increase so drastically that the costs would most certainly skyrocket and the carriers of the insurance would probably be forced into bankruptcy.

It seems to me that the intent of any national health program should be to provide for those who cannot afford it and who need it most. At the same time, improving the national health will require major attention to poverty and environmental factors as major factors in health. An effective approach must deal only with adequacy of income, but with housing, education to spend resources with regard for nutrition and sanitation, and proper use of health-care facilities. In this way, we could make our people healthier. This in turn could solve the crisis in medical care.

Mr. President, I urge my colleagues to bear these thoughts in mind. I urge the Members of the Senate and the Members of the House to exercise the greatest diligence and intelligence in the discussion of this issue; to lift it above the political battleground; and to treat it with all the talents that the Congress has at its disposal.

I ask unanimous consent that the aforementioned report of the Bureau of Health Insurance be printed in the RECORD at this point.

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

HEALTH INSURANCE INTERMEDIARY WORKLOADS NATIONALLY, BY QUARTER, JULY 1967–JUNE 1970

[In thousands]

Quarter	Bills received	Bills cleared				Selected performance indicators			
		Total	Paid	Not paid	Returned for additional information	Pending end of quarter	Ratio of clearances to receipts	Weeks work on hand	Percent of bills pending over 30 days
Fiscal year 1968 total	14,874	14,776	10,761	2,935	1,080				
July-September 1967	3,397	3,436	2,498	688	250	314	101.1	1.1	14.5
October-December 1967	3,562	3,569	2,698	625	245	307	100.2	1.1	14.7
January-March 1968	3,806	3,712	2,725	725	262	400	97.5	1.3	12.3
April-June 1968	4,082	4,059	2,840	897	322	424	99.4	1.3	23.1
Fiscal year 1969 total	16,720	16,762	12,382	3,273	1,107				
July-September 1968	4,040	4,105	3,048	767	289	359	101.6	1.2	21.2
October-December 1968	4,069	4,071	3,170	638	264	356	100.1	1.1	15.2
January-March 1969	4,275	4,234	3,075	883	276	398	99.0	1.2	13.5
April-June 1969	4,336	4,352	3,089	986	277	382	100.4	1.1	15.0
Fiscal year 1970 total	17,165	17,064	12,032	3,581	1,181				
July-September 1969	4,213	4,225	3,147	819	289	340	101.0	1.1	14.3
October-December 1969	4,242	4,150	3,183	682	285	431	97.8	1.2	15.1
January-March 1970	4,301	4,307	3,022	978	307	426	100.1	1.2	16.0
April-June 1970	4,409	4,353	2,950	1,103	300	482	98.7	1.3	14.1

Note: Certain data adjusted to reflect reporting changes in prior periods.

PROGRAM EXPENDITURES

Health insurance benefit payments as reported by the Part A intermediaries (excluding SSA) amounted to $1.34 billion during the April-June 1970 quarter, an increase of $57 million over the previous quarter. Administrative expenses rose $1.1 million over the January-March 1970 quarter, amounting to $17.3 million in the current quarter. Administrative costs of the Blue Cross Association ($0.8 million during the April-June 1970 quarter) are included in the table below but excluded from the attached detail tables.

Administrative costs expressed as a percentage of benefit payments showed a slight increase from 1.26 percent for the January-March 1970 quarter to 1.29 percent for the April-June 1970 quarter. The unit cost, i.e., average administrative cost per bill processed, increased about 6 percent from $4.10 in January-March 1970 to $4.33 in April-June 1970.

HEALTH INSURANCE INTERMEDIARY [1] COST DATA, BY QUARTER, JULY 1969–JUNE 1970

Cost data	July–September 1969	October–December 1969	January–March 1970	April–June 1970
Bills processed	3,914,000	3,813,000	3,947,000	3,995,000
Benefit payments (in thousands)	$1,179,701	$1,208,716	$1,285,634	$1,342,813
Administrative expenses (in thousands)	$14,736	$15,530	$16,188	$17,314
Administrative expense as percent of benefit payments	1.25	1.28	1.26	1.29
Unit cost	3.76	4.07	4.10	4.33

[1] Excludes SSA.

HEALTH INSURANCE INTERMEDIARY OPERATIONS: SELECTED WORKLOAD AND COST DATA, APRIL–JUNE 1970

Intermediary	Workload distributions: Percent of Natl. rcpts.	Workload distributions: Percent of receipts by type of bill: Inp. hosp.	Outp. hosp.	ECF	HHA	Workload performance indicators: Ratio of clear. to rcpts.	Weeks work on hand	Percent of bills pend. over 30 days	Percent req. add'l dev.	Administrative cost data: Total bene. pmts. (thousands)	Administrative expenditures (thousands)	Ratio of adm. expen. to bene. pmts.	Average adm. expen. per bill processed	Provider audit costs (thousands)	Intermediary processing time—Average number of days between date rec'd and date appr'd for pmt.: Inp. bills	Outp. bills	Bills returned because of error: Percent by type of bill: Inp. hosp.	Outp. hosp.	ECF
U.S. total [1]	100.0	40.8	44.6	6.0	7.7	98.7	1.3	16.1	9.5	$5,016,864	$60,368	1.20	$3.85	$35,594	9.9	14.8	5.3	1.4	7.
Chicago, Ill. (B/C)	5.1	44.0	50.6	1.3	4.2	105.5	1.2	17.7	16.1	291,267	3,577	1.23	4.41	2,210	31.8	25.2	3.8	.8	8.3
Los Angeles, Calif. (B/C)	4.8	40.1	40.6	9.5	6.7	100.7	1.3	13.0	9.5	305,475	3,605	1.18	4.61	2,131	7.1	13.5	4.0	2.9	11.3
New York, N.Y. (B/C)	4.3	38.2	56.3	1.2	4.2	98.6	1.4	8.7	6.9	346,896	4,087	1.18	5.81	994	3.2	10.2	2.8	.8	11.7
Texas (B/C)	4.2	61.8	26.5	2.4	8.7	96.5	1.7	12.2	6.3	235,123	1,876	.80	2.82	1,528	7.5	22.9	1.7	4.0	4.8
Michigan (B/C)	3.8	35.3	58.6	1.2	4.3	96.4	1.8	9.3	8.9	207,565	2,256	1.09	3.82	1,208	80.6	23.1	4.3	1.7	17.6
Massachusetts (B/C)	3.5	25.2	57.5	2.8	14.3	94.7	.9	8.1	5.9	167,856	2,388	1.42	4.16	925	6.5	15.9	84.6	.8	16.3
Florida (B/C)	3.5	48.5	43.6	1.6	5.8	102.9	1.0	6.3	6.0	203,945	1,930	.95	3.35	1,294	3.8	11.6	4.2	1.2	11.4
Oakland, Calif. (B/C)	3.4	30.5	52.6	4.7	11.6	95.9	3.2	34.6	12.3	183,598	2,273	1.24	4.11	1,560	20.8	22.8	3.0	1.4	10.6
Pittsburgh, Pa. (B/C)	2.7	33.6	54.0	3.6	8.3	100.4	.8	9.3	9.0	103,714	1,264	1.22	3.01	508	4.0	12.0	2.7	1.0	5.5
St. Louis, Mo. (B/C)	2.4	41.2	47.2	1.2	10.2	89.6	2.0	30.8	12.5	101,210	1,240	1.22	3.58	978	4.9	14.8	3.9	1.8	13.0
Minnesota (B/C)	2.4	47.2	38.2	4.2	9.4	91.3	1.9	11.5	16.1	105,001	1,407	1.34	4.22	613	12.2	29.4	1.7	.6	3.3
Wisconsin (B/C)	2.3	40.2	48.8	3.5	7.1	100.4	1.3	16.4	10.8	112,419	1,037	.92	2.77	674	4.1	16.0	2.1	1.3	5.8
Indiana (B/C)	2.3	39.0	51.7	4.9	4.0	98.4	.8	10.8	7.8	112,026	1,425	1.28	3.80	569	2.2	8.9	4.2	.4	4.3
North Carolina (B/C)	1.9	49.1	44.1	3.2	2.5	97.3	.8	13.1	10.1	76,097	1,003	1.32	3.69	1,072	9.4	23.1	3.1	.5	7.5
Pa.—Intercounty	1.8	24.3	73.0	.6	2.0	96.0	1.1	9.0	7.3	72,612	646	.89	2.39	306	1.1	12.0	4.1	1.1	2.8
Kentucky (B/C)	1.7	46.2	40.5	2.7	10.1	101.8	.9	10.3	11.1	60,355	910	1.51	3.40	551	3.0	9.3	1.5	.7	4.3
New Jersey (B/C)	1.5	43.7	49.4	3.7	2.5	98.1	.8	1.2	9.5	108,177	1,164	1.08	4.37	349	1.0	4.8	5.1	1.7	8.8
SSA–DRB	1.5	51.4	18.5	2.1	22.1	92.4	4.3	25.9	6.7	NA	NA	NA	NA	NA	20.3	20.1	8.9	1.9	15.1
Chattanooga, Tenn. (B/C)	1.4	47.6	42.2	5.6	4.1	95.1	.9	13.1	11.0	59,914	676	1.13	3.02	623	2.7	10.4	2.0	1.4	5.2
Baltimore, Md. (B/C)	1.3	29.4	62.7	2.0	5.2	99.3	2.0	7.8	8.7	58,574	917	1.57	4.69	302	4.5	23.2	2.2	.6	2.9
Alabama (B/C)	1.3	55.1	40.7	1.8	2.1	98.8	.5	6.8	6.0	59,845	513	.86	2.74	349	4.0	7.5	3.3	1.3	11.3
Des Moines, Iowa (B/C)	1.2	52.5	40.0	3.2	3.2	97.4	1.4	8.2	14.6	61,847	562	.91	2.85	239	6.9	12.0	3.0	1.7	3.2
Seattle, Wash. (B/C)	1.2	44.2	35.6	6.5	13.2	97.0	1.5	40.0	10.8	60,228	546	.91	2.71	505	5.0	1.4	4.6	0.7	7.9
New Jersey (Prudential)	1.2	26.1	33.7	16.8	21.9	99.8	.7	6.4	7.5	55,826	912	1.63	4.47	196	5.6	4.6	2.2	0.9	2.5
Cleveland, Ohio (B/C)	1.2	33.3	53.8	7.7	4.0	100.2	.8	6.1	5.9	71,746	771	1.07	3.86	235	1.4	17.5	2.1	3.0	5.6
Oklahoma (B/C)	1.1	62.7	26.4	.9	10.0	99.1	.7	22.0	3.9	59,868	679	1.13	3.64	456	2.1	13.0	2.1	3.8	15.6
Colorado (B/C)	1.1	43.5	42.2	4.0	9.0	103.8	1.0	4.1	9.5	54,980	835	1.52	4.53	391	7.7	15.3	4.2	1.3	8.4
Columbus, Ga. (B/C)	1.1	48.7	43.8	2.8	3.8	98.1	.7	3.8	11.3	34,600	475	1.37	2.97	402	2.3	.3	3.2	.8	8.5
Baton Rouge, La. (B/C)	1.1	55.9	33.0	2.2	8.2	102.8	.8	13.1	8.6	39,068	592	1.52	3.62	64	9.5	12.0	3.3	1.0	17.3
Topeka, Kans. (B/C)	1.1	53.4	37.6	3.3	4.1	99.3	.7	14.0	9.6	51,131	571	1.12	3.33	404	9.3	6.3	4.5	.9	9.6
Cincinnati, Ohio (B/C)	1.0	38.8	43.5	5.9	10.9	95.3	.8	7.9	6.1	53,106	650	1.22	3.86	205	26.0	20.4	3.6	1.1	4.9
Richmond, Va. (B/C)	1.0	45.7	43.9	8.3	1.7	101.9	.4	8.2	9.2	50,741	875	1.72	5.78	284	7.5	15.3	6.6	1.8	11.6
Oregon (B/C)	.9	43.8	36.0	8.0	11.3	101.0	1.3	.9	8.4	50,327	520	1.03	3.21	564	3.4	.1	1.6	.3	2.0
Philadelphia, Pa. (B/C)	.9	29.8	52.2	5.3	11.0	95.1	1.7	16.0	10.6	47,061	606	1.29	4.40	416	3.2	14.1	3.0	.8	9.2
Buffalo, N.Y. (B/C)	.9	29.7	54.8	4.4	11.1	102.1	1.9	29.5	6.4	42,061	642	1.53	4.88	186	2.9	22.5	3.2	1.4	3.5
South Carolina (B/C)	.9	45.3	37.1	6.1	10.6	104.8	.9	18.2	7.7	31,406	602	1.92	4.42	280	10.5	16.4	7.5	4.6	9.9
Harrisburg, Pa. (B/C)	.9	34.9	51.4	3.5	9.8	99.9	1.0	2.6	6.8	32,991	386	1.17	2.80	142	3.4	14.3	3.9	1.0	8.6
Connecticut (B/C)	.9	38.6	45.9	1.1	12.5	95.4	.9	.7	5.1	55,473	307	.55	2.09	234	.8	6.5	2.7	1.5	7.8
Mississippi (B/C)	.8	64.6	26.8	2.3	5.6	102.6	1.0	12.3	10.0	38,771	446	1.15	3.52	298	4.1	14.4	3.4	1.8	6.1
Arkansas (B/C)	.8	63.9	30.7	1.8	2.1	98.3	.6	4.6	6.1	39,459	330	.84	2.60	253	1.2	9.7	4.8	2.4	11.5
New Orleans, La. (B/C)	.8	22.9	60.3	2.4	14.1	95.6	1.4	11.5	12.3	25,100	346	1.38	2.61	332	2.2	12.8	11.4	1.5	12.5
Arizona (B/C)	.8	43.2	37.4	5.5	12.9	99.7	1.1	20.2	7.4	37,888	367	.97	3.03	222	5.7	16.9	8.9	.6	3.7
Columbus, Ohio (B/C)	.7	41.3	49.8	1.9	6.8	96.3	1.3	8.0	9.9	35,146	374	1.06	3.11	146	5.2	10.8	2.7	.8	5.0
Atlanta, Ga. (B/C)	.7	30.7	60.5	3.2	4.8	101.2	1.8	12.8	11.7	23,927	385	1.61	3.31	245	1.7	.3	4.1	1.4	17.0
Maine (B/C)	.7	33.5	52.1	1.7	12.5	98.8	.4	10.9	8.3	24,996	276	1.11	2.50	176	.9	.5	2.7	.9	11.0
Wilkes-Barre, Pa. (B/C)	.7	35.6	49.4	2.3	12.7	96.9	.6	8.2	6.8	23,736	247	1.04	2.29	66	8.1	7.3	2.3	2.1	6.0
Kansas City, Mo. (B/C)	.7	49.9	41.1	2.6	6.0	98.7	1.6	18.9	13.0	49,135	402	.82	2.97	369	3.7	21.9	3.5	.7	6.0
Rhode Island (B/C)	.7	24.0	61.4	2.0	12.6	97.7	1.1	15.6	11.0	28,819	430	1.49	4.10	80	4.2	21.5	5.2	2.2	9.0
Albany, N.Y. (B/C)	.6	35.1	53.0	1.3	10.4	98.8	1.8	28.7	6.6	34,740	302	.87	2.96	161	8.8	21.2	5.0	1.7	11.0
Nebraska (B/C)	.6	61.7	34.9	1.8	1.4	99.2	.5	33.4	14.2	32,628	245	.75	2.52	186	3.4	5.9	2.3	.6	3.0
Syracuse, N.Y. (B/C)	.6	35.2	54.3	1.8	8.6	100.2	1.6	22.5	8.0	28,595	227	.79	2.43	118	3.5	9.8	3.2	1.1	10.0
Massachusetts (Aetna)	.6	42.1	55.2	2.1	.2	102.6	.6	0	12.7	31,452	210	.67	2.71	122	.4	11.3	2.2	.9	14.0
Charleston, W.Va. (B/C)	.6	42.2	51.9	1.9	3.7	98.7	2.1	0	13.6	20,470	176	.86	1.86	149	5.8	32.2	1.6	.9	7.0
New York (Travelers)	.6	46.6	15.8	36.8	0	102.0	1.3	55.8	5.7	56,760	682	1.20	6.33	581	5.1	22.3	4.0	4.7	9.0
New Hampshire (B/C)	.5	30.8	48.5	2.7	17.3	98.7	.6	6.6	11.6	28,503	486	1.71	3.79	115	19.5	9.1	2.8	2.0	3.0
Ohio (Nationwide)	.5	17.5	32.2	26.3	22.6	100.6	.7	18.4	4.1	17,998	329	1.83	4.32	190	3.8	9.5	2.5	.9	6.0
Toledo, Ohio (B/C)	.5	42.8	48.9	5.2	2.3	100.7	.9	8.0	7.2	23,106	189	.82	2.39	98	2.0	6.6	6.3	1.6	5.0
Utica, New York (B/C)	.5	31.6	51.2	3.9	12.9	98.4	.6	11.7	4.3	17,759	159	.90	2.19	81	2.0	5.7	1.5	.8	5.0
Rochester, N.Y. (B/C)	.5	30.6	53.0	4.1	9.3	105.2	3.0	37.3	6.9	26,130	344	1.32	4.23	112	4.1	22.5	5.3	2.6	19.0

Footnotes at end of table.

HEALTH INSURANCE INTERMEDIARY OPERATIONS: SELECTED WORKLOAD AND COST DATA APRIL–JUNE 1970—Continued

Intermediary	Workload distributions: Percent of Natl. rcpts.	Workload distributions: Percent of receipts by type of bill: Inp. hosp.	Outp. hosp.	ECF	HHA	Workload performance indicators: Ratio of clear. to rcpts.	Weeks work on hand	Percent of bills pend. over 30 days	Percent req. add'l dev.	Administrative cost data: Total bene. pmts. (thousands)	Administrative expenditures (thousands)	Ratio of adm. expen. to bene. pmts.	Average adm. expen. per bill processed	Provider audit costs (thousands)	Intermediary processing time—Average Number of days between date rec'd and date appr'd for pmt.: Inp. bills	Outp. bills	Bills returned because of error: Percent by type of bill: Inp. hosp.	Outp. hosp.	ECF
California (Mutual)	0.4	1.4	3.9	89.2	2.4	101.3	2.5	25.4	15.0	$16,370	$451	2.75	$5.50	$833	(2)	(1)	12.2	0	4.0
Memphis, Tenn. (B/C)	.4	34.1	59.4	2.0	3.4	101.2	1.1	29.6	7.0	20,094	241	1.20	3.96	128	10.7	11.4	4.3	1.1	5.0
Youngstown, Ohio (B/C)	.4	42.3	40.0	4.8	12.1	97.7	.5	9.0	10.2	19,811	158	0.80	2.40	67	9.2	9.0	2.0	1.4	6.0
Wheeling, W.Va. (B/C)	.4	41.1	50.4	1.9	6.6	99.1	.7	3.9	10.0	13,569	231	1.70	3.70	66	.4	6.4	1.3	.6	3.0
Idaho (B/C)	.4	36.1	51.5	3.3	8.7	98.3	1.1	10.4	4.4	13,325	224	1.68	3.40	194	2.5	8.1	2.6	.5	5.0
Utah (B/C)	.4	40.5	47.4	4.9	6.8	100.8	2.0	1.6	6.9	14,283	234	1.64	3.78	133	4.1	22.3	1.8	.8	4.0
Sioux City, Iowa (B/C)	.3	51.1	41.8	1.3	5.4	98.8	.6	12.2	7.0	35,407	274	.77	2.47	281	2.2	7.4	2.2	1.0	10.0
Vermont (B/C)	.3	37.2	45.1	2.1	15.0	96.8	.6	9.7	14.4	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Montana (B/C)	.3	60.7	33.0	1.8	2.2	98.5	.5	6.0	6.9	15,459	148	.96	2.61	117	.9	4.6	2.5	1.3	8.0
Connecticut (Travelers)	.3	20.0	18.1	41.1	17.6	99.7	.4	.2	16.5	15,402	289	1.88	5.16	447	6.9	11.0	6.7	3.5	9.0
North Dakota (B/C)	.3	73.2	22.6	1.0	2.9	100.1	.7	7.7	19.6	18,364	178	.97	3.80	176	3.2	14.0	2.5	1.2	2.0
New Mexico (B/C)	.3	51.0	32.9	1.9	12.8	109.6	1.2	6.8	9.7	13,360	198	1.48	4.01	138	12.4	13.5	6.3	4.5	21.0
South Dakota (B/C)	.3	63.8	25.4	1.1	8.8	100.9	.4	15.9	8.3	(1)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Texas (Mutual)	.3	.3	8.5	46.3	35.1	92.0	2.6	33.1	19.1	6,647	311	4.68	6.86	422	(2)	(2)	100.0	.4	6.0
Roanoke, Va. (B/C)	.3	56.2	33.9	7.2	0	96.7	.7	9.8	9.2	13,396	128	.95	2.66	111	4.4	6.8	3.0	3.9	5.0
District of Columbia (B/C)	.3	37.4	50.6	.4	9.9	99.9	1.7	21.1	11.4	32,061	388	1.21	5.08	131	4.2	1.3	6.8	.9	16.8
Illinois (Aetna)	.3	0	12.6	84.8	0	102.9	.4	38.3	9.8	15,774	510	3.23	9.71	328	(3)	30.5	(3)	1.8	3.3
Clearwater, Fla. (Aetna)	.3	0	6.3	85.5	0	102.6	.7	6.6	43.3	13,478	445	3.30	10.18	315	(3)	53.9	(3)	1.9	5.7
California (Aetna)	.3	47.3	31.6	15.6	3.6	106.4	.9	1.1	10.2	22,346	254	1.13	5.75	187	16.7	11.4	3.6	1.5	9.6
Delaware (B/C)	.3	26.9	54.6	3.7	8.6	99.5	1.1	12.8	9.1	11,790	187	1.59	3.95	68	3.9	10.7	5.5	2.1	13.6
Allentown, Pa. (B/C)	.3	32.7	47.9	5.4	12.2	99.2	.2	6.0	3.2	10,977	111	1.01	2.60	52	1.7	3.9	1.8	.4	2.5
Puerto Rico (B/C)	.3	37.0	26.9	1.1	35.0	87.4	3.9	29.7	12.8	8,994	228	2.53	5.87	63	7.9	95.6	9.2	16.4	27.4
California (Travelers)	.2	38.0	23.5	28.0	7.7	101.0	.5	31.2	5.3	19,265	160	.83	3.75	183	5.2	10.3	7.9	6.7	7.5
Hawaiian Medical	.2	38.0	40.8	8.0	9.1	101.5	.7	13.9	5.2	11,734	145	1.23	3.86	25	3.6	7.7	5.2	.4	5.8
Michigan (Travelers)	.2	21.4	13.5	55.0	0	99.6	.9	39.3	4.7	14,216	295	2.08	6.49	500	3.7	16.4	5.9	3.2	10.5
Canton, Ohio (B/C)	.2	38.3	52.5	1.1	6.8	100.8	1.0	22.5	4.1	8,763	134	1.53	4.03	42	7.3	6.4	1.0	.5	.9
Nevada (Aetna)	.2	42.5	38.0	7.8	6.4	96.5	.9	5.8	11.3	9,866	124	1.26	4.72	74	2.5	7.8	2.4	.7	4.8
Connecticut (Aetna)	.2	41.8	47.8	1.1	9.3	97.7	.5	0	3.6	12,147	142	1.17	4.02	79	7.2	7.6	5.8	1.2	2.0
Lima, Ohio (B/C)	.2	49.0	43.3	2.8	5.0	100.9	.4	3.8	4.0	7,671	59	.77	2.25	36	.9	3.9	1.0	.9	2.0
Virginia–Washington, D.C. (B/C)	.2	42.3	33.5	4.8	17.5	96.6	1.7	16.5	10.0	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Wyoming (B/C)	.2	53.4	38.7	2.0	5.3	90.6	2.9	32.3	20.2	6,289	71	1.12	$3.02	47	15.6	8.6	2.6	1.1	22.8
Kansas City, Kan (B/C)	.1	44.2	45.9	4.5	4.4	102.9	2.3	20.8	11.7	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Washington (Aetna)	.1	68.3	31.6	0	.1	91.5	.9	.5	10.7	10,149	78	0.76	3.31	44	15.0	7.7	3.6	2.6	(4)
Maryland (Mutual)	.1	27.4	30.6	37.5	.9	100.8	2.3	12.0	6.9	7,617	166	2.18	6.78	126	(2)	(2)	3.7	0	5.1
California (Kaiser)	.1	67.6	3.4	5.5	23.6	102.2	2.8	17.0	3.3	13,577	65	0.48	3.34	43	24.6	9.1	1.3	2.3	7.0
Tennessee (Aetna)	.1	33.5	34.9	28.6	3.0	98.8	.2	6.5	6.6	8,188	149	1.82	6.80	87	1.2	5.1	5.1	2.5	7.3
Nebraska (Mutual)	.1	52.0	14.1	20.6	13.0	101.3	2.1	10.8	6.3	9,270	115	1.24	6.07	36	11.9	23.6	4.9	0	4.8
Massachusetts (Travelers)	.1	16.5	26.5	48.5	0	100.5	.1	0	4.5	7,659	179	2.34	7.63	254	1.8	8.9	3.6	4.4	11.5
Pennsylvania (Travelers)	.1	3.7	4.6	74.7	3.0	101.2	.5	19.1	11.0	4,382	175	4.00	8.46	234	4.5	17.3	5.5	2.8	4.1
Rockford, Ill. (B/C)	.1	44.7	38.7	4.4	12.1	93.9	1.0	26.8	4.0	5,130	50	0.98	2.79	19	4.1	5.9	3.3	1.5	10.7
Minnesota (Travelers)	.1	61.9	7.1	23.2	1.2	98.5	1.0	.1	11.4	8,079	108	1.34	5.74	210	1.5	17.8	4.1	0.3	13.2
Parkersburg, W.Va. (B/C)	.1	52.4	34.1	0	13.2	99.2	1.3	10.3	4.1	4,827	69	1.43	3.83	26	2.6	10.6	3.5	1.4	50.0
Georgia (Travelers)	.1	50.5	39.5	8.5	0	98.8	1.6	9.9	7.2	4,798	138	2.87	9.25	210	8.9	16.6	8.7	10.1	14.2
Jamestown, N.Y. (B/C)	.1	33.9	51.0	5.7	9.4	95.8	.6	1.2	6.4	4,148	66	1.60	4.67	23	3.0	5.0	3.0	0.8	3.1
Puerto Rico (Co-op)	.1	54.9	44.6	0.5	0	105.5	1.0	55.0	6.1	1,797	36	2.00	4.63	4	3.1	21.4	NR	NR	NR
Washington (Mutual)	.1	.3	7.9	90.7	0	100.5	1.9	20.8	17.6	2,908	110	3.78	7.26	136	(2)	(2)	NR	.4	5.0
Maryland-D.C. (B/C)	.1	21.7	66.6	3.2	7.6	95.5	2.2	21.2	12.5	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Watertown, N.Y. (B/C)	.1	38.1	51.7	1.9	6.8	100.1	.6	17.3	6.6	2,852	35	1.23	2.96	0	1.2	5.6	6.4	1.1	3.0
District of Columbia (Mutual)	.1	24.2	59.2	15.2	0	110.2	1.9	33.4	15.0	5,250	105	2.00	7.04	39	(2)	(2)	4.1	1.1	3.0
Kentucky (Mutual)	.1	.9	1.0	97.2	0	108.2	1.6	18.3	9.3	2,350	70	3.00	6.52	84	(2)	(2)	NR	.5	3.0
Charleston, Va. (B/C)	.1	36.8	63.1	0	0	103.4	1.6	0	7.5	(3)	(3)	(3)	(3)	(3)	8.6	0	(3)	(3)	(3)
Newport News, Va. (Aetna)	(5)	52.4	45.9	1.7	0	97.7	.5	0	15.4	2,906	30	1.04	3.81	18	2.0	6.1	3.0	0.6	9.0
Oklahoma (Mutual)	(5)	0	1.6	98.4	0	99.6	2.6	15.1	16.0	2,044	49	2.40	7.16	35	(1)	(2)	(1)	0	6.0
Alabama (Mutual)	(5)	11.4	5.3	48.4	34.3	99.7	2.1	13.3	17.9	1,610	52	3.28	6.87	73	(3)	(2)	2.9	0	6.0
Portland, Wash. (B/C)	(5)	50.7	32.5	3.4	13.0	104.0	.9	2.1	8.1	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
New Hampshire (Travelers)	(5)	14.2	41.1	43.3	0	100.3	.6	0	4.3	1,340	41	3.03	4.59	32	1.2	8.7	1.9	6.3	8.0
Florida (Travelers)	(5)	56.0	30.0	.9	13.0	103.5	.9	19.5	7.0	1,731	21	1.21	3.66	44	4.4	16.2	10.5	6.9	66.0
Oregon (Mutual)	(5)	0	2.1	97.7	0	92.9	2.2	10.2	12.1	977	42	4.25	7.34	40	(1)	(2)	(1)	52.2	3.0
Iowa (Mutual)	(5)	.4	4.0	94.2	0	102.7	1.6	20.0	8.5	1,176	36	3.02	5.84	24	(2)	(2)	NR	44.0	6.0
Maine (Travelers)	(5)	16.6	32.7	49.2	0	94.6	.6	0	3.7	1,445	35	2.46	4.93	86	7.0	15.6	10.8	6.3	12.1
Missouri (Mutual)	(5)	0	6.3	93.0	0	96.1	1.9	10.6	12.3	1,313	31	2.37	6.42	46	(1)	(2)	(1)	0	4.7
Mississippi (Mutual)	(5)	0	1.3	98.7	0	103.3	1.4	10.3	15.6	1,337	34	2.55	6.96	20	(1)	(2)	(1)	87.5	5.1
Colorado (Mutual)	(5)	0	9.7	89.1	0	99.1	1.5	16.4	19.6	688	27	3.91	5.34	59	(1)	(2)	(1)	0	8.6
Wisconsin (Mutual)	(5)	.3	5.8	83.1	0	98.9	1.8	12.7	9.8	543	23	4.21	6.09	29	(2)	(2)	NR	3.2	3.8
Alaska (B/C)	(5)	58.5	35.7	2.7	2.8	96.9	1.5	44.6	14.4	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Chattanooga, Ga. (B/C)	(5)	44.1	37.4	17.9	0	95.2	1.1	12.6	16.2	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Rhode Island (Travelers)	(5)	0	0	100.0	0	99.8	0	0	7.0	958	55	5.71	11.84	99	(1)	(1)	(1)	(1)	3.4
Oregon (Kaiser)	(5)	61.6	3.6	0	34.8	92.9	1.4	18.1	1.0	1,097	10	0.93	3.35	5	(2)	(2)	(2)	(2)	(2)
Indiana (Aetna)	(5)	0	1.9	98.1	0	103.0	.8	8.9	14.3	(5)	(5)	(5)	(5)	(5)	(1)	(5)	(1)	(5)	(5)
Ch. Sci. (Aetna)	(5)	91.4	0	8.6	0	99.2	.1	0	10.1	(2)	(2)	(2)	(2)	(2)	(2)	(1)	(2)	(1)	(2)
Memphis, Fla. (Aetna)	(5)	0	0	100.0	0	99.5	.1	0	5.5	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Idaho (Mutual)	(5)	0	0	100.0	0	99.3	2.5	15.8	16.1	394	18	4.52	6.53	18	(1)	(2)	(1)	0.0	5.8
Ohio (Aetna)	(5)	0	0	100.0	0	99.4	.2	6.3	9.0	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
New York (Aetna)	(5)	66.0	.5	32.8	0	89.3	2	0	9.7	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Arizona (Aetna)	(5)	0	0	100.0	0	100.0	.1	0	9.8	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Texas (Aetna)	(5)	0	0	100.0	0	99.3	.3	0	8.6	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Peoria, Iowa (Aetna)	(5)	0	3.8	96.2	0	103.1	.2	9.0	9.1	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(5)	(5)
North Carolina (Aetna)	(5)	0	0	100.0	0	99.2	.7	0	9.7	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Alabama (Aetna)	(5)	0	0	100.0	0	99.7	.2	0	7.0	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Vermont (Travelers)	(5)	0	0	100.0	0	99.7	.1	0	3.9	(2)	(2)	(2)	(2)	(2)	(1)	(1)	(1)	(1)	(2)
South Dakota (Mutual)	(5)	0	3	98.6	0	101.1	1.6	8.5	8.7	279	7	2.40	5.04	3	(1)	(2)	(1)	16.7	4.9
West Virginia (Mutual)	(5)	0	0	100.0	0	93.3	3.0	11.9	7.5	198	8	3.99	6.27	9	(1)	(2)	(1)	50.0	3.4
Montana (Mutual)	(5)	0	5.0	90.1	4.3	98.3	2.5	22.0	13.4	164	12	7.17	7.06	22	(1)	(2)	(1)	0	5.3
Virginia (Mutual)	(5)	18.9	14.0	66.8	0	98.0	3.0	19.2	37.5	1,003	16	1.58	7.28	16	(2)	(2)	2.9	74.4	3.9
Virgin Island (Mutual)	(5)	45.5	53.1	2.2	0	119.5	3.3	50.8	8.2	200	8	3.85	5.00	1	(2)	(2)	10.7	0	NR
Kentucky (Aetna)	(5)	0	0	100.0	0	93.7	6.0	0	13.4	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
Virginia (Memphis-Aetna)	(5)	0	0	100.0	0	99.6	.2	0	4.4	(5)	(5)	(5)	(5)	(5)	(1)	(1)	(1)	(1)	(5)
New Mexico (Travelers)	(5)	0	0	95.0	0	96.4	.7	8.0	8.6	375	13	3.41	11.08	33	(1)	(1)	(1)	(1)	16.4

Footnotes at end of table.

Intermediary	Workload distributions: Percent of National receipts	Workload distributions: Percent of receipts by type of bill: Inp. hosp.	Outp. hosp.	ECF	HHA	Workload performance indicators: Ratio of clear. to rcpts.	Weeks work on hand	Percent of bills pend. over 30 days	Percent req. add'l dev.	Administrative cost data: Total bene. pmts. (thousands)	Administrative expenditures (thousands)	Ratio of adm. expen. to bene. pmts.	Average adm. expen. per bill processed	Provider audit costs (thousands)	Intermediary processing time—Average Number of days between date rec'd and date appr'd for pmt.: Inp. bills	Outp. bills	Bills returned because of error: Percent by type of bill: Inp. hosp.	Outp. hosp.	ECF
Minnesota (Mutual)	(6)	0	0	100.0	0	110.4	2.8	17.4	16.7	$230	$ 5	2.33	$5.89	$ 4	(7)	(7)	(7)	(7)	5.3
Arizona (Mutual)	(6)	0	0	100.0	0	76.9	2.9	8.9	37.4	34	(10)	1.15	4.26	(10)	(7)	(7)	(7)	(7)	NR
Michigan (Mutual)	(6)	0	29.9	70.1	0	83.9	5.5	5.3	11.0	80	2	1.96	5.38	(10)	(7)	(2)	(7)	NR	NR
Iowa (Memphis-Aetna)	(6)	0	0	100.0	0	100.0	.2	11.1	11.3	(9)	(9)	(9)	(9)	(9)	(7)	(7)	(7)	(7)	(9)
Wisconsin (Aetna)	(6)	0	3.8	96.2	0	99.4	.5	0	10.6	(8)	(8)	(8)	(8)	(8)	(7)	(8)	(7)	(8)	(8)
Tennessee (Mutual)	(6)	0	0	100.0	0	121.4	2.1	7.1	2.3	19	1	2.75	2.76	(10)	(7)	(7)	(7)	(7)	NR
Florida (Mutual)	(6)	0	.7	99.3	0	76.2	6.1	9.5	23.5	22	1	2.37	5.27	(10)	(7)	(2)	(7)	NR	NR
Illinois (Mutual)	(6)	0	19.4	80.6	0	69.1	6.3	12.4	25.5	48	1	1.36	5.68	(10)	(7)	(2)	(7)	NR	NR
Hawaii (Kaiser)	(6)	96.2	1.5	0	0	91.6	3.0	12.1	4.2	302	2	.54	3.33	0	(2)	(2)	(2)	(2)	(2)
North Dakota (Aetna)	(6)	0	3.1	96.9	0	74.8	3.1	32.0	37.1	(8)	(8)	(8)	(8)	(8)	(7)	(8)	(7)	(8)	(8)
Colorado (Aetna)	(6)	0	0	100.0	0	98.4	.2	0	23.4	(9)	(9)	(9)	(9)	(9)	(7)	(7)	(7)	(7)	(9)
Utah (Mutual)	(6)	0	0	100.0	0	91.8	.3	12.7	62.5	14	(10)	0.94	3.05	(10)	(7)	(7)	(7)	(7)	NR
Nebraska (Aetna)	(6)	0	10.3	89.7	0	106.2	.4	0	10.6	(8)	(8)	(8)	(8)	(8)	(7)	(8)	(7)	(8)	(8)
South Dakota (Aetna)	(6)	0	0	100.0	0	100.0	.4	0	9.3	(8)	(8)	(8)	(8)	(8)	(7)	(7)	(7)	(7)	(8)
Chattanooga, Va. (B/C)	(6)	0	0	100.0	0	109.4	.2	0	30.1	(2)	(2)	(2)	(2)	(2)	(7)	(7)	(7)	(7)	(2)
Minnesota (Aetna)	(6)	0	0	100.0	0	93.1	1.5	0	27.3	(8)	(8)	(8)	(8)	(8)	(7)	(8)	(7)	(8)	(8)
Ohio (Mutual)	(6)	0	0	100.0	0	16.3	1.7	49.6	63.2	(2)	(2)	(2)	(2)	(2)	(7)	(7)	(7)	(7)	NR
New Mexico (Mutual)	(6)	0	0	100.0	0	93.8	2.5	0	22.2	24	(10)	1.09	4.75	(10)	(7)	(7)	(7)	(7)	NR
Kansas (Mutual)	(6)	0	0	100.0	0	100.0	(11)	0	0	4	(10)	7.03	3.85	(10)	(7)	(2)	(7)	100.0	0
Nevada (Mutual)	(6)	0	0	100.0	0	100.0	0	0	0	(2)	(2)	(2)	(2)	(2)	(7)	(7)	(7)	(7)	NR

[1] Includes cost data for New York Department of Health, terminated in October 1969, P.R. Coop de Salud, terminated in December 1969, and Michigan Community Health terminated in August 1969.
[2] Individual State data are not available. Data included in State where home office is located.
[3] This intermediary does not process inpatient hospital bills.
[4] This intermediary does not process extended care facility bills.
[5] Individual State data are not available. Data included in Blue Cross at Charleston, W. Va.
[6] Less than 0.05 percent.
[7] This intermediary does not process inpatient and/or outpatient hospital bills.
[8] Individual State data are not available. Data included in Aetna at Peoria, Ill.
[9] Individual State data are not available. Data included in Aetna at Memphis, Tenn.
[10] Less than $500.
[11] Less than 0.05 weeks work on hand.

Note: NR—Not reported.

APPENDIX: HI INTERMEDIARY OPERATIONS: SELECTED WORKLOAD AND COST DATA, APRIL–JUNE 1970

WORKLOAD DISTRIBUTIONS

Percent of National Receipts—Total number of bills received by the intermediary during the quarter as a proportion of total national receipts during the quarter.

Percent Distribution of Receipts by Type of Bill—Percent distribution of total bill receipts during the quarter for each intermediary by type of bill—inpatient hospital, outpatient hospital, extended care facility, and home health agency. Total includes bills for ancillary services paid under Part B as well as other miscellaneous bills. As a result, detail shown may not add to totals.

WORKLOAD PERFORMANCE INDICATORS

Ratio of Clearances to Receipts—Total number of bills cleared during the quarter expressed as a percentage of total number received during the quarter. *Bills cleared* include bills paid, bills processed without payment, bills rejected or denied, and bills returned to providers for additional information.

Average Weeks Work on Hand—The average (mean) number of weeks work on hand during the quarter based on the number of weeks work at the end of each month. The number of weeks work on hand at the end of an individual month is computed using the following formula:

$$\text{Weeks work} = \left(\frac{\text{Bills pending end of month}}{\text{Bills cleared during the month}}\right)_{\text{Work weeks in month}}$$

Average Percent of Bills Pending Over 30 Days—The average (mean) percent of bills pending over 30 days during the quarter based on the percent of bills pending over 30 days at the end of each month. Individual monthly percentages are developed by taking the number of bills over 30 days old expressed as a percentage of the total pending workload.

Percent Requiring Additional Development—The total number of bills requiring investigation plus the number returned to providers for additional information during the quarter expressed as a percentage of the number of *bills reviewed* by the intermediary in the quarter. *Bills reviewed* include bills cleared plus bills investigated but not returned to providers.

ADMINISTRATIVE COST DATA

Total Benefit Payments—The total amount of health insurance benefit payments represented by checks or drafts drawn on the intermediaries' special bank accounts and reported on Interim Expenditure Reports (Form SSA–1527) covering the period July 1969 through June 1970, cumulative, and received in SSA prior to August 30, 1970.

Administrative Expenditures—Administrative costs incurred as reported by intermediaries on Interim Expenditure Reports (Form SSA–1527). Excluded are administrative costs incurred by the Blue Cross Association and provider auditing costs.

Ratio of Administrative Expenditures to Benefit Payments—Administrative expenditures during the July 1969–June 1970 period expressed as a percentage of benefit payments during the same period.

Average Administrative Cost Per Bill Processed—This unit cost is derived by dividing total administrative expenditures by the number of bills processed during the same period.

Provider Audit Costs—Includes costs related to annual audits of the books of accounts and records maintained by the providers of services and which pertain to the health insurance program. These costs are reported on the Interim Expenditure Reports and cover the period July 1969–June 1970.

Bill Processing Time in Calendar Days—Processing times are shown separately for inpatient and outpatient hospital bills. Average (mean) processing times are shown for intermediary processing, i.e., the average number of elapsed days between the date that the bills were received by the intermediary and the date that the intermediary approved the bills for payment. Data presented are based on bills processed by SSA during April, May, and June.

Bill Errors—Error Rate By Type of Bill—The number of bills which failed at least one of the clerical and/or utilization edits performed by SSA and returned to the intermediary expressed as a percentage of all bills reviewed for clerical and utilization errors by SSA during the quarter.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. FULBRIGHT (for himself and Mr. CRANSTON):

S. 1125. A bill to amend title 5, United States Code, with regard to the exercise of executive privilege. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1126. A bill for the relief of Petko Mushikoff, Erika Mushikoff, Bettie Mushikoff, and Caren Mushikoff. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. METCALF, Mr. PACKWOOD, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. STEVENS, and Mr. WILLIAMS):

S.J. Res. 65. Joint resolution establishing the Federal Committee on Nuclear Development. Referred to the Joint Committee on Atomic Energy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT (for himself and Mr. CRANSTON):

S. 1125. A bill to amend title 5, United States Code, with regard to the exercise of executive privilege. Referred to the Committee on the Judiciary.

Mr. FULBRIGHT. Mr. President, I introduce a bill, and ask for its appropriate reference. Six years after the initial massive intervention of American forces in Vietnam, the American people and Congress still do not have clear answers to the basic questions: What are we fighting for? What are America's aims and interests in Indochina? At a recent meeting of the Foreign Relations Committee one member put this simple question to a high administration official: Is it your intention to withdraw all American forces from Indochina regardless of what

follows, or is it your intention to withdraw when, and only when, you can leave behind firmly established anti-Communist governments? That question—which the administration official declined to answer—is the seminal question at issue, and we are entitled to an answer. The persistent refusal of the administration to answer it—ostensibly on the ground that we cannot reveal our intentions to the enemy—means that the American people are being committed to an open-ended, undeclared, unconstitutional war for unknown, "classified" objectives.

We are entitled to more than an answer. As citizens of a constitutional democracy we are entitled, through the electoral process and through the legislative process in Congress, to ratify or reject any President's proposed course of action. He is not, in law, at liberty to make war as he alone sees fit. After several decades of quiescence in this matter, Congress has recently shown a healthy and responsible renewed interest in the war powers question, in its own responsibilities, and in practical means of restoring constitutional balance. Members of both Houses of Congress have proposed legislation which would specify those limited conditions, such as a sudden attack on the United States, under which the President can properly be authorized to use the Armed Forces without the prior consent of Congress. The Foreign Relations Committee is going to begin hearings on these proposals next week.

I submit today a proposal for breaching the wall of secrecy behind which the administration has barricaded itself in matters relating to foreign policy in general and to our war aims in Indochina in particular. It has to do with the practice known as "executive privilege," through which officials of the executive branch claim the right to withhold information from Congress when, in their own judgment, disclosure "would be incompatible with the public interest." [1] In the case of officials who are considered personal assistants to the President—such as Mr. Kissinger and his staff—as distinguished from Department heads—such as the Secretary of State—the claim of "executive privilege" is extended beyond the withholding of information to the withholding of the person himself, to his refusal even to appear before a congressional committee, either in public or in closed session. The Secretary of State—the present one like his predecessor—has repeatedly refused invitations from the Senate Foreign Relations Committee to testify in public, but he has usually acceded to invitations to testify in closed, or executive session. On these occasions the Secretary of State has all too often withheld information from the committee, but at least he has withheld it in person, giving Senators the opportunity to make their own views known and also to see if they can gage the intentions of the administration by listening to the Secretary's tone, so to speak, as well as to his words.

This procedure is by no means satisfactory. Neither the Cambodian nor the Laotian intervention, for example, were made known to the Foreign Relations Committee in advance, although on both occasions Secretary Rogers had met with the committee shortly before the military operations began, ostensibly to discuss those very subjects.

I should like to say that neither I nor the committee is interested in the military aspects so much as we are in the policy aspects—that is, the objectives of any move of this sort. We have by no means at anytime pressed this Secretary or any other for precise details regarding military dispositions.

To cite another example: Only through the diligent investigative activities of Senator SYMINGTON'S Subcommittee on U.S. Military Agreements and Commitments Abroad did it become known to Congress and the American people that the United States has been conducting a secret war in northern Laos, far away from the Vietnamese infiltration routes along the Ho Chi Minh Trail, at the cost of many American lives and billions of dollars. When former Ambassador William Sullivan was asked in his appearance before the Symington subcommittee why at an earlier hearing he had withheld information about the critical role the U.S. Air Force was playing in northern Laos, he replied, disingenuously, that he had not been asked any direct questions about U.S. air operations in northern Laos. My own comment at the time was that "There is no way for us to ask you questions about things we don't know you are doing."

It is, needless to say, even more difficult to ask questions of people who refuse to talk to you, as is the case, for example, with the President's principal foreign policy adviser, Mr. Kissinger. It was reasonable enough, in the old days, to permit the President to consult with an intimate adviser—such as Colonel House, under President Wilson—who would not be held to public or congressional account. Over the years, however, the President's "intimate" advisers have grown steadily in numbers and power until, at present Mr. Kissinger's office contains about 120 professional foreign policy experts, many of them career Foreign Service officers. Power and influence in the making of foreign policy have passed largely out of the hands of the State Department—which is accountable to Congress—into the hands of Mr. Kissinger's National Security Council staff—which is not, under the present practice, accountable to Congress. In the view of a reporter who has made a study of foreign policy making in the Nixon administration:

> Mr. Kissinger has become the instrument by which President Nixon has centralized the management of foreign policy in the White House as never before. . . .[2]

Although Mr. Kissinger appears on television, provides background briefings for the press and occasionally provides special briefings for selected Congressmen and Senators, he has steadfastly refused to appear before any congressional committee, either in public or in private. The result is that the people's representatives in Congress are denied direct access not only to the President, himself, but to the individual who is the President's chief foreign policy adviser, the author of his recent message on the state of the world, and the principal architect of our war policy in Indochina.

Executive privilege is a custom, not a law, and, even as a custom, it has been understood until recently to apply to information rather than to persons. Neither law nor custom authorizes individual advisers to the President to refuse to appear before a congressional committee. The refusal to give due account of the President's foreign policy is an extension of the arrogant contention, expressed in a Justice Department study in 1958, that—

> Congress cannot, under the Constitution, compels heads of departments by law to give up papers and information; regardless of the public interest involved; and the President is the judge of that interest.

The memorandum goes on to say that neither Congress nor the courts may compel the President to provide information when, in his own judgment, it would be inexpedient to do so.[3]

This, of course, is a repudiation of the very concept of a government of checks and balances. If the President has sole discretion to keep information from Congress and the country, he is in practice at liberty to do anything he wishes, at home or abroad, as long as he manages to keep it secret. That, indeed, is exactly what the last two Presidents have done in Indochina. President Johnson conducted an air war in Northern Laos which, as I mentioned before, was totally unknown to Congress and the country until Senator SYMINGTON'S subcommittee made it known. Similarly, President Nixon kept the present Laotian invasion under the cloud of a news embargo until it was well underway. Under our Constitution—in case anyone still cares—he should have come to Congress to request authority for American participation in the expansion of the war into Laos.

If Congress can be denied information regarding a war in which the country is engaged solely at the discretion of the President, then there is no possibility whatever of Congress discharging its constitutional responsibilities to declare war, raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces. In this area, as in others, executive secrecy can alter our form of government as decisively as would a constitutional amendment.

History, logic, and law show that the President is indeed obligated to provide pertinent information to Congress; nor can he claim to be the final judge of what in fact is pertinent. No one questions the propriety of "Executive priv-

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[1] President Nixon's "Memo for the Heads of Executive Departments and Agencies," Apr. 17, 1969.

[2] Hedrick Smith, "Foreign Policy: Kissinger at Hub," *New York Times*, Jan. 19, 1971, p. 1.

[3] *The Power of the President To Withhold Information From the Congress—Memorandum of the Attorney General*, compiled by the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 85th Cong., 2d sess., pp. 3–4.

ilege" under certain circumstances; what is and must be contested is the contention that the President alone may determine the range of its application. In his authoritative book, "The President, Office and Powers," Prof. Edward Corwin comments:

> Should a congressional investigating committee issue a subpoena *duces tecum* to a Cabinet officer ordering him to appear with certain adequately specified documents and should he fail to do so, I see no reason why he might not be proceeded against for contempt of the House which sponsored the inquiry.[4]

The courts have not yet considered the Executive's claim that its invocation of executive privilege is unreviewable when invoked against Congress. The courts have left no doubt, however, that they will review such claims when they are invoked against private parties seeking governmental information. In United States against Reynolds, the Supreme Court stated that "judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers." Can Congress' rights be less than those of a private individual? Can Congress be expected to abdicate to "executive caprice" in determining whether or not the Congress will be permitted to know what it needs to know in order to discharge its constitutional responsibilities? As James Madison said in "The Federalist," neither the Executive nor the legislature can pretend to an exclusive or superior right of settling the boundaries between their respective powers. The Supreme Court has ruled not only that the judiciary may review an executive decision to withhold information sought by an individual but has also held that under certain circumstances the courts might require the disclosure to court personnel of classified information.[5] It would be grotesque indeed if security grounds could be invoked to deny Congress information which was available both to executive and judicial officials. In some instances—such as the establishment of overseas bases and special briefings for newsmen from other countries—even foreigners are entrusted with information which is withheld from Congress.

If the matter of accountability were to come to a final test—and it is much preferable that it does not—there is no question of the legal authority of Congress, or of a congressional committee, to subpena a Government official, just as it can subpena a private individual to appear and give testimony, and to hold that individual in contempt should he fail to comply. Under section 134a of the Legislative Reorganization Act of 1946, every standing committee and subcommittee of the Senate is authorized:

> To require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures . . . as it deems advisable.

In foreign as in domestic affairs there can be no question of the authority—indeed of the responsibility—of the Congress to exercise legislative oversight. This power is spelled out in section 136 of the Legislative Reorganization Act, which states that each standing committee—

> Shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

The power and duty of legislative oversight is in fact rooted deeply in our constitutional history. In the words of a study of the congressional power of investigation prepared for the Senate Judiciary Committee in February of 1954:

> A legislative committee of inquiry vested with power to summon witnesses and compel the production of records and papers is an institution rivaling most legislative institutions in the antiquity of its origin. Its roots lie deep in the British Parliament, and only in the light of a knowledge of these origins and subsequent developments does it become possible to comprehend its limits.[6]

Nor can there be any doubt of the right and duty of the Senate—and particularly its Committee on Foreign Relations—to oversee the conduct of a war. In 1861 a joint committee of the two Houses was formed for this purpose of investigating the conduct of the Civil War. This "Wade Committee," as it came to be known, diligently examined the conduct of Union military activities throughout the war; its reports filled four large volumes. In the case of the present war in Indochina, congressional oversight is not only desirable but essential, specifically for purposes of ascertaining the Executive's compliance with the Church-Cooper amendment and any future restrictions which Congress may impose, but also for the broader purpose of introducing some small measure of constitutional procedure in the conduct of this unconstitutional war.

Legislative oversight is of course impossible without pertinent information. Insofar as the Executive is at liberty to withhold information, he is also at liberty to nullify the ability of Congress to exercise legislative oversight. Contrary to the prevailing Executive view that the President alone may determine what he will reveal or withhold from the Congress, according to his judgment of the "expediency" of revelation, the Congress is not without resources to require the disclosure of pertinent information and the appearance of appropriate witnesses. A study of "Congressional Inquiry Into Military Affairs" prepared for the Foreign Relations Committee in 1968 points out that contempt of Congress by reason of the failure of a witness to testify or produce papers is punishable by law as a misdemeanor. Furthermore, there is no necessity for Congress or a congressional committee to rely on the Department of Justice to act in a contempt case. As an agent of the Executive, the Attorney General might be less than wholehearted in the prosecution of a recalcitrant witness. But, as the military affairs study points out:

> There can be no doubt that either House of Congress has the power to seize a recalcitrant witness, try him before the bar of the House, and punish him for contempt by imprisoning him in the Capitol.[7]

There have in fact been instances in which witnesses in contempt have been brought to trial before the House of Representatives, and there has been at least one instance in which the Senate has ordered the confinement of a contumacious witness in the common jail of the District of Columbia.

Mr. President, not for a moment would I wish to impose so drastic a procedure on Mr. Kissinger, for example, or any other official of our Government. It does seem to me of the greatest importance, nonetheless, that appropriate action be taken to provide the Congress with a reliable and continuing flow of information on foreign policy in general and, most urgently, on the aims and interests of the United States in Indochina as these are perceived by the present administration.

Stopping well short of attempting to deal with the principle of executive privilege in its fullest dimensions—a problem which requires detailed and careful study—I am proposing a bill which would require employees of the executive branch to appear in person before Congress or appropriate congressional committees when they are duly summoned, even if, upon their arrival, they do nothing more than invoke executive privilege. The purpose of this bill is to eliminate the unwarranted extension of the claim of executive privilege from information to persons. It would require an official such as the President's Assistant on National Security Affairs to appear before an appropriate congressional committee if only for the purpose of stating, in effect:

> I have been instructed in writing by the President to invoke executive privilege and here is why . . .

The purpose of this bill is to make a small breach in the wall of secrecy which now separates Congress from the Executive in matters of foreign policy, and particularly in matters pertaining to the war in Indochina. The specific change of procedure that would be required by this bill is a limited one, perhaps even a minor one, but its intent goes to the core of the democratic process by reaffirming the

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[4] Edward S. Corwin, *The President Office and Powers* (New York University Press: 1957), pp. 281–282.

[5] *Halpern* v. *United States* (258 F. 2d 36, 44 (2 Cir., 1958)).

[6] *Congressional Power of Investigation*, Study Prepared at the Request of Senator William Langer, Chairman of the Committee on the Judiciary, by the Legislative Reference Service of the Library of Congress, U.S. Senate, 83d. Cong., 2d sess. (Washington: U.S. Government Printing Office, 1954), p. 23.

[7] *Congressional Inquiry Into Military Affairs*, A Study Prepared at the Request of the Committee on Foreign Relations, U.S. Senate, 90th Cong., 2d sess. (Washington: U.S. Government Printing Office, 1968), p. 7. Pertinent rulings were made by the Supreme Court in *Jurney* v. *McCracken*, 294 U.S. 125 (1935) and *McGrain* v. *Daugherty*, 273 U.S. 135 (1927).

principle of accountability to Congress in the conduct of foreign policy.

Mr. CRANSTON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. The distinguished chairman of the Committee on Foreign Relations has performed an invaluable service in bringing this matter before the Senate. If the role of Congress is to fulfill its constitutional obligations in matters of war, peace, and other matters, which I believe is threatened by the growth of the executive not only in this administration but in others by the problem of Executive privilege, which the Senator from Arkansas has so ably outlined here, I would like very much to work with the Senator in his endeavors to find a way to remedy this problem.

With the hope that the bill as proposed by the Senator will provide that remedy, or vehicle, for dealing with the great problems we face in our country today, I should like to be listed as a cosponsor.

Mr. FULBRIGHT. Mr. President, I would be very pleased to have the Senator as a cosponsor; and, Mr. President, I ask unanimous consent that the Senator from California (Mr. CRANSTON) be listed as a cosponsor.

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

Mr. McGEE subsequently said: Mr. President, I rise almost inadvertently because I did not think I would be present when the Senator from Arkansas was delivering his address this morning.

I was captured by one reference on page 5 of his statement which alluded to the precedent in wartime of an oversight committee in this body. The reference was to the Wade committee. That was organized in 1861, at the time of the Civil War. For many years I have fancied myself as something of a history buff. I spent a good deal of time in that particular interval with one of the great architects of history during that period, Prof. James Randall, of Illinois.

The point is that the Wade committee still stands on the books as one of the most notoriously abusive committees in the history of our Nation. This flagrant group is always cited as how not to do it.

Inasmuch as I am a member of the Foreign Relations Committee, headed by the Senator from Arkansas, I feel a bit nervous about drawing attention today to Bluff Ben Wade, of Ohio, as they called him in those days and using that committee as one of the reasons for the action.

I think we are on much higher ground. I would hope that we would keep it there rather than emulate Ben Wade.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FULBRIGHT. Mr. President, it was not for the purpose of emulating the committee, but only for the purpose of showing that Congress does have the authority to exercise oversight. It is a precedent for that purpose. Perhaps that is an extreme case, but that is the only reason it is cited.

I do not think for a moment that the Foreign Relations Committee would seek to emulate that example at all. On the contrary, the Foreign Relations Committee is for all practical purposes excluded from any oversight at all because of the failure to have access to information relevant to policymaking. It is only cited for that purpose alone.

I do not think the State Department would question the principle that Congress does have a responsibility and authority and ought to examine witnesses from the executive department.

Mr. McGEE. Mr. President, I do not question that at all. I just question that reference because I happen to be somewhat familiar with that history.

Mr. FULBRIGHT. That was a joint committee.

Mr. McGEE. The Senator is correct. I believe there were three from the Senate and four from the House. I have not had a chance to do my homework on that.

Mr. FULBRIGHT. The Senator is correct.

By Mr. COOK (for himself, and Mr. METCALF, Mr. PACKWOOD, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. STEVENS, and Mr. WILLIAMS):

S.J. Res. 65. Joint resolution establishing the Federal Committee on Nuclear Development. Referred to the Joint Committee on Atomic Energy.

Mr. COOK. Mr. President, today I am reintroducing a joint resolution providing for the establishment of a Federal Committee on Nuclear Development. Except for the addition of language emphasizing the need to assess the potential impact of atomic energy on the environment, it is identical to Senate Joint Resolution 91 which I introduced in the 91st Congress.

The committee would, when established, study, review, and evaluate the Atomic Energy Act and the atomic energy program generally in terms of—

First, the impact of the atomic energy industry upon competitive industries;

Second, methods for effectively integrating atomic energy into the general energy complex of the United States so that reasonable priorities may be determined; and

Third, the potential environmental impact of atomic development upon the health and safety of the American public.

The peaceful uses of atomic energy and its implications for generations of Americans is obviously a matter of concern to all of us. I urge my colleagues to carefully study this matter and support this resolution.

It is my pleasure to add as cosponsors of this joint resolution Senators METCALF, PACKWOOD, RANDOLPH, SCHWEIKER, STEVENS, and WILLIAMS.

I ask unanimous consent that the joint resolution be appropriately referred and that my remarks of April 15, 1969, be printed in the RECORD at this point.

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

SENATE JOINT RESOLUTION 91—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING THE FEDERAL COMMITTEE ON NUCLEAR DEVELOPMENT

Mr. COOK. Mr. President, I introduce, for appropriate reference, a joint resolution on behalf of myself and Senators Cooper, Mansfield, Mathias, Metcalf, Williams of New Jersey, Packwood, Stevens, Schweiker, and Randolph. The joint resolution, if passed, would establish the Federal Committee on Nuclear Development whose purpose it would be to assess and evaluate the current atomic energy program of the United States.

I claim no pride of authorship in this matter, as it was introduced in substantially the same form in the last Congress by my predecessor, Hon. Thruston Morton. At that time, February 28, 1968, he pointed out in great detail the history of peaceful development of atomic energy subsequent to World War II and described the current feeling among many in the scientific community that a review of the direction of our atomic energy program was greatly needed. My remarks today will be confirmed to a summation of Senator Morton's very comprehensive treatment of the subject.

Congress instructed the Atomic Energy Commission when it was established by the Atomic Energy Act in 1954 to promote and encourage the development of atomic energy. At least $2½ billion have been spent in the interim period to make nuclear plants efficient and able to compete with other power sources such as coal and oil. We appropriated these large sums for developing a new power source knowing full well that it would not be needed until 50 to 100 years hence when our supply of fossil fuels might begin to run short.

Congress adopted this atomic energy program, which resulted in a new technical development becoming, for the first time in our history, a Government monopoly. There is no question that the ability to create electrical energy through atomic fission is an amazing accomplishment but we also understand now what we did not realize in 1945—that atomic energy is no panacea.

Some might consider this resolution in some way a repudiation of the outstanding work of the Joint Committee on Atomic Energy. I assure Senators that I have nothing but the highest regard for the Members of the Congress who serve on this committee and I think they have ably carried out the original mandate of Congress which was to promote the peaceful uses of atomic energy. Unfortunately, the act made no provision for consideration of the need for nuclear energy, the fate of competing fuels, and the effect on the economy.

There are many indications now that we have moved too quickly, without the proper safeguards, into the atomic energy field. Early enthusiasts who appear to have become somewhat disillusioned about the program and are now calling for a reappraisal include David Lilienthal, who was the first Chairman of the Atomic Energy Commission. These experts tell us that the potential hazards of nuclear power are threefold:

First. The emanation of radioactive substances into the air and into the water of streams used for cooling the plants themselves.

Second. The expensive and difficult problem of safely handling waste material which remains after the useful life of the nuclear fuel has terminated.

Third. And the possibly even though remote, that an accident would result in the sudden release of radioactive material into the atmosphere.

Undoubtedly, the possibilities of unprecedented damage to human and animal life were not realized by Congress when it de-

cided to develop the civilian nuclear power complex, but this does not absolve us of the responsibility today, in the light of new evidence, to reevaluate the direction of this program both in terms of costs and safety to the public.

Mr. President, it is my strong belief that the Members of the Joint Committee on Atomic Energy have diligently carried out the original mandate of Congress which was to promote the use of civilian nuclear energy. It is the original mandate I question today, and certainly not the efforts of my colleagues on this committee. The resolution which I am introducing calls for a comprehensive review of the whole Government participation in the atomic energy program including the original mandate. It is for this reason that I have suggested we call upon cabinet officers, scientists, laymen, and Members of Congress who are not on the Joint Committee on Atomic Energy, to conduct this study. Since the problem is urgent and time is of the essence, the committee on nuclear development is required to make a report of its findings to the Congress within 2 years of its authorization. We owe it to ourselves and our descendents to objectively evaluate the future direction of this phenomenon of atomic energy which could mean much to the development of the Nation or to the contrary, become the vehicle for rendering our environment unfit for habitation. I urge Senators to support this effort to find the proper balance between progress and safety.

ADDITIONAL COSPONSORS OF BILLS

S. 377

At the request of the Senator from Florida (Mr. GURNEY) on behalf of the Senator from Texas (Mr. TOWER), the Senator from Alabama (Mr. ALLEN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. CRANSTON), the Senator from California (Mr. TUNNEY), the Senator from Colorado (Mr. ALLOTT), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. CHILES), the Senator from Florida (Mr. GURNEY), the Senator from Hawaii (Mr. INOUYE), the Senator from Kansas (Mr. DOLE), the Senator from Kansas (Mr. PEARSON), the Senator from Kentucky (Mr. COOK), the Senator from Kentucky (Mr. COOPER), the Senator from Maryland (Mr. BEALL), the Senator from Maryland (Mr. MATHIAS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Mississippi (Mr. EASTLAND), the Senator from Nebraska (Mr. CURTIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Nevada (Mr. CANNON), the Senator from New Hampshire (Mr. COTTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. MOSS), the Senator from Vermont (Mr. PROUTY), the Senator from Washington (Mr. JACKSON), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 377, a bill to equalize the retirement pay of members of the uniformed services of equal rank and years of service.

S. 571

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 571, to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 742

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 742, the Rural Community Development Bank Act.

PRESIDENT NIXON'S PRESS CONFERENCE

Mr. DOLE. Mr. President, all Americans can take heart at the latest news from Southeast Asia. At his press conference last night, the President proved once again that he is keeping faith with the American people, despite the escalation of criticism, I might say, on the Senate floor and despite the doubts cast by some of those who report the news.

When he came into office 2 years ago, Richard Nixon inherited a major land war in Asia from his predecessor. Over half-a-million American fighting men were tied down in Vietnam and there was no end in sight. Years of escalation under Democratic leadership had brought us no closer to victory, but had cost the country devastating losses in men, wealth and prestige.

President Nixon reversed the whole momentum of the war—despite the attacks of the critics and the harassment of leading Democrat politicians. He put a plan into operation that is Vietnamizing the war and bringing thousands of American boys home.

In Cambodia and Laos, the President has made courageous decisions that are now being vindicated by the hard, cold facts.

Every promise that President Nixon has made about the war has been kept. American casualties are one-half of what they were before the Cambodian operation, which the President's critics claimed would widen the war. Our troop withdrawals have continued as planned, with every deadline being met, or even moved up.

In Laos, the South Vietnamese are fighting the enemy on the ground single-handed—something that most people claimed to be impossible a few years ago.

Arms, ammunition, and supplies that would have been used to kill American boys have been captured or destroyed, and the flood of Communist war materiel and reinforcements from the North has been slowed to a trickle. The number of arms and men trucked from North Vietnam has now been cut in half.

And last night, the President confirmed that by May of this year 265,000 Americans will have been withdrawn from Vietnam—with a chance that this figure may even be increased.

These facts speak for themselves. The President's policy is working, and it is paying off in American lives saved.

Richard Nixon did not make the decision to send American combat troops into Vietnam. But his strong, courageous leadership is bringing them home.

President Nixon has made his decision, and he has kept his word with respect to this decision to disengage in Southeast Asia.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial published in today's Evening Star entitled "Northwards?"

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

NORTHWARDS?

In his televised foreign policy press conference last night, President Nixon, in our view, maintained a correct posture on the question which has troubled his critics since Saigon's troops moved into southern Laos three weeks ago: Will the next step in what these critics incorrectly regard as an American widening of the war be an invasion of North Vietnam by South Vietnamese troops, supported by U.S. air power?

Mr. Nixon told the assembled correspondents (and the nation) that no such plan is "under consideration in this government" and that President Thieu had not presented one. He reiterated his earlier pledges that American ground units will not be employed outside of South Vietnam. But he restated President Thieu's right to take whatever steps he feels necessary for the preservation of his country and left open the possibility that American air power might be used against the north if Hanoi's activities "endanger the American forces as we continue to withdraw."

While a South Vietnamese invasion of North Vietnam cannot be ruled out, we think such a venture improbable. Saigon already has its hands full in Laos (where its troops have cut truck traffic on the Ho Chi Minh trail by 55 percent, according to the President), Cambodia and on its own territory. But it makes no sense to give the enemy assurances as to what we will or will not do under any given set of circumstances. That is why the Mondale-Saxbe resolution before the Senate, which would forbid any sort of American participation in an operation against North Vietnam, is so wrong-headed.

The President concede that there is "some hard fighting ahead" for South Vietnam's troops in Laos, but he pointed out that the destruction of 67 enemy tanks and the capture of 200,000 rounds of ammunition and 2,000 guns would "reduce American casualties."

As welcome as the statement that the U.S. withdrawal from Indochina will proceed on schedule was Mr. Nixon's pledge that a residual American force will remain in South Vietnam until Hanoi releases those which it holds of the 1,600 American servicemen listed as captured or missing in action. The captives, their families and North Vietnam should know that this is a debt of honor which will be redeemed.

From the beginning, it has been our feeling that President Nixon has been on the right track in Southeast Asia, just as he has been in the Middle East. While, as he puts it, "the jury is still out," we continue to hold to that view. The joint U.S.-South Vietnamese incursion into Cambodia last year and the current South Vietnam opera-

tions in Laos are no more a widening and lengthening of the war than was the Allied invasion of Nazi-occupied Italy in World War II.

Mr. DOLE. Mr. President, let me reemphasize, as I have done many times on this floor, that President Nixon has made a great record in Vietnam. I consider this to be the greatest single achievement in the first 2 years of the Nixon administration—disengaging from the war that was on the President's doorstep on January 20, 1969.

I find it difficult, frankly, to understand this criticism of the President's every move. Had he been escalating the war, had he been sending more combat troops off to war, had he been increasing the bombing and increasing the casualties. In the war, perhaps criticism would have been justified. However, just the opposite has been true.

I commend the President, not because he is a Republican President, but because he is ending our involvement in the tragic conflict that he inherited.

Mr. GURNEY. Mr. President, I certainly want to associate myself with the remarks of the distinguished Senator from Kansas and back up 100 percent what he has just said.

POLITICS, ANYONE?

Mr. GURNEY. Mr. President, I think it worthwhile to compare some of the commentary on President Nixon's 1971 report on "U.S. Foreign Policy for the 1970's."

Let us first consider the so-called "constructive criticism" offered by Mr. W. Averell Harriman and Mr. Paul C. Warnke on behalf of the Democratic policy council's committee on international affairs and the committee on arms control and defense policy. Their introduction states:

> The report's 180 pages of uninformative rhetoric are filled with unstinting self-praise, an absence of candor, and a distortion of results.

Well, that would seem to finish the matter. Not much more remains to be said after this constructive comment or we might better characterize it as destructive comment. Thus it is indeed puzzling they find it necessary to fill so many pages thereafter with the same caliber of shotgun blasts, and—even more surprising—with occasional compliments concerning the specifics of the Nixon report. We are, however, promised a more extensive analysis by these same gentlemen on March 24.

If they believe their own rhetoric, this would seem to be a waste of time.

Compare that introduction with the analysis of Mr. William P. Bundy, former Assistant Secretary of State under Presidents Kennedy and Johnson. In the March 8 Newsweek, Mr. Bundy makes a few disparaging remarks, but goes on to say:

> Nevertheless, it is my overall impression that this is a creditable document. . . . a great many both here and abroad will learn and be given food for thought. . . . In particular, the tone seems to me to deserve high praise. While Mr. Nixon does not spare to take credit, he is not boastful. . . . for the most part difficulties are faced honestly and there is a merciful minimum of hectoring and slogan.

Mr. Bundy believes the report was "designed to circumvent the quick generalizations of columnists and commentators. In this it may succeed at the cost of sinking out of sight."

That, according to Mr. Bundy, would be unfortunate:

> As a generally honest picture of an Administration feeling its way into a new era in American foreign policy, it deserves considerably better.

If I may make a suggestion, it would be productive if a quiet conference—in a neutral country—could be arranged between Mr. Bundy and Messrs. Harriman and Warnke prior to the "extensive report" the latter gentlemen have promised us.

They might also consult Time magazine, not especially noted for praising Mr. Nixon in any of his efforts. On March 8, Time characterized the Nixon report as—

> A refeshingly cool and realistic appraisal of the current state of world affairs. . . . It combines a tough-minded analysis with a flexibility in approach that should aid the quest for peace. . . . The Nixon approach thus combines a conciliatory acceptance of new conditions with a firm stance in dealing with them.

And so it goes. Politics, anyone?

Mr. BROCK. Mr. President, I wish to associate myself with the statements of the Senator from Kansas (Mr. DOLE) and the Senator from Florida (Mr. GURNEY). I appreciate their support of the President in this matter. I think they are absolutely right.

THE MIDDLE EAST

Mr. BROCK. Mr. President, not in recent years has the chance for peace seemed as bright in the Middle East as it does today. Even so, the scale is delicately balanced, and unwise pressures could easily tip that balance the wrong way.

Both Egypt and Israel have moved toward a point where actual peace settlements can possibly be negotiated. There is, I fear, a tendency on the part of some in this country to urge overhasty action on the part of the Government of Israel, hoping thus to bring about a settlement.

Thus I rise today to express my gratitude to President Nixon and Ambassador George Bush for making it clear that this administration will not exert unwarranted pressure on Israel in the peace talks.

Immediately after being presented his United Nation credentials on March 1, Ambassador Bush said in a news conference:

> We want a lasting peace. We want a peace that's going to be there for young people who are growing up over there. And we don't think that that can be arrived at if we indeed impose a settlement on somebody.
>
> In his news conference last night, President Nixon reiterated this position when he stated loud and clear, "We will not impose a settlement!"

I congratulate the President on the wisdom and foresight of this decision and want to restate my confidence that this administration will continue to afford Israel its complete moral and material support. We can do no less.

Still, there are those who find it tempting to suggest that perhaps Israel could insure peace if her Government would only accept the Egyptian proposal for a total withdrawal of Israeli forces from all territory occupied since 1967.

Egypt has coupled this proposal with a tempting offer—a negotiated peace settlement. This kind of settlement has been sought by Israel for over two decades. There are many pressures upon that tiny nation to accept such an offer. Israel, after all, has suffered most grieviously over the years from the constant harassment and murder of its people and violation of its territory by Arab extremists.

We must not add to those pressures by actions of our own, designed to push Israel further than prudent policy should permit them to move.

They simply cannot afford total withdrawal from all areas captured from the Arabs, regardless of any so-called guarantees Egypt might give. While I accept the premise that the present leadership of Egypt is making these offers in good faith, we have seen over the years that governments in some Arab Nations are susceptible to a change of heart—particularly when subject to the constant interventions and pressures of a Soviet leadership obviously bent upon ultimate domination of the entire Middle East.

Even Nasser, with his near-mystical control over the Egyptian people, was subject to the roaring whims of the crowd.

Russian ambitions in the Middle East predate the present situation by more than a hundred years. Throughout the last half of the 19th century British and French diplomacy was aimed at preventing Russian encroachment and eventual domination. In those days, the Russians sought warm-water access to world trade. Today the stakes are much, much higher.

The Soviet Union has its eye on the vast oil reserves in the Middle East. Russia wants bases from which to dominate the Indian Ocean, and eventually all of southern Asia. The Soviets are moving to broaden their base of naval power and for the first time have a large and potent fleet available in the Mediterranean.

To accomplish these goals the Russians have tried to prevent a solution in the Middle East by providing arms, advisers, and other support for the Arab countries, and by actively fomenting chaos at every opportunity. There is solid evidence that Soviet pilots have been flying in the Egyptian Air Force. There was evidence during the brief 1967 conflict that Soviet officers were directing the Syrian army's artillery attacks on Israel. The Soviet Union has provided, installed, and is operating hundreds of SAM missile installations along the Suez.

In the diplomatic area the Soviet Union is applying pressure on both Israel

and the United States to force Israel to accept unwise and potentially disastrous peace terms with the Arab States.

The evergrowing Russian presence in the Middle East is a continuing threat at the stability and peace in that area. This Nation must understand that these Russian maneuvers are designed to blackmail Israel and its allies—with a view to ultimate control of the Middle East and the Indian Ocean.

What the Russians are obviously trying to do is to force an alliance upon India, so that they can join forces to dominate the Indian Ocean area as well as most of Africa. This would be an extremely serious threat to the security of the United States.

It is thus in the best self-interest of the United States to maintain Israel as a strong and viable force in the Middle East. Only through such an arrangement can the Soviet efforts at total domination of the area, and the dangerous consequences of such a situation, be prevented.

The fervor of those Arabs, who believe they are involved in holy war, has rolled before like a tide through Egypt. And Egypt is not alone against Israel. Even if the leaders in Cairo are able to control their own and actually enforce a peace settlement with Israel, there is no guarantee such a settlement would be honored in Syria or Iraq, for example.

Thus Israel must remain in a position to protect its people; no assurance by Egypt can be considered as binding either on that country or her Arab partners in the wars against Israel. A buffer zone between Israel and her neighbors must somehow he maintained.

Without such an acceptance by the Arabs of minimum territorial safeguards for Israel, there can never be peace in the Middle East.

Mr. President, this Nation must meet its obligation and stand by Israel, continuing to exert no undue pressures for unwarranted compromise, while that courageous nation negotiates a lasting peace with her neighbors.

AMERICAN PRISONERS OF WAR

Mr. BYRD of West Virginia. Mr. President, as I think the Members of this body are aware, I have been gravely concerned about the plight of our prisoners of war and men who are missing in action in Vietnam, over a long period of time. I have on more than one occasion voiced my concern on the floor of the Senate, as well as to the news media, and have cosponsored legislation recommending actions to intensify the efforts of the United States to marshal world protest against Hanoi's inhumane treatment of American prisoners and cruelty to their wives and families who are grieving here at home.

The Senate of West Virginia, which is now in session, is likewise distressed, and has adopted Senate Concurrent Resolution 24, authored by Senator Leonard and Senator Sharpe, expressing concern and sympathy to the families of West Virginians, and to the families of all Americans, held as prisoners of war in Southeast Asia. I ask unanimous consent that the text of that resolution be printed in the RECORD. I am joined in this request by my able senior colleague from West Virginia (Mr. RANDOLPH).

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

S. CON. RES. 24

Resolution expressing concern and sympathy to the families of West Virginians, and to the families of all Americans, held as prisoners of war in Southeast Asia

Whereas, All captured American personnel held in Southeast Asia suffer privation and hardship; and

Whereas, Prisoners held in North Vietnam are existing under particularly harsh circumstances; and

Whereas, Many of these prisoners are confined in a primitive jungle environment in Vietnam, Laos or Cambodia; and

Whereas, These prisoners are primarily members of the United States Army, Navy, Air Force and Marine Corps; and

Whereas, These prisoners include American civilians; and

Whereas, The enemy's refusal to acknowledge publicly the presence of all prisoners in these areas, and the enemy's refusal to permit certain prisoners to correspond with their families have increased the burden of anxiety and concern on the families of prisoners of war; and

Whereas, The government of West Virginia and the government of the United States are concerned with continuing efforts to bring national and world public opinion to bear in securing humane treatment for, and the release of, our beloved sons of West Virginia, and all captured American personnel; and

Whereas, The National League of Families of American Prisoners Missing in Southeast Asia, recognizes that the Prisoner of War issue is not a political issue, but is a humanitarian issue; and

Whereas, The West Virginia State Coordinator of the National League of Families of American Prisoners Missing in Southeast Asia has received permission from a few families to furnish names of certain West Virginians who are prisoners of war; and

Whereas, Lieutenant Commander William Hardman, U.S. Navy, son of Mrs. Sadie M. Tompkins, St. Albans, West Virginia; Major Glenn H. Wilson, U.S. Air Force, son of Mr. and Mrs. Stanley Wilson, St. Albans, West Virginia; and Major Hubert Kelley Flesher, U.S. Air Force, nephew of Mrs. Charles Carson, Jane Lew, West Virginia, are prisoners in Hanoi; and

Whereas, Sergeant Albert H. Altizer, son of Mr. and Mrs. Kenneth W. Altizer, Squire, West Virginia, and Chief Warrant Officer Joseph A. Rose, U.S. Army, son of Mr. and Mrs. Joseph Rose, Morgantown, West Virginia, are believed to be prisoners of war in Southeast Asia; and

Whereas, There are more than fifteen hundred Americans known to be missing or prisoners; therefore, be it

Resolved by the Legislature of West Virginia:

That the members of the Senate express their deep concern and sympathy for the families of all West Virginians held by hostile forces in Southeast Asia; and, be it

Resolved further, That the members of the Senate express their deep concern and sympathy for the families of all Americans held by hostile forces in Southeast Asia; and, be it

Resolved further, That the members of the Senate are mindful of the sacrifice of West Virginians and many Americans who have given their lives in the Vietnam War, and that the Senate of West Virginia expresses sympathy to the families of those who will not return, and, be it

Resolved further, That the Senate of West Virginia urges humane treatment for, communication with, and the release of, all prisoners of war; and, be it

Resolved further, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the families of the West Virginians named herein who are prisoners of war or who are known to be missing and to the Honorable Richard M. Nixon, President of the United States, Washington, D.C.; the Honorable Ton Duc Thang, President, Democratic Republic of North Vietnam, Hanoi, North Vietnam; the Honorable David K. E. Bruce, U.S. Delegation to the Paris Meeting, U.S. Embassy, 2 Avenue Gabriel, Paris, France; Minister Xuan Thuy, 8 Avenue General Le Clerc, 94 Choisy-Le-Roi, Paris, France; Mme. Nguyen Thi Binh, 39 Avenue Georges Mandell, Paris 16, France; and Mrs. Bobby G. Vinson, National Coordinator, National League of Families of American Prisoners Missing in Southeast Asia, 1 Constitution Avenue NE., Washington, D.C.

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE PRIVILEGE AS IT RELATES TO PRESIDENTIAL ADVISERS

Mr. DOLE. Mr. President, I listened carefully to the extensive and exhaustive statement of the junior Senator from Arkansas and I only comment that the doctrine of executive privilege, like the congressional power to investigate, arises by necessary implication from the separation of powers as established by the Constitution. Each is necessary to enable the branch possessing it to effectively discharge its constitutional responsibilities.

In those cases in which the executive privilege is invoked, no officer of the executive branch may be compelled to respond to questions which deal with advice he has given to the President or the performance of his official duties for the President.

The President and his immediate advisers are absolutely immune from testimonial compulsion by a congressional committee. They not only may not be examined with respect to their official duties, but they may not even be compelled to appear before a congressional committee. They are presumptively available to the President 24 hours a day.

Without executive privilege, the investigative authority inherent in the legislative branch of government could ultimately frustrate the President's executive ability to fully perform his constitutional duty to "take care that the laws be faithfully executed."

EXAMPLES OF THE INVOCATION OF EXECUTIVE PRIVILEGE DURING THE TRUMAN, EISENHOWER, KENNEDY, AND JOHNSON ADMINISTRATIONS

A review of this subject has revealed the following examples. While these ex-

amples do not represent exhaustive research of the matter during these administrations, the list is reasonably complete.

On two occasions during the Truman administration a subcommittee of the House Committee on Education and Labor issued subpenas to John R. Steelman, who held the title "Assistant to the President." In both instances Steelman returned the subpena with a letter stating that "In each instance the President directed me, in view of my duties as his Assistant, not to appear before your subcommittee."

In 1951, Donald Dawson, an administrative assistant to President Truman, was requested to testify before a Senate subcommittee investigating the Reconstruction Finance Corporation, one aspect of which concerned Dawson's alleged wrongdoing. While President Truman felt that this request constituted a violation of the principle of separation of powers, he nevertheless "reluctantly" permitted Mr. Dawson to testify in order to give him an opportunity to clear his name. It should be noted that this situation dealt with Dawson personally, and not in his capacity as a Presidential adviser.

Sherman Adams, during the Eisenhower administration, declined to testify before a committee investigating the Dixon-Yates power contract on the ground of his confidential relationship with the President, but at a later point in the administration volunteered to testify with respect to his dealings with Bernard Goldfine. This later appearance is certainly consistent with the precedent of an adviser appearance when it involved personal allegations.

During the hearings on the nomination of Abe Fortas to be Chief Justice of the United States, the Senate Judiciary Committee requested W. DeVier Pierson, Associate Special Counsel to the President, to appear and testify regarding the drafting of legislation authorizing Secret Service protection for presidential candidates. It had been reported to the committee that Justice Fortas had participated in the drafting of this legislation, at a time when he was sitting as Associate Justice of the Supreme Court. Pierson declined the invitation, writing Senator EASTLAND as follows:

> As Associate Special Counsel to the President since March, 1967, I have been one of the "immediate staff assistants" provided to the President by law. (3 U.S.C. 105, 106) it has been firmly established, as a matter of principle and precedent, that members of the President's immediate staff shall not appear before a congressional committee to testify with respect to the performance of their duties on behalf of the President. This limitation, which has been recognized by the Congress as well as the Executive, is fundamental to our system of government. I must, therefore, respectfully decline the invitation to testify in the hearings.

The PRESIDING OFFICER (Mr. CHILES). The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield to the Senator from Kansas.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia, who yields to the Senator from Kansas.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. I thank the Senator for yielding to me.

Mr. President, two points should be made relative to the aforementioned. First, the Presidential assistants who have appeared before congressional committees have testified regarding matters of a personal rather than Presidential nature. Second, there is the language used by DeVier Pierson during the Johnson administration, in which he makes it very clear that as a matter of principle and precedent, the President's immediate staff cannot be compelled to appear before congressional committees to testify with respect to the performance of their duties on behalf of the President. Thus, to attempt to force a member of the President's staff so to appear would be an assault on the critical protection of the executive branch which is inherently preserved by the Constitution.

The Senator from Kansas understands the concern of the distinguished junior Senator from Arkansas and believes all of us have from time to time been concerned about executive privilege. I take no issue with the need to make certain that the rights of Congress are protected; but I suggest this dispute over the privileges of his principal advisers may be part of the assault on the President himself, part of the escalating criticism of the President and the President's policies in Indochina.

I would only say, as I did earlier today, that the record does speak for itself. The record of President Nixon's Indochina policy shows a sharp change in direction from the course followed prior to 1969. The record shows we are bringing an end to our involvement in South Vietnam—perhaps not as rapidly as I would like or as the Senator from Arkansas would like, but there is a distinct change and real progress toward ending our involvement. Last night the President clearly explained the role of Secretary Rogers and the role of his assistant in the White House, Dr. Kissinger. And in the light of his statement and the context of the criticism I believe this to be only another attempt to undermine the efforts of the President to disengage us from the war he inherited when he became President on January 20, 1969.

I thank the Senator from West Virginia for yielding.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives, House Joint Resolution 16, and I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate House Joint Resolution 16, to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action," which was read twice by its title.

The PRESIDING OFFICER. Does the Senator ask that the Senate proceed to its consideration?

Mr. BYRD of West Virginia. Yes, Mr. President. I have already asked that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BROCK. Mr. President, the news that our colleagues in the House unanimously passed a resolution authorizing the President to designate March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action" was extremely gratifying.

I rise today to express my deep appreciation to Congressman JOHN ANDERSON and the more than 170 Congressmen who cosponsored this legislation in the other body, and to the other body.

I have no doubt that this body will also vote unanimously today for this same resolution, which will afford this Nation the opportunity to focus world attention on the plight of nearly 1,600 American fightingmen held captive or are missing in action in North Vietnam.

Sixty-five of my distinguished colleagues joined me as cosponsors of this action. I want to express my gratitude to them and to the Judiciary Committee and its chairman, the Senator from Mississippi (Mr. EASTLAND), for moving this resolution through the committee at record speed.

I know I speak for the families and loved ones of our POW's in offering my most sincere thanks.

Many, many thousands of Americans are looking forward to this especially significant week to speak out in one voice to try to persuade the North Vietnamese to abide by the Geneva Convention in their treatment of our men.

The dates of March 21 through 27 are significant as they mark the anniversary of the time the first U.S. serviceman was captured in North Vietnam 6 years ago. Now, nearly 1,600 young Americans fill the filthy jails in that foreign land. Their brave families wait in vain for their return or for even a scrap of information as to their welfare.

I would point out that if there are those who question the strength of character

of this Nation, they have only to look at these wives and families for an example of hope and integrity and love of Nation that would befit us all.

We must not let these families wait alone, without hope. Efforts, such as the one we are engaged in today, may have an appreciable effect on the treatment of these men. The enemy has countered with propaganda films glossing over their deplorable treatment of prisoners, indicating that if we continue to bring pressure of world opinion on this situation, we may expect further response from the enemy.

Let us pass this resolution now and hope and pray that our "ayes" will be heard in Hanoi and will have positive results.

Mr. ALLEN. Mr. President, I join the distinguished Senator from Tennessee (Mr. BROCK) in support of this resolution, which has come to us from the House and which is identical to the resolution proposed by the distinguished Senator from Tennessee (Mr. BROCK) and other Senators, Senate Joint Resolution No. 10, which is on the Calendar of the Senate today.

I think it is proper that we set aside and designate a national week of concern for prisoners of war and those missing in action because we do have a deep and abiding concern for the prisoners of war and the missing in action.

I want to commend the President for stating that as long as the prisoner of war issue is unresolved, as long as the North Vietnamese have as prisoners any American soldiers, we will continue to have a residual force in South Vietnam.

I think that the enemy should realize that this prisoner of war issue must be resolved, that these prisoners of war must be returned to this country and to their loved ones, that we will never be satisfied and that there will never be a complete withdrawal of American troops from South Vietnam until the prisoners of war are released and returned to their loved ones.

I think, in a larger sense, Mr. President, that each month, each week, each day of the year should be a time for national concern for our prisoners of war; and as we set apart a particular week for national concern for the prisoners of war and those missing in action, we do it to place special emphasis on the plight of the prisoners of war, never for a moment forgetting, at any time of the year, our concern for these unfortunate American citizens.

So, as we set apart a special week in their memory and to highlight our concern for them, we serve notice also that their cause and our interest in them is a deep and abiding, ever-present concern, not only to Members of the Senate and the House of Representatives, but to all citizens of the United States.

Mr. DOLE. Mr. President, I join the distinguished Senator from Alabama and the distinguished Senator from Tennessee in urging quick and favorable action on the resolution.

I share the view just expressed by the Senator from Alabama that every day should be a day of concern for American prisoners of war and Americans missing in action. I also applaud, as did the Senator from Alabama, the President's remarks just last evening, wherein the President made it very clear that despite the criticism, despite the escalation of rhetoric, and despite the critical attitude of the media, he would not abandon 1,600 Americans in North Vietnam, South Vietnam, or wherever in Indochina they may be.

I recall some debate last year when the Song Tay raid was carried out in an effort to rescue some prisoners; much of the debate seemed to be more or less a foreign policy discussion over the wisdom of the flight, whether prisoners may or may not have been there.

But I would say, should that opportunity occur again, should there be an opportunity to rescue prisoners in North Vietnam, South Vietnam, Cambodia, Laos, or wherever they may be held, we should seize upon any such opportunity and make an effort to rescue men who have suffered month after month after month, some as long as 6 years. I think their families have a right to demand as much.

I strongly support the resolution. I strongly support the efforts made by nearly every Senator to alert the American people to the plight of the American prisoners and Americans missing in action. This is an obligation we have and a responsibility we have, a responsibility we cannot shirk.

I would conclude by saying that the President has made it very clear that as long as he is the Commander in Chief, and as long as he is in charge of our policy in Indochina, that will be paramount in his mind and paramount in the consideration of the action he takes.

So I commend the Senator from Tennessee for his initiative, and all those who support the resolution.

Mr. FULBRIGHT. Mr. President, I support the resolution also. I think there is every justification for the Senate and the American people to take cognizance of the plight of our American prisoners of war. I can only remind the Senate, of course, that the Committee on Foreign Relations has approved and favorably reported a resolution seeking to use our influence, such as it is, to induce the North Vietnamese to release these prisoners.

There is no difference whatever among Members of the Senate or the people with regard to our concern and sympathy for the prisoners. There is a difference suggested by the Senator from Kansas as to the best means to do something about it. There is no doubt at all that we would like to do something, but how do we do it? What can we do about it?

I would only like to say that I have, with other Members of the Senate, written letters to officials of North Vietnam. We had the Prime Minister of Sweden before our committee one afternoon; one of the principal reasons was to solicit his assistance, because his country maintains relations with North Vietnam, and he undertook to use his good offices in any way he could. At that time, it was a matter of trying to get the names and information about the prisoners, and also to try to determine if there was any possibility of inducing a more humanitarian attitude on the part of the North Vietnamese toward the prisoners.

But I am bound to say, in reply to the Senator from Kansas, that while the President is undertaking to stay in Vietnam as long as there are prisoners there, I am not at all sure that this has any relevance to getting the release of the prisoners. It involves a matter of judgment as to what can be done to obtain the release of the prisoners. I have said before, and I still believe, that until the war is settled—and I think it ought to be settled—by a negotiated settlement, and on a basis which serves the interests of the United States primarily, and other people secondarily, we are not going to obtain the release of the prisoners.

One of the main reasons why I am so interested in promoting and trying to persuade the administration to seek a political settlement of this issue in much the same fashion as the French did is because of my concern for the prisoners of war, who are in such dire straits in North Vietnam.

But certainly, as far as the present resolution is concerned, I support it, and I am sure it will pass this body unanimously.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRGHT. I yield.

Mr. DOLE. The Senator has raised a point I do not think I quite understand. I think I share the view that one way to bring home American soldiers, of course, is to end American involvement. But the Senator has suggested that this might happen when the war was ended. I assume he means the total involvement, whether it be in Cambodia or South Vietnam, of any action with the enemy.

This is the area that is of great concern to the wives and mothers and families of prisoners and missing men: Is there any assurance that if the Americans withdraw from Southeast Asia totally and completely, American prisoners of war or Americans missing in action would be released, or would there then be a demand that we make South Vietnam do something?

Mr. FULBRIGHT. The only precedent I know of settling a war which I could characterize as a stalemate instead of a victory indicates that this is the best way calculated to obtain the release of the prisoners. If my memory serves me right, in the case of Korea, I think in the settlement of that conflict—it was not really settled completely, but we at least have an armistice—the prisoners were given the opportunity to return to our country, and it was one of the principal achievements of President Eisenhower that he did bring that war to a close. Although we have never gotten what I would call a satisfactory peace settlement, it is better than it was, and I approve of what he did. I think that in this case some kind of settlement, in what appears to me to approach a stalemate, in the sense that neither side can quite overcome the other——

Mr. DOLE. Does the Senator from Arkansas believe if the American troops were withdrawn at a certain date, as

urged by some Members of this body, that this would mean the American prisoners would be released?

Mr. FULBRIGHT. I do not think that the Vietnamization concept—I have said this before—is designed either to end the war or to get the prisoners released. I think that a negotiated settlement of this, along with other matters, similar to the way people in the past have settled this kind of conflict, is the best way to get the prisoners of war released.

Mr. DOLE. Then there is the approach by some Senators, called the Hatfield-McGovern end-the-war amendment. The argument there is that if we set a specific date and we withdraw all American troops by a certain date—whatever that date may be—this provides some assurance for the release of American prisoners. Does the Senator from Arkansas subscribe to that view?

Mr. FULBRIGHT. May I say to the Senator that I have lent support in the arguments on these various resolutions largely to focus attention upon the problem, to alert the Senate and the country to the seriousness of our involvement in Vietnam. I think that the passage of any of those legislative actions is a very remote possibility—the passage and enactment into law. None of them could be passed over the opposition of the President, I believe. The Cooper-Church amendment was adopted. The Senator was one of the principal ones who objected to it——

Mr. DOLE. I voted for it.

Mr. FULBRIGHT. For 7 weeks. He is thoroughly familiar with it. In the final analysis, it was passed, but only with the assistance of the administration.

I have a very grave doubt that any of the resolutions to which the Senator from Kansas has referred can be passed over a veto of the President. For that matter, I have grave doubt that it could be passed by the House of Representatives. I have sometimes thought that it probably could pass the Senate.

Mr. DOLE. If it were passed and signed into law, does the Senator from Arkansas really believe that that would bring about the release of our prisoners?

Mr. FULBRIGHT. I think that one of the two principal reasons standing in the way of a negotiated settlement is the failure of an obligation for us to disengage ourselves totally. This is one of the terms which is essential to having a negotiation with the enemy. They have made this quite plain. There are two principal features that stand out. One is to withdraw. The other is some government other than Thieu-Ky, who have become a symbol that they cannot accept. What the alternative is to Thieu-Ky is not quite clear. It is just that Thieu-Ky is unacceptable.

These are the terms which many of us have been led to believe by the official exchanges, by news reports—all sorts of sources—are necessary at least to be considered in a negotiated settlement.

All I am saying here—and the Senator precipitated this in his remarks—is that, in addition to this, I am thoroughly behind the resolution; but the question of how to move toward their relief as well as the relief of our own country and all its other problems is another matter.

This is a question of judgment. I have never believed that a gradual withdrawal under the so-called Vietnamization is well calculated to achieve the announced purpose of the President. I do not question his purpose. I think he would like to get out of it as much as I would. I am simply questioning whether or not this procedure is well designed to achieve the purpose. I do not think it is. I think the purpose could be achieved by negotiation—either a victory or negotiation. Those are the two choices I think we have.

Mr. DOLE. I think that perhaps the President would very much like to negotiate. In fact, he has made several offers, as the Senator knows, to the North Vietnamese, which have not been acted upon. In each of those offers we has raised the question of mutual release of prisoners, so there is no question about the willingness and the desire to negotiate now. But in the event that negotiations are not fruitful, the options are Vietnamization or to pull out on some timetable, perhaps on a certain date, as suggested by some Members of the Senate.

In either event, I find the prisoners pretty much caught up in the middle. I do not think the fixing of some date is going to mean release of the prisoners. If a date should be set the North Vietnamese would then say, "Get rid of the South Vietnamese," or do something else. I cannot see the enemy suggesting that by merely fixing a date for the last American to be out of Indochina, it will give us any assurance that our prisoners will be released. That is the only point I make.

Mr. FULBRIGHT. I was not making that narrow point, the sole action of fixing a date; and, of course, much would depend upon the date. I reiterate what I understand to be two of the principal terms that have to be involved in a negotiated settlement. One is the total withdrawal, not any specific date that I know of—within a reasonable time. The French, in their agreement of 1954, really allowed themselves 2 years before the election was to take place and the total withdrawal. At that time, they thought it was a reasonable one.

I again say that I do not question the desire or the intention of the President to liquidate the war and to get the prisoners out. The question is one of practicality and the reasonableness of the means that are being used to achieve the purpose. This is a matter of judgment. It has nothing to do with motives or intentions. It is purely a matter of judgment, based upon the circumstances and human nature. The background, the history of the conflict, and everything about it leads me to that conclusion—and I certainly am not the only one.

Mr. BROCK. Mr. President, I want to express my appreciation to the Senator for his support of the resolution.

I am somewhat concerned—and I think the Senator from Kansas is concerned—about the fact that perhaps there was an unintended implication that this administration is not pursuing an aggressive course in the negotiating process. I think it is as interested in negotiation as is any Member of the Senate. I think the administration would very much like to have a negotiated settlement, as we all would. I do not believe that was intended.

Mr. FULBRIGHT. I say to the Senator that, not at the last press conference but a short time ago, the President stated that, insofar as Paris is concerned he was prepared to make no further concessions—I think that was the language—which would indicate that he had lost any confidence in or expectation of a negotiated settlement.

I read an article in last Sunday's newspaper, by Peregrine Worsthorne, which was alleged to be based upon an interview with the President and Mr. Kissinger. The article stated that the President—I am paraphrasing it—does not expect to pursue negotiations. He has given up any hope of that and expects to get a military victory. We would all like him to get one. Again, we think the probability of getting a military victory is rather remote.

To put it another way, we do not doubt our capacity to completely destroy all of Indochina, but the President is not prepared, nor was his predecessor, to destroy it completely—in other words, to pay the price for military victory. We have the power, but other considerations outweigh following that course or make that course inadvisable.

I do not question the President's desire for negotiation. I question, again, his judgment as to what it takes to get the negotiation, the terms.

One cannot get a negotiation if his terms are not anywhere within the ballpark so far as his opposition is concerned, and I do not think the President is willing to accept the terms.

All this involves weighing what is in the interest of the United States. Are we paying too great a price in the domestic inflation, the disruption of our own economy, the disaffection of our own people, and so forth? This is the price one weighs against it. The war in Vietnam or the prisoner issue cannot be considered off in a compartment by itself.

It all is related to what the war is doing to the United States at home. That is the overriding consideration that compels me to be as interested as I am in it, and what it is doing to my constituents in Arkansas and the rest of the people in this country for whom I also feel a responsibility.

Mr. BROCK. If the Senator from Arkansas will yield further——

Mr. FULBRIGHT. I yield.

Mr. BROCK. If I understand the President's stand correctly in the negotiations, he has made two basic proposals; one is for a commitment to the mutual withdrawal of troops and to allow all Americans to be returned from the Indochina Peninsula to this country; and second—and without the second there can be no first—is the return of all prisoners of war. I wonder which, if either, of these objectives the Senator from Arkansas disagrees with.

Mr. FULBRIGHT I do not disagree

with either one, but the President is not likely to achieve either one unless he gets them in negotiation.

In the case of the French, they had been there nearly 100 years. They got the return of their prisoners. They also got the withdrawal of troops. They withdrew theirs and the Vietminh, under that agreement, agreed to withdraw theirs above the parallel. They called it a regrouping which allowed not only the troops to withdraw but also civilians, if they chose to sort themselves out, either to go up north of the 17th parallel, or below. So all that was part of the Geneva accords. They did not agree to it in advance. They had a cease-fire, and then in the course of the Geneva accords, these matters were settled.

On the prisoners of war, it is my understanding that the French prisoners of war were returned. The whole thing was cleaned up, so far as the French were concerned, within the 2 years—in fact, I believe considerably within the 2 years. I do not want to take time now to recount the whole history but they did clear up the problems the Senator is talking about, which were dealt with in the negotiations at Geneva.

This is the pattern or the format which I very much hoped the President would follow. I may say to the Senator from Tennessee that I said exactly all this to the President within 2 months after he became President. We had a very friendly talk. I gave him the best advice I knew how.

In good faith I gave him the best advice I had, which was to proceed to a Geneva-like accord. Obviously there would be some differences, in detail but he chose another program called Vietnamization which, to my regret, as a matter of pure, political judgment, I think is the wrong course. I think we would have been much further along with a complete settlement, including the prisoner-of-war issue, if we had followed the precedent set by the French. Maybe it is because I have been in the Senate a long time and I do have a great respect for precedent. As it has succeeded in the past, it is likely to succeed now. I may say, that is one reason I am defending rule XXII because it has succeeded in the past and is a good example of a precedent in this body, and I feel the same way.

The French went through great agony in the war in Indochina from 1946 to 1954, for almost 9 years, and they lost many men. They suffered in practically every way we are now, especially as to disillusionment at home. Their people were disillusioned, very much like ours. So they settled it, and that was the way they settled it.

I tried my best to persuade the President to follow that precedent, because I believe it saved the French from bankruptcy and proved very much, in the long run, to be in the interests of the French people.

The unfortunate part is that our Government, not the present government, but a previous government, immediately undertook to destroy the effect of the Geneva accords and succeeded in it.

Mr. BROCK. But the Senator is aware that the French were, in effect, suing for peace and we, fortunately, have not been placed in that position. The President announced early in October of last year that he proposed a ceasefire throughout Indochina, a negotiated timetable for the withdrawal of all troops, the immediate release of prisoners, and an international peace conference to achieve a political settlement.

What would the Senator add to the President's proposals to make them more acceptable to the North Vietnamese? We have made sincere efforts at obtaining a negotiated peace, an honest and an honorable effort to end this war in a negotiated manner. Is there any alternative—I know of none—to what we have done, other than total withdrawal? I fail to see the leverage we have to bring to bear on the Communists to release our prisoners of war. What would the Senator suggest we do with the prisoners remaining behind if we did withdraw? What would be his suggestion to the President on that point?

Mr. FULBRIGHT. I can only reiterate, first, that I do not think the Senator quite accurately can say that the French sued for peace. They were not completely defeated. They had only about 16,000 troops at Dien Bien Phu. They had 400,000 in the indigenous army, plus many from the Foreign Legion. If they had been so disposed, they could have carried on the war for 5 or 10 more years.

What the French did was to calculate their interest versus the cost, and they decided that it was not in their interest to continue the war. They were not demolished as Hitler was so completely. Dien Bien Phu is a small place in the mountains in North Vietnam. The French controlled the big cities such as Saigon and most of the metropolitan areas of the country so that they could have carried on. But, they were too smart to want to destroy France over a small colony.

There is nothing dishonorable about it. The Senator keeps injecting these words that have the implication or the motive of not being honorable. There is nothing dishonorable about what the President is doing. I have never suggested that. It is purely practical, political judgment. I can only say that the President has not made the North Vietnamese enemy believe that he really is willing to disengage totally from the area. I cannot believe that the French are any smarter than the American people. It was a difference in attitude that enabled the French to be willing to disengage, and they did believe it to be in their interest. I think that one of the elements missing is that in all these offers which the President allegedly has made, or his representatives have, is that his predecessors in office, not only this President but President Johnson, made, was that they did not carry enough credibility to convince North Vietnam that we meant to disengage. I believe that this is one of the things that is lacking.

As I said a moment ago, and I do not want to reiterate it, the two elements which have finally been generally accepted by writers on this matter, especially by foreigners, by many of our allies, including the French and their observations on this matter, the two elements are that we make a commitment that is credible, that they believe us, that we are willing to disengage completely, and that a change will be made in the Thieu-Ky government. Those are the two conditions precedent to a negotiation or at least to some negotiation on that basis. That is lacking. This is a matter of judgment, whether we are interested enough to do that. Are we willing, or is it so important to us that we must maintain the Thieu-Ky government and pay the price that this country is paying domestically? My judgment is that it is not. The damage to my constituents in Arkansas and, of course, to the other States in the Union is too great. But Arkansas, of course, is my primary concern. It is such that I am not willing, in order to preserve the Thieu-Ky government, to sacrifice the welfare of my own people. That is about what it comes down to. This is an oversimplification, but what we have to weigh is most important; namely, is it the welfare of our own people or the survival of Thieu and Ky that has first priority?

This is all part of the negotiations. The French decided that their interest to preserve France overweighed their interest in Vietnam. They negotiated, and they went home. I think that is all there is to it.

Mr. BROCK. If the Senator would allow me to put this back in the context of the resolution, I have not yet heard any response to the question that I asked, as to what remaining leverage we have on North Vietnam to release our prisoners of war, should North Vietnam decide not to do so, after the withdrawal of our forces.

That is the thrust of this debate. We are talking about a resolution on our prisoners and our concern for these men and their families. We have got into debate over the entire issue, but if we are going to do that, I would like to understand what method we would have to exert pressure on North Vietnam to release these men if we do withdraw.

Mr. FULBRIGHT. Mr. President, there could be no possible reason that I could think of why they would wish to retain the prisoners after the war was over. They did not do it before. They did not keep a lot of Frenchmen incarcerated there. They were all free to go home. There were a lot of Catholics, I understand 400,000 or 500,000, who were allowed to go south.

Mr. BROCK. Mr. President, I was there at the time.

Mr. FULBRIGHT. I do not know what the Senator has in mind as a motive why they would want to keep prisoners after they had settled the war. I cannot give any reason that they would want to keep prisoners there. It would be unprecedented that they should decide, "Everything is settled, but we like your prisoners. We want to keep them."

Mr. BROCK. Does the Senator mean even if the North and South Vietnamese continued fighting each other without our presence?

Mr. FULBRIGHT. If they were not

fighting us, I do not see why they would want to keep our prisoners.

Mr. BROCK. I am afraid I do not understand the logic of their fighting in South Vietnam, in the first place, or Cambodia or Laos. Yet they have done it.

Mr. FULBRIGHT. Mr. President, I cannot understand the logic of our becoming involved there, but we did it. I think it was a terrible mistake. There is no logic in it except, unfortunately, the frailty of human nature. People are sometimes irrational. At times everyone is.

Mr. BYRD of West Virginia. Mr. President, may we have the Chair propound the question before the Senate?

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 16) was ordered to be read a third time, was read the third time, and passed.

INDEFINITE POSTPONEMENT OF SENATE JOINT RESOLUTION 10

Mr. BYRD of West Virginia. Mr. President, there is an identical resolution on the Calendar, Calendar No. 32, Senate Joint Resolution 10, introduced by the Senator from Tennessee (Mr. BROCK) and others.

I ask unanimous consent that Senate Joint Resolution 10 be indefinitely postponed, now that the identical House measure has just been passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 10 will be indefinitely postponed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I thank the Chair. How much time remains under the previous order for morning business?

The PRESIDING OFFICER. Fourteen minutes remain.

Mr. GURNEY. Mr. President, could the distinguished assistant majority leader tell us what the schedule will be for next Monday?

Mr. BYRD of West Virginia. Mr. President, I usually do that at the end of every day. However, I will be glad to do so at this point, at the request of the distinguished Senator from Florida (Mr. GURNEY).

ORDER FOR RECESS TO 11:30 A.M. MONDAY, MARCH 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m. Monday morning next.

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

RECOGNITION OF SENATOR BAYH ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday morning next, immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders or their designees under the standing order, the able Senator from Indiana (Mr. BAYH) be recognized for not to exceed 15 minutes.

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

ORDER FOR THE TRANSACTION OF MORNING BUSINESS ON MONDAY MORNING

Mr. BYRD of West Virignia. Mr. President, I ask unanimous consent that at the conclusion of the remarks on Monday morning next by the able Senator from Wisconsin (Mr. PROXMIRE), under the previous order, there be a period for the transaction of routine morning business not to exceed 45 minutes with statements therein limited to 3 minutes.

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

ORDER FOR RECESS FROM MONDAY, TO TUESDAY, MARCH 9, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 12 o'clock meridian Tuesday next.

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

ORDER FOR CONTROL OF TIME ON TUESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour under rule XXII on Tuesday next be equally divided between the able Senator from North Carolina (Mr. ERVIN) and the equally able Senator from Idaho (Mr. CHURCH).

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, in response to the query of the distinguished Senator from Florida, I should like to state that on Monday next, there will be, immediately following the recognition of the two leaders or their designees and the recognition of the Senator from Indiana and the Senator from Wisconsin, a period for the transaction of routine morning business and the disposition of any unobjected-to items on the calendar. The Senate will then resume its consideration of the pending business.

Mr. GURNEY. I thank the assistant majority leader.

Mr. BYRD of West Virginia. On Tuesday there will be a yea-and-nay vote which is mandatory under rule XXII on the motion to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9.

Mr. President, the approximate time of the vote on the motion to invoke cloture will be at about 1:10 or 1:15 in the afternoon on Tuesday next.

ADDITIONAL STATEMENTS

PENALTY DUTIES ON JAPENESE TELEVISION IMPORTS

Mr. FANNIN. Mr. President, I am very much encouraged to see that the Tariff Commission is taking action against the illegal sales tactics of Japanese television manufacturers.

I would hope that this serves notice that the United States will no longer tolerate dumping and other unfair trading practices by the Japanese or any other foreign manufacturers of any products.

It is unfortunate that it took 3 years to arrive at the verdict. During this time, irreparable harm has been done: jobs have been lost and factories have been closed down or moved overseas. This demonstrates the need to speed up the procedures and increase the manpower involved in handling such cases.

The Japanese have been using illegal tactics such as dumping, and this has been a major factor in building their sales to the point that they claimed 28 percent of the American television market last year.

As a result of the increasing imports, 47,700 persons lost their jobs in the American television manufacturing industry during a 4-year period. No exact figures are available, but thousands of other workers in industries supplying American firms also lost employment.

Our television industry is efficient and could compete on even terms with the Japanese or any other nations just as long as everyone follows the rules set down in the international trade agreements.

Not only have the Japanese used illegal sales tactics in the United States; they also have closed their home market to any competition from American-made television sets.

American manufacturers have found that it is impossible to break through the tariff and nontariff barriers which protect the Japanese manufacturers in that country.

If the Japanese truly want free trade, they should open their doors to competition from America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article reporting on the action of the Tariff Commission, published in today's Wall Street Journal.

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

JAPAN'S TV SETS RULED HARMFUL TO U.S. INDUSTRY—TARIFF COMMISSION'S FINDING CLEARS WAY FOR TREASURY PENALTY ON SOME IMPORTS—BIGGEST ANTIDUMPING INQUIRY

WASHINGTON.—The Tariff Commission ruled that imports of Japanese-made television sets were injuring the domestic industry.

The panel's unanimous decision, completing the government's single biggest Antidumping Act investigation in the law's 50-year history, clears the way for the Treasury to impose penalty duties on some of the Japanese imports.

Imports last year of black-and-white and color TV sets from Japan were valued at

about $255 million and accounted for about 28% of U.S. television set sales.

The Treasury decided Dec. 4 that the entire Japanese TV set manufacturing industry was violating the U.S. Antidumping Act, generally by exporting receivers to this country at prices below Japan's home market prices for similar articles.

In reviewing hundreds of separate import transactions since Sept. 4, customs officials later may decide that some of the Japanese manufacturers haven't been violating the U.S. law. Treasury officials said, however, that until this complex review process was completed, the agency won't be able to exclude any specific Japanese manufacturer from its Antidumping Act finding.

The Tariff Commission based its "injury" findings on three factors. It said Japanese manufacturers had gained a substantial share of the U.S. market, they did so by underselling their U.S. competitors, and the "less-than-fair-value" imports "contributed substantially to declining prices for domestically produced television receivers."

The U.S. Electronic Industries Association, which had filed the dumping complaints in 1968, said the action will permit the government to correct the situation.

Although the Japanese manufacturers said the decision would close this market to the smaller-screen TV sets made in Japan, "to the detriment of American consumers," Treasury officials said imports won't be prevented. To avoid dumping duties on future shipments, the Japanese companies could raise export prices, lower their home market prices or do both, Treasury sources said.

The Japanese industry group asserted that, since only about 4.3% of their exports had been found by the Treasury Department to be at dumping prices, the Washington decisions had been made "under political duress." This wasn't documented further, and Treasury officials denied it. Officials also said there wasn't any connection between the TV investigation and U.S. efforts to persuade the Japanese government to limit exports of textiles and other products.

Earlier, J. C. Penney Co., a major retail chain that sells Japanese-made TV sets, challenged the Treasury's Antidumping Act procedures in the federal courts. But the Treasury wasn't prevented from issuing its Dec. 4 ruling, and Treasury officials said a federal appeals court in New York a few days ago dismissed an appeal in this case.

H. William Tanaka, a Washington lawyer for the Japanese manufacturers, said the Tariff Commission and Treasury rulings might be challenged further, either in the U.S. Customs Court in New York or in federal district court here.

CAMPAIGN REFORM

Mr. SCOTT. Mr. President, during the hearings before the Senate Commerce Subcommittee on Communications, the Senator from Maryland (Mr. MATHIAS) and I presented a statement in support of our bill, S. 956, the Federal Election Reform Act of 1971. At the hearing, I referred to a WMAL radio editorial endorsing our bill. I ask unanimous consent that the Scott-Mathias statement and the WMAL editorial be printed in the RECORD.

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

[A WMAL AM–FM–TV editorial, Mar. 3, 1971]

CAMPAIGN REFORM

Senate Commerce Committee hearings this week have pointed up the need for campaign reform. There appears to be much more support in this Congress for the principle that campaign limitations should be fair to all media. We favor the bill cosponsored by Senate minority leader Hugh Scott and Maryland Senator Charles Mathias.

Instead of limits on spending, it would limit contributions. Instead of a few fat-cat contributors, it would encourage many small contributors with tax breaks. Instead of government controls, it would let the voter be the judge through full disclosure of who-gave-it, who-got-it.

Senate majority leader Mike Mansfield and Kansas Senator James Pearson are sponsoring similar bills, with the addition of spending limits. If they are adopted, the spending limits must be non-discriminatory. We believe the best approach would be the Scott-Mathias bill—the Federal Election Reform Act of 1971—and we insist President Nixon give it full Administration backing.

JOINT STATEMENT OF SENATOR HUGH SCOTT AND SENATOR CHARLES MCC. MATHIAS

Mr. Chairman, we very much appreciate this opportunity to express our views on the critical problem of political broadcasting. As you know, we have recently introduced a comprehensive campaign reform bill, S. 956, which does have provisions relating to political broadcasting, and advertising as well.

About one year ago, this Subcommittee took an important step in favorably reporting legislation to repeal the "equal time" requirements for Presidential and Vice Presidential candidates and to require that broadcast time be sold to candidates at so-called "lowest unit rates". That bill (S. 3637) took the right approach. It wasn't until it reached the Senate floor that the bill became entangled in a vast political web. The rest is history. We seek now to begin again, using that which has been proven sound and adding some new dimensions.

Our bill, as did last year's, repeals the Section 315(a) requirements for "equal time" only as they relate to the office of President or Vice President. S. 956 also requires that the sale of political broadcast time be made available to all legally qualified candidates, at lowest unit rates. We have amended this particular provision to offer the preferred rates only during specified pre-election periods—four weeks before primaries and six weeks before general elections. Of course, political advertising time may still be obtained, at the regular rates, prior to these pre-election periods. Our intent here is to shorten election campaigns by encouraging candidates to use time during periods immediately prior to elections, rather than three or four months ahead.

We believe the inclusion of these two provisions is a *must* for any political broadcasting bill. Repealing the "equal time" requirement for Presidential elections would provide for greater contribution of free time by broadcasters. Selling political broadcast time at preferred rates assures candidates the fairest break they can expect in their purchases.

Our bill also requires that broadcasters may not refuse to sell "reasonable" amounts of political broadcast time to all legally qualified candidates for public office. While we recognize the pitfalls in employing the word "reasonable", we wish to make clear our intent. We want to assure that those few broadcasters who happen to favor incumbent candidates cannot continue to do so by forbidding the sale of time to the opposition as well.

Additionally, S. 956 directs the Federal Communications Commission to report back to Congress, within one year from the date of enactment, on the implementation of the broadcast provisions, with recommendations for supplementary or corrective legislation.

The second part of our political advertising section deals with nonbroadcast communications media—specifically, newspapers, magazines and other periodical publications, and billboard facilities. In this regard, we assure that political advertising space purchased by candidates for Federal office is offered at lowest unit rates during the previously discussed pre-election periods.

In our attempt to treat equitably *all* media, broadcast and nonbroadcast alike, we further recognize the legitimate extent to which the Federal government may go in this regard. The language of the bill is specific enough to include only newspapers, magazines and other periodicals, and billboard facilities. Our constitutional basis rests on Congress' right to regulate the conduct of Federal elections and on Congress' right to regulate commerce, including postal rates for news distribution. Our bill, however, would not abridge the Constitutional guarantees of free press as protected by the First Amendment. Simply stated, the bill does not require such media to make available any of its space, but if it chooses to make its space available for one candidate for Federal office, then it must make an equivalent amount of space available, at the same rates, for all other candidates for such office. We believe these requirements to be reasonable and equitable.

Some discussion is now in order in regard to the imposition of ceilings on the amounts candidates may spend in election campaigns. S. 956 was presented to the Senate with a heavy reliance on disclosure, as opposed to limits, to curb abuses and excesses. In regard to political broadcasting, we feel that the imposition of ceilings would do considerable damage to the political system.

First, limits on spending, if such limits are low, tend to favor incumbent candidates. Fully recognizing that the Congress might prefer legislation giving incumbents an edge, we honestly believe that a good reform bill should attempt to equalize the campaign vis-a-vis the challenger. As such, we don't want to give the incumbent excessive advantages. But, we do want to give the challenger proper access to those same advantages. Limit on political broadcast spending might perpetually exclude from office those challengers who will need to spend more money than incumbents to get the same kind of public recognition.

Second, every campaign is different. Some utilize more television than others. Some utilize no television at all. We must not attempt to dictate a candidate's approach to his campaign. We must allow him all the flexibility he needs to reach the electorate.

Third, as the cost of media time goes up, and a ceiling is in effect, candidates will be buying less and less time as the years progress. We all know that our dollars do not buy as much now as they used to buy. Whatever efforts the Administration is making to curtail inflation, there is simply no way to control absolutely the costs in one business or another without actually moving in to administer fully its operation.

We feel that this Subcommittee ought to place a greater emphasis on floors, or guarantees, rather than on ceilings. It is obsolutely essential that candidates be allowed as much access to television and radio as they wish. To impose ceilings without offsetting them with guarantees, by subsidizing or otherwise, is to ignore the real problem—access to the media, and thus the electorate.

One more point ought to be made. Constitutionally, a good case can be presented against imposing any limits on political broadcast time. As *New York Times* columnist Tom Wicker recently pointed out, "some authorities believe that an expenditure for speech is essentially the same thing under the first amendment as speech itself. If a candidate already had spent whatever amount the law permitted, would it be constitutional to prevent some individual or group from spending their own money to ex-

press support for him, or opposition for his opponent? Again, it would be difficult to enforce over-all spending ceilings if a candidate himself was not responsible for controlling all expenditures in his behalf. Yet it seems a dubious proposition indeed that a citizen may not, if he wishes, take out an ad to express his personal political convictions. Effective enforcement would appear to limit constitutional rights; but protecting constitutional rights would make enforcement of over-all spending ceilings next to impossible."

Several days ago, we announced that the major broadcast networks approved of our approach to political broadcast reform. Unfortunately, a wire service story did not document more fully that announcement, and the consequent misunderstanding now requires a bit of clarification.

Specifically, we discussed, with the networks, the political broadcasting and advertising provisions in our bill prior to the bill's introduction. All the major networks indicated to us, at that time, that there were certain items that should be considered in any bill: 1) repeal of the "equal time" requirements for Presidential campaigns and 2) lowest unit rates, if enacted, should be enacted across-the-board for broadcast and nonbroadcast media alike. Our bill offers both of these items.

At no time did we indicate that the networks had given a blanket endorsement to our entire bill. We simply indicated their approval of the approach taken in the two major provisions of our political broadcasting and advertising section. While each of the networks may have other differences, there does appear to be some unanimity here on these two items. And, of course, the networks can speak for themselves.

Mr. Chairman, there is no ideal solution to this problem of broadcast reform. Our bill, surely, is not offered as the panacea. However, we do believe our bill offers a solid foundation upon which to build. Congress must act this year. We commend the distinguished Chairman and members of this Subcommittee for having the courage and foresight to take the first swing at this elusive ball.

THE HUMAN RIGHTS CONVENTIONS AS A CODE OF CONDUCT

Mr. PROXMIRE. Mr. President, in the 24 years since it was adopted, the Universal Declaration of Human Rights has exercised an extremely powerful national and international influence in the world. On many occasions the General Assembly has used the declaration as a code or standard of conduct and as a basis for appeals in urging governments to take measures to promote respect for and observance of human rights and fundamental freedoms. In its resolution entitled "Essentials of Peace," the Assembly called upon every nation:

To promote, in recognition of the paramount importance of preserving the dignity and worth of the human person, full freedom for the peaceful expression of political opposition, full opportunity for the exercise of religious freedom and full respect for all the other fundamental rights expressed in the Universal Declaration of Human Rights.

In 1965, the Assembly, in a resolution entitled "Measures To Accelerate the Promotion of Respect for Human Rights and Fundamental Freedoms," urged all governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms and invited them to include in their plans for economic and social development measures directed toward the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

At its 21st session, in 1966, the General Assembly, convinced that "gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries," called inter alia, upon all states "to strengthen their efforts to promote the full observance of human rights and the rights to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights.

As responsible individuals, I urge that we take action on an international scale. We must strengthen our efforts. We must promote full observance of human rights and the right of self-determination. We must stand firm morally with the other nations in these covenants. The Genocide Convention is one such covenant. I urge that accelerated action be taken now on the Genocide Convention, to affirm the code of conduct that our country has stood by for nearly 200 years.

FREE ENTERPRISE AND AVIATION

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and insertion by the Senator from Arizona (Mr. GOLDWATER).

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

FREE ENTERPRISE AND AVIATION

(BY SENATOR GOLDWATER)

Mr. President, much has been published and heard these days about the future of American Aviation. It has been suggested that the air transport industry is in deep financial trouble and will not be able to get out without massive help from the government. The plight of the airlines is very often raised as an argument why the SST should not be developed. It has also been suggested that government ownership of the airlines might be the only final solution to financial problems in the air transport industry.

Because of this, Mr. President, it is refreshing to read a speech by F. B. Hall, chairman and chief executive officer of Eastern Airlines, Northeast region entitled "Freedom and Enterprises in Air Transport." It was delivered February 24, 1971, before the Aviation-Space Writers Association and contains a plea that the airlines be given "the right" to save themselves.

Mr. Hall argued that it is time to put the "free" back in free enterprise as it applied to the airlines. He declared:

"We want the freedom to innovate, the freedom to operate in the best interest of the country as a whole. We need the freedom to compete in a marketplace in terms of price as well as service, the freedom to renew and revitalize the energies and initiatives which have produced the greatest, most productive, most public-conscious transportation system in the world.

"I am confident we will achieve this freedom. The problems and their urgency are in sharper focus than ever before. I believe in the wisdom and far-sightedness of the leadership of this industry and of those who are charged with regulating it.

Mr. President, because of the timeliness and importance of Mr. Hall's remarks I ask unanimous consent that they be printed in the Record.

FREEDOM AND ENTERPRISE IN AIR TRANSPORT

(Remarks of F. D. Hall, chairman and chief executive officer, Eastern Airlines)

Thank you, Mr. Kenn. Good afternoon, ladies and gentlemen. I'm more than honored to be with you today, and more than pleased that there are so many of you here. I have always believed the press covering aviation on a regular basis is an integral part of the airline industry. Our toughest—and, because of your knowledge—most valuable critics, you are also companions in our commitment to public service. It is therefore fitting that you should be the audience for my remarks today. The industry we are fighting to save is yours, as watchdogs for the public just as much as it is ours, as salaried employees of its owners. I would consider it inappropriate to discuss the future of the airline industry out of your earshot. So thank you for inviting me, and thank you for being here.

I want to talk about the future viability of the airline industry—or, if you will, the survival of the airline industry as an aggressive, growing, intensely competitive, service-oriented, people-committed industry. For I believe that this essential industry, and the characteristics that have made it the public servant it is, are in the gravest jeopardy.

All of you know the numbers now quoted so frequently to prove the peril. Of the eleven domestic trunklines plus Pan American, only five operated profitably in 1970. As a whole, losses totaled an estimated $130 million. Candor compels me to add that, absent certain changes in accounting methods, one of the five profitable trunk carriers also would have slid into the red. And without some substantial one-time tax credits, elsewhere the overall loss would have been many, many millions of dollars greater. Nor is anyone who has grown up in this industry likely to forget that these losses invariably have major impact on the lives of *people*. Twelve thousand competent, loyal airline employees of the sort who built our service were abruptly laid off as a result of this crisis. And people who travel now have literally hundreds fewer flights to choose among, whether their trip is made for business or personal reasons.

You know, too, of the other sounds that denote the deep dip of yet another cycle in the roller-coaster ride that is the history of airline industry earnings. They emanate from the banks, insurance companies, and investment banking houses, where our financial officers seek new capital; and from a Senate hearing room in Washington, where one Senator listed nationalization on his list of possible remedies and a leading consumerist critic called for an end to "government protectionism . . . of the airline industry," proclaiming it "wholly unacceptable . . . from the standpoint of consumers as well . . . as the airlines to extend the same kind of regulation into the future."

These are strong words. Equally strong words about our industry's future course have been spoken within the industry. I am thinking particularly of a colleague who is feared throughout the West as a lean and leathery, rootin'-totin, two-gun free enterpriser. I marvel at *any* airline executive, especially if he is the fastest gun in the West, who can accurately prescribe fleet size and utilization policy for each of his colleagues. But I cannot agree with him that our industry is simply in a little slump, that it will pull out with grace and ease as soon as the economy picks up a bit, that no funda-

mental remedies are required for our illness. I cannot agree because the facts are clearly and demonstrably otherwise.

I must also say that his assurances are not just wrong, they are dangerous. For if a modest economic upturn, or even a brisk advance in airline stock prices, seem to be harbingers of spring, they are not. And we must use the cold of our continuing economic winter to goad us into the basic reforms we must have to survive.

Eastern Airlines managed to avoid any of the major layoffs and service cutbacks other carriers were forced to resort to in 1970. We have read in your publications that our cost control was among the most stringent in the industry, our marketing efforts among the most aggressive, and our management among the most imaginative and effective. (We thank you for those words, incidentally, and admire your perspicacity.) As a result of all these and a little bit of luck—but with *no* accounting changes or new routes to Hawaii—our company made a profit of $5.5 million last year. This is about half of one percent of our revenues, of course, and grossly inadequate for our future capital needs. It will buy about one-third of an L–1011 Whisperliner with spares and ground equipment. But it *is* a profit in profitless times. As such, I hope it will spare me from the accusation that my purpose today is to offer excuses to our stockholders or to find scapegoats for the evil that has befallen us.

The crisis confronting the airline industry today is unlike any it had faced before in its history—and we can't simply rely on a revived economy for our long-term salvation. There are at least six critically important differences between the crisis that is opening the seventies and the crisis we overcame when we entered the sixties.

The first is technological. The sixties brought with them a radically improved seat-mile factory, the jet aircraft. This new kind of aircraft offered great unit-cost savings. The first jets were some 25 percent more economical to operate than piston aircraft per available seat mile, and the so-called stretch versions of these jets proved even more efficient. A DC–8–61 costs some 20 percent less to operate than the first DC–8s. But now, as we plunge into the seventies, there are *no* appreciable unit-cost savings predictable from the wide-bodied equipment flying now or coming onto the horizon. In sharp contrast with a decade ago, technology promises little help.

The second difference turns on economic and social factors. Few economists are predicting any general economic boom of mid-sixties proportions, at least not for the next five years. We have already attracted all the passengers from our rail competitors we are going to, and we foresee no quantum improvement in passenger service and comfort, such as the jet offered when compared with piston aircraft. The second difference, then, is that there is *no* traffic surge in sight so great as to mask or counterbalance our other problems.

The third difference is that the labor outlook today is disquietingly different from that in 1961. There is a new and ominous militancy in the air. It has already sent costs soaring in our labor-intensive industry, and at a rate greater than normal even in our inflation-ridden economy. Yet the dismaying array of work stoppages has amply demonstrated our industry's relative impotence in the face of job actions which either slow down or shut down our operations, making it exceptionally difficult for us to resist such pressures. In an industry roughly half of whose costs are in wages, salaries, and benefits, this is indeed a cause for concern.

The fourth difference is the size of the equipment commitment the airline industry faces now, which contrasts sharply with that of a decade ago. In 1959, the domestic trunkline industry was committed to $1.7 billion in new aircraft to serve the traveling public. Ten years later, in 1969, we were committed to $4.7 billion—$6 billion when the cost of spares and associated ground equipment is added—or more than *three times* as much. The value of flight equipment on order at the end of 1969, in fact, equals nearly 87 percent of the net book value of existing flight equipment. The total commitment amounts to more than the debt and equity capital of all eleven trunklines combined, as of year-end 1969. Never forget that these new airplanes to which we are committed will be sought by the traveling public, and the management that doesn't meet the demand will be driven from the competitive scene, along with what's left of its airline. This commitment constitutes a critical difference indeed.

The fifth difference is financial. In the 1960s, when airlines sought capital to finance their new jet fleets, the capital was more readily available and airlines were able to compete for it against other industries on fairly favorable terms.

Today we, a high-risk industry, are competing for it against lower-risk industries, and at a time when the availability of capital is limited. This seriously affects our ability to obtain the funds we need, despite the fact that we are paying the highest interest rates in our industry's history. Last year, for example, the free world's largest—and traditionally most profitable—international carrier paid 11¼ percent on guaranteed secured loan certificates and for 1970 paid interest expenses in excess of $56 million. For an industry such as ours, with a cyclical and inadequate earnings record, a market in which capital is both scarce and terribly costly *has* to be a cause of major concern.

The sixth major difference is also financial in nature. The debt-to-equity positions of the carriers have drastically deteriorated in the decade since the last crisis. During the decade of the sixties, the carriers' rate of return was less than 5 percent in six years, and reached the 10.5 percent authorized by the CAB in only one year—1965. In the same period, the investment of the domestic trunks was increasing from roughly one-and-a-half billion to some six-and-a-half billion dollars. Since airline managements cannot print their own money when it isn't produced by profits, the price we paid for that growth was to mortgage the future. Our debt has already soared to record highs, and the possibility of acquiring needed new capital in the future has thereby been seriously inhibited.

Airline managements were forced to resort to straight debt to the maximum amount possible. Now some debt ratios are so high that in at least one major state, they no longer meet the legal investment requirements for unsecured investments by the large insurance companies, the historic financers of a large portion of the carriers' senior debt. In addition, the debt portion of the capital structure of the trunklines is characterized by a relatively high amount of short-term debt. A large portion of the $1 billion in debt of this type falls due in the four-year period ending in 1973 and will have to be refinanced.

As airline stock prices deteriorated in the wake of poor earnings, so did debt-equity ratios. One thing leads to another. The deterioration in the stock market has progressively undermined carrier capability to undertake equity financing on acceptable terms. Thus the entire financing capability of the airline industry is radically different from that of a decade ago.

This, then, is the *true* state of the airline industry. The six major differences prove conclusively that it is simply not true that the current problem will disappear with a pinch of capacity cutbacks, a dash of better stock prices, and a dollop of general economic recovery. On the contrary, we have a past of proven inadequate earnings, a future heavily mortgaged, and a horizon on which there are no technological or traffic saviors in sight.

How did we come to this sad state of affairs?

As I suggested, one school of thought has it that the whole problem is "overcapacity." I can't help noting this is a little like saying a bankrupt man's biggest problem is a shortage of funds. But no matter. The contention is that inadequate earnings are a result of airline managements' ordering too many airplanes and running too many schedules, all resulting in a decline in load factors. To be fair, it should be recalled, however, that airplanes delivered in the 1968-to-1970 period were ordered in the 1965–1968 period.

Because there is a lag of at least three years between the time an aircraft is ordered and the time it can be delivered, aircraft orders have to be based on historical precedent and as much foresight as mortals can muster. The facts on which the carriers based their orders and predictions were these: Traffic growth in the 1960s has thus far averaged 14 percent annually. Annual growth rates in revenue ton miles of the domestic trunk carriers in the three-year period in which the aircraft were ordered ranged as high as 27 percent and averaged at least 18 percent. No wonder some of the guesses were not entirely on the mark.

I might add that the forecasts of the Bureau of Operating Rights of the CAB have been at least as optimistic as those of airline forecasters, and both the examiners and the full Board have utilized similar optimistic forecasts in awarding routes in recent years. The criticism of airline managements on this score thus assumes a strange clairvoyance on their part in the mid-1960s, a clairvoyance denied everyone else in the U.S.

Another school excoriates the Civil Aeronautics Board for inordinate delays in increasing fares to offset spiraling inflation. Indeed, general price levels in this country have increased 23 percent since 1964, while airline fare yields are still below those of 1964, even after giving effect to modest fare increases authorized by the CAB since then. Meanwhile, costs—particularly labor costs—continue to rise. Eastern's negotiation with contract personnel in 1970 alone, coupled with the effect on non-contract personnel, resulted in an increase in salaries, wages, and benefits to employees of $54 million a year, with an additional 1971 effect of $36 million.

In all fairness to the regulators, it must be said that they see before them a statute which they are continually obligated to administer. That statute contains provisions for establishing fair and reasonable rates and establishes rate-making machinery that is standard in terms of regulating public utilities.

Finding solutions, rather than scapegoats, must be our goal. In my view the fault lies not with *people*, but with the *system*.

Essentially, the economic regulation of the industry has on the one hand rested on the premise that we are a public utility—with all the safeguards against risk such an economic condition involves. On the other hand it has sought to foster, for assumed public benefit, a very high level of competition—with all the risk-taking that economic condition involves. In fact, of course, we *are* a highly competitive industry. Yet in several critical areas we cannot act with the flexibility or speed that reflects that competitive state. Rather we must move at the somewhat ponderous pace of an electric or gas utility.

The fact is, the concept of a fiercely competitive industry is totally incompatible with the slow-moving rate-making machinery of

the Federal Aviation Act involving complex, costly, and lengthy hearings.

Let's look at some basic principles.

The fundamental basis of American business is, of course, the free-enterprise system, which necessitates competition in service and in price. This principle underlies our antitrust laws, which date back over 80 years to the Sherman Act of 1890. Since then, the government has moved from time to time to assure fair competition. The Federal Trade Commission was created to protect the consumer, the Securities and Exchange Commission to protect the investing public, and so forth. Other federal agencies have been established to regulate enterprise in other areas when that was necessary. The Federal Communications Commission licenses radio and television stations, for example, so they do not conflict over the airwaves, and the FCC regulates certain other aspects of the broadcasting business as well.

But the FCC does not regulate the price a station can charge an advertiser, nor regulate prices in any other way. Neither does the FTC or the SEC. In fact, price regulation, in and of itself, is a fundamental departure from the tenets of the free-enterprise system. Historically—except for isolated wartime anti-inflation efforts—price regulation has occurred only when the forces of the free market will not assure the lowest reasonable price. And that danger prevails only when there is a monopoly or near-monopoly situation.

Public policy has determined that there are some industries so synonymous with the public interest that they cannot be allowed to deteriorate or fail. They have thus been withdrawn from the risk of the competitive process and given monopoly or quasi-monopoly positions. Gas and electric utilities are good examples. We do not find the Justice Department encouraging more telephone companies or gas companies to compete within a given area. In return for the protection against risk inherent in their monopoly positions, these companies pay a price. That price is rate control. This is necessary to prevent underservice and overcharges, conditions which would not last very long if exposed to the give-and-take of a fully competitive atmosphere. Yet the existence, and often even the profitability, of such utilities is insured by government commitment.

However, when we come to the Civil Aeronautics Act of 1938, the predecessor of the Federal Aviation Act whose principles still govern our industry, we find a startling anomaly. It is absolutely unique among regulatory statutes in coupling a specific directive to the regulatory agency to foster competition, with another directive to regulate rates. How did this come about?

The state of the airline industry in 1938 was disastrous—and the nature of the disaster was so unusual as to require a particular kind of legislative solution. Fledgling carriers were competing with each other for routes with reckless, ruthless abandon, and competition in rate-cutting was so intense Congress was concerned for the safety of maintenance-starved aircraft. The lack of route security, plus cut-rate competition, threatened the life of the whole aviation industry. Rate regulation, therefore, was introduced primarily to avoid cut-rates, not to assure low fares to the public, and route security was established through a system of certification. But something more was needed. Back in 1938, airline service was regional and consisted primarily of short hops. Long-distance nonstops were unheard of, and many cities were served by only one airline. Under these conditions, it made sense to include the rather unusual directive to foster competition "to the extent necessary." This mandate was continued in the Federal Aviation Act of 1958.

All of us know technology has totally overtaken the tangle of individual routes that passed for a system in 1938. The nonstop that was a rarity has become commonplace, and multiple-airline competition has been authorized all over the United States. If you want to take a nonstop trip between Washington and New York today, you have a choice of only two bus companies, but of ten airlines! Three years ago, there were three airlines to Hawaii, now there are eight. In just the last decade, the number of revenue passenger miles in *monopoly* markets for the domestic trunks was halved, to 10 percent. And if, in addition to the increase in competition between scheduled carriers, you overlay the competition now offered on long-haul routes by supplementals, and on short-haul routes by air taxis, you have one of the most competitive industries in the American business spectrum.

In no area of industry activity does competition assert itself any more clearly than in equipment orders. A carrier's essential market position—and profitability—can stand or fall on the wisdom and timeliness with which equipment is ordered. It is a plain and painful fact that certain traditional Eastern Airlines markets were cut into deeply in the early sixties by an alert and vigorous competitor operating jet equipment against the propjet Electra Eastern had decided temporarily viable on its routes. Today Eastern flies leased B–747 aircraft on prime routes—even though we believe another wide-bodied jet is better suited to our system in the long run—because we concluded that we simply could not afford to be at a potential competitive disadvantage in terms of equipment for even one season.

As former CAB member Louis Hector once said, and I quote:

"I know of no industry . . . where the exact character of the major capital investment is of such critical interest to the ultimate consumer. By and large, people want to ride on the latest and best plane, and it's pretty clear that they will flock to the airline which offers it . . . Even the railroad passenger is not too choosey what kind of locomotive pulls the train, provided his particular coach is comfortable. But the airline passenger walks out on the loading ramp, looks over the piece of capital equipment that is to perform his service, then climbs right up inside of it—and he wants the latest and the best . . . A carrier with a plane which does not have public appeal has no alternative but to get rid of it and buy the type of equipment that the public demands."

No wonder airline managements bristle when they are criticized for purchasing new equipment acquired by their competitors when they know, as a matter of economic fact, that if they do not do so they would sit by and watch their traffic drain away.

It is also easy to understand why these same airline managements bristle when fare adjustments, which they know are required to permit earnings essential to meeting their financial commitments, are not allowed. Unlike other competitive industries, airlines, faced with wage increases, which are *not* controlled by the government, are free neither to increase prices to reflect cost increases, nor to introduce promotional pricing which can fill empty seats at little added cost.

The problem is obvious. Competition to the extent now provided over trunkline air routes, and tight, monopoly-type rate regulation, are completely incompatible. Rules and practices acceptable or even highly perceptive in the thirties simply do not apply with equal merit to the decade of the seventies. Like some couples we all know, they have been going together for quite a long time, but that doesn't mean that they were made for each other for eternity and cannot be torn asunder.

In our case, unless some changes are effected, airline service and rates can never be adjusted to achieve the earnings which the airlines require if they are going to continue the service-oriented growth of the air transportation system.

What, then, should be done? I propose five steps, each of them to be initiated and implemented as quickly as possible. Together they add up to a self-help program that is consistent with both the economic system of this nation and with the spirit that built this industry.

First, all of us involved in the industry—operators, regulators, and legislators alike—must move with a new sense of urgency, a change in attitude to *encourage* innovations and improvements. We cannot rest any longer on the status quo of outmoded theories and regulations. The framework of procedures and attitudes under which the airlines must operate must reflect the economic realities of the seventies.

Second and more specifically, in areas where it is excessive, competition must be reduced. When a combination of carriers can result in more efficient operations and better service to the public, mergers should not only be expeditiously permitted but actively encouraged. Similarly, carriers should be allowed to exchange routes and to buy and sell routes, again when such agreements lead to improved public service through the development of rational route *systems* instead of mere assemblies of individual routes and destinations.

Third and closely related, the avenues should be opened to more frequent and informal inter-carrier discussions. Such talks can minimize the wasteful by-products of excessive competition, such as the introduction by one carrier of expensive service frills whose brief competitive advantage gives way to greater expense for all when the competition matches the move. They can cut away at congestion costs generated by overly competitive scheduling, particularly the bunching of flights at prime times at congested airports. But these conversations can be held only if the Justice Department relaxes the rigidity with which it applies anti-trust statutes properly applicable only to industries which are completely unregulated and uncontrolled.

Fourth, I propose a new kind of labor legislation which would set up means to finalize negotiations without strikes and under which labor costs in the airline industry could be related to productive efficiency. In the last five years, costs of salaries and wages in the airline industry rose by some 45 percent, while costs of wages in manufacturing increased by only 28 percent. We cannot continue to absorb this kind of increase and, at the same time, maintain and improve our necessary service. We can all be encouraged that the chairman of the CAB, Secor Browne, underscored the need for such legislation in his recent Senate testimony.

Fifth, the airlines must realize—and soon—more control over the prices we are allowed to charge. I am not espousing complete elimination of federal control over airline fares. I do maintain, however, that a formula can be evolved which will allow the airlines to charge a reasonable price for their essential product, taking into consideration both the costs of producing it and the changing conditions of the marketplace. There should be considerably more reliance on practical experience and sound business judgment and considerably less on theory and second-guessing. Thus, assuming a reasonable rate of return on investment is established by the Civil Aeronautics Board, there should be no suspension of any proposed increase in fares by a carrier as long as the allowable return is not exceeded over a reasonable period of time. I want to stress the words "over a reasonable period of time" because the airline industry will always be to some degree a cyclical industry, with "good" times and

"bad" times. The Board should not necessarily turn down a proposed fare increase in "good" times any more than the airlines should base a fare increase solely on the fact that the return fails to meet the indicated level by some small amount in any one year.

Let me repeat my conviction that these five proposals constitute a self-help program which must be encouraged and implemented by both the airline industry and government regulators. This program is aimed at conserving a vital national asset. The scheduled airlines are the most important means of inter-city transportation in the United States. We carry more people on trips of 200 miles and more than buses and trains put together. On trips of all lengths, the airlines account for three times as many passenger miles as buses and trains combined. We employ some 300,000 people directly. We support manufacturers, suppliers and other service organizations employing another million-and-a-half people. We are the economic support for many areas of industrial production on which our national defense is dependent. We are also an immediately essential element in our country's readiness for a national emergency. Our services have multiplied that scarcest of all resources, human talent, vastly extending the time and geographic limits of individual human beings. We have widened the world not only of man but of millions of individual men.

Now our industry and all it offers are in jeopardy. And the sources of the jeopardy are too deep-seated to disappear with a modest upturn in the economy.

Unlike some, however, we ask for no guaranteed loan certificates. The thought of a return to government subsidy is appalling to us. And however well-meant, we reject the suggestion of nationalization, which would turn the dynamic, multi-hued airline industry into one in which the people and the parts alike fade into shades of gray mediocrity. On the contrary, we must continue and improve in the dynamic course begun by the innovative, enterprising pioneers of this industry.

We want the right to save ourselves. We must put the "free" back in free enterprise. We want the freedom to innovate, the freedom to operate in the best interest of the country as a whole. We need the freedom to compete in the marketplace in terms of price as well as service, the freedom to renew and revitalize the energies and initiatives which have produced this, the greatest, most productive, most public-conscious transportation system in the world.

I am confident we will achieve this freedom. The problems and their urgency are in sharper focus than ever before. I believe in the wisdom and farsightedness of the leadership of this industry and of those who are charged with regulating it. Working together, we will convert our understanding to actions.

Thank you.

A BRIEF ON S. 731, TO MAKE RULES RESPECTING MILITARY HOSTILITIES IN THE ABSENCE OF A DECLARATION OF WAR

Mr. JAVITS. Mr. President, I ask unanimous consent that a brief prepared by my staff on S. 731, the war powers bill, and the text of the bill, be printed in the RECORD.

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

CONGRESSIONAL AUTHORITY OVER THE DECISION TO WAGE WAR

I. INTRODUCTION

Whether viewed from contemporary or historical perspective, one of the most important and far-reaching questions facing any generation or society concerns the initiation and conduct of war. The physical, moral and political consequences of any given decision to go to war almost inevitably are enormous; in any particular case many of these consequences, or their magnitude, may be wholly unforeseen and unanticipated. It is unnecessary here to catalog the most obvious hardships of war, the terrible losses of life and expenditures of social capital and energy, except to note that war can and often does entail less tangible but equally profound consequences for a society at large:

A society's idealism and self-respect may be gained or lost, and its legal and political institutions strengthened or distorted, disrupted or abused;

The political and moral values of an entire generation may be marked for life.

Thus, it is not only a nation's political leaders and young men who suffer the penalties or reap the glories of war; an entire people is deeply and permanently affected. It can be said with little exaggeration that the truest measure of the democracy of a society is the extent to which its political institutions permit participation by the people in the determination of whether to wage war. Similarly, the wisdom of any society may be measured by the extent to which that determination is made thoughtfully, with the best informed and the most democratic representation of the people.

S. 731, the War Powers Bill, was drafted with these considerations in mind. It is intended to insure that in the future any fateful decision by the government of the United States to wage war, or to engage in military hostilities, will be made by the American people through their duly chosen representatives—both the President and the Congress. The purpose of this memorandum is to demonstrate that the role of the Congress in the decision-making process set forth in the War Powers Bill is fully consistent with the constitutional allocation of powers between Congress and the President.

II. DESCRIPTION OF THE WAR POWERS BILL

By enacting the War Powers Bill, Congress would place three related restrictions on the President's ability to involve the Nation in war.

(1) In the absence of a declaration of war by the Congress, the President would be prohibited from committing armed forces to hostilities, except pursuant to one of the following permissible objectives: to repel a sudden attack against the United States, its territories, and possessions; to repel an attack against the armed forces of the United States on the high seas or lawfully stationed on foreign territory; to protect the lives and property, as may be required, of United States nationals abroad; and to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the armed forces of the United States are required. The words "repel" and "protect" suggest that defensive action only is contemplated in connection with the first three objectives; as to the fourth objective, compliance with a "national commitment," it should be noted that the language defining such a commitment is taken from the National Commitments Resolution, S. Res. 85, which passed the Senate on June 25, 1969, and provides that a national commitment would exist only when evidenced by prior affirmative Congressional action.

(2) The President would be required to report promptly to Congress the initiation of any military hostilities pursuant to one of the permissible objectives listed above, together with a full account of the circumstances under which military hostilities were initiated.

(3) The President would be prohibited from continuing military hostilities pursuant to a permissible objective in any undeclared war for more than thirty days—which could be shortened by the Congress—except as provided in legislation specifically enacted by Congress to sustain such hostilities.

In effect, therefore, the bill would lay down a blanket prohibition of undeclared wars of more than thirty days' duration, subject to the condition subsequent of specific enabling legislation. The bill contemplates that such enabling legislation could be an unrestricted grant of authority to the President or could impose definite restrictions on the continuation of hostilities, such as those of time and place and objective.

The bill would establish a legislative procedure for expediting the consideration of enabling legislation in the event of military hostilities, in order to avoid the obstruction of a filibuster or other delaying tactics. It would also make explicit the right of Congress to terminate authorization of any such military hostilities prior to the expiration of the statutory thirty day period. By its terms, the bill would not apply to any current military hostilities, including the undeclared war in Vietnam.

Presumably no constitutional difficulties arise from the requirement that the President report to the Congress on the initiation of military hostilities. Both history and commonsense indicate that such a demand is well within the legislative prerogative. The phrase "initiation of military hostilities" is not strictly defined in the bill, but its meaning should be reasonably determinable in practice. Although any concept such as "military hostilities" necessarily involves some gray areas of uncertainty, any disagreement could be resolved by interpreting the bill as allowing the President to determine and report to the Congress when he decides military hostilities to have been initiated subject, of course, to any prior Congressional determination.

The constitutional questions which merit investigation are those implicit in the prohibitions against certain military hostilities in the absence of a declaration of war. Roughly speaking, the bill contains two different types of prohibitions: against nondefensive warfare, in the absence of prior Congressional authorization; against the continuation of any warfare beyond thirty days, in the absence of specific Congressional authorization. It also contemplates the possible enactment of subsequent legislation which would impose further prohibitions on the continuation of a given undeclared war. either by reducing the thiry day period or by qualifying the extent or manner in which the war could be continued. The constitutional questions may therefore be stated in general terms as follows: (1) Does the Constitution grant the President authority to disregard a Congressional prohibition against the initiation of nondefensive military hostilities? (2) Does the Constitution grant the President authority to disregard a Congressional prohibition against the continuation of military hostilities? For the reasons discussed below, this memorandum concludes that both questions must be answered in the negative and that, therefore, enactment and enforcement of the War Powers Bill would be fully consistent with the constitutional allocation of war powers between Congress and the President.

III. THE CONSTITUTIONAL TEXT

An examination of the text of the Constitution will show that the great powers commonly associated with the federal government, including those over war and military hostilities, are expressly granted to Congress. Article I, Section 8 confers on Congress the major war powers—the powers to provide for the common defense; to declare war; to raise and support an army and navy;

to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute federal laws, suppress insurrections and repel invasions; and to provide for organizing, arming, disciplining and governing the militia—and the authority to make all laws necessary and proper to the execution of such powers.

By contrast, only ministerial functions are assigned to the President. Article II simply provides that the executive power shall be vested in the President and that he shall be Commander in Chief of the army and navy and, when called into service, the militia. Thus it seems clear from the very language of the Constitution that the role of war policy formulation was intended for Congress and that the role of the President was to be the faithful execution of Congressional policy. A review of the history behind the constitutional text strongly supports this conclusion.

The origin of the clause granting Congress the power to declare war illustrates the intent of the Constitutional Convention with respect to the allocation of war powers. This history is lucidly set forth in Note, "Congress, the President and the Power to Commit Forces to Combat," 81 Harv. L. Rev. 1771 (1968), at pp. 1773–1774:

"An earlier draft by the Committee of Detail gave Congress power to 'make' rather than 'declare' war. In direct contrast to the power of the British sovereign to initiate war on his own prerogative, the clause was the result of a deliberate decision by the framers to invest the power to embark on war in the body most broadly representative of the people. The clause remained in its original form in the committee drafts several weeks after other foreign relations powers had been transferred from the whole Congress to the Senate and then to the President. When the proposal to substitute 'declare' for 'make' was introduced, the debates over the issue indicate that the new wording was not intended to shift from the legislative to the executive this general power to engage the country in war. At most, the sole reason for the substitution was to confirm the executive power 'to repel sudden attacks.' In all other cases the commitment of the country to a trial of force with another nation was to remain the prerogative of Congress. Both the purpose and intent of Article I, Section 8 are thus more accurately conveyed by construing that clause to give Congress not simply the power formally to 'declare,' but also the power generally to 'initiate' war." (footnotes omitted)

There would seem to be little doubt that the Constitutional Convention intended Congress alone to have the right to initiate war (with the proviso that the President should have power to repel sudden attacks which, it should be noted, is one of the permissible objectives described in the War Powers Bill). It is this right to initiate war which is most strongly asserted by the first general prohibition of the War Powers Bill; as a practical matter, the prohibition against continuation of military hostilities beyond thirty days is also an assertion of this right, tempered by a recognition of the desirability of swift executive response in certain necessitous circumstances.

Some observers have concluded that the right of Congress to initiate war is still exclusive, that the President cannot constitutionally act alone to begin a war; see *e.g.*, "Indochina: the Constitutional Crisis," Documents Relating to the War Power of Congress, The President's Authority as Commander-in-Chief and the War in Indochina, Senate Committee on Foreign Relations 73, 74 (91st Cong., 2d Sess. 1970). There is certainly sound historical basis for this view. For example, it was reported that one member of the Constitutional Convention remarked that he "never expected to hear in a republic a motion to empower the executive alone to declare war;" Madison, Notes of Debates in the Federal Convention 476 (Ohio University ed. 1966). However, it is important to note that the constitutionality of the War Powers Bill does not depend upon the broad argument that the President has no power to initiate war in the absence of Congressional action; instead, the bill rests upon the easier and narrower proposition that Congress has the right to legislate concerning the initiation of war and the President has no right to contravene such legislation. This proposition would seem to be clearly and authoritatively established by the constitutional text and its origin.

The history behind the constitutional text also illustrates the intent of the framers as to the separate powers of the President as Commander in Chief and the relationship to be maintained between Congress and the President with respect to the conduct, as well as the initiation, of military hostilities. The constitutional concept of a "Commander in Chief" derives from the experience of the framers with the conduct of the Revolutionary War. In June, 1775, the Continental Congress had appointed George Washington to be Commander in Chief of the colonial forces; he held this post throughout the Revolutionary War. Thus it was the successful relationship of the Continental Congress with General Washington which the framers used as a model when formulating the military powers of the President. The nature of that relationship was firmly expressed in the Commission as Commander in Chief which was granted to Washington on June 19, 1775, the final clause of which insisted upon Congressional control of the war which the Commander in Chief was to prosecute:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed." 2 The Writings of George Washington 482 (Worthington Chauncy Ford ed. 1889).

The essentially "command" nature of the office of Commander-in-Chief were stressed by Alexander Hamilton, who said that it "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy;" The Federalist No. 69, at 515–16 (J. Hamilton ed. 1864). It is clear, therefore, that the position of the Commander in Chief was not viewed as one of independence; rather, it was intended that the conduct and expansion of military hostilities by the President be subject at all times to the directives of Congress. It was certainly not contemplated that the President as Commander in Chief would ever act contrary to the express will of Congress.

It is possible to summarize the intent of the constitutional framers with respect to the war powers, as follows: (1) Congress was intended to have final authority over the initiation of military hostilities; to this end it was granted power to declare war and to provide for the common defense. (2) Congress was intended to have final authority to the conduct of military hostilities; to this end it was granted a wide variety of powers relating to the organization, support, regulation and government of the armed forces. (3) The President as Commander in Chief was intended to be the executive arm of Congress, carrying out its policy directives in the prosecution of military hostilities. (4) The President was expected to act on his own initiative to repel sudden military attacks against the United States; however, he was not empowered to act inconsistently with the directives of Congress.

IV. THE DECIDED CASES

A. Nineteenth century

There are few Supreme Court decisions bearing upon the range of Congressional war powers and the authority of the President as Commander in Chief. Most of these were handed down in the nineteenth century and involved the legality of certain Presidential actions undertaken during the course of an undeclared war. In its decisions the Supreme Court articulated more clearly and fully the constitutional allocation of war powers between Congress and the President. As will be seen, these decisions are consistent with the statement of constitutional intent set forth above and strongly support the constitutionality of the War Powers Bill.

The first Supreme Court pronouncements on the allocation of war powers were made in the course of deciding two cases arising out of an undeclared war with France which occurred during the administration of President John Adams. The first of these, *The Eliza*, 4 Dall. 37 (1800), involved a dispute between two private parties over the salvage to be recovered for the recapture of a ship. The Eliza, an American trading ship, had been captured and held by a French privateer before recapture by a public armed American vessel, the Ganges. The commander of the Ganges filed a libel against the Eliza claiming salvage equal to one-half the whole value of ship and cargo. The owner of the Eliza contended that salvage was limited to one-eighth value. Each party based his case on a different federal statute. The general statute relating to salvage had been enacted in 1798 and provided for one-eighth value. A special statute, enacted one year later, permitted salvage of one-half for recapture "from the enemy." The issue facing the Court was whether France was "the enemy" in the absence of any formal declaration of war.

The Court had no difficulty in holding that a state of war with an enemy could exist in the absence of a formal declaration and that France was in this case "the enemy." However, three justices (the Court then being composed of five justices) commented further on the distinctions between declared and undeclared wars and the power of Congress to regulate and control the latter. In doing so, they left no doubt as to the predominance of Congress in the initiation and prosecution of war.

Justice Washington: "It may, I believe, be safely laid down, that every contention by force, between two nations, in external matters, under the authority of their respective governments, is not only war, but public war. If it be declared in form, it is called solemn, . . . and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. . . . But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because *those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission.*" at p. 40 (emphasis applied)

Justice Chase: "*Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in objects, and in time.* If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli*, forming a part of the law of nations; but *if a partial war is waged, its extent and operation depend on our municipal laws.*" at p. 43 (emphasis supplied)

Justice Paterson: "The United States and the French republic are in a qualified state of hostility. . . . *As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations,*" at p. 45 (emphasis supplied)

In *The Eliza*, therefore, the Court gave clear expression to the rule that Congress may legislate restrictions on the conduct of an undeclared war. This rule was adopted as the holding in *The Flying Fish*, 2 Cr. 170 (1804), a case which firmly stated that the President as Commander in Chief was subject to the restrictions imposed by Congress.

Like *The Eliza*, this case arose out of a naval engagement during the undeclared war with France. Congress had enacted legislation suspending intercourse with France and empowering the President to authorize naval commanders to seize any American ship *bound or sailing to* any French port. President Adams apparently regarded this power inadequate to meet the needs of the moment, for he more broadly directed the seizure of "vessels or cargoes, really American, but covered by Danish or other foreign papers, and *bound to or from* French ports" (emphasis supplied). The Flying Fish, a vessel subsequently determined to be Danish with neutral cargo, was seized while sailing from a French to a neutral port. Lower court proceedings had ordered restoration of vessel and cargo to the Danish owner. The issue remaining for the Supreme Court was whether the owner also had a right to damages for wrongful seizure.

The Court assumed for purposes of discussion that the Flying Fish could reasonably have been mistaken for an American vessel, but nevertheless held that the seizure was unlawful and that damages should be awarded. The seizure was unlawful because, although made in accordance with the terms of the Presidential directive, it was not within the legislative grant of authority. In other words, the President's conduct of hostilities was held subject to Congressional restraint: even as Commander in Chief the President was neither authorized nor permitted to go further than the limits expressly set by Congress. Thus the holding in *The Flying Fish* is directly supportive of the constitutionality of the restrictions imposed or contemplated by the War Powers Bill.

It is important to observe that the true meaning of this decision is not that the President has no war powers in the absence of a specific legislative grant authority, but that he is limited in the exercise of his war powers by the restrictions imposed by Congress. The Court noted that in the absence of any act of Congress, the President as Commander in Chief might have had sufficient authority, at such a time of military hostilities, to order the seizure of all American ships trading with France; by the same reasoning he presumably would have had the authority to impose and enforce an embargo against neutral trading vessels as well; however, the existence of what the Court viewed as an intentionally prescribed legislative restriction precluded any broader executive action. *This is the constitutional principle upon which the War Powers Bill is based: intentionally prescribed legislative restrictions on the exercise of war powers or the conduct of military hostilities preclude broader executive action.*

Two other nineteenth century decisions of the Supreme Court concerned the constitutional allocation of war powers. Both dealt with controversies arising from the Civil War. In the *Prize Cases*, 67 U.S. 635 (1863), four merchant ships, two Southern and two foreign, were seized as prizes off the coast of the Confederacy under authority of a Presidential proclamation of embargo. In libels filed by the United States, the primary issue was whether President Lincoln was empowered to institute a blockade without prior specific authorization of Congress. Earlier acts of Congress had authorized the President to call out the militia and use the armed forces in the event of foreign invasion or civil insurrection. Viewed narrowly, therefore, the question faced by the Court concerned the extent of Presidential authority to act against the property of noncombatants and neutrals while conducting hostilities under a broad general legislative authorization containing no explicit limitations. Four justices, a minority, argued that the earlier acts of Congress contemplated only militia actions against the insurgents themselves, that war powers over the business and property of noncombatant citizens could not be evoked without prior, specific authorization of Congress. However, the majority upheld the action of the President and offered two alternative grounds for so holding: (1) the blockade was well within the authority granted by the acts of Congress; (2) Congress subsequently expressly ratified the blockade. The Court acknowledged the President's responsibility under the general legislation to "repel sudden attacks" by noting, at p. 668, that whereas the President "has no power to initiate or declare war either against a foreign nation or a domestic state," when confronted with foreign invasion or domestic rebellion he "is not only authorized but bound to resist force by force."

The most significant aspect of the *Prize Cases* is, for present purposes, the Court's insistence upon Congressional authorization as the basis of Presidential war powers. Such a view necessarily implies that the President has no power to contravene restrictions which Congress may impose. The President as Commander in Chief has wide discretion to act within a broad legislative grant of authority, but he may not act inconsistently with any limitations it may contain.

Although it has more important constitutional implications *Ex parte Milligan*, 71 U.S. 2 (1866), may also suggest that there were some war powers which the Court was unwilling to extend to the President in the absence of specific legislation. This case arose as a *habeas corpus* proceeding, contesting the legality of a conviction by a military tribunal of a Northern civilian in Indiana during the Civil War. The Court held that such a military trial violated several constitutional guarantees pertaining to trials for felony. However, a strong concurring opinion by Chief Justice Chase argued that Congress, in the exercise of its war powers, could have established martial law under military tribunals in Indiana, upon a legislative determination of a state of insurrection, but that, in the absence of such legislation, the subjection of civilians to military justice was beyond the power of the executive. If nothing more, this view, which was joined in by three other justices, illustrates the preeminence of Congressional over Presidential war powers.

B. The "Steel Seizure" case

The only modern Supreme Court decision bearing upon the allocation of war powers between Congress and the President was that in *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the famous "Steel Seizure" case. This case, which resulted in practically as many separate written opinions as there were justices, nevertheless is fully consistent in reasoning and result with the principles developed in the nineteenth century decisions.

As is commonly known, the case arose from the national seizure of the nation's major steel mills. President Truman had directed Secretary of Commerce Sawyer to take possession of the mills in order to avert a steel strike which might have hindered prosecution of the Korean War. The steel companies brought suit, requesting preliminary and permanent injunctions restraining enforcement of the executive orders. The issue, of course, was whether the President had constitutional authority to take the contested action. The Court held, six to three, that he did not have such authority.

In delivering the opinion of the Court, Justice Black took the position that, in the absence of express or fairly implied Congressional authorization, lacking in this case, the seizure of private property was simply not within the power of the President, either in his executive capacity or as Commander in Chief. Justice Douglas was in general agreement with this position. Although consistent with the concept of Presidential war powers as being derivative from Congress, these opinions are perhaps surprising in that they seem to take a narrower view of the President's powers than did the Court in the *Prize Cases*, where seizure was permitted as being within a broad and imprecise legislative grant of authority. At a minimum the opinions of Black and Douglas do not suggest any expansion of the President's basic constitutional powers since the nineteenth century.

The four other members of the majority took a somewhat different approach to the case. Justices Frankfurter, Jackson, Burton and Clark, in four separate concurring opinions, reviewed the legislative history of the Labor-Management Relations Act of 1947 and other relevant legislation and concluded that Congress had intentionally withheld seizure power from the President. In the words of Justice Burton, at p. 657: "Congress reserved to itself the opportunity to authorize seizure to meet particular emergencies." In light of this conclusion, the concurring justices found that the President had no authority to act outside the procedures established by Congress for dealing with labor crises.

They would not necessarily have held that the President would have lacked executive authority to order seizure in the absence of any legislation, but they were agreed that the negative implications of the existing legislation prohibited such executive action.

These opinions are interesting for their strong affirmation of the principle established by *The Flying Fish:* intentionally prescribed legislative restrictions preclude broader executive action. In fact, Justice Clark cited *The Flying Fish* as the basic judicial pronouncement on the allocation of powers between Congress and the President. The following quotation from Justice Clark, at p. 662, derives directly from *The Flying Fish* and well summarizes the views of the concurring justices:

"(I)n the absence of . . . action by Congress, the President's independent power to act depends upon the gravity of the situation confronting the nation . . . [but] where Congress has laid down specific procedures to deal with the type of crisis confronting the President, he must follow those procedures in meeting the crisis."

The quotation also well expresses the constitutional foundation of the War Powers Bill. The bill does not assert that the President lacks independent power to initiate military hostilities, plausible as such a proposition may be in light of the intent of the constitutional framers. However, the bill would lay down specific procedures for dealing with the grave crisis of war. Under the Constitution, the President then would be required to follow those procedures.

V. HISTORICAL EXERCISE OF THE WAR POWERS

In his concurring opinion in *Youngstown Sheet and Tube*, at p. 610, Justice Frankfurter stressed the role of nonjudicial history in constitutional interpretation in the following words:

"Deeply imbedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them. It is an inadmissably narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them."

Perhaps the case most clearly illustrating this proposition is that of *United States v. Midwest Oil Co.*, 236 U.S. 459 (1915). That case raised the question of whether the President had authority to withdraw public land from private acquisition. Congress had opened public land for occupation, exploration and purchase, but over a period of eighty years and in more than 250 instances Presidents had temporarily withdrawn land from entry. The Court in essence decided that Congressional acquiescence in the ex-

ecutive practice of withdrawal constituted a gloss on the original statute such that, whatever the status of the initial withdrawals, the President had by 1909 acquired authority to continue the practice as against private party plaintiffs. Of course, the Court did not hold that Congress had lost the power to prohibit withdrawal.

As was quoted above from Justice Frankfurter, "Deeply embedded traditional ways of conducting government cannot supplant . . . legislation." Strictly speaking, therefore, the doctrine of *Midwest Oil* is not relevant to the constitutionality of the War Powers Bill, which would place new Congressional restrictions on the exercise of war powers by the President. However, the case does illustrate the appropriateness of an inquiry into the historical exercise of war powers by the President and Congress.

A review of the historical development of the war powers establishes two general propositions: (1) over time there has been an expansion of the extent to which presidents take military action independently of any specific Congressional authorization; (2) no president has asserted the right to initiate or expand military action in a manner contrary to an express Congressional prohibition. This history is conveniently summarized in "Indochina: the Constitutional Crisis," Documents Relating to the War Powers of Congress. The President's Authority as Commander in Chief and the War in Indochina, Senate Comm. on Foreign Relations 73, at pp. 75–77 (91st Cong., 2d Sess. 1970):

"The executive branch very early recognized the exclusive power of Congress to declare war. In the course of a dispute with Spain in 1805, President Jefferson told Congress:

"Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided."

Similar deference to the sole power of Congress to make any decision to commit the United States to war was voiced by President James Monroe, Secretary of State John Quincy Adams, and Secretary of State Daniel Webster.

The Congress itself was jealously aware of its war powers, and on one occasion nearly censured the President for invading it. In 1846 it had declared, after the fact, that a state of war existed with Mexico. But the debate was bitter and the war unpopular. At the end of the war, the House of Representatives voted its thanks to General Taylor, but amended its resolution to note that he had won "A war unnecessarily and unconstitutionally begun by the President of the United States." [This clause was deleted on final passage.] . . .

During the nineteenth century, the executive branch frequently recognized the need for congressional authorization even for limited military actions. In 1857 the Secretary of State refused to send ships to help a British expedition in China, because he lacked congressional authority to do so. The next year President Buchanan pleaded with Congress for authority to protect transit across the isthmus of Panama, but refused to act without it. Nor in 1876 would the State Department use force to help Americans in Mexico, because it felt it lacked the power to do so. . . .

In the early part of the twentieth century, the executive began to exercise greater discretion in the use of American armed forces abroad. For instance, without specific congressional approval, President Theodore Roosevelt sent American troops into Panama in 1903 and President Wilson sent troops into Mexico in 1916 in pursuit of the Pancho Villa bandits.

Since 1945, the executive has regularly used military force abroad as a tool of diplomacy. Aside from Indochina, the greatest use of American force was in Korea, where several hundred thousand troops were committed to combat and major casualties were incurred. There was neither a formal declaration of war, nor any other specific congressional sanction for the Korean conflict." (footnotes omitted)

It is one of the terrible ironies of American history that as war has become more destructive, more costly, less controllable and less humane, the power of decision over war has become increasingly concentrated in the hands of fewer and fewer individuals. This trend of history is not just dangerous: it carries with it the awful portent of finality for millions of human beings. The War Powers Bill would reverse this trend by reinstating the constitutional safeguard of representative deliberation over the fearsome issues of war. Nothing in our history suggests that Congress lacks the constitutional authority to assert once again its full war powers. Much in our recent history suggests the wisdom and urgency of its doing so.

Furthermore, recent history also offers precedents for the placing of Congressional restrictions on the President's authority to deploy forces abroad and involve the Nation in war. For example, the Selective Training and Service Act of 1940, 54 Stat. 885, provided at section 3(e) that:

"Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands."

In the course of the current military hostilities in Southeast Asia, Congress has imposed definite geographical limitations on the conduct of the war. The Defense Appropriations Act of 1970, 83 Stat. 469, and also the Defense Appropriations Act of 1971, P.L. 91–668, both contain, at sections 643 and 843, respectively, the restriction that "none of the funds appropriated by this Act shall be used to finance the introducion of American ground combat troops into Laos or Thailand." The constitutionality of these assertions of Congressional authority over the use of American armed forces and the conduct of an undeclared war has not been seriously questioned. The restrictions contemplated by the War Powers Bill would be of a similar nature, only they would be more systematic: they are directed toward institutional reform of national war decisionmaking and not just at a contemporary military crisis. As such, the War Powers Bill aims at a reinstitution of the historical constitutional war-making processes.

Since 1945, the United States has entered into many collective security agreements and mutual defense pacts, undertaking thereby a variety of obligations. However, it is clear that none of these obligations is inconsistent with the allocation of decision-making responsibility set forth in the War Powers Bill. For example, the United Nations Charter, art. 43, para. 3, provides that agreements to make armed forces available "shall be subject to ratification by the signatory states *in accordance with their respective constitutional processes*" (emphasis added). This provision is expressly designed not to interfere with internal constitutional allocations of war-making authority. Similarly, the SEATO treaty requires only that each signatory will "act to meet the common danger in accordance with its constitutional processes;" Southeast Asia Collective Defense Treaty, Sept. 8, 1954, art. IV, para. 1. Analogous language has been used in each of the mutual defense pacts to which the United States is a party; see Hearings on S. Res. 151 Before the Senate Comm. on Foreign Relations (90th Cong. 1st Sess. 1967). A different form of words was employed in the NATO treaty, which requires each party to take "such action as it deems necessary," North Atlantic Treaty, Apr. 4, 1949, art. 5., but this language has been widely regarded as permitting each signatory to follow its own constitutional processes in determining what, if any, action might be necessary at any given time; see Cheever and Haviland, American Foreign Policy and the Separation of Powers 128 (1952), and, generally, Note, "Congress, the President, and the Power to Commit Forces to Combat," 81 Harv. L. Rev. 1771, 1798–1801 (1968). In short, therefore, history offers no prohibition, some encouragement, and a great deal of incentive for insistence by the Congress upon its constitutional role in the decision to undertake war.

VI. CONCLUSION

The purpose of S. 731, the War Powers Bill, is to insure that in the future any final decision by the government of the United States to engage in war will be made by the American people through their duly chosen representatives in Congress—acting in concert with the President. It would do so by prohibiting the initiation of nondefensive war in the absence of prior specific congressional authorization, and by prohibiting the continuation of other military hostilities beyond thirty days in the absence of specific congressional approval. The bill also contemplates the subsequent enactment of legislation determining the extent to which or manner in which particular military hostilities could be continued. The War Powers Bill places constitutionally valid restrictions upon the exercise of executive war powers; the President has no independent authority to contravene such express prohibitions.

The enumeration of Congressional war powers in the Constitution and the historical origins of the "declare" and "Commander in Chief" clauses testify that the constitutional framers intended to grant Congress the primary authority over the initiation of war and responsibility for the formulation of basic guidelines for the conduct of war. The President as executive was to be responsible for the faithful carrying out of the laws passed by Congress; it was intended that the President be bound by the policy decisions of Congress. And the Supreme Court has upheld this intent. In *The Eliza* and *The Flying Fish* the Court gave clear and firm expression to the right of Congress to impose restrictions upon the conduct of undeclared war by the President as Commander in Chief. This right was upheld and enforced in *Youngstown Steel and Tube* even though the restriction were implied rather than express. Although history has witnessed the development of wars initiated by the President, without specific Congressional authorization, the constitutional right of Congress to make the final decision concerning the initiation of war or the continuation of undeclared wars has not been seriously questioned.

Congress has the constitutional right to initiate or to prohibit the initiation of war; it has the right to place limits or restrictions on the conduct of undeclared war. Many persons believe that Congress has not been sufficiently vigilant in the exercise of these rights, particularly in the years after World War II. It is appropriate once again to quote from the decision in *Youngstown Sheet and Tube*, this time from the concurring opinion of Justice Jackson, at p. 654:

". . . I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was worldly wisdom in the maxim attributed to Napoleon that "the tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."

Congress can, by enacting the War Powers Bill, restore this nation's constitutional balance with respect to the awesome and consequential decisions of war.

S. 731

A bill to make rules respecting military hostilities in the absence of a declaration of war

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander in Chief:

A. The Armed Forces of the United States, under the President as Commander in Chief, may act—

1. to repel a sudden attack against the United States, its territories, and possessions;

2. to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

3. to protect the lives and property, as may be required, of United States nationals abroad; and

4. to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

B. The initiation of military hostilities under circumstances described in paragraph A, in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

C. Such military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days.

D. Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (A) of this section may be terminated prior to the thirty-day period specified in paragraph (C) of this section by joint resolution of Congress.

SEC. 2. (A) Any bill or resolution, authorizing continuance of military hostilities under paragraph C (section 1) of this Act, or of termination under paragraph D (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(B) Any bill or resolution reported pursuant to subsection (A) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

THE WRONG WAY TO GO

Mr. SCOTT. Mr. President, the Democratic National Committee 2 days ago took a stand which, if adopted, would destroy American political freedom. The Democrats have recommended that all private contributions to Federal political campaigns be prohibited by law and that the public coffers be tapped for political funds for presidential and congressional races.

This would spell the end to individual participation, and therefore most individual interest, in political campaigns.

This irrational and irresponsible effort to block out the public's participation would result in an even wider gap between people and their government.

By far the better course, it would seem to me, would be an effort to widen and deepen public interest in political campaigns by encouraging the small contributor to make his political presence felt through his political gifts. What political parties have lacked in the past is this kind of broadly based financial support—the small contributions from men and women who want to help but who cannot afford the big money upon which politics has come to depend.

This was the thinking behind the campaign reform proposal Senator MATHIAS and I have been advocating.

Perhaps the Democratic National Committee has adopted its new approach because it no longer has broadly based support. It may be cruel to point this out, but now that its past policies have been so resoundingly repudiated by the country at large, it appears to be seeking not only to evade responsibility for them in the political sense but also to find new sources for funds. Having been responsible for the biggest sustained deficit in our national history, it is casting hungry eyes for a further incursion upon the public treasury.

It undoubtedly would be ever so much easier to campaign if all you had to do was to put your hands into the public till and come up with enough to finance a campaign.

Easier, yes. But would such actions truly reflect the desires of your constituency?

What the Democrats propose is a disastrous thing. True, the American taxpayer would finance the campaign. But it would divorce the people from politics. The taxpayer would have no voice in politics. It would divorce the politicians from responsibility to their people.

What little influence the American taxpayer has over the policies of the political parties should be enlarged rather than reduced. This proposal by the Democratic National Committee is exactly the wrong way to go.

THE SUPERSONIC TRANSPORT

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and insertion by Senator GOLDWATER.

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

STATEMENT BY SENATOR GOLDWATER

During the extended debate on the SST last year, we heard nothing from those who have been there, in other words, from pilots who have flown at high altitudes and at high speeds exceeding Mach I, and I really believe it's time we paid some attention to this relative handful of men who have been up there and who can say just what goes on. One of these men, A. W. Blackburn, a test pilot and member of the Society of Experimental Test Pilots, has written in that organization's monthly magazine, "Cockpit" of February, 1971, a very strong argument in favor of the SST. I ask unanimous consent that this article, written by a man with a Master's Degree in Aeronautical Engineering from MIT and an active test pilot be placed in the Record at this point in my remarks.

THE SST

(By A. W. Blackburn)

The U.S. has undisputed worldwide leadership in providing air transport. Of all the jet-powered airliners flying the world's airways (exclusive only of Aeroflot, the Soviet airline), 83% are of U.S. manufacture. Of current firm orders for new jet airliners, over 90% are U.S. models. More than half of the free World's air traffic is carried by U.S. flag airlines.

The sale of jet airliners and of seats on U.S. flag carriers are major factors in the strength of the U.S. dollar abroad and the health of the U.S. economy at home. Yet there is a serious threat to U.S. dominance in the air transport field—the supersonic transport. The threat stems from the rapid progress of SST development in other lands as well as from the lively balderdash offered in opposition to its development by this country. The flames of opposition are fanned by a small but highly vocal group which apparently would like to see the U.S. renounce world leadership for retirement to some huge vague communal Walden.

Both the Anglo-French Concorde and the Soviet Tu-144 prototype SSTs have been flying for more than a year. Under the most favorable of circumstances, the U.S. SST prototype will not fly before late in 1972. Thus we are more than three years behind the competition; and yet no matter what the environmentalists and the chicken farmers and all the other naysayers proclaim, there will be supersonic transports flying the world's airways in this decade. The only question in this regard is whether or not any will be of U.S. manufacture, and consequently, whether or not the U.S. will continue to hold its leadership in the construction and operation of the international air transport system. Because of its more advanced design and greater productivity, U.S. experts are satisfied that the U.S. SST will enable us to retain such leadership if we proceed with that program as currently scheduled.

A major note in the anti-SST chorus is sounded by our environmentalists who have expressed concern for the effects of the SST's noise and the pollutants it may emit. With more than seventy percent of the earth's surface covered by international waters, there is plenty of room for profitable SST routes without any measurable impact on our environment while we learn more about its effects thereon. Surprisingly, the flora and fauna of this earth have somehow survived the sounds, overpressures and air pollution nature itself produces with its thunderclaps, its cyclones and its volcanic eruptions, all infinitely greater and more extensive than the currently predicted product of hundreds of SSTs operating world wide. Nevertheless, thunderclaps out of the blue and the shrill whistle of a hurricane on a clear day are disturbing events. These problems must be addressed. Happily, very substantial reductions in current predictions for noise and contaminants emanating from the US SST can and will be effected through on-going research. Already the smoke from jet engine exhausts has been virtually eliminated and we are learning much about the suppression

of sound—both that associated with jet engines and that which is known as the sonic boom. The US does listen and does respond to those concerned for our environment. Indeed it must. That is what the American way of life is all about.

There are some odd twists to some of the environmentalists' complaints about the SST. Throughout historical times, and undoubtedly long before, men have complained about the weather. To date, efforts to do anything about it have at best been feeble and ineffective. But now the environmentalists inform us that the SST has a great potential for changing weather patterns, that indeed it may have a global influence on our weather. This conjecture is based on the fact that, for each hour of its supersonic flight, an SST will convert between 500,000 and one million pounds of upper atmospheric oxygen into a slightly greater combined amount of carbon dioxide and water vapor in roughly, equal proportions. This conversion will take place primarily at altitudes of between 45,000 and 75,000 feet. If indeed flights of the SST will influence the weather, then we will be able to measure these effects. Global weather watchers in time may be able to program flights in such a way that, with relatively small diversions in course and altitude from otherwise scheduled and optimum flight paths, desired modifications to the world's weather may be achieved. The small additional costs of such diversions would be paid by the beneficiaries of such weather improvements on a pro rata basis. One can even envision specially equipped versions of the SST for dispensing additional water vapor or other substances as may prove appropriate for critically important weather modification missions. Thanks to the SST, at long last perhaps we may be able to do something about the weather. Will we be altogether comfortable if only the Soviets have such capability?

The growing competition in the air transport field from Western Europe and from the Soviet Union is almost wholly financed with government resources. At very substantial risk, the US aircraft and airline industries are now meeting this competition out of private funds; and they are meeting it successfully in the latest generation of jet airliners—the wide-body turbofans such as the Boeing 747, the Douglas DC–10 and the Lockheed 1011. But the resources of US industry are inadequate to meet the next challenge, that offered by the supersonic transport. To insure that the necessary SST technology is in hand when and as we need it to maintain US leadership in the world air transport market, funds must be advanced by the Federal government. As has been demonstrated over the past ten years in the Department of Defense with its myriad, voluminous and wholly worthless paper studies, we can be sure that this technology is clearly in hand only if the needed funds are used to build and flight test a prototype of this advanced new airliner.

Where will these Federal funds go? Primarily to pay the salaries of highly skilled scientists, engineers and technicians who as a team represent a unique and valuable national resource. Because of recent cutbacks in space and defense budgets, we are losing a number of these incredibly talented teams—the team that put men on the moon, the team that produced the first supersonic airplanes, and the one that followed with the first triplesonic machines to name a few. It is easy to say, "Let these people turn their talents to other national problems." The transfer is simply not feasible. So the SST funds to be advanced by the Federal government will, among other things, keep intact a small portion of the talent that made possible many of the technological advances of the past two decades, a period of scientific growth unequaled in the history of man. Because the funds will go to highly skilled and consequently well-compensated individuals, much of the outlay will return to the Federal government in taxes. In the absence of the SST program, unfortunately, a number of the people involved will require some form of government assistance because of the generally depressed state of affairs in the aerospace industry.

From the financial point of view, two other important facts should also be recognized. First, the builders and the airlines are putting up a substantial portion of the costs—now; and second, all government funds are to be paid back from royalties on the sales price of the aircraft and on operating revenues.

One final consideration. In October of 1957, when the Soviets put the first satellite into orbit, the US suffered a blow to its international prestige from which it may never fully recover. By this one spectacular accomplishment, the Soviet Union caused uncommitted people throughout the world to question, perhaps for the first time seriously, whether democracy as espoused by the US is in fact the best path for the emerging nations to follow. Fortunately, there were a number of dedicated and talented people in the US who had been pushing for an expanded US space program, and within about ten years, we were able to overtake the Soviets as leaders in space technology. Yet, even with a clear mandate for a space program from Eisenhower and with Kennedy's commitment of his prestige and $20 billion from the public purse to the moon landing, the sprint to refurbish our international leadership image was initially clumsy and proved throughout highly wasteful of funds, as compared to what it might have been if our national leadership had been more clearly focused on national goals and had it possessed a better mechanism for competent and coherent long range planning. (We still have virtually no such function at the top levels of our government today.)

Some brief scenarios looking to the future might be illustrative of the foregoing consideration of international prestige as it relates to the SST:

In the late seventies, a summit conference is held in Hawaii. The Soviet, British and French leaders arrive from their capitols via their SSTs in the same time that it takes the US President to travel less than half as far, assuming that only subsonic US aircraft are available. The method of arrival and departure of these leaders is observed throughout the world.

There is a major catastrophe in Rio (such as occurred recently in Peru). Though the distance is nearly twice as far from the Soviet Union as it is from the US, in the absence of a US SST, the Soviets are there with emergency supplies and assistance hours ahead of a subsonic effort by the US.

As with many of our commercial airliners, US SSTs would be a part of the Civil Reserve Air Fleet (CRAF). With SSTs operational in our commercial airlines, by activating a part of the CRAF, the US can react in a matter of hours anywhere in the world to potentially dangerous situations, such as have occurred in Jordan, the Dominican Republic and Taiwan, with a sonic boom announcement that US strength is overhead with a clearly broadcast and widely heard commitment not subject to the censor's ban.

To sum up, the reasons for pressing forward with an American SST in a deliberate and orderly manner are compelling. They are economically compelling—we must protect our option to retain leadership in the very important air transport industry. They are technologically compelling—we must maintain an ongoing capability to build efficient and effective transportation systems for the future. Most of all there is at stake a challenge to our international leadership. Surely it is better to have the majority of the SSTs of the future produced by a country which quite clearly is concerned about what effect their operation will have on our total environment, rather than have world-wide airline requirements filled with SSTs produced, on one hand, by an authoritarian government which has expressed little or no interest in these problems, and on the other, by a consortium which may not be able to afford the proper concern for such matters.

Moreover, it is in our best interests to proceed in a planned and orderly manner, rather than to equivocate and then be forced, as in the space race, to enter another highly wasteful crash program to restore lost prestige, and in the case of the SST, to regain a critically important economic position. The present SST program protects our nation's option to retain and control an important position in international commerce. It is not a commitment to fill the skies with SSTs. To stop the development now could prove ultimately very much more expensive when it becomes unquestionably clear to all that we must compete. And, tragically, in an on-again off-again type of program, adequate consideration of environmental factors may not be feasible.

Be assured that supersonic airliners will soon be operating on the airways of the world. It is in the best interests of the US, and of mankind, that the preponderance of these craft be the product of a nation which has chosen to listen to its environmentalists.

NO CONSTITUTIONAL RIGHT OF SENATE MAJORITY TO INVOKE CLOTURE

Mr. MILLER. Mr. President, at page 5115 of yesterday's CONGRESSIONAL RECORD appears the statement by a Senator that we are operating now, in the debate regarding a proposed change in the rules of the Senate, under the Constitution and not under the rules of the Senate, by virtue of the fact that the rules of the Senate are inhibitory of a constitutional right for a majority to impose cloture.

However, no authority is cited in support of such a statement.

On pages 10 and 11 of the document at our desks, Document No. 4, "Senate Rules and the Senate as a Continuing Body," will be found several authorties holding precisely the opposite. I ask unanimous consent to have printed in the RECORD the portions of these pages which I have designated.

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

On the question of limitation of debate under general parliamentary rules, authorities seem to agree that a two-thirds, rather than a majority vote is required. Thus, Sturgis, in Standard Code of Parliamentary Procedure (1950), pages 47–48, says:

"It is unwise to make a practice of cutting off or preventing debate and deliberation on debatable questions. This is true whether debate is cut off by recognized motions or by abritrarily bringing questions to vote without adequate opportunity for discussion. * * * Since full discussion of all proposals is a fundamental right of members, a motion which restricts or sets aside this right by closing or limiting debate requires a two-thirds vote."

Additional parliamentary authorities stating that a two-thirds vote is needed in order to limit debate are the following:

(1) Palmer, A New Parliamentary Manual (1901), section 241:

"The general principles of parliamentary law require that the assembly should reach its decisions on matters that come before it (1) in the order prescribed for their introduction, (2) after full debate, (3) in accordance with its established rules. And these requirements are of such importance that a bare majority should not be permitted to disregard or alter them. They should be observed unless the reasons for proceeding contrary to them are so obvious that a two-thirds majority desire to so proceed."

The author then cites six instances, including limitation or closing debate, as requiring "a two-thirds vote because they are in opposition to one or another of these three requirements."

(2) Rice's Rules of Order (1921), section 41, footnote 17, page 146:

"The two-thirds vote * * * is the rule for ordinary societies, while in the U.S. House of Representatives it requires only a majority vote, and in the Senate the motion is not allowed at all. But there is a growing sentiment throughout the country that the Senate should adopt a cloture rule."

(3) Plummer, Practical Lessons in Parliamentary Procedure (1921), page 50.

(4) Robert's Rules of Order, Revised (1951), section 29, page 112.

With respect to the "previous question" rule, there are some who refer to rule VIII of the original Senate rules, adopted in 1789. That rule was invoked some four times between 1789 and 1806, when the Senate rules were revised and mention of "the previous question" was dropped from rule VIII. It has never since been in the Senate rules. There is some question whether this rule provided for cloture, however, in the way the previous question rule now operates in the House of Representatives. Indeed, the House rule "was not turned into an instrument for closing debate until 1811, although it, also, adopted a rule for the previous question in 1789."

Senator Henry Cabot Lodge, in an article appearing in the North American Review of November 1893, entitled, "Obstruction in the Senate," wrote:

"The rules of the Senate are practically unchanged from what they were at the beginning. They are the same now to all intents and purposes as when they were first adopted more than a hundred years ago. There never has been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which everyone is familiar today in our House of Representatives. It was not in practice a form of cloture and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate."

SICKLE CELL ANEMIA

Mr. JAVITS. In the President's message outlining a comprehensive health policy for the 1970's, the President highlighted this administration's commitment to mount a special initiative to deal with sickle cell anemia—an inherited blood disease found almost exclusively in Negroes or individuals with Negroid heritage.

Recently WCBS–TV in New York featured an editorial on this dreadful neglected disease and the need for black and white Americans together to work together to eliminate sickle cell anemia.

I ask unanimous consent to have printed in the RECORD the WCBS–TV editorial of February 14, 1971, entitled "The Neglected Disease."

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

THE NEGLECTED DISEASE

As you have just seen, sickle cell anemia is a major health problem receiving a minor amount of attention. Both the public and the medical profession know little—and have done less—about this painful crippling blood disease that kills one out of every 500 black people in this country. Two million other black Americans carry the sickle cell trait today—though most don't even know they have it. And yet there is no federal, state, or city program to stop it from being passed to the next generation; no large foundations financing research; no vocal public outcry. Sickle cell anemia is, indeed, the "neglected disease."

Two steps must be taken before neglect becomes concern, inaction becomes action. First, there must be concentrated research into the causes and treatment of the disease. President Nixon recently asked Congress for $5 million for such research. By passing that appropriation, Congress will provide the first solid chance to break the secrets of the disease.

Second, the carriers of the disease must be located and identified. We know now that if a mother and father are both sickle cell carriers, they will probably pass the disease along to their children. A simple blood test provides positive identification of a carrier. Since blood tests are already required for marriage licenses, as checks for syphilis, rubella, and RH, it seems logical that the addition of a sickle cell test for black applicants would be easy and effective.

Far more effective, we think, would be a general blood testing of the entire black population—something health authorities should begin to plan for and black people should begin to demand.

But until that is a reality, blood tests are available now—free—at any municipal hospital. Whole families should take advantage of them if possible. That will at least begin the battle against this strange disease that discriminates against black people. Then blacks and whites together must work to stamp it out.

THE SOUTHWEST SUN COUNTRY

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and insertion by the Senator from Arizona (Mr. GOLDWATER).

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

STATEMENT OF SENATOR GOLDWATER

Mr. President, it is perfectly obvious from the mail received by those of us who represent States in the great Southwest Sun Country that an ever increasing demand is mounting for specific information about population increases and related data.

The desert Sun Country is today the Nation's fastest growing region. In my State alone, the resident population increase between 1960 and 1970 was 36%. For the Sun Country as a whole—and this includes the States of Arizona, Colorado, Nevada, New Mexico, Texas, Utah, California, and Oklahoma—the increase was 23%. The number of persons residing in the Sun Country increased from a total of 32,808,000 in the 1960 census to 40,251,000 in the 1970 census. The 23% population increase in the Sun Country compared with only 13% increase in the resident population of the United States as a whole.

Mr. President, because of the great and growing interest in this section of the country, I include in the RECORD an article called "Arizona Progress," published in a report by the Valley National Bank.

THE SOUTHWEST SUN COUNTRY

The desert Southwest Sun Country today is the fastest growing region in the U.S. Until recent decades, the Southwest's economy was heavily dependent on the production of raw materials; the region, however, was "rediscovered" during World War II, and the generally mild climate, recreation and scenic attractions, and strong retirement appeal of the land have effected a tremendous surge in population expansion and commerce and industry development.

Defined to include all or portions of eight contiguous states, the Southwest Sun Country consists of Arizona, Colorado, New Mexico, Nevada, Texas, Utah, and California and Oklahoma. While there are great contrasts between these states, there are great similarities also, in topography, climate and economy. The "Sun Country" label is a recognition that the region as a whole possesses and benefits from a higher percentage of possible sunshine than does any other region in the nation!

Second to sunshine, the desert Southwest's greatest asset is land—a total of 1,031,229 square miles of wide open spaces. The region's present population density is 39.0 persons per square mile, compared with a U.S. average density of 56.2 persons. The population projections for 1980 show a narrowing of the difference in densities between the region and the nation, but the Sun Country still will continue largely as a land of open plains and far horizons. An unusually high proportion of the region's population is concentrated in large metropolitan centers such as Albuquerque, Denver, Phoenix, San Diego, Salt Lake City, etc.

POPULATION PER SQUARE MILE

[In persons]

	Sun country average	United States
Year:		
1960	31.8	49.6
1970	39.0	56.2
1980 [1]	46.5	62.5

[1] Projected.

The April 1970 population count in the Sun Country exceeded 40 million. This represents a healthy gain of seven and one-half million residents in the past decade—a 23% growth, which was almost double the whole nation's growth rate. (Three of the leading states in population expansion in the U.S. are located in the Southwest!)

The Sun Country states currently account for 19.8% of the U.S. population, up from a 16.0% proportion in 1950. Moreover, the Southwest again is expected to be the fastest growing region in the nation from 1970 to 1980. Over the next decade, the Sun Country population is projected to top 48 million, which will account for about 21% of the U.S.

RESIDENT POPULATION OF SUN COUNTRY STATES

States	1960 census	1970 census	Percent change
Arizona	1,302,000	1,772,000	+36
Colorado	1,754,000	2,207,000	+26
Nevada	285,000	489,000	+72
New Mexico	951,000	1,016,000	+7
Texas	9,580,000	11,196,000	+17
Utah	891,000	1,059,000	+19
California	15,717,000	19,953,000	+27
Oklahoma	2,328,000	2,559,000	+10
Total	32,808,000	40,251,000	+23
United States	179,323,000	203,185,000	+13

The Sun Country's exceptional population expansion in recent decades was made possible by expansion in local employment opportunities. New manufacturing operations and tourism and travel servicing broadened the region's economic base. Mineral production also was greatly expanded, and federal government functions including military, space and reclamation projects, provided the region's economy with added strength, and diversification.

The most striking feature of the post World War II employment trend in the desert Southwest has been its rapid rate of growth. For example, the number of nonagricultural wage and salaried jobs increased from an annual average of 9.2 million in 1959 to 13.3 million in 1969. This calculates to an expansion rate of better than 3½% per annum, which is 40% higher than the 2½% rate that was registered by U.S. nonfarm employment.

The table following shows the year-to-year rate of gain in employment in the Sun Country region compared with the U.S. In every year except one—1965—the non-farm employment increase in the Sun Country was higher than the employment increase in the nation.

ANNUAL RATE OF GROWTH FOR NONFARM WAGE AND SALARIED EMPLOYMENT

[In percent]

	Sun country	United States
Year:		
1960	2.4	1.7
1961	1.8	−0.4
1962	4.0	2.9
1963	4.0	2.0
1964	3.3	2.9
1965	3.7	4.2
1966	5.9	5.2
1967	3.8	3.0
1968	4.5	3.1
1969	4.6	3.5

A key indicator to economic progress is personal income, and in this area, as in population and employment, the Southwest Sun Country has performed very well. Reflecting the region's expanding economy, personal income has more than doubled in the last decade, and now aggregates over $150 billion; the rate of increase in the region has been substantially higher than the increase in U.S. personal income. It is also significant that when measured by a per capita average yardstick, income for the region runs higher than income for the whole nation: $3,774 in the region in 1969 versus $3,687 in the U.S. Of course, the per capita income of individual states in the Sun Country varies from the region's average: some higher, some lower.

On both a short term and long term basis, the general business outlook for the Sun Country region appears bright. No change is indicated in the favorable conditions which influenced the region's dynamic economic growth in recent decades. The heavy flow of new residents into the desert Southwest is expected to continue, and industry and commerce development will keep pace.

1970 RETAIL SALES IN ARIZONA

Most Arizona merchants enjoyed another excellent volume of retail business in 1970, with aggregate sales reaching the $3.9 billion level, a 10.4% increase over the previous year. Sales were higher in every county in the state, and also, sales were higher in every month of the year compared with sales in the corresponding months of 1969.

The influence of higher prices is reflected in these Arizona retail figures for 1970. The Consumer Price Index averaged 6.0% higher last year, and thus, the state's real growth in retail business was 4.4%, still an excellent performance.

ARIZONA RETAIL SALES BY COUNTY

County	1969	1970	Percent change
Apache	$16,445,000	$17,606,000	+7.1
Cochise	94,973,000	100,810,000	+6.1
Coconino	105,611,000	116,364,000	+10.2
Gila	46,119,000	49,463,000	+7.3
Graham	25,792,000	31,419,000	+21.8
Greenlee	15,112,000	18,120,000	+19.9
Maricopa	2,126,026,000	2,335,251,000	+9.8
Mohave	55,759,000	61,179,000	+9.7
Navajo	$53,372,000	$62,765,000	+17.6
Pima	659,414,000	735,443,000	+11.5
Pinal	85,958,000	90,789,000	+5.6
Santa Cruz	39,980,000	44,696,000	+11.8
Yavapai	57,482,000	67,354,000	+17.2
Yuma	126,656,000	140,597,000	+11.0
Total	3,508,699,000	3,871,856,000	+10.4

ARIZONA STATISTICS

Monthly comparisons	December 1966	December 1967	December 1968	December 1969	December 1970
Retail sales—State total	$249,957,000	$252,522,000	$302,718,000	$355,766,000	$369,194,000
Maricopa County	153,167,000	161,838,000	185,574,000	222,853,000	230,697,000
Pima County	44,953,000	49,724,000	56,752,000	65,740,000	68,259,000
Restaurant sales	17,966,000	20,847,000	22,582,000	27,101,000	26,730,000
Nonagricultural employment	448,500	457,100	498,300	545,500	556,900
Manufacturing	79,500	81,300	89,400	97,300	84,500

PHOENIX STATISTICS

Monthly comparisons	January 1967	January 1968	January 1969	January 1970	January 1971
Bank debits (in dollars)	1,510,861,000	1,800,093,000	2,016,654,000	2,673,170,000	NA
Building permits (in dollars)	4,418,000	7,756,000	11,477,000	18,544,000	11,263,000
Postal receipts (in dollars)	1,153,053	1,566,511	1,664,554	1,721,057	1,809,078
Telephones in service (number)	396,857	425,131	461,180	507,906	545,100
Electric connections (number)	264,150	259,189	269,645	289,057	298,300
Gas connections (number)	200,107	204,434	211,129	220,166	229,700

TUCSON STATISTICS

Monthly comparisons	January 1967	January 1968	January 1969	January 1970	January 1971
Bank debits (in dollars)	373,191,000	401,490,000	449,936,000	525,763,000	N.A.
Building permits (in dollars)	1,583,000	1,698,000	1,175,000	4,707,000	3,780,000
Postal receipts (in dollars)	446,407	605,882	575,863	620,740	611,301
Telephones in service (number)	146,831	154,969	165,283	179,356	193,200
Electric connections (number)	97,623	100,175	103,408	108,069	113,800
Gas connections (number)	87,705	89,971	93,016	97,333	102,100

CAMPAIGN PRACTICES REFORM

Mr. COOK. Mr. President, the Commerce Committee's Subcommittee on Communications is at present holding hearings on a number of bills relating to campaign practices reform. Yesterday, the distinguished junior Senator from Kansas (Mr. DOLE) expressed some very well-reasoned views on this subject. For the benefit of the entire Senate, I ask unanimous consent that his remarks be printed in the RECORD.

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

STATEMENT OF HON. BOB DOLE

Mr. Chairman, it is a pleasure to appear before your committee today to join in the discussion of campaign practices reform. This subject is of vital concern to every candidate and officeholder, and to every citizen who prizes the American system of government.

GOOD CAMPAIGNS AND BETTER GOVERNMENT—THE REPUBLICAN CAUSE

Let me say at the outset that better, more responsive and more responsible government has long been the primary aim of Republicans, and its achievement is a major goal of the Nixon administration. There are many approaches to this goal, and Republicans have, for many years, pursued it in many ways and at many levels.

Over the last two years, President Nixon has exerted firm leadership for better government in the Executive branch of the Federal system. He has sought to recruit and involve the best-qualified and most highly motivated individuals he can find in the operations of the Executive branch, both in appointive positions and in the career services. He has urged far-reaching reforms in his proposals for restructuring and consolidating executive departments into units which will be substantially better equipped to deal with the economic, social and natural environments of the late 20th century and which will result in more effective government.

Richard Nixon has approved a great example and great inspiration for achieving good government, but Republicans everywhere have always sought to place men with vision into elective offices. They have been vigorous in their efforts to support the best possible candidates for public office—in all areas of the country, from every walk of life and from every race, ethnic group and religion. And over the years, I believe the Republican Party has had great success and has provided leadership and direction at all levels of government—in city hall, the State capitol, in Congress and in the White House.

NEED FOR REFORM AND IMPROVEMENT

While there are many routes to improving government, I believe one of the most important influences is clean, open and rational campaigning for public offices. Clean campaigns, free from mudslinging and character assassination, are much more the rule than in the past. The good sense and basic instincts of candidates and voters alike have helped to make American campaigns more dignified and free from raw personalities.

MAJOR FACTORS—FINANCE LOOPHOLES AND RISING COSTS

Unfortunately, however, in the volatile arena of American politics today, there are tremendous pressures working against open and rational campaigning. Much of this pressure results from two interrelated and mutually reinforcing factors. They are (1) the obscurity of campaign financing, and (2) the skyrocketing costs of conducting campaigns.

It is a regrettable but pressing fact that statutes presently in force provide no effective and comprehensive control or oversight or campaign financing or campaign conduct. No coherent, tightly-drawn, enforceable body of laws governs or guides either contribution or expenditure of campaign funds. The forces of politics in effect run wild, with little or no protection of the public interest. There is, as we all know, a scattering of piecemeal, ineffectual and poorly understood statutes. But they are so subject to abuse and avoidance that the public rightly lacks confidence in them. They are an annoyance to honest candidates and political organizations. They are a joke to the dishonest and devious. And they fail to achieve even token protection of the public's right to information and candor. There should be no mistake: The present state of campaign practice laws is inappropriate to the demands of politics in the 1970's.

Combined with the ineffectiveness of existing laws governing political campaigns is the astronomical increase in the costs of those campaigns. Transportation, staff and organizational expenses have risen along with the cost of everything else in our economy. But the discovery and implementation of broadcasting, particularly television, as the most effective, most productive campaign tool, have introduced a new magnitude of expense into the whole process.

The great growth of campaigning expense increases the pressure for political contributions and the present laws governing financing are further undermined. This expense also generates almost irresistible pressures on campaigns away from lengthy, rational and thoughtful presentation of issues and alternatives. It instead fosters shallow, briefly-presented and emotional exploitation of personalities, images and catch-words.

Simply stated, it is too hard to raise the necessarily huge sums required for campaigning to have them spent without primary regard for impact and effectiveness. Candidates simply cannot afford to present the issues in depth or to engage in detailed and scholarly discussion. The people must be reached with the candidate's message. And the day is past when significant numbers can be reached without resort to the mass media, and particularly the television screen. Changing times and changing technology have made the two-hour debate at the county fair, ineffective, uneconomical and obsolete. The radio station and the television studio have become the new forums. They must be utilized if a candidate is to be successful. But their use is expensive and demands more attention to style than to substance. Because of restrictions in broadcasting laws, the radio and television networks and the individual stations cannot permit candidates to present the issues on public service time. So the public loses on both counts. The candidates cannot afford to explore the issues fully, and the stations cannot permit them to do so.

This is clearly an unacceptable situation. These deficiencies feed on each other, and as their distortion of the political process becomes more grotesque each year, the public interest continues to suffer.

CHANGE MUST BRING IMPROVEMENT

The need for reform is clear, but our desire to bring about change and new direction must be tempered by a determination that, whatever changes are made, they must be ones to improve the situation, not exacerbate it.

No clearer example of good intentions gone amiss could be found than in the legislation to impose limitations on campaign broadcast spending which passed the Congress last year. The major feature of that bill, S. 3637, was to limit expenditures for all radio and television campaign broadcasting to 7¢ per vote or $20,000 in presidential, senatorial, congressional and gubernatorial races. President Nixon was forced to veto that measure, not, as some suggested, on the basis of partisan considerations—but because it promised no improvement on the current deficiencies and posed a real threat of worsening the already bad situation.

In his veto message to the Congress, the President set forth a cogent catalog of the bill's infirmities:

It did nothing to reduce the overall cost of campaigning;

It discriminated against the broadcast media and jeopardized freedom of discussion;

It favored incumbent officeholders over challengers;

It gave unfair advantage to the famous over the unknown;

And, it promised to be difficult or impossible to enforce.

In short, the 1970 bill was aimed at only a few symptoms—not the causes—of campaign inequities and the shortcomings in campaign regulation.

THE GOAL IS BETTER GOVERNMENT

This brings me to my position on reform of campaign practices regulation.

Holding a great belief in and reliance upon the individual, my understanding of the situation leads me to the view that the foundation of any reform, any improvement and any progress in the American political system must be an informed and active electorate. The more often, more vigorously and more regularly the right to vote is exercised by the American voter, and the more informed the exercise of that right is, the better our government will be. In our deliberations in the Congress, we should remember that the ultimate goal is not more laws or tighter laws, not stricter regulation and more exacting controls. Laws, controls, restrictions, regulations—these can only be means, not ends in and of themselves. No, the goal we must seek is better government. The best type of campaign reform will be that which improves the ability, the integrity and the responsiveness of the officeholders produced by the campaign process.

THREE PRIMARY REFORMS

In pursuit of this overriding goal, I believe any meaningful campaign reform must develop along three major lines.

First, there be new efforts to provide better procedures for disclosure of campaign financing. Second, real progress must be made toward breaking the vicious circle of ever-more-expensive and ever-less-meaningful campaign practices. And third, there must be increased stimulation of citizen participation in the political process.

DISCLOSURE

As for the first area, disclosure, I believe this heretofore neglected avenue holds unrealized potential for improving our political system. At the same time, it avoids and eliminates substantial difficulties and questions raised by the alternatives.

Two paramount points of political philosophy come into play in this area. The first is a belief that American voters are entitled to know where candidates for public office and the organizations supporting them get their money and what they spend that money for. Second, is a belief that Americans have a right—indeed an obligation—to contribute to the candidates and parties of their choice, and concurrently, that individuals have a right to support their candidates and parties to whatever extent their means allow.

Relying on these two threads of belief, I feel disclosure of financing practices is a powerful stimulus for campaign reform, and that open reporting of the sources and amounts of contributions would benefit both candidates and the public. It would make candidates less subject to apparent or real pressures from large contributors, and the public would be able to make a better assessment of the candidates sources of support and their sectors of appeal. Of course, there is no hazard to the public interest in a large contribution per se. There is hazard only if the implications of that contribution are that the contributor will gain favored treatment thereby. Reporting and disclosure guard against both the fact and the suspicion of favoritism. The public would have solid factual information with which to evaluate the campaigns offered by different candidates. They could see for themselves whether a candidate was offering an attractively presented and accurate picture of himself and his programs or whether he was engaged in an atempt to "buy" the election through huge expenditures to promote an empty or misleading image. With clear and coherently administered disclosures of receipts and expenditure, voters would make informed and intelligent judgments on candidates' spending practices. And they could take those judgments into the voting booth and include them in their evaluations of the contenders for office.

Disclosures of campaign financing have substantial advantages over any imposed limitation, restriction or direction of either contributions or expenditures. Disclosure is much more practical than restriction. It focuses enforcement on the candidates and their committees, not on the individual contributor. Disclosure raises no doubts of infringement on fundamental first amendment freedom; whereas, any attempt to cir-

cumscribe the rights of contributors to support—and candidates to conduct—political campaigns certainly calls to mind an entire range of constitutional issues which, even if resolved in their favor, might require years of litigation and controversy to be finally settled. Disclosure is much more in keeping with the American philosophy of providing incentives to political action than is limitation. Disclosure would provide strong impetus to better campaigning, while limitations would only intensify present deficiencies. And in this day of widespread apathy and disillusionment with public affairs, instead of throwing up more barriers in the political system, we should be opening new channels to its best and most advantageous functioning.

The report of the 20th Century Fund's commission on campaign costs in the electronic era spoke to this point quite convincingly. It said:

Some have proposed an absolute ceiling on broadcast expenditures. The (20th Century Fund) Commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent.

I would say at this point, Mr. Chairman, that while I feel disclosure is the preferred method of treating campaign financing, there is the possibility that Congress will ultimately choose to impose limitations of one sort or another. If this eventuality should come to pass, especially if contributions are limited, I firmly believe the statutes should be drawn to treat all donors equally. Whether considering individuals, associations, interest groups—whatever the structure or identity of any contributor or transfer agent of political funds—the same restrictions and limits should be applied to all. This would be extremely important to whatever effect such laws would have in protecting the public interest. But let me emphasize again that disclosure seems by far the most practical, effective and best means of achieving reform in this area.

INCENTIVES FOR LOWER-COST AND MORE MEANINGFUL CAMPAIGNS

In the second area of direction for reform, providing incentives for more meaningful and lower-cost campaign practices, there is great need for substantial efforts and at the same time the prospect of great rewards for those efforts.

As long as no attempt is made to break the basic cycle of spiraling costs and sinking substance in campaigning, the efforts to bring change are going to be met with little success. As long as the cost of reaching the public—whether by television, radio, or personal appearance—becomes higher each election, candidates will be forced to resort to those techniques and tactics which have the greatest raw impact. The long and increasingly nerve-grating campaign, the spot advertisement, the appeal to emotions and prejudices, the absence of indepth discussion, these and all other elements which make campaigning unenlightening, uninspiring and insipid will continue to intensify.

The present counterproductive pressures must be replaced or displaced. They cannot be left where they are to continue their detrimental course. They must be eliminated, and in their place must be inserted incentives and influences in the opposite direction.

Instead of pressures for ever-increasing sums of campaign money, there must be forces toward lowering campaign expenses. Rather than pressures for briefer, more simplistic, more numerous impacts on the voters' consciousness, there must be influence for longer, more thoughtful, more reasoned discussions of the critical issues before the electorate—and a lower cost.

We must take a broad, systematic, view of the campaign process if we are to arrive at worthwhile solutions to these problems. Narrow approaches will yield narrow and necessarily disappointing results.

There are several specific changes which could be implemented to effect these broad reforms and establish incentives for better government within the campaign process:

The equal time provisions of the Federal Communications Act could be repealed to make possible in-depth discussions and debates by candidates for all public offices. Such action would add considerably to the fund of information available to the voting public. And it would provide candidates with an exceptionally valuable platform from which to articulate their views.

Provision could be made for making advertising time and space available to candidates at the lowest commercial rates for equivalent time. Broadcasters and publishers should not be required to subsidize political campaigning, but they should assure accessibility at the going rate.

Serious consideration should be given to changing present restrictions on borrowing by political organizations through regular commercial channels. It is now virtually impossible to secure loans for campaign purposes and when enacted, these restrictions were to combat real abuses, but today political organizations can be made legally responsible for their obligations, thus providing lending agencies the security their obligations require and relieving the pressure on candidates for donated funds in periods of peak expenses.

In connection with provisions for assuring the going commercial rate in the communications media, it has been suggested that a contribution to reduced costs and improved content in broadcast campaigning would be to establish a minimum length for commercial messages. This in essence would be to eliminate the so-called "spot" advertisement that contributes so heavily to the expense and shallowness of campaigns. The purpose would be to require candidates to make more detailed and thoughtful presentations of their views and improve the quality of their messages to the public. I personally find it difficult to reconcile the contradictions inherent in setting minimum lengths for campaign productions and the requirements which demand for numerous blocks or irregular time slots would have on broadcasters programming schedules. However, this avenue should receive thorough consideration in hopes of finding a real solution to the spot ad problem.

A responsible and respected central authority for oversight of campaign operations and organizations could be established. This authority, responsible for receipt, tabulation and publication of the disclosures and reports ordered by Congress, would provide the long-needed focal point for public interest and concern in campaign practices.

The specifics of campaign reform should also take into account the need of reducing the length of campaigns. In today's world of nearly instantaneous communications, a prolonged audio-visual assault on the voting public is unnecessary and increasingly annoying. It has reached the point today where the public begins to feel it is being bombarded by an endless round of political publicity and propaganda. And to a large extent, they are correct. Campaigns are too long. Their length exceeds the necessities of communications and debate and should be shortened.

Another influence of long campaigns is their contribution to the rising costs of campaigning; and it is substantial. Each extra day or week a campaign drags on adds tremendously to the overall costs. The real or imagined need to get to the public with a message fuels this pressure for long campaigns. Here we clearly see the interrelation of the pressures for money, time and the media.

Many steps could be taken to introduce incentives for shorter campaigns. National conventions could be held later in the year. Presidential primaries might be moved back a few weeks. Legislation might be enacted to set an official "campaign season." But I believe this area of shortening the campaign period offers real promise for reducing costs and improving the quality of campaigns. And I would hope this committee will explore this avenue fully in the coming months.

INCREASED CITIZEN PARTICIPATION

Now we come to the third point of the directions for campaign reform, and this is involvement of more individuals in the political process.

It is not sufficient that people go to the polls. It is of course vital, but there is more—an additional responsibility of citizenship. And this responsibility is support.

As I said at the beginning of my remarks, I believe that every American has the right to support the candidates and organizations of his choice to the fullest extent of his means, but I believe also that each citizen should support candidates and parties in proportion to those means.

There are many individuals throughout this great nation who feel a sincere and deep gratitude for what America has meant to their lives and who choose to express their feelings by contributing to political organizations. There are individuals whose loyalty and dedication to their political beliefs have found selfless and generous expression in financial support to the parties and candidates who embody their hopes and expectations for America. I believe these are admirable and laudable actions and should be encouraged and fostered by national policy.

It is recognized that the political process is expensive, and it will continue to be so. But that is not to say that the expenses of campaigning cannot be held to manageable limits nor that the burden of financing campaigns is to be the primary responsibility or preempted privilege of the wealthy.

Unfortunately, there are many individuals who do not feel the desire or the responsibility to aid political parties and candidates. It has been estimated that in 1968, only 6 percent of the population gave any money to a political organization, and in some years this number has fallen as low as 4 percent.

This statistic is at the same time distressing and hopeful. Although few Americans are motivated to contribute, a real bonanza of support lies waiting to be tapped. If only the candidates and parties in this nation can reach them, we will have made a tremendous stride forward in improving the political process in this country.

As the 20th century fund report stated:

It would be far healthier if a larger number of individual contributors gave small sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers, but also help improve the political climate by increasing direct citizen participation in politics.

For every man or woman of wealth who contributes to politics in this country, there are tens and hundreds of thousands of average citizens with modest or even limited means whose dimes and quarters, ones, fives and tens are immeasurably more important to democracy and the American political system than all the tycoons, magnates and millionaires put together.

I speak with special feeling of these Americans, because they have meant a great deal to the Republican party and through it to the entire nation.

In 1961, under national chairman William

E. E. Miller, the Republican party instituted its sustaining membership program. This program sought then, as it does today, small contributions for membership in the Republican sustaining membership committee. When the sustaining membership drive was first undertaken on a national basis in 1961, a membership cost $10. And by 1962, 45% of the national committee's funds were received through its sustaining members.

As an indication of the bedrock strength of this concept, consider the 1964 presidential campaign. The party and its ticket, faced with overwhelming odds and widespread popular assumption of doom at the polls, conducted a full-scale and nationwide campaign costing more than $8 million and emerged from the ruins of defeat with all its bills paid and money in the bank. Normally, one would expect a campaign that was so widely proclaimed to be futile to wind up heavily in the red. But an interesting thing was disclosed by that 1964 race—the financial stability of the Republican party was due to the basic strength of its organization—the loyal small contributor who did not bail out when the going got rough.

Since 1964, the sustaining membership program has been the largest source of income for the Republican party, accounting for more than 80% of all receipts in several years.

Mr. Chairman, just as an up-to-date example of the strength and importance of the small contributor and the sustaining membership program to the Republican party, I would like to cite some figures for the first two months of this year. In January and February, 1971, the Republican National Committee received 82,381 contributions of less than $100. The total of these contributions, chiefly from the sustaining membership program, totaled $1,169,822.21. In the same period, the party received fewer than 200 contributions in excess of $100, and these totaled $74,790.00.

Now, I submit that this is the way our political financial systems are meant to work. This is participatory democracy, and this is a broadly-based party with a vigorous and involved membership.

The Republican party's record is exceptional in this respect. And I find it somewhat discomforting to hear our party attacked for the sole reason of its financial stability by those whose party has not developed a broad base of extremely dedicated and dependable small contributors.

The Republican Party does have a sound financial structure because it relies on the people for its support, and because it is responsible with its own and others' money.

I am not here today to prescribe for the Democratic National Committee. I am here to offer suggestions for improving our whole political system. I believe that no greater contribution to the viability of the political process in America can be made than to bring more Americans into the financial affairs of our political institutions. Financial participation is real, basic and responsible participation in the campaigns and parties which that individual supports. It is also a source of basic good government and insurance of the effective power and authority of the people over public affairs.

New steps need to be taken by the Federal Government to stimulate citizen involvement in the financial affairs of politics. As in the other areas I have mentioned, there are many ways in which this might be done. Hopefully this committee in its consideration of the several bills before it and in its private deliberations will select one or more new devices for stimulation of this reform. Numerous suggestions have been made, such as establishing tax credits and tax reductions for political contributions, or providing a standard contribution by check-off type arrangement on the Federal income tax return. These and other proposals deserve very thorough and studied consideration. They may offer substantial help for politics in America, but they may also raise numerous side issues and questions of policy and administration which should be thoroughly examined before making any final decisions.

CONCLUSION

I stand ready to join in further efforts to achieve meaningful results and to promote the vitality of our system and to assure thereby the continuing ability of government to meet the challenges and difficulties of the future.

CONCLUSION OF MORNING HOUR

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business, I ask that the morning business be concluded.

The PRESIDING OFFICER. If there is no further morning business, morning business is concluded.

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 rules XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The pending question is on the motion to postpone for 1 legislative day the motion to proceed to the consideration of Senate Resolution 9.

Mr. FULBRIGHT. Mr. President, a great deal has already been said about the pending business. It is difficult to say something new concerning this matter. However, there are two or three aspects of it that I think worthy of attention.

One thing that occurs to me is that in looking at the way the new Members of the Senate have voted, it seems that they have split exactly 50–50. Six have voted for cloture, and six have voted against cloture.

All except one have never served in this body before. The Senator from Minnesota (Mr. HUMPHREY), while he is classified as a new Senator, has been here before and has long been committed to the principle of reforming rule XXII.

What this means to me is that a number of the new Senators, at least five, who have had no experience actually with operating under rule XXII, have made up their minds and voted to change the rules in an area that I think is extremely important for the significance of the Senate itself.

I have suggested in my previous remarks that this is due to many developments, including one of which I discussed earlier this morning, the expansion of the concept of executive privilege. But that is only one. The persistence of a state of crisis in warfare is another. I have stated that before. Experience shows that in every country where warfare continues for a long period, democracy and democratic practices are sacrified. I say this only in a most respectful way.

I would like to suggest that all of the new Senators, and certainly those who have, for good reasons, I am quite sure, voted to change the rule before they had any experience under the rule should have more time to consider the significance of such a change. It seems to me an excellent suggestion to have a meeting where this matter could be discussed in a more serious way. Unfortunately, the debates on the floor of the Senate have not been real debates. The proponents of this resolution to change the rules of the Senate have been conspicuous by their absence. I think there is not a single one of them in the Chamber now, and usually they have not been here while I have been here.

There has been no serious discussion. These votes seem to be influenced by commitments made before they came to the Senate. I do not criticize anyone for that. Anyone who runs for office has to make commitments in our system.

I only suggest in a most respectful way that this is a matter of such great importance that there should be ways and means to consider it at great length and really go into the significance of it before we seriously take up changing the rules of the Senate. There are various ways this could be done.

I predict that next Tuesday this vote will not be in favor of a change. I hope the leadership will not allow a further vote. I must say I think the way the press describes the situation is quite erroneous. The persistence of the proponents in continuing to have another and another and another vote is what is responsible for the delay. It was perfectly obvious after the first vote, and certainly obvious after the second vote, that they do not have the votes to change the rule.

Who, then, bears the responsibility for continuing this matter before the Senate and who bears the responsibility for the delay, as they call it?

Another thing I am bound to comment upon is that the press, by habit, a kind of knee-jerk reaction, refers to it as a southern filibuster on rule XXII. It is true that a number of southern Senators are involved, but not exclusively. One need only look at the votes. One reason southerners are prominent in this matter is that traditionally southerners have been here longer than Senators from other areas. That is because of historic and other reasons. Many of us have had longer experience in the Senate and we have learned, sometimes through bitter experience, that the rules of this body are very important and should not be tampered with for superficial reasons.

Again, I am impelled in that connection to read a paragraph which seems to me to be the essence of the Democratic process. I have read this paragraph once before but I think it makes the point I wish to convey. This is a paragraph written by Mr. Anthony Lewis:

> For democracy is a process not a result. It is no particular set of policies but the means of reaching them. It is a commitment to rational discourse, to persuasion, to restraint in the use of political advantage, to the renunciation of force or threats.

That sums up in the most succinct manner what this is all about. This is the process by which the Senate operates, and it is far more important than any substantive bill ever affected by this procedure.

This is what I mean when I say that some new Members of the Senate and some members of the press fail to understand the very essence of democracy, and that is the process by which decisions are reached or delayed and put off, or decisions made not to proceed with action. I am perfectly glad to have discussion or, as it is called, filibuster, characterized as a "southern-led filibuster." But in my mind I know that those newspapers that use that phrase in a pejorative sense. They think by so characterizing it, it will prejudice the minds of some new Senators and other citizens. It raises again the specter of civil rights legislation. This is an effort, in my view, a rather questionable way of questioning the good faith of those of us who are seeking to protect the integrity of the Senate as a functioning institution in our Government.

It is a curious matter. Heretofore in the debate I asked one of the leading proponents of the change what he thought was the function of the Senate. He said, "To get action." I responded very briefly, but I have thought of it in the meantime. It seems to me that is directly contrary to what I just read about the essence of democracy.

The essence of democracy is not to get action. A dictatorship can get action quicker than any other form of government. Often it is unwise or disastrous action. It is not subjected to the examination to which legislation is subjected under our system of debates; but at any rate, it is action.

I can think of no better way to describe the function of the Senate than to say it is not to get immediate action without consideration or deliberation. The function is to deliberate. It is antidemocratic to say the function of the Senate is simply to get action quickly.

I think there has arisen in the minds of some newspaper writers a kind of prejudice. I am sure it is not conscious. They do not deliberately and consciously wish to undermine the democratic system. I think it is subconscious. There is a subconscious impulse that causes them to attack the reputation and prestige of the Senate.

This morning a column in one newspaper began, "The shame of the Senate." We are shameful because we are trying to protect the rules which allow the Senate to deliberate and consider at length the most profoundly important decisions to be made by this country, such as going to war or what to do about a war, or for that matter, matters of inflation, and so on. Take the question of the SST, which is a very important issue. Is it the shame of the Senate that we do not give up and agree to abide by the rule of the majority and have passage, with no debate at all, if at any time a majority wishes to close debate; or to make a decision when a decision should not be made at any given time if it involves deep division on matters of social or cultural differences, some of which are much more difficult to reconcile than pure economic problems?

One thing we can say about the Senate that seems to be overlooked. No legislative body I know of since the days of Oliver Cromwell has ever imposed on a country a dictatorial power. No legislative body has usurped the sole power to dominate any country, whereas we have many countless examples where the executive power has dominated and taken control of the power of government in country after country. Today the great majority of the people are ruled by dictatorships. They are under the control of authoritarian governments. They sometimes have a legislature as a kind of facade to make it look good, but the legislatures have no power.

That is what would happen to the Senate if we changed the rule to majority control of debate.

I realize the proponents are saying they only want a three-fifths vote. I think everybody knows that is only a way station. We are not kidding ourselves that if we go that way, we will change the three-fifths to a majority, just as has happened in the past in most similar instances.

Many of the great corporate enterprises in this country are directed by executives who are given great power. This applies not only to industrial enterprises but to newspaper enterprises; many of them have become great corporate enterprises. I cannot help feeling that they have a subconscious instinct to sympathize with executive power. They feel that anybody who interferes with the executive is in some way inhibiting progress. I think they have a feeling of sympathy for any executive who is thwarted at any time by a group of various individuals, in our case 100, or, in the case of the House, 435.

I think that is a natural tendency. Debate, arguments, questions and answers, take time, and executives who run corporations do not like that. In great corporate enterprises they delegate power to the chief executive to run the corporation. If the profits are good during the year, they continue. If they are bad, they are fired. This happens time and again, we all know. They are not given much to debate and argue, on the whole. They have a tendency to concentrate power into the hands of either one or very small executive committees about the size of Politburo in Russia.

I was interested, in reading Khrushchev's book on Stalin, to read that he was so impatient even with the Politburo. Often he would not consult anybody. In certain areas he consulted five and not the other six. He did not like to be questioned. They may have raised questions, and he did not bother with them.

In any case, this is the nature of executive power. They do not like to have to argue about their decisions, and they do not want to be delayed.

I certainly do not wish to reflect on any specific individual, but I have noticed in my own experience that Members who come to this body from the governorships of their States, for a year or two, at least exhibit impatience with the Senate. One of our colleagues who is no longer with us, but who was on the Foreign Relations Committee, had been a Governor for five terms. He had been a very successful Governor of his State. The procedures of asking questions, going around the committee, in order, were extremely irritating to him. He was extremely impatient with the whole process. He had been accustomed to making decisions as an executive, and it was difficult to adjust to the role of being a Senator. I agree it can be very difficult.

I sympathize with the impatience of people who are accustomed to exercising executive power either in the public's behalf or in private. I can sympathize with great executives of industrial concerns or managing editors who think it is intolerable to have long debate on a subject which they think is very simple and should be able to be settled quickly, without any great debate. So I have great understanding of and sympathy for their impatience with the Senate.

Nevertheless, I do not think they understand the difficulties, the seriousness, of making decisions that involve 200 million people. Even General Motors or American Telephone & Telegraph Co. employ only 500,000 people or so, as large as they are. They do not compare with the complexity and difficulty of a country of 50 different States, with the great and differing and deep cultural, economic, and racial background of our people. Enabling such a tremendous community to live in peace is no small accomplishment. It is much more difficult than making A.T. & T. function. I understand they have difficulty in many instances. Nevertheless, it is a much more difficult undertaking as compared with them.

That is why the United States needs a body in which decisions may be considered at length, not in order to get action immediately, but in order to assure against disastrous mistakes. That, I think, is the great value of the Senate—not getting action. Action certainly is secondary to wisdom in priority in this body, and I think it ought to be. If we reverse that and give action priority and make wisdom second in importance, we may as well dispense with the Senate. It seems to me it would not be worth continuing if that is the attitude we are to adopt in changing the rules.

Nonaction or delay is far preferable, it seems to me, in the case of executive proposals that involve the security of our country. I have used the example before; I will use it again—the Gulf of Tonkin resolution. The great mistake of Senators, including myself, of course, was the acceptance of an Executive proposal sent here under a plea for immediate action because of the alleged psychological effect upon the enemy if we adopted it and passed it with a minimal of consideration. Altogether I think we considered it something like 5 or 7 hours.

But the shame of the Senate is not in debate. The shame of the Senate is not in refusal to change rule XXII. The shame of the Senate arises from precipitate action in cases like the Gulf of Tonkin resolution. That is the real source of shame. It is the only type of action that I have been embarrassed about. I cannot say I have not voted in some ways on substantive matters in the past that were not in error, and I certainly do not claim infallibility, but the real shame of the Senate is in those cases where it has

taken action without deliberation, without understanding the full significance of what was involved, and not in delay or in refusing to act. There are few cases, if any—I cannot think of any offhand—in which the Senate has been shamed by either delaying action or refusing to act on some improvident proposal. The shame is in not deliberating long enough to understand and to avoid adopting an ill-considered proposal.

Many of these proposals, of course, are written in the executive branch. I want to make clear that I am not talking about the President. I want to make that clear to the Senator from Kansas (Mr. DOLE). I did not hear his remarks. I have sent for them, but have not received them yet. The bill I introduced earlier is not aimed at the President. I have made this clear in every speech I have made, I believe. We are at the end of the 25-year period of warfare or crises which has done many things that are bad to our democratic system. I do not wish to blame the present administration either for Vietnam or for many other matters, and certainly not with regard to the erosion of our standing with regard to executive privilege.

I do not intend that, and I have no idea of saying or implying in any way that President Nixon is in any way more guilty because of his actions than any previous administration of an abuse of executive power. Of course, some of the people I have in mind were not connected with the President in any confidential manner whatsoever. But in the case of these proposals which come to us, many of them are generated in the executive bureaucracy, which has little if any real experience with the people; few of them, or hardly any of them, have ever had the experience of being elected or of answering to constituents, or of the interplay that takes place between elected officials. I do not mean by that that they are not very able and honest people, but they lack the experience which I think is essential in dealing with a country of our kind—the kind of experience which is necessary to weigh the impact upon our own country of our policies abroad, especially, and even our policies within our own country.

I think a moment ago, in the exchange I had about the war, I detected what I think I detect in many lines of observers and commentators: That there is a tendency to disassociate the effects of the war in Vietnam from what it is doing here at home. There is a tendency to regard the contest in Vietnam as a kind of ball game taking place 10,000 miles away, and naturally you want to win all contests you get into; this is a natural thing. We tend to compartmentalize this contest; it is too bad it is killing a lot of Asians, but it is not killing as many Americans, and for that reason it makes it easier. What they have overlooked is what an elected official cannot overlook, and that is the effect of the war upon our own constituents.

I think that the decisions that have led to the war, if they had been debated and understood, and the implications for our own constituents had been made clear, that Congress would not have gone along with any kind of approval of the engagement. I think those decisions were made improvidently and erroneously, largely because there was not a reasonable amount of discussion and deliberation on the part of the Senate of the United States.

Mr. President, since this issue has been debated at such length, while there is much more that could be said, inasmuch as those who might be influenced by my comments are not present, I think perhaps I should reserve the remainder of my remarks for a more propitious time, perhaps on Monday or Tuesday, when this matter is being debated, when I would hope very much to have an opportunity to discuss the matter wtih some of those who have voted for cloture and have been supporting the move to change the rules of the Senate.

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. GURNEY. 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. GURNEY. Mr. President, in the Federalist papers, Alexander Hamilton, in his flowing and beautiful prose, stated with precision and eloquence, the purposes which the Founding Fathers intended by the creation of the U.S. Senate. Under the form of answers to specific objections in five letters—61 through 65—Hamilton listed these five aims:

To conciliate the spirit of independence in the several States, by giving each, however small, equal representation with every other, however large, in one branch of the National Government.

To create a council qualified, by its moderate size and the experience of its Members, to advise and check the President in the exercise of his powers of appointing to office and concluding treaties.

To restrain the impetuosity and fickleness of the popular House, and so guard against the effects of gusts of passion or sudden changes of opinion in the people.

To provide a body of men whose greater experience, longer term of membership, and comparative independence of popular election, would make them an element of stability in the Government of the Nation, enabling it to maintain its character in the eyes of foreign states, and to preserve a continuity of policy at home and abroad.

To establish a court proper for the trial of impeachments, a remedy deemed necessary to prevent abuse of power by the executive.

Lord Bryce, in his masterpiece "The American Commonwealth," commented on Hamilton's grand scheme in the following passage:

The Federalist did not think it necessary to state, nor have Americans generally realized, that this masterpiece of the constitution-makers was in fact a happy accident. No one in the convention of 1787 set out with the idea of such a Senate as ultimately emerged from their deliberations. It grew up under the hands of the convention, as the result of the necessity for reconciling the conflicting demands of the large and the small States. The concession of equal representation in the Senate induced the small States to accept the principle of representation according to population in the House of Representatives; and a series of compromises between the advocates of popular power, as embodied in the House, and those of monarchical power, as embodied in the President, led to the allotment of attributes and functions which have made the Senate what it is.

When the work which they had almost unconsciously perfected was finished, the leaders of the convention perceived its excellence, and defended it by arguments in which we feel the note of sincere conviction. Yet the conception they formed of it differed from the reality which has been evolved. Although they had created it as a branch of the legislature, they thought of it as being first and foremost a body with executive functions. And this, at first, it was. The traditions of the old Congress of the confederation, in which the delegates of the States voted by States, the still earlier traditions of the executive councils, which advised the governors of the colonies while still subject to the British crown, clung about the Senate and affected the minds of the Senators.

It was a small body, originally of twenty-six, even in 1810 of thirty-four members only, a body not ill fitted for executive work. Its members, regarding themselves as a sort of Congress of Ambassadors from their respective States, were accustomed to refer for advice and instructions each to his State legislature. So late as 1828, a Senator after arguing strongly against a measure declared that he would nevertheless vote for it, because he believed his State to be in its favour. For the first five years of its existence, the Senate sat with closed doors, occupying itself chiefly with the confidential business of appointments and treaties, and conferring in private with the ministers of the President.

Not till 1816 did it create, in imitation of the House, those standing committees which the experience of the House had shown to be, in bodies where the executive ministers do not sit, the necessary organs for dealing with legislative business. Its present character as a legislative body, not less active and powerful than the other branch of Congress, is the result of a long process of evolution, a process possible (as will be more fully explained hereafter) even under the rigid Constitution of the United States, because the language of the sections which define the competence of the Senate is very wide and general. But in gaining legislative authority, it has not lost its executive functions, although those which relate to treaties are largely exercised on the advice of the standing committee on foreign relations. And as respects these executive functions it stands alone in the world.

No European state, no British colony, entrusts to an executive assembly that direct participation in executive business which the Senate enjoys.

I suggest, Mr. President, the fact that the U.S. Senate has performed so admirably over the years is in no small measure attributable to our history and tradition of unlimited debate.

Mr. Walter Lippmann, whose views I do not always share, but whose scholarship and devotion to our country I think we all can properly admire—expressed this same view:

The filibuster under the present rules of the Senate, conforms with the essential spirit of the American Constitution.

It is one of the very strongest practical guarantees that we have for preserving the rights which are in the Constitution.

Mr. President, I do not view rule XXII and our tradition of unlimited debate as in any way a partisan or sectional pre-

rogative. The filibuster, over the years, has, in my judgment, been used to advance good causes, and to advance wrong causes, and causes which, from the point of view of history, are insignificant. The occasion for the use of the filibuster is sometimes immaterial or inconsequential—who, for instance, recalls that the Senate debated the ship subsidy bills for 2½ months in 1922? Those bills are remembered today, if at all, because they occasioned that extended debate.

Members of all persuasions have availed themselves of the right of unlimited senatorial debate over the years—Republicans, Democrats, progressives, liberals, and conservatives alike. And our predecessors have debated and killed or caused to be amended countless appropriation bills in the decades passed. And regardless of the merits of the individual bill, the general proposition is still valid that unlimited debate is desirable. Minorities within the Senate—whether they are liberal, conservative, or otherwise—minorities should have at their disposal the tools to protect their interests, their point of view. Prolonged debate has helped to precipitate action by the transient majority—the need to "restrain the impetuosity and fickleness of the popular House, and so guard against the effects of gusts of passion or sudden changes of opinion in the people," that Hamilton spoke of.

As a veteran of the House of Representatives, I think I can speak with some authority on the way a House functions under a cloture rule. Legislation, as we all know, can be ramroded through the other body without meaningful debate, under a rule framed by a partisan committee or perhaps even a single, powerful, committee chairman. I, of course, do not intend to disparage or in any way diminish the achievements of the other body. Having served there, I respect and admire the House and I always will. But, it operates under constraints, traditions, and historical and constitutional limitations very different from our own. While we respect that institution and that great body, we should not emulate it in this regard. It is essential that the Senate remain true to its own history and traditions—it is thus essential that there continue to be a forum for unlimited debate.

Mr. William S. White, in his excellent work on modern Senate, "The Citadel," made this probing comment on unlimited debate:

> And those who mock the institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

There is another aspect of rule XXII which has not really been touched upon sufficiently in this debate, which for want of a better name, I shall call the "intangible side" of rule XXII. I suggest that the mere existence of rule XXII is a valuable asset to the Senate, even if Members do not avail themselves of their right to unlimited debate—the fact that the Members can avail themselves of this tool on any issue should the need arise, is a positive virtue. We cannot calculate this intangible asset with any precision; we cannot say where it ranks in the hierarchy of values. But, it should be comforting to Members to know that it is there and can be used to provoke debate and thought and thorough consideration on a measure or a policy which the Member considers ill advised or untimely, or personally obnoxious. It is there, and everyone knows it is there. And the presence of this tool and its availability to any Member is, I suggest, a salutary thing in and of itself. The fact that we cannot measure this aspect of our rules with any degree of precision does not in any way, diminish its utility or its influence.

There is another canard that should be demolished concerning unlimited debate—and that is the notion that the filibuster has prevented the passage of necessary legislation. The facts do not support that notion: almost universally, the measures against which filibusters have been directed have ultimately been enacted—modified perhaps, reshaped, or reformed sometimes. The fact of the matter is that taken, as a whole, the filibuster has killed more bad proposals than good proposals.

We have heard in the last few years in this Chamber serious challenges to the notion of executive supremacy. On some occasions, I have disputed these claims—as in the case of Cambodia last May. But, whatever the views of the specific issue, I support the idea that Congress has a constitutional role to play in the conduct of foreign affairs. The Senate, beyond dispute, has the duty to advise and consent to treaties and the appointment of ambassadors. Congress holds the power of the purse and the exclusive power to declare war. In the decades since World War II, Congress and the Senate allowed the Chief Executives completely free reign in the conduct of foreign affairs. The Presidents did not usurp power as has been suggested in some quarters: Congress merely retreated from its responsibility and its duty. I support the idea that Congress should properly reassert its prerogatives. I suggest most emphatically that unlimited debate in the Senate is a necessary tool in that process. And, I think that the Members who feel as I do that the Senate should reassert its historic mission in foreign relations should think twice before scrapping, or at least, impairing the usefulness of this unique tool which we, as Senators, have at our disposal.

As Hamilton said in "The Federalist," the U.S. Senate must properly act as a check upon the Executive, and unrestricted debate in the Senate is a proper and historic means to accomplish this desirable goal—to restrain Presidential ambition, to circumscribe Presidential power.

Mr. President, we have lived with rule XXII and we know its implications and its effects. It is no small matter to suggest its abolition, or even its diminution. One proposal before us is far reaching; if adopted, it would alter for all time the role and position of the Senate in our constitutional framework. It is, as I say, no small matter.

The late Senator Richard B. Russell, whose loss we have not yet begun to calculate, knew the Senate as no other man in our history has known it. He spent more than half of his life as a Member of the Senate, and he loved it with a deep and abiding affection. I think it is appropriate to recall his words of January 1968 in a debate not unlike the one in which we are now engaged. The late Senator Russell said at that time:

> I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.
>
> It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.
>
> Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.
>
> It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together, sometimes, and they will exhalt statements in favor of the issues they support and will minimize statements in opposition to those issues.
>
> It is more difficult today than ever before to get both sides of the case before the American people. But I can assure you, senators, on the basis of almost 35 years of service in this body, that there were two sides to every question. Maybe most of us think, "there is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—it happens time and again.
>
> Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the government. One of its main purposes was to permit a complete revision or canvass of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.
>
> Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the government, than the action of any army. The Senate is the last bulkward of the minority in this land.

Characteristically, Senator Russell ended his remarks on that occasion with a biblical allusion:

> If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Morecai and was hanged on it himself.

Our beloved comrade and colleague, Senator Russell, is no longer with us to give us the benefit of his wisdom. But, his counsel of several years ago is still valid and still deserving of our attention. A gag rule in the Senate, as he correctly

stated, would diminish and, in the long run possibly destroy the Senate's deliberative function.

I am candid to admit that the filibuster has been abused on occasion. It has been invoked frivolously at times. But, I am prepared to live with this abuse rather than opt for an unknown quantity.

Let us, as Shakespeare said:

Rather bear those ills we have, than fly to others we know not of.

For, even if this tool has been used for transient and insubstantial causes on a few occasions, its retention is desirable for the bigger causes—for great, fundamental constitutional questions; to check executive excesses, to prevent the mindless tampering with the organic law of the United States.

There have been abuses of free speech in our country at all levels in recent times. Those abuses, however outrageous or intemperate and however dangerous, we can all agree would not justify tampering with first amendment guarantees. The principle of free speech is so important and so valuable—so ingrained in our system and our heritage—that it cannot be sacrificed even in the face of the most unconscionable abuse.

In the same way, the principle of unlimited debate in the Senate should not be sacrificed even if there are abuses. As I say, I think the abuses have been overestimated. But even if we were to concede that they are great, even then, it would not be sufficient justification, in my opinion, for a retreat from our historic principle of unlimited debate.

Mr. President, I would hope that the Senate, on Tuesday, next, would have the good sense to reject this cloture attempt a fourth time.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

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

Thereupon, at 1:57 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 p.m. when called to order by the Presiding Officer (Mr. WEICKER).

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, seeing no Senator who wishes recognition with respect to the pending business, I ask unanimous consent that there again be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

PRESIDENT NIXON'S FOREIGN POLICY NEWS CONFERENCE

Mr. DOLE. Mr. President, last evening, President Nixon held a very important press conference. A transcript of that press conference is published in this morning's Washington Post and I ask unanimous consent to have it printed in the RECORD.

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

WITHDRAWAL CAN CONTINUE ON SCHEDULE: TRANSCRIPT OF PRESIDENT NIXON'S NEWS CONFERENCE ON FOREIGN POLICY ISSUES

Q. We understand there are some difficulties that the South Vietnamese Army has encountered in Laos in recent weeks. Is this going to cause you to slow down the rate of American troop withdrawals?

A. No. As a matter of fact what has already been accomplished in Laos at this time has insured even more the plan for withdrawal of American troops. I will make another announcement in April as I have previously indicated. The disruption of the supply lines of the enemy through Laos, which has now occurred for three weeks, has very seriously damaged the enemy's ability to wage effective action against our remaining forces in Vietnam which assures even more the success of our troop withdrawal program.

There is one other point that has been assured. I have just had a report from General Abrams today with regard to the performance of the South Vietnamese. You ladies and gentlemen will recall that at the time of Cambodia I pointed out that the South Vietnamese Army had come of age. But then they were fighting side by side with American ground forces. Now in Southern Laos and also in Cambodia, the South Vietnamese on the ground by themselves are taking on the very best units that the North Vietnamese can put in the field.

General Abrams tells me that in both Laos and in Cambodia his evaluation after three weeks of fighting is that—to use his terms—the South Vietnamese by themselves can hack it, and they can give an even better account of themselves than the North Vietnamese units. This means that our withdrawal program, our Vietnamization program is a success, and can continue on schedule, and we trust even ahead of schedule, assuming there is more progress in Laos.

Q. This is a question that you addressed yourself to at your last news conference, but I would like to ask it again in view of the fact that President Thieu has publicly said several times that there is a possibility of South Vietnamese forces invading North Vietnam. Would the United States support such an invasion of North Vietnam by the South Vietnamese?

A. Mr. Risher, I think it is important to restate the answer that I gave at the last news conference, because you will recall that was in the office where only you ladies and gentlemen who regularly cover the White House were present, and the television audience did not hear the answer.

To restate it completely, let me break it down into its component parts. First, the question is, what will President Thieu in South Vietnam do. The second question is, what will the United States do. And, third, what might we do together? Now, on the first question, President Thieu has stated that he would consider the necessity of invading North Vietnam. Let us look at his position. There are no South Vietnamese in North Vietnam. There are 100,000 North Vietnamese in South Vietnam and they have already killed over 200,000 South Vietnamese. Therefore, President Thieu has to take the position that unless the North Vietnamese leave South Vietnam alone, he has to consider the possibility of going against the North. That is his position, and I am not going to speculate on what position he might take in the future. In order to defend himself, the right of self-defense, in view of the fact that he is being attacked, he is not attacking North Vietnam.

The second part of the question deals with what we will do. There, as you recall, I stated that American policy is that we will have no ground forces in North Vietnam, in Cambodia or in Laos, except, of course, for rescue teams which go in for American fliers or for prisoners of war where we think there is an opportunity in that case.

On the other hand, I have stated on ten different occasions, usually before press conferences in which you ladies and gentlemen have participated that in two respects we would use air power against the North. One is that we would attack those missile sites that fired at our planes and we have been doing that. We will continue to do that.

Second, if I determine that increased infiltration from North Vietnam endanger our remaining forces in South Vietnam at a time we were withdrawing, I would order attacks on the supply routes, to infiltration routes, on the military complexes, and I have done that in the past. I shall do so again if I determine that such activities by North Vietnam may endanger our remaining forces in South Vietnam, particularly as we are withdrawing.

Now, the third question is this one—whether or not the United States, through its airpower, might support a South Vietnamese operation against North Vietnam. The answer to that is that no such plan is under consideration in this government.

Q: On the subject of enemy missiles, the North Vietnamese seem to be using more and perhaps a different type of missile shooting American planes supporting the Laos operation.

I wonder if this is of unusual alarm to you and if you have any special retaliation other than bombing that you intend to take?

A: We are following that very closely, and it is not unusually alarming. We expect the enemy to improve its capabilities just as we improve ours. We are prepared to take the protective reaction measures which will deal very effectively with them. But I can say it will not be tit for tat.

Q: In view of recent remarks by Senator Symington and Senator Fulbright, can you define for us the roles and the relative influence in the formulation of foreign policy of Secretary of State Rogers and of Dr. Kissinger?

A: Well, Mr. Horner, you have been around Washington even a little longer than I have and, as I am sure you will agree, this game of trying to divide the President from his Secretary of State or to create a conflict between the Secretary of State and whoever happens to be the President's Adviser for National Security Affairs has been going on for as long as I can remember, and I understand it has been going on long before I got here.

I think Senator Symington's attack upon the Secretary frankly was a cheap shot. I say that not in condemnation of him for making the statement, but I say it only because he knows the relationship between Secretary Rogers and me. He knows that Secretary Rogers is my oldest and closest friend in the Cabinet. I have known him for 24 years.

I not only respect his ability and take his advice in the field of foreign policy; I also ask his advice and often take it in many domestic concerns as well. He is the foreign policy adviser for the President. He is the chief foreign policy spokesman for the President. He participates in every decision that is made by the President of the United States. He will continue to participate in those decisions.

Now, the role of Dr. Kissinger is a different one. He is the White House adviser to the President. He covers not only foreign policy but national security policy; the coordination of those policies. He also gives me advice, just as Secretary Laird gives me advice in matters of defense. I would say that I respect his advice as well.

As to whether either Secretary Rogers of Dr. Kissinger is the top adviser, as to who is

on first, the answer to that, of course, is very simply that the Secretary of State is always the chief foreign policy adviser and the chief foreign policy spokesman of the administration.

At the same time, the assistant to the President for national security affairs does advise the President, and I value his advice very much.

Q: Mr. President, there is some feeling in this city and perhaps around the country that you are trying to prepare the American people for the possibility that between 50,000 and 100,000 American troops will still have to be in South Vietnam by election time next year.

Is that true?

A. I really can't tell you what the feeling is in this city. I can tell you what my own plans are.

We are for a total withdrawal of all American forces on a mutual basis. As far as those forces are concerned, I have stated in this press conference that Gene Risher referred to a moment ago, I have stated, however, that as long as there are American POWs—and there are 1,600 Americans in North Vietnam jails under very difficult circumstances at the present time—as long as there are American POWs in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least that we can negotiate for.

As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can by negotiation if possible and through our withdrawal program and Vietnamization program if necessary.

Now, as to when we will have them out, I will make the announcements in due time. I have another one coming in April, and I will be making other announcements. And I think the record will be a pretty good one when we have concluded.

Q: Speaking of the potentialities of action against North Vietnam, you were talking on the third point about the possibility of American air support for a South Vietnamese attack. You said that no such plan was under consideration in this government. Can you go any further than that, or is that all you wish to say about it?

A: Mr. Bailey, I can say further than no such plan has ever been suggested by President Thieu to us. None has been considered, and none is under consideration.

I am not going to go further than that, except to state what I did state in that press conference where you also were present again, that the test as to what the United States will do in North Vietnam, in any event, will always be not what happens to forces of South Vietnam, but it will be whether or not the President as Commander in Chief considers that North Vietnamese activities are endangering or may endanger the American forces as we continue to withdraw.

It is then and only then that I will use air power against military complexes on the borders of North Vietnam.

Q: Mr. President, sir, if all of the North Vietnamese troops were to be withdrawn from South Vietnam, would we still insist that American troops would not be withdrawn until North Vietnamese troops also left Cambodia and Laos?

A: The proposal we have made Mrs. Ter Horst, is, of course, for a Southeast Asia settlement, one in which the North Vietnamese troops—there are 40,000, approximately, as you know, in Cambodia, there are now approximately, by latest estimate, 90,000 to 100,000 in Laos and, of course, there are 100,000 or so in South Vietnam. It is a one-package situation.

As far as we are concerned, that is the proposal and that is the one that will stick by in Paris.

Q: In your foreign policy report, you invited better relations with Communist China, which is being interpreted in Taiwan, I believe, with a little bit of apprehension. Are you actually moving toward a two-China policy?

A: I understand the apprehension in Taiwan, but I believe that that apprehension insofar as Taiwan's continued existence and as its continued membership in the United Nations is not justified. You also have noted that in my foreign policy report I said that we stood by our defense commitments to Taiwan; that Taiwan, which has a larger population than two-thirds of all the United Nations, as long as we had anything to say about it, and that as far as our attitude toward the Communist China was concerned that that would be governed by Communist China's attitude toward us.

In other words, we would like to normalize relations with all nations in the world. There has, however, been no receptivity on the part of Communist China. But under no circumstances will we proceed with a policy of normalizing relations with Communist China if the cost of that policy is to expel Taiwan from the family of nations.

Q: On the Foreign Policy Report, even if the North Vietnamese negotiate seriously in Paris, there will be serious problems left in Laos and Cambodia, and on the battlefield there would be some hard options to be made about deploying allied troops. Will you clarify those statements, because it suggests that we are going to be there a much longer time than your earlier answer did.

A: Mr. Lisagor, our goal is a complete American withdrawal from Cambodia, Laos and South Vietnam. As you know, that is the proposal I made on Oct. 7. I made it, however, on a mutual basis, that we would withdraw, but that the North Vietnamese would withdraw at the same time.

Now, as to what happens after we withdraw, we cannot guarantee that North and South Vietnam will not continue to be enemies. We cannot guarantee that there will not continue to be some kind of guerrilla activities in Laos or even in Cambodia. As far as our own goal is concerned, our proposal is clear and we ask the enemy to consider it: A mutual withdrawal of forces, our forces and theirs. If that happens, we will be glad to withdraw, and then these other nations will have to see whether or not they can handle their own affairs.

Q: Do you see any limit on the exercise of executive privilege?

A: The matter of executive privilege is one that always depends on which side you are on. I well recall—and, Mr. Theis, you were covering me at the time when I was a member of the House—that I raised serious questions as a member of an investigating committee about the executive privilege that was at that time looking back in retrospect, properly insisted upon by President Truman. And, as President, I believe that executive privilege is essential for the orderly processes of government.

Now, let me just point out, however, what it does not cover. I was very surprised to note the suggestion that the Secretary of State was not available enough for testimony. I checked it out. Over the past two years, State Department officials have testified 499 times before the House and the Senate. The Secretary of State himself has testified personally 14 times in 1969 and 15 times in 1970. He has had 167 private meetings in addition to all that with individual senators or in groups of senators at the State Department or at his home. As a matter of fact, I don't know how he has had time to talk to me with all the time he is talking to the Congress.

Q: Mr. President, you said earlier that there will have to be a residual force staying in South Vietnam as long as the North Vietnamese continue to hold prisoners.

You have also said on previous occasions that you will not hesitate to take any strong action in order to protect whatever troops remain in South Vietnam, whatever of our troops remain in South Vietnam.

Does this, in effect, mean that despite your Vietnamization plan that you will have to have, in a sense, an indefinite commitment to South Vietnam with troops there indefinitely determined only by Hanoi and their actions?

A: I would suggest that you ladies and gentlemen always pretty much underestimate what I am capable of doing in terms of withdrawing forces and so forth.

Let me just put it all in perspective, as I can. We have had a great deal of discussion about Laos at the last press conference and I can see that it is still of interest here, and the question of Cambodia still troubles many of you.

I recall at the time that we went into Cambodia, and all of you out there looking on television will remember what I said, I said the purpose of our going into Cambodia was to cut American casualties and to ensure the success of our withdrawal program.

Many of the members of the press disagreed with me. They thought that was not an accurate description of what would happen. They were entitled to that view. Night after night, after I announced the decision to go into Cambodia, on television it was indicated that that decision would have the opposite effect; that it would increase American casualties and that it would mean that it would prolong the war.

Now we can look at it in retrospect. Casualties are one-half of what they were before Cambodia and our withdrawal program has continued and actually we were able to step it up some during the last of 1970.

In Laos, the purpose of the Laotian operation was the same as that of the Cambodian operation. This time no American ground forces, only American air power.

I said then, and I repeat now, that the purpose is not to expand the war into Laos; the purpose is to save American lives, to guarantee the continued withdrawal of our own forces, and to increase the ability of the South Vietnamese to defend themselves without our help, which means, of course, their ability to help our Vietnamization program and our own withdrawal program.

I realize that night after night for the past three weeks on television there is a drum beat of suggestion, not from all but from some commentators. And I can understand why they disagree, from the same ones that said Cambodia wouldn't work, that this isn't going to work.

Well, I had analyzed the thing very carefully when I made the decision. I have had reports all day today from General Abrams and, speaking today, I can say there is some hard fighting ahead, but the decision to go into Laos, I think, was the right decision. It will reduce American casualties. The 200,000 rounds of ammunition, the 2,000 heavy and light guns that have already been captured and destroyed, the 67 tanks that have been destroyed are not going to be killing Americans.

And, most significantly, I checked the flow of supplies down the trails from the area in which the North Vietnamese and the South Vietnamese, are engaged. And General Abrams reports that there has been a 55 percent decrease in truck traffic south into South Vietnam, which means that those trucks that do not go South will not carry the arms and the men that will be killing Americans.

We can all, of course, here in a press conference—we can debate as to whether or not my view of it is right or the rest. I hope for the good of the country mine is, and if it is right, what you say now doesn't make any difference.

I am only suggesting that while the jury is still out, remember the purpose of this, like the purpose of Cambodia, is to reduce American forces, to reduce our casualties. And I should point out that that is exactly

what this administration has done. We have kept every promise that we made. We have reduced our forces. We have reduced our casualties. We are going to continue to reduce our forces, and we are getting out of Vietnam in a way that Vietnam will be able to defend itself.

Q: Mr. President, partisans in Turkey have kidnaped four of our flyers and are holding them for $400,000 ransom. Do you think the Turkish government should negotiate with the terrorists and is there anything that you think that we can or should do in a situation like this?

A: Mr. Healy, we have had that situation with several other governments. I would not suggest that the Turkish government negotiate on this matter because I believe that is a decision that that government must make, having in mind its own internal situation.

Q: The Arabs have reportedly agreed to sign a peace treaty with Israel in exchange for certain withdrawals by Israel from the territory occupied in 1967. Is it not now time for the Israelis to make some concessions of their own and will you be asking them publicly or privately to do so?

A: Mr. Semple, as you well know, because you are sophisticated in this area, the question there is whether or not the United States will impose a settlement in the Mideast, and the answer is no. We will do everything that we can to urge the parties to talk. And, incidentally, when we talk about the problems in the Mideast, let it not go unnoted that we have made some progress. There was four years of fighting up until August of last year, and for seven months no guns have fired in the Mideast. That is progress of a kind.

We hope that the ceasefire either by agreement or de facto will be extended. We hope the Israelis and the Egyptians and, for that matter the Jordanians will continue some kind of discussion. As far as imposing a settlement, however, we can only say that we can make suggestions, but we are going to have to depend upon the parties concerned to reach an agreement.

We, of course, will be there to see that the balance of power is maintained in the Mideast. We will continue to do so, because if that balance changes that could bring on war, and also we are prepared, as I have indicated, to join other major powers including the Soviet Union guaranteeing any settlement that is made, which would give Israel the security of its borders that it might not get through any geographical acquisition.

Q: You said earlier about Communist China, at least you were perfectly clear about your position on Communist China seeking entrance in the United Nations. Someone asked you if you would favor a two-China policy, but you were not completely clear about that. Could you say, sir, if Taiwan maintained its position on the Security Council, if it maintained its position in the United Nations, if you would favor seating Communist China?

A: That is a moot question at this time, because Communist China or the People's Republic of China, which I understand stirred up people in Taiwan because that is the official name of the country, but Communist China refuses even to discuss the matter. Therefore, it would not be appropriate for me to suggest what we might agree to when Communist China takes the position that they will have no discussion whatever until Taiwan gets out. We will not start with that kind of a proposition.

Q: A few months back, you were quite optimistic about the successful conclusion of the SALT talks. Are you less optimistic now?

A: I am just as optimistic now as I was then about eventual success. As you will note from our World Policy Report, the two great superpowers now have nuclear parity. Neither can gain an advantage over the other if the other desires to see to it that that does not occur. Now, under these circumstances, therefore, it is in the interest of both powers to negotiate some kind of limitation, a limitation on offensive and defensive weapons. We will be stating a position on that on March 15 when the new talks begin in Vienna. As far as when an agreement is reached, I will not indicate optimism or pessimism. As far as the eventuality of an agreement, my belief is that the seriousness of the talks, the fact that there are great forces, the danger of war, the escalating costs, and the fact that neither power can gain an advantage over the others, I think that this means that there will be an agreement eventually between the United States and the Soviet Union.

Q: And defensive weapons?

A: I should add that I know that the suggestion has been made that we might negotiate a separate agreement on defensive weapons alone. We respect that proposal. We will negotiate an agreement that is not comprehensive but it must include offensive as well as defensive weapons, some mix.

Q: Mr. President, I would like to go back for a moment to your first answer in which you said that what has happened in Laos has already assured more troop withdrawals.

Were you saying that on the basis of what you obviously consider a success in the Laotian operation will allow you to withdraw American troops at least at the present rate of twelve and a half thousand men a month for 12 months?

A: What I am saying, Mr. Kaplow, is that our troop withdrawal schedule will go forward at least at the present rate. It will go forward for at least the present rate.

And when I make the announcement in April, that, of course, will cover several months in advance. More important, however, is the troop withdrawal schedule for next year because, as you will note in my foreign policy report, at least, the oral report I made, I pointed out that the Laotian operation this year would save American lives, save American lives by destroying or capturing equipment that otherwise might move into I Corps where a number of Americans are located. And that next year it would serve to guarantee the continued success of our withdrawal program.

The more that the disruption of the complex of trails leading from North Vietnam to South Vietnam occurs in the operation now being conducted on the ground by the South Vietnamese in southern Laos—the more that that occurs, the more successful that it is, the greater possibility that the United States may be able to increase the rate of its troop withdrawal.

I am not prepared to make that decision yet, but we can say at this time the troop withdrawal will continue at its present level. I can say, incidentally, that even since the Laotian operation began, with all the news, 10,000 Americans have come home in this period.

The PRESS. Thank you, Mr. President.

Mr. DOLE. Mr. President, let me emphasize, as has been emphasized already today, that President Nixon made it perfectly clear last evening, as he has many times in the past: The program of Vietnamization is succeeding in South Vietnam; American troops are being withdrawn; the program is on or ahead of schedule; in every instance the President has kept his word to the American people; there will be a further announcement in the month of April with reference to future troop withdrawals; and the South Vietnamese incursion into Laos and the American incursion into Cambodia last year have made it possible to keep the Vietnamization program on schedule and it will continue on schedule.

Mr. President, I believe this is highly important. I can think of no greater hope for all Americans than to wind down this war in Southeast Asia, and as has been indicated earlier today, to obtain the release of American prisoners of war in South Vietnam, Laos, Cambodia, and North Vietnam, wherever they may be. Thus, I consider the President's statement last evening to be of historic significance and feel it should be included in full in the RECORD for the detailed study of all those who are concerned with our foreign policy.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business, I ask that morning business be closed.

The PRESIDING OFFICER (Mr. WEICKER). Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on the motion to postpone to the next legislative day the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

BUSINESS ON THE LEGISLATIVE CALENDAR

Mr. BYRD of West Virginia. Mr. President, as the Senate completes its business today, there is nothing on the legislative calendar with the exception of Senate Resolution 9, which is the pending business—to amend rule XXII; Senate Joint Resolution 17, to establish a Joint Committee on the Environment; and Senate Resolution 17, to amend rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

PROGRAM FOR MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, the program for Monday next, March 8, 1971, is as follows:

The Senate will convene on Monday at 11:30 a.m., following the expiration of the recess. Following the approval of the Journal, if there is no objection, and the recognition of the two leaders, under the standing order, the able Senator from Indiana (Mr. BAYH) will be recognized for not to exceed 15 minutes, to be followed by the able Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

Following the recognition of those two Senators, under the previous order, there will be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the morning business on Monday next, the Senate will resume its consideration of the pending business. I anticipate no rollcall votes on Monday next.

At the close of business on Monday, under the previous order—which order is subject to change—the Senate will stand in recess until 12 o'clock meridian on Tuesday next.

PROGRAM FOR TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, under rule XXII, there will be 1 hour of debate on Tuesday next, the hour to begin immediately following the approval of the Journal, if there is no objection. Under the previous order, the 1 hour will be equally divided and controlled by the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Idaho (Mr. CHURCH). At the close of the hour, a quorum call is mandatory under the rule. Upon the establishment of a quorum, a rollcall vote is automatic on the motion to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9.

Therefore, there will be at least one rollcall vote on Tuesday next. That rollcall will occur at about 1:10 p.m. or 1:15 p.m. on Tuesday next.

If the motion to invoke cloture fails to get the required number of votes on Tuesday next, it is anticipated that further consideration of Senate Resolution 9 will be put aside. I say this in view of the fact that the distinguished majority leader has already indicated that next Tuesday's vote on cloture will be final, inasmuch as it will constitute a fourth vote on the motion to invoke cloture.

Among the next items of business to be considered thereafter will be the proposed amendment permitting 18-year-olds to vote in Federal, State, and local elections, and a bill to extend the Appalachian Regional Development Act—probably, but not necessarily, in that order.

RECESS TO 11:30 A.M. ON MONDAY, MARCH 8, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:30 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 3 minutes p.m.) the Senate recessed until Monday, March 8, 1971, at 11:30 a.m.

EXTENSIONS OF REMARKS

ENVIRONMENT—NUCLEAR POWER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1971

Mr. HOSMER. Mr. Speaker, earlier this week, WRC television in Washington aired an editorial comment regarding nuclear power and the environment. The station's conclusion was that from an overall standpoint of an improved environment, nuclear powerplants represent the best available course.

Reasonable men truly concerned with protecting man from the ravages of pollution—particularly air pollution—usually reach the same conclusion.

I am pleased to include the station's editorial in the RECORD for the enlightenment of those who feel otherwise:

ENVIRONMENT—NUCLEAR POWER

Consumers are hungry for cheap electricity, more free from blackouts and smog. The atomic power plant may be the answer. It means buildings full of sophisticated equipment, often in remote locations humming quietly, without noxious sulfur dioxide and nitrous oxide and the belching smoke of the typical power plant.

But to the critic, that same nuclear power plant means possible release of radiation, heating of waterways and perhaps accidents—all a threat to the environment and human life.

These differing points of view clashed recently over the precedent setting Calvert Cliffs nuclear power plant on the Chesapeake Bay, about 45 miles from Washington.

The controversy brought out the fact that present conventional power resources in the area cannot keep up with the ever increasing demand nor meet the three to eight fold expansion needed in the Chesapeake Bay area by the year 2000.

The threat of atomic radiation leakage and the impact of a nuclear power plant on the ecology over a long period of time must be balanced against the present and future threat of oxide and particulate pollutants in the air.

At the heart of the issue is the desire of the people in the Washington-Baltimore area and the nation for goods and services that use electrical power.

This demand is not likely to decrease, indeed it will increase and the bill must be paid.

In terms of an improved environment without reference to Calvert Cliffs, WRC–TV feels that the better course lies in the production of power with atomic energy.

TRIBUTE TO DISABLED AMERICAN VETERANS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1971

Mr. ICHORD. Mr. Speaker, I rise on this happy occasion to join in paying tribute to the federally chartered Disabled American Veterans who have done so much to benefit the American victims of war in this 20th century and to assist the families of those dead and injured service personnel who gave their blood in defense of our flag.

On August 8, 1971—and extending through August 13—the DAV annual national convention will be held for the 50th time, bringing to a climax this 50th golden jubilee year in the organization's life.

A half century is a long time in the life of any organization and it always seems to me to be remarkable that the DAV is able to follow every year of accomplishment with new successes.

Time dims recollection and, for that reason, I think it appropriate to recall, Mr. Speaker, an event which occurred in the course of DAV's first national convention in June of 1921. That convention was held in Detroit and, for that reason, this year's session will be held in that same "motor city."

Those who are familiar with the history of DAV will remember that the single individual most responsible for the creation of the organization was a disabled veteran in Cincinnati, Ohio, Judge Robert S. Marx. Judge Marx had entertained 100 of his fellow World War I wounded veterans at a Christmas party in 1919 and was so moved by their almost unanimous accounts of hardship in coping with the redtape of Government bureaucracy that he set out to persuade veterans and the Government that an organization of the disabled would be the best answer in dealing with the problems of the disabled.

At Detroit in that spring of 1921, Judge Marx—chosen in 1920 to serve as president of the DAV until its initial convention—massed the 1,000 disabled veterans in attendance and led them in a parade through the streets of that city.

The best description I have ever read of that event has been provided by the DAV national office in its jubilee anniversary report. Permit me to quote from this report:

It was a parade of people, some of whom coughed violently from TB, some hobbled unsteadily on new limbs, blind men were led by those who could see better and those who could not walk rode in cars or wheelchairs. The parade was escorted by the police and troop of cavalry—and it was raining. The DAV carried the flag of their country as they marched proudly in the rain of Detroit.

Men and women who watched dabbed back the tears of memory for loved ones who had not returned from the war. They took their hats off when the flags passed—and did not put them back on in tribute to the proud men who marched behind. The crowd lifted their chins and smiled proudly as they saw the determination of the Disabled American Veterans of the World War. Judge Robert S. Marx marched his troops into the heart of the American citizen.

That is the end of the quote, but I know of no better way to describe the DAV in the 50 years since its founding. It has steadily marched into the heart of the American people and, thanks to DAV's farsighted national service officers' training program for providing talented manpower seeking a career in service to disabled veterans, the DAV, I am sure, will continue to do so for many more golden jubilees to come.