United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Tuesday, March 9, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11:30 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:

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, be with Thy servants in this place to inform their minds, to guide their judgments, and to unite their energies for the welfare of this Nation. Work in and through them the mission and destiny Thou hast ordained for this Nation. By their steadfast devotion to truth and justice may they be led to decisions that shall enlarge the borders of good will and help heal the wounds of these embittered days. May all that is said and done in this historic Chamber hasten the day when peace and brotherhood shall prevail in Thy kingdom, the law of which is love and the ruler of which is God, in whose holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 8, 1971, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

RESCISSION OF ORDER TO RECOGNIZE SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the distinguished Senator from Idaho (Mr. CHURCH) to speak tomorrow be negated.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) be recognized in place of the distinguished Senator from Idaho.

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

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the Journal and the recognition of the two leaders under the standing order, the senior Senator from Missouri (Mr. SYMINGTON) be recognized for 30 minutes for the purpose of a speech and colloquy.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the speech of the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 15 minutes, as previously ordered.

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

Mr. MANSFIELD. The time when the Senate will convene tomorrow will be decided later in the day.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Thursday, March 11, following the disposition of the Journal and the recognition of the two leaders under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 10 minutes.

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

ORDER FOR RECOGNITION OF SENATOR CHURCH ON THURSDAY

Mr. MANSFIELD. Mr. President, the distinguished Senator from Georgia will be followed by the distinguished Senator from Idaho (Mr. CHURCH), for not to exceed 15 minutes.

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

The Senator from Pennsylvania (Mr. SCOTT) is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is recognized for 15 minutes.

THE WELL-HEELED SST LOBBY

Mr. PROXMIRE. Mr. President, in the past days and weeks, Congress has been getting hit with a blitz by the pro-SST lobby. If we have been hit by a blitz so far, this is just the beginning. As they say in that song, "Baby, you ain't seen nothin' yet." And the American public may be footing the bill for it.

To appreciate why the SST lobby is so powerful, and where it gets its money, it is essential to know what the SST lobby consists of. What groups and individuals comprise the pro-SST team?

First, it consists of aerospace contractors. This is not just Boeing and General Electric, who stand to receive $680 million and $325 million, respectively, on the SST prototype program, but the thousands of subcontractors who have been promised a share of the spoils from the production program.

Second, it consists of organized labor—which supports the SST because of the illusory and exaggerated promise of hundreds of thousands of jobs.

Third, it consists of the Senators from the State of Washington. These are two of the most popular and powerful Members of this body, who occupy commanding positions on committees and subcommittees on which 51 Senators serve.

And fourth, it consists of the administration. From the President on down, the administration is prepared to commit the vast resources at its disposal to get the SST appropriations through.

Incidentally, the Department of Transportation has a section on the supersonic transport consisting of some 140 employees, who have been working night and day on Members of the House and on Members of the Senate in trying to persuade them to vote for this legislation.

Mr. President, this is a classic case of David against Goliath. Opponents of the SST program are outgunned, outfinanced, outmanned. It will take a David-slingshot surprise to stop the SST this March.

A revealing use of the Goliath power occurred just recently in Washington. A

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

group calling itself American Industry and Labor for the SST announced its formation on February 22, 1971. Chief sponsors of the committee are the International Association of Machinists, and Fairchild-Hiller, Inc. Fairchild-Hiller is the largest single subcontractor for the SST prototype program, with a $16 million contract to build the SST's fuselage.

The committee announced plans to spend $350,000 by March 30, the deadline for renewing SST funding.

I repeat, the committee announced plans to spend $350,000 to lobby the Congress to pass the SST funding.

That comes out to a nice, round figure of $10,000 per day. In other words, the pro-SST lobby is spending more on a daily basis to get the SST approved than the average citizen who opposes the SST earns in a year.

Full-page newspaper advertisements are a key part of this well-heeled campaign. Also radio and TV spots—all costing vast sums of money. Such enormous expenditures, financed in large measure by the aerospace industry, suggest that SST contractors and subcontractors may be using taxpayers' money to lobby for further funding of the SST.

The first of these full-page advertisements ran the week before last in the Washington Post and other large city newspapers. The ads attempt to divert attention from the legitimate concerns of environmental pollution and economics by appealing to patriotism and national pride. An example:

> The real issue has very little to do with ecology . . . The British, French, and Soviets all have put their prototype Supersonic Transports into the air . . . The question is: Will America be left on the ground?

The advertisements repeat many of the misleading and downright fallacious arguments I spoke of earlier—such as the totally specious statement that "one SST carrying 300 passengers at 1,780 miles per hour will emit no more pollutants per mile than three compact automobiles traveling at 60 miles per hour."

I shall, later this week, specify these arguments and show they are fallacious. I have a whole series of arguments by the proponents, all of which I think we can show are plainly wrong. What concerns distinguished scientists and environmentalists such as Chairman Russell Train and Dr. Gordon MacDonald of the President's Environmental Quality Council is the effect the SST's water vapor will have on the upper atmosphere. At the surface, or at low altitudes, water vapor is not a "pollutant." It is at 65,000 feet.

The fact is that automobiles do not travel at 65,000 feet. They travel at or near sea level. But SST's do fly at 65,000 feet. And their water vapor emissions will deplete the layer of ozone at that altitude. Depletion of the ozone reduces the atmosphere's ability to shield out the sun's ultraviolet radiation. The result: a potentially dangerous increase in radiation reaching the earth's surface.

In short, any comparison of automobile exhausts with SST emissions, as in the SST committee's advertisements, is extremely misleading and 100 percent specious.

Another advertisement appeared in yesterday's New York Times. The full-page spread pictures the Russian SST prototype and bears the caption:

> Announcing International SST Service—The Best That Rubles Could Buy.

The advertisement concludes:

> If you believe that American dollars can compete with Soviet rubles, write or wire your Congressman today. Urge support for America's SST.

Again this is simply a blatant effort to divert attention from the real concerns about the plane's economic and its environmental impact by an outright jingoistic appeal.

The same tack has been taken on the radio spots which urge listeners to write Congressmen and Senators on behalf of the SST. The one I heard on the radio this morning concluded with:

> Don't let the myth-makers sink America's progress!

Mr. President, a concerted effort is also underway by the companies themselves to have employees of aircraft and aerospace firms to write their Congressmen and Senators urging them to vote for the SST. As a matter of fact, I think this is where most of the $350,000 will be spent. Anyone who has served in the House of Representatives or the Senate knows how very effective those wires, letters, cards, and communications to Members of Congress are. After all, we would not be in this body if we were not sensitive to the feelings and concerns of our constituents. That is a part of being a good representative. We are going to be swamped, in the next week or two before we vote on the SST, with such communications.

These efforts have ranged from bulletin board notices posted for employees to somewhat more coercive methods. For example, a letter sent from Boeing's Supersonic Transport Division to "Suppliers and Subcontractors to the Aerospace Industry"—incidentally, they sent many to my State of Wisconsin, as I have found out—attempts to prod a massive letter writing campaign on behalf of the SST to Members of Congress. This is what it says:

> You and your people are encouraged to join with us in working for continuation of the U.S./SST prototype airplanes . . . Employees should write their Congressmen—then contact their personal friends and relatives with encouragement for them in turn to join this effort.

The memo urges aerospace management to "stimulate" this action and asks employers to use "their personal efforts in this area." It says:

> Company management assistance is vital to stimulate this action and your personal efforts in this area are requested.

Sample form letters are attached to the memorandum to prod employees still further. Here is a sample to Senator Doe.

This is the type of thing all Members of the Senate and the House of Representatives can expect to get, by the thousands. This is how the sample letter reads which Boeing is asking thousands of its employees and its subcontractors' employees to write to Members of this body:

> We have read a lot lately about how something called "technology" has gotten out of hand and ought to be stopped before horrible things happen to us. This is rather childish, but a lot of people seem to take it seriously. Sure, we've got to clean up the environment. We've got to make sure our river water is not fouled and our cities are quieter places to live in. But why blame technology, when it is our only means of solving the problems?
>
> Take the SST for example. We know that aircraft engines are getting cleaner and cleaner all the time. It stands to reason that the less time an airplane is in the air, the less it will pollute. It seems to me, then, that the SST is one good answer to our concern about the environment. As one who has followed the supersonic race with France and England, and Russia, I happen to think the American SST will be a far superior plane. We certainly shouldn't cut off the orderly development now that we are so close to flying the prototype. I hope when the vote comes up, you will back the project.

I ask unanimous consent that the entire memorandum from Boeing and the form letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. I also have a letter from an aerospace employee who specifically requested that arm twisting practices be brought to the attention of Congress. The letter, in part, reads as follows:

> I would think it appropriate for you to bring some of these massive campaign efforts for the SST to the attention of Congress. I would sign my name if I could afford to lose my job, which I cannot. But I would rather lose it through Congress' squashing the SST than losing it through company pressure to indicate a dishonest choice for the SST.

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

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

(See exhibit 2.)

Mr. PROXMIRE. Mr. President, these intensive efforts designed to push the SST appropriations through Congress raise a number of questions. Where is the money coming from: Can it be traced, directly or indirectly, to Federal money—taxpayers' money—received by these firms under Government contracts? Is one Federal subsidy being used to lobby for another one? To what extent are employees of aerospace firms being coerced and pressured into lobbying Members of Congress against their will?

Mr. President, if employees of defense contractors were to begin flooding congressional offices with mail urging a higher defense budget, I think most of us would be surprised, possibly suspicious. And if defense contractors themselves were to spend hundreds of thousands of dollars in behalf of more money for the Pentagon, it would be a national scandal.

I suggest, Mr. President, that the Committee for an American SST and its subgroup, American Industry and Labor for the SST, be called to account for the

source of every dollar they spend. I also suggest that firms such as Boeing and other aerospace contractors that have urged employees to write letters to Congressmen and Senators on behalf of the SST provide firm assurances that such letters are being written wholly free of influence or coercion.

Mr. President, the SST is the clearest example of private power and capital versus the public interest that I have seen in my 13 years in the U.S. Senate. If money can do it, this $350,000 which is being spent at the present time and will have been spent by the time we vote, of course, will prevail. That is a whale of a lot of money to throw into a campaign in a short time. Undoubtedly it will have great influence, and the pressures that are being brought to bear right now on Members of Congress by people in the aerospace industry, by the administration, and by the labor unions undoubtedly may have their effect.

On the other side, we have the representatives of the conservation organizations, with no ax to grind, no money to gain from their efforts, just an absolute dedication to trying to keep this planet as clean as possible, insisting that we consider the cost to the environment as well as the cost to the taxpayer of proceeding with this project at this time.

Mr. President, as I say, the SST is the clearest example of private power and capital versus the public interest that I have seen in my 13 years in the U.S. Senate. No one wants or needs the SST except big labor, big industry, and big politics. The public interest is the decided underdog. Whether it can prevail against such overwhelming odds remains to be seen.

EXHIBIT 1

BOEING,
SUPERSONIC TRANSPORT DIVISION,
Seattle, Wash.

To: Suppliers and Subcontractors to the Aerospace Industry

The question of further funding for America's Supersonic Transport Program will be taken up soon by Congress. If funding is denied for this next vital step in technology we may all anticipate a continuing attempt to suppress the very means by which social, environmental and economic progress is fostered. Everyone who earns a living by "making something" should be deeply concerned about this problem.

Being a supplier to the aerospace and allied industries, you are exposed to a great deal more fact than the average individual about America's SST Program. After studying the pros and cons I am sure that you will be convinced that an excellent airplane with little or no effect on the environment will result. Any reasonable man or woman who really cares to find out the facts and to judge America's Supersonic Transport realistically will come to the same conclusion.

The thousands of direct jobs that would be lost if we don't build the SST are certainly important but don't overlook the tens of thousands of people who work for companies such as yours supplying goods to the aerospace industry; machine shops, laboratories, plastics firms, machine tooling companies and of course a myraid of electric and electronic firms. All types of companies across the nation will be affected.

You and your people are encouraged to join with us in working for continuation of the US/SST Prototype airplanes. This can best be done by exercising your American right to make your representatives in Washington, D.C. aware of your position. Employees should write their congressmen—then contact their personal friends and relatives with encouragement for them in turn to join this effort. Company management assistance is vital to stimulate this action and your personal efforts in this area are requested. Typical sample letters that may be used or modified to fit your particular efforts appear on the reverse side of this letter. Also included are sample public opinion telegrams. Past efforts of mail compaigns proved very effective during late 1970 but the need to repeat this effort is becoming more and more apparent. Your company together with several thousand others is being asked to assist.

Our use of a form letter to describe such a vital issue is certainly not desirable, however, in consideration of the magnitude and timing of the combined efforts required we trust you will react with personal effort.

Feedback regarding your company's activities for support is very important for overall assessment. It will be very much appreciated if activity status is forwarded to the following address.

SST Division Materiel Orgn. 9-5804, M/S 443-49

The Honorable (JOHN DOE)
U.S. Senate
Washington, D.C.

The Honorable (JOHN DOE)
U.S. House of Representatives
Washington, D.C.

DEAR SENATOR (DOE):
DEAR MR. (DOE):

After reading about all of the arguments about America's Supersonic Transport Program, I have concluded it is a worthwhile project. I consider the SST vital to the nation's economic future and fully deserving of Federal support.

I strongly urge that you work and vote for this important national program which will insure a healthy, competitive U.S. aviation industry. Thousands of jobs throughout the nation are at stake. Don't deny American workers the chance to contribute towards making our world a better one to live in.

Respectfully,

DEAR SENATOR (DOE):
DEAR MR. (DOE):

We have read a lot lately about how something called "technology" has gotten out of hand and ought to be stopped before horrible things happen to us. This is rather childish, but a lot of people seem to take it seriously. Sure, we've got to clean up the environment. We've got to make sure our river water is not fouled and our cities are quieter places to live in. But why blame technology, when it is our only means of solving the problems?

Take the SST for example. We know that aircraft engines are getting cleaner and cleaner all the time. It stands to reason that the less time an airplane is in the air, the less it will pollute. It seems to me, then, that the SST is one good answer to our concern about the environment. As one who has followed the supersonic race with France and England, and Russia, I happen to think the American SST will be a far superior plane. We certainly shouldn't cut off the orderly development now that we are so close to flying the prototype. I hope when the vote comes up, you will back the project.

Respectfully,

Public opinion telegrams can be sent to above addresses; 15 words for $1.00 flat rate: an American SST is needed and justified. Strongly urge you support this vital National program.

America needs the SST to keep our Nation first in aviation. Please vote for it.

EXHIBIT 2

MARCH 1, 1971.

Enclosed is the type of material used as part of a well-financed campaign at an aerospace company where I work. Bumper stickers of various sorts are also used. Even if I were for the SST, which I am not, I am against this type of organized pressure. In at least some instances at our Division supervision requests employees to sign the enclosed material in the presence of the supervisor. This type of pressure smacks more of George Orwell's 1984.

I would think it appropriate for you to bring some of these massive campaign efforts for the SST to the attention of Congress. I would sign my name if I could afford to lose my job, which I cannot. But I would rather lose it through Congress' quashing the SST than losing it through company pressure to indicate a dishonest choice for the SST.

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

Mr. PROXMIRE. If I have any time remaining, I shall be happy to yield to the Senator. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PROXMIRE. I yield to the Senator from Arizona.

Mr. GOLDWATER. I ask the Senator from Wisconsin if he would like to have investigated also the Brookings Institution, the Ford Foundation, the Peace Through Law group, and all the other organizations we see campaigning against the SST, against military expenditures, and against a strong American position in this world.

Mr. PROXMIRE. Mr. President, I would be delighted to have an investigation of those groups, and I would be astonished and very pleased if it were found that the Ford Foundation and the Brookings Institution were taking any steps whatever against the SST. They certainly have not helped me. I have received communications from many conservation groups, but the foundations have taken no position, as far as I know. If they have opinions, they have not communicated them to me.

I certainly feel that whenever a group is going to spend something like $350,000 in a matter of a few days to lobby the Congress, as this group for an American SST is doing, and when that group is getting contracts and subcontracts from the Federal Government, from the taxpayers, it seems to me it is perfectly proper to have an examination, an investigation, and a determination to find out whether or not they are using taxpayers' money in this fashion to secure more taxpayers' money for the SST.

Mr. GOLDWATER. Is the Senator suggesting that that is illegal?

Mr. PROXMIRE. I am suggesting it might very well be. I am not sure. I have not had an opportunity to examine the statutes thoroughly on that point. I think they are perfectly free to do anything they want to—buy all kinds of ads, have any kind of mail campaign they wish, as long as they spend their own money, and not the taxpayers'.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, on my time.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now recognizes the Senator from Washington for a period not to exceed 10 minutes.

Mr. JACKSON. I should like to ask the Senator from Wisconsin this question: What would the Senator's opinion be if people who are employed by nonprofit foundations are, for example, actively engaged in efforts to cut the defense budget or take specific positions on what our defense posture should be?

Mr. PROXMIRE. I think that any group, whether it is a nonprofit foundation or a contractors' group, that wants to investigate and publicize their opinion should not only have every right to do so but should be encouraged to do so as well. That is part of the public debate. But when they organize a letter writing campaign, when they coerce employees—I have a letter from an employee who was coerced, and there are many others—I think that is something else.

Mr. JACKSON. What about individuals who are drawing salaries from nonprofit foundations who are involved directly in taking political positions on domestic or foreign policy matters and actively support groups here on the Hill? What is the Senator's position in that regard?

Mr. PROXMIRE. I think the Internal Revenue Service should investigate.

The Brookings Institution, for example, tells me that they are inhibited in all kinds of ways in what they can do politically. They have to be very careful. I asked a scholar from Brookings to come and testify, and he said he could not do it unless he got a letter from the chairman of the committee asking him to do so. Otherwise, they are in a difficult position.

My position is that it is perfectly proper for those people as well as contractors to make their views known, to make any studies they want, and to contribute to the dialog; and I think they are performing a great public service in doing so.

Mr. JACKSON. So the Senator from Wisconsin says that an employee of a foundation or other nonprofit organization could actively engage in and support and take political positions in connection with controversial matters before Congress?

Mr. PROXMIRE. It is my understanding that this is a matter to be determined by the Internal Revenue Service. They may lose their tax exemption if they do it.

Mr. JACKSON. What is the Senator's judgment? The Senator has indicated that there is implied wrongdoing in connection with the matter to which he has addressed himself. I assume that the Senator is well aware of the statutes and rules in this area.

Mr. PROXMIRE. I think we are talking about entirely different things. I think it is perfectly proper for a contractors' group to make any kind of study they wish and to publicize their position if they wish. But if they are going to bring pressure to bear with taxpayers' money, bring pressure to bear on their employees to write to Congress, I think that is somewhat different.

Mr. JACKSON. The Senator is saying that an employee of a foundation or other nonprofit organization can aid, support, and abet individuals who are involved or themselves take direct positions on political matters pending before Congress?

Mr. PROXMIRE. I am saying that if they do that kind of thing, they have to do it very carefully and do it in accordance with Internal Revenue Service rules.

Mr. JACKSON. The Senator means carefully in the sense of surreptitiously?

Mr. PROXMIRE. No; not surreptitiously at all. They should do it with full disclosure, but carefully, to make sure they abide by the rules.

Mr. JACKSON. What are the rules?

Mr. PROXMIRE. As I understand it, they cannot come before a congressional committee without being invited and urged to come by the chairman of the committee. Then they are free to do it.

Mr. JACKSON. The Sierra Club lost their nonprofit status because they took a political position. Is it not clear that employees of foundations or other nonprofit organizations cannot become involved, directly or indirectly, in political matters that are before Congress, under existing law and regulations of the Internal Revenue Service?

Mr. PROXMIRE. It is my understanding that if an employee of the Brookings Institution or the Ford Foundation is invited by the chairman of a congressional committee to testify on a matter, for or against the supersonic transport, he could do so without the organization losing its status or adversely affecting its status under the Internal Revenue Service Code. I could be wrong about that; and if I am wrong, I would like to be corrected.

Mr. JACKSON. I submit that the Senator has not answered my question. It is a very simple question. Can an employee of a nonprofit organization engage in overt or covert political activity when he is being paid by a nonprofit organization?

Mr. PROXMIRE. I presume the answer is that he cannot.

Mr. JACKSON. All right.

Mr. PROXMIRE. Mr. President, in the debate with Senator JACKSON, it seems that we are both making the same point and both of us really come down hard on serious impropriety of using Federal money to lobby the Congress.

I agree with him that if the funds of tax-exempt foundations are used for lobbying purposes their exemption should be taken away.

By the same token—and I might say even more strongly—I would argue that Federal tax money received by supersonic transport contractors should not be used for lobbying the Congress.

It is exactly the same principle. The taxpayers' money should not be used for lobbying the Congress.

In addition, there is a strong indication here that some of the aerospace employees may have been coerced into writing Members of Congress on behalf of the SST. There is absolutely no indication that this has happened with tax-exempt organizations.

THE SITUATION IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, I wish to take just a moment of the Senate's time to commend my good friend and colleague, the Senator from Connecticut (Mr. RIBICOFF), for a most excellent statement yesterday on the floor with respect to the situation in the Middle East.

In particular, I wish to bring to the attention of the Senate my good friend's very clear and direct comment that—

It would be . . . desirable and logical for the United States to press for the withdrawal of the more than 15,000 troops from Egypt.

I believe that the interests of peace in the Middle East will be served best by, at a minimum, the phased withdrawal of the chief source of instability in the Arab-Israeli dispute—the substantial Soviet military presence in Egypt.

There is no doubt that the Israelis can cope with any threat from the military forces of the Arab States in the region. And there is no doubt that Israel's capacity to deter such an attack is a major source of stability in the Middle East. It is by giving rise to concern that the delicate balance could be upset by direct Soviet participation in a Middle East conflict that this fragile stability is impaired. The withdrawal of Soviet forces from Egypt would greatly increase Israeli confidence at a time when confidence can be a crucial ingredient in any negotiations.

So I wish to commend the Senator from Connecticut for a cogent analysis in which he identifies the severe complications that result from Soviet ambitions in the Middle East and correctly assesses the broader implications of the Soviet presence in Egypt and throughout the Mediterranean.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have a period for the transaction of routine morning business?

The PRESIDING OFFICER. Pursuant to the previous order, there will be a period for the transaction of routine morning business, not to extend beyond 12 noon.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

FEDERAL PLAN FOR METEOROLOGICAL SERVICES AND SUPPORTING RESEARCH FOR FISCAL YEAR 1972

A letter from the Assistant Director of the Office of Management and Budget transmitting, pursuant to law, the Federal plan for meteorological services and supporting research for fiscal year 1972 (with an accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION PROVIDING FOR THE FINALITY OF SETTLEMENT EFFECTED UNDER CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under sections 2733, 2734, 2734a, 2734b, or 2737 (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION PROVIDING FOR THE SETTLEMENT OF CERTAIN CLAIMS INCIDENT TO NONCOMBAT ACTIVITIES OF THE ARMED FORCES

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION FOR THE RELIEF OF OWNERS OF LOST OR STOLEN SECURITIES OF THE UNITED STATES

A letter from the Secretary of the Treasury transmitting proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED LEGISLATION ENTITLED "FAIR WARRANTY DISCLOSURE ACT OF 1971"

A letter from the Attorney General transmitting proposed legislation entitled "Fair Warranty Disclosure Act of 1971" (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION ENTITLED "FEDERAL TRADE COMMISSION AMENDMENTS OF 1971"

A letter from the Attorney General transmitting proposed legislation entitled "Federal Trade Commission Act Amendments of 1971" (with accompanying papers); to the Committee on Commerce.

ANNUAL REPORT OF THE U.S. TARIFF COMMISSION

A letter from the Presiding Commissioner of the U.S. Tariff Commission transmitting, pursuant to law, the Annual Report of the U.S. Tariff Commission for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Finance.

PROPOSED LEGISLATION RELATING TO CERTAIN LANDS TO BE HELD IN TRUST FOR THE STOCKBRIDGE MUNSEE COMMUNITY, WIS.

A letter from the Assistant Secretary of the Interior transmitting proposed legislation to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, REGARDING THE DISPOSAL OF EXCESS PROPERTY IN FOREIGN COUNTRIES

A letter from the Secretary of Health, Education, and Welfare submitting a negative report covering the disposal of excess property in foreign countries for the calendar year 1970 (with an accompanying report); to the Committee on Government Operations.

ANNUAL REPORT OF THE GOVERNOR OF GUAM

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, the annual report of the Governor of Guam (with an accompanying report and papers); to the Committee on Interior and Insular Affairs.

PROCEEDINGS OF THE JUDICIAL CONFERENCE, WASHINGTON, D.C., OCTOBER 29, 30, 1970

A letter from the Chief Justice of the United States transmitting a copy of the proceedings of the meeting of the Judicial Conference in Washington, D.C., on October 29, 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION ENTITLED "CONSUMER FRAUD PREVENTION ACT OF 1971"

A letter from the Attorney General transmitting proposed legislation entitled Consumer Fraud Prevention Act of 1971 (with accompanying papers); to the Committee on the Judiciary.

REPORT ON EXEMPTIONS FROM THE REQUIREMENTS OF SECTION 118 OF THE CLEAN AIR ACT

A letter from the Administrator of the Environmental Protection Agency reporting, pursuant to law, regarding exemptions from the requirements of section 118 of the Clean Air Act; to the Committee on Public Works.

THE 1971 ANNUAL REPORT ON HIGHWAY RELOCATION ASSISTANCE

A letter from the Secretary of Transportation transmitting, pursuant to law, the 1971 Annual Report on Highway Relocation Assistance (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of Washington; to the Committee on Appropriations:

"SENATE RESOLUTION 1971–17

"Whereas, the Army Corps of Engineers reports that current funding allocated for the Lower Granite Dam, on the Snake River, in Washington State will be exhausted within thirty days and, further, that an additional nine to ten million dollars would be required to continue the construction program until appropriated funds become available after July 1, 1971; and

"Whereas, the Army Corps of Engineers has already given notice of discontinuance to the contractor; and

"Whereas, A discontinuance of work on the Lower Granite Dam at this time would result in the loss of twelve hundred jobs, which would aggravate an already depressed Washington State economy; and

"Whereas, A discontinuance of construction until July 1, 1971, would cause a delay of one year in bringing on line the power generated by the dam, thus aggravating the existing power shortage in the Pacific Northwest;

"Now, therefore, be it resolved, By the Senate in legislative session assembled, that the President propose and support and the Congress enact legislation appropriating the necessary nine to ten million dollars to fund the Lower Granite Dam project until the fiscal 1972 funds become available;

"Be it further resolved, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Finance:

"FILE NUMBER 55

"Senate Joint Resolution—Memorializing the Congress of the United States to allow a credit against the federal tax for slot machine taxes imposed by the states, for educational support.

"Whereas, The State of Nevada, the fastest growing state in the nation, finds it increasingly difficult to meet its obligations to its citizens, especially in the field of education, because of an increasingly tight fiscal condition; and

"Whereas, Nevada's ability to meet its needs is lessened materially because 87 percent of its land mass is federally owned, thus leaving the state a firm tax base of only 13 percent for real property levies; and

"Whereas, The State of Nevada has found that through legalizing and strictly controlling casino-type gaming, a much-needed source of state revenue has been made available, which is unique to the State of Nevada; and

"Whereas, The state's ability to provide adequate educational facilities is now seriously hampered by lack of funds and a low bonding ceiling, with no apparent way to turn for relief; and

"Whereas, The federal tax on slot machines in a state where such machines are legally taxed, regulated and rigidly controlled, may well be termed double taxation; and

"Whereas, The Nevada legislature in 1967 enacted a statute imposing a tax equal to a credit allowed against the federal tax on slot machines, which statute is to become effective when the Congress passes legislation permitting a credit against the federal tax for slot machine taxes imposed by the states; and

"Whereas, None of the tax credit allowed by the Congress will inure to the benefit of the licensed gaming establishments in Nevada, but will instead be set aside for the support of education (see NRS 463.385); and

"Whereas, Other federal support for the schools in this state under Public Law 874 of the 81st Congress has been reduced; now, therefore, be, it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature on behalf of the people of the State of Nevada respectfully memorializes the Congress of the United States to enact legislation providing a credit of 80 percent against the tax imposed by 26 U.S.C. § 4461 upon slot machines for the amount of any tax paid upon such machines to a state, for educational support; and be it further

"Resolved, That this legislature urgently requests each member of the Nevada congressional delegation to work for the enactment of such legislation; and be it further

"Resolved, That copies of this resolution be forwarded by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and to each member of the Nevada congressional delegation."

A resolution of the Senate of the State of Kansas; to the Committee on Foreign Relations:

"SENATE RESOLUTION NO. 15

"A resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a 'Kansas week of concern for prisoners of war/missing in action.'

"Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

"Whereas, Article 2 of the Geneva Convention specifically provides that the Conven-

tion shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

"Whereas, the government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

"Permit neutral inspections of prisoner of war camps;

"Provide identification of all prisoners held;

"Release those prisoners who are seriously wounded or ill;

"Allow a proper constant flow of mail to and from the prisoners;

"Provide an adequate and nutritious diet; and

"Provide adequate medical and pharmaceutical care; and

"Whereas, in addition to the foregoing, the government of North Vietnam and her puppet allies have:

"Subjected prisoners of war to public abuse;

"Subjected prisoners of war to cruel mistreatment and torture; and

"Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

"Whereas, citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

"Be it resolved by the Senate of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

"Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

"Be it further revsolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

"Be it further resolved: That the secretary of the senate transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations."

A resolution of the House of the State of Kansas; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 1036

"A resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action."

"Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the convenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

"Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

"Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

"Permit neutral inspection of prisoner of war camps;

"Provide identification of all prisoners held;

"Release those prisoners who are seriously wounded or ill;

"Allow a proper and constant flow of mail to and from the prisoners;

"Provide an adequate and nutritious diet; and

"Provide adequate medical and pharmaceutical care; and

"Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

"Subjected prisoners of war to public abuse;

"Subjected prisoners of war to cruel mistreatment and torture; and

"Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

"Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

"Be it resolved by the House of Representatives of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

"Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

"Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

"Be it further resolved: That the chief clerk of the house transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretaray General of the United Nations."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

FILE No. 52

"Assembly joint resolution—Memorializing the President, the Congress, the United States Department of the Interior and the Bureau of the Budget to accelerate the funding, designing and construction of the Marble Bluff Dam and Fishway.

"Whereas, That magnificent desert lake, described by Lt. John C. Fremont in 1844 as a 'sheet of green' breaking 'upon our eyes like the ocean' which 'was set like a gem in the mountains' and which he named Pyramid Lake, is faced with numerous crises; and

"Whereas, The Secretary of the Interior and the governors of Nevada and California, recognizing the urgency of the situation, appointed many distinguished and knowledgeable citizens to investigate and recommend ways and means to use the waters of the Tahoe, Truckee and Carson basins in such a way as to provide sufficient water to preserve Pyramid Lake and to satisfy the beneficial needs of others; and

"Whereas, Those citizens have prepared and published a scholarly and thorough report on several solutions for Pyramid Lake problems; and

"Whereas, Their recommendation to complete the Marble Bluff Dam and Fishway as expeditiously as possible is a realistic and attainable goal and deserving of immediate attention; and

"Whereas, The construction of the dam would substantially reduce the erosion of lands within the Pyramid Indian Reservation, a reservation which these United States have neglected too much for too long; and

"Whereas, The construction of the fishway would again permit the renowned cui-ui and other piscine species, which are now unable to swim through the mudflats of the Truckee River, to reach their spawning grounds; and

"Whereas, The resulting benefits would immeasurably improve the lot of the Pyramid Lake Indians, who are still waiting for the white man to repay, in some small measure, the hospitality they visited upon those white men who first visited their shores; and

"Whereas, The United States Bureau of Reclamation of the United States Department of the Interior is deserving of commendation for its work with respect to the Marble Bluff Dam and Fishway, it needs the appropriations it requested here and now in order to insure the earliest possible completion of this project; now, therefore, be it

"*Resolved by the Assembly and the Senate*

of the State of Nevada, jointly, That the legislature of the State of Nevada memorializes the President of the United States, the Congress of the United States, the United States Department of the Interior, the Bureau of the Budget and the United States Bureau of Reclamation to accelerate the funding, designing and construction of the Marble Bluff Dam and Fishway; and be it further

"Resolved, That copies of this resolution be prepared and transmitted by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives, to all members of the Nevada congressional delegation, to the chairman of all committees in the Congress which deal with the subject of this resolution, to the Secretary of the United States Department of the Interior and to the Director of the Bureau of the Budget."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING CONGRESS TO ENACT A FEDERAL-STATE TAX SHARING PROGRAM

"Whereas, The states have inadequate revenue sources to finance the burdens imposed upon them by mounting welfare, education and health costs; and

"Whereas, The federal government has greater ability to impose taxes without the problem of competing with other jurisdictions; therefore be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the sharing of a fixed percentage of revenues from the individual federal income tax with state governments; and be it further

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 671. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes (Rept. No. 92–27).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 92–28).

By Mr. MONTOYA, from the Committee on Public Works, together with individual views:

S. 575. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended (Rept. No. 92–29).

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. DOLE:

S. 1139. A bill to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act. Referred to the Committee on Agriculture and Forestry.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 1140. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 1141. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 1142. A bill for the relief of Harold Donald Koza. Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself and Mr. MUSKIE):

S. 1143. A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes. Referred to the Committee on Public Works.

By Mr. MOSS:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

S. 1145. A bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 1146. A bill for the relief of Lt. Col. Lynn Freeman Cowan, U.S. Army Reserve (retired). Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. YOUNG):

S. 1147. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of the Dickinson reclamation project in North Dakota, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1148. A bill to provide for the continued operation of the Public Health Service general hospitals. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 1149. A bill for the relief of Corazon F. Mesina. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1150. A bill for the relief of Alisa Ramati. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 1151. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Tex., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PERCY:

S. 1152. A bill to facilitate the preservation of historic monuments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1153. A bill to amend section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended. Referred to the Committee on Government Operations.

By Mr. FONG:

S. 1154. A bill for the relief of Ulrich Paul Kruggel; and

S. 1155. A bill for the relief of Luana Gaja. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. BAYH, Mr. HUMPHREY, Mr. JAVITS, Mr. PERCY, Mr. HARTKE, Mr. STEVENSON, Mr. TAFT, and Mr. SAXBE):

S. 1156. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program. Referred to the Committee on Agriculture and Forestry.

By Mr. MCCLELLAN:

S. 1157. A bill to amend the Budget and Accounting Act, 1921, to require substantive authorization for appropriations made to the General Accounting Office. Referred to the Committee on Government Operations.

By Mr. BELLMON:

S. 1158. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the load limitation on certain loans. Referred to the Committee on Agriculture and Forestry.

S. 1159. A bill to amend the act entitled "An Act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes" (84 Stat. 986). Referred to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

S. 1160. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 1161. A bill to assist in removing the financial barriers to the acquisition of a postsecondary education by all those capable of benefiting from it. Referred to the Committee on Labor and Public Welfare.

By Mr. HART (for himself and Mr. MILLER and Mr. HUGHES):

S.J. Res. 67. A joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON (for himself and Mr. MUSKIE):

S. 1143. A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes. Referred to the Committee on Public Works.

MAJOR CHANGES SUGGESTED FOR WATER QUALITY PROGRAM

Mr. EAGLETON. Mr. President, on behalf of Senator MUSKIE and myself, I offer for introduction today, at the request of the National League of Cities and the U.S. Conference of Mayors, a bill that would authorize three major changes in the Federal water pollution control program.

These amendments are based upon a study begun by the two organizations in the summer of 1970. The study surveyed the water pollution control needs of more than 1,100 cities, counties, and special districts responsible for water pollution control.

From their survey, the two organizations estimate the Nation's needs for water pollution control over the next 5 years to be between $33 billion and $37

billion. They believe a Federal program of $3 to $4 billion a year is required to meet these needs.

The League of Cities and Conference of Mayors also believe the Federal share of the construction cost for sewage treatment plants should be increased to 75 percent and a long-term commitment of Federal funds, to be available for construction grants over a reasonable period of time, should be approved by the Congress.

Mr. President, I ask unanimous consent that the text of the bill, a background paper on these amendments, and a summary of the League of Cities-Conference of Mayors study be printed in the RECORD at the close of my remarks.

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

S. 1143

A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Commitment Act of 1971".

SEC. 2. The Congress hereby finds and declares—

(1) that continued population growth and economic expansion require high-quality water supplies;

(2) that the Nation's waterways are currently in serious danger of becoming polluted to a degree that will be injurious to the health and welfare of the Nation; and

(3) that the urgency of this problem requires deduction of substantial public and private resources to control and abate water pollution, including a firm commitment of at least $15,000,000,000 in Federal expenditures during the next five years.

SEC. 3. (a) Subsection (a) of Section 7 of the Federal Water Pollution Control Act is amended to read as follows:

"(a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $15,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976, $25,000,000 for grants to states and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies."

(b) Paragraph (6) of Subsection 7 (f) of the Federal Water Pollution Control Act is amended to read as follows:

"(6) sets forth the criteria used by the State in determining priority of projects as provided in Section 8(b)(6), and such criteria may consider financial need and other factors deemed relevant by the Senate in assessing individual projects in abating water pollution and improving water quality, but they must place primary emphasis on effectiveness of individual projects in abating water pollution and improving water quality."

SEC. 4. (a) Section 8(b) of the Federal Water Pollution Control Act is amended to read as follows:

"(b) Federal grants under this Section shall be subject to the following limitations: (1) no grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project pursuant to this section unless enforcible water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters; (3) no grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary except that this limitation shall not apply to funds allocated in accordance with paragraph (3) of Subsection (c) of this section; (4) no grant shall be made unless the grantee agrees to pay the remaining cost; (5) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (6) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of Section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs, except that such certification shall not be required with respect to grants made pursuant to paragraph (2) of subsection (C) of this section.

(b) Section 8(c) of such Act is amended by—

(1) adding "and prior to July 1, 1971," after "on or after July 1, 1965" wherever appearing therein; and

(2) adding at the end thereof the following: "All funds authorized for obligation pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1971, shall be allotted by the Secretary from time to time, in accordance with regulations as follows:

"(1) Seventy-five per centum of such funds shall be allocated among the states in the ratio that the population of each State bears to the population of all States. Sums allotted to a State in excess of amounts required to cover the Federal share of costs for eligible projects approved by the appropriate State water pollution control agency or agencies shall be reallocated among those States where the Federal share of eligible projects is greater than the sums allocated under the initial allocation. Reallocation of sums authorized for expenditure in the fiscal year beginning July 1, 1971, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States no later than sixty days after the enactment of this section. Reallocation of sums authorized for expenditure in fiscal year beginning July 1, 1972, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States on or before December 31, 1971. Reallocation of sums authorized for expenditure for each fiscal year beginning on or after July 1, 1973, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States one year in advance of the beginning of the fiscal year for which the expenditure is authorized.

"(2) Twenty-five per centum of such funds shall be available for grants by the Secretary to any State, municipality, or intermunicipal or interstate agency, to match funds appropriated by states in accordance with paragraph (3) of this subsection and, according to criteria established by the Secretary, to provide assistance to those projects designed to abate the most severe water pollution problems for which adequate assistance is not provided under paragraph (1) of this subsection.

"(3) If a state agrees to appropriate funds equal to not less than one-third of the state allocation under paragraph (1) for any fiscal year, the Secretary shall, from funds available under paragraph (2), increase the allocation to that state by one-third, provided that the state agrees to use its appropriations and the additional Federal allocation to contribute to the non-Federal share of the costs of projects receiving assistance under paragraph (1) or (2) or to support additional projects otherwise eligible for assistance under this section."

(c) Section 8 (d) of such Act is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) To finance the programs and activities under this section, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $15,000,000,000. This amount shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $2,000,000,000 prior to July 1, 1972, which amount may be increased not to exceed an aggregate of $4,500,000,000 prior to July 1, 1973, not to exceed an aggregate of $7,500,000,000 prior to July 1, 1974, not to exceed an aggregate of $11,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $15,000,000,000 prior to July 1, 1976. The total amounts appropriated under this subsection shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

"(3) The Secretary shall report annually to the Congress, after consultation with States and municipalities, with respect to outstanding grants or other contractual agreements executed pursuant to this subsection. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (A) authorization requests for fiscal years 1977 and 1978 no later than February 1, 1973, (B) authorization requests for fiscal years 1979 and 1980 no later than February 1, 1975, and (C) authorization requests for fiscal years 1981 and 1982 no later than February 1, 1977. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS.

BACKGROUND PAPER: PROPOSAL FOR IMPROVEMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

The grant-in-aid program under the Federal Water Pollution Control Act has been a matter of particular interest to the National League of Cities and the U.S. Conference of Mayors because of the valuable assistance which it can provide localities in controlling water pollution. This program, like few others, reaches all cities, for all cities have sewer systems and must develop methods for responsibly purifying and disposing of sewage wastes.

Since enactment of the Clean Water Restoration Act of 1966, many cities have received significant Federal assistance in constructing treatment works. Authorizations under this legislation expire on June 30, 1971. As we look to the future, we must recognize that the current structure of the Act has created many problems for localities in implementing programs with Federal assistance and that substantial revisions must be made to build an effective partnership between the Federal government, the states and cities in developing and financing a water pollution control effort which will make significant progress in cleaning up the nation's waterways.

The amount of money spent in construction of municipal waste treatment plants to control pollution has increased tremendously in the past few years. The average annual investment in waste treatment facilities has increased from $760 million in 1956–1960, to $1.4 billion in 1965–1966 and to between $1.8 and $2 billion today.

This greatly increased local commitment has come at a time when limited local revenue sources have been severely taxed to meet the rapidly growing demands imposed by many responsibilities which cities must fulfill in serving their citizens. Total general expenditures for the nation's 43 largest cities jumped from $9.8 billion in 1967 to $13 billion in 1969.

In spite of rapid growth in local commitments to pollution control, there are still great needs which must be met before those elements of the water pollution problem which are a public responsibility can be adequately controlled. Based on a needs survey of over 1100 individual municipalities, the National League of Cities and the U.S. Conference of Mayors estimate that between $33 and $37 billion in local expenditures will be required in the next five years. Considering these needs, and the necessary increase in the Federal share of costs discussed below, *we believe that Federal assistance of $3 to $4 billion a year is required for a proper water pollution control effort.*

Most of the Federal assistance will be used to construct facilities currently eligible for assistance under the Federal Water Pollution Control Act. However, an expansion in the definition of eligible facilities will be needed to allow funding of some projects necessary to control or eliminate problems caused for treatment facilities by storm water waste from combined sewers or otherwise. The storm water problem is an integral part of sewage treatment programs and will only be solved if projects to deal with storm waters receive adequate assistance.

In addition to higher levels of total financing, and increase in the basic share of Federal support provided for local programs is necessary for effective utilization of this program by many local governments. As of February, 1971, local governments in 28 states were required to pay at least 70% of project costs. Most local governments finance their share of costs through local bonds which, at current interest rates, double the actual local input and result in an effective local contribution, above the 30% Federal share, of 140% of project construction costs. The current financial difficulties facing cities make local participation in this program very difficult when such a high local contribution is required. The factors which affect the change in matching ratio and reduce the local share relate to state contributions to local programs and are entirely beyond the control of local governments.

The basic 30% Federal share also raises serious questions as to the priority assigned this program in Federal policy. Most Federal programs pay at least 50% of project costs, and many go much higher, including the 90% Federal support provided for the Interstate Highway Program. Following is a listing of representative Federal aid programs for cities with their respective Federal shares:

Assistance program—basic Federal share:

	Percent
Highways:	
Interstate System	90
Other routes	50
Law enforcement assistance	75
Urban renewal	66⅔
Mass transit	66⅔
Solid waste disposal:	
Multi-jurisdictional projects	75
Single community projects	66⅔
Airport construction	50
Water pollution control:	
With 25% State contribution	50
With no State aid	30

There has been some suggestion that the waste treatment program may differ from other Federal aid programs because municipalities can levy sewage charges to defray sewage costs. However, it is unrealistic to assume that sewage charges can support any significant portion of capital construction costs. Rapidly increasing costs for operation and maintenance of sewage facilities are likely to consume any increases in sewage charges municipalities may impose. Cities alone paid $518 million to operate and maintain sewers and sewage treatment facilities in 1969. Counties and independent sewage agencies paid many millions more. The $518 million figure represented an 11% increase from 1968 levels. In the immediate future, more rapid increases in operating and maintenance costs are expected as greater pressure is exerted by the Federal Government to upgrade the quality of treatment plant operators and improve the efficiency of plant operations. The 1969 report on the Cost of Clean Water and its Economic Impact, also indicates that operating and maintenance costs will increase, perhaps substantially, with the transformation of many communities from primary to secondary treatment or from secondary treatment to more sophisticated methods.

The urgent need to place a higher priority on pollution control, and the difficulties cities face today in financing even the most basic levels of municipal services, make a major increase in the Federal share of program costs an absolute necessity. *We urge that the Federal share of costs of all grants aiding local sewage treatment programs be increased to 75%* regardless of state participation.

A system of incentives needs to be maintained for states to aid in financing local projects, but the present system is not a good incentive mechanism. State inaction leaves localities with a wholly inadequate share of assistance, and when a state does act, the state does not receive any extra Federal assistance, it is just allowed to allocate a larger share of a fixed Federal contribution to a few less communities. As an alternative incentive, we suggest the following: Where a state agrees to appropriate a fund equal to one-third of its Federal allocation, (25% of the cost of projects to be funded under the regular state allocation), the Federal government would contribute an amount equal to the state appropriation and allow the state, at its discretion, to use these funds either to further reduce the local share of costs or to fund additional projects which could not be funded from the regular allocation to the state. This would give states a positive incentive to action by expanding the impact of state appropriations without harming localities if a state chose not to act.

A third necessary amendment is to change the financing method in the Federal Water Pollution Control Act from the present annual appropriations process to provide an assured long-term commitment of Federal assistance upon which local governments can depend in developing their pollution control programs. Planning and financing the substantial construction projects necessary for truly comprehensive local pollution control programs is a long-term process. Cities must enter into binding commitments extending over many years to provide their share of program financing. For Federal aid to be effectively integrated into this program structure, its availability must be assured at the time local governments are planning the financing element of their projects.

Under the existing annual appropriations structure there is no such assurance. Availability of funds depends on the uncertainties of the appropriations process. The result is that many localities proceed slower than they might on pollution control projects because they can only enter into financing commitments up to the extent of local resources which are likely to be available. Any Federal assistance is accepted gladly and relieves severe strains on local financing structures, but if a level of Federal assistance could be assured, many localities could proceed much more expeditiously to construct waste treatment facilities.

To provide this long-term commitment, the National League of Cities and the U. S. Conference of Mayors urge revision of the financing structure of the Federal Water Pollution Control Act to allow immediate obligation of a large sum of funds ($15 billion) to aid local projects with actual use of the Federal funds spread over a reasonable period.

A financing structure approaching these criteria was adopted for the Urban Mass Transportation Act in the 1970 Amendments (P.L. 91–453). We suggest that similar language be added to the Federal Water Pollution Control Act unless a more effective means of long-term financing, at the funding levels we propose, can be developed.

In addition to making grant-in aid support under the Federal Water Pollution Control Act more compatible with the realities of local financing, long-term financing would avoid several other problems which have developed with the present program.

1. A system could be established, under the current population based allocation formula, for reallocation of funds from those states which do not need them to states that do, ahead of the time when these funds actually become available for expenditures. This would be possible because each state could develop a long-term plan for use of water pollution control funds and accurately estimate the amount of Federal assistance required for its projects in any given year. Allocations made to those states which did not identify sufficient needs to use the full amount of their Federal assistance in any particular year could be redistributed to other states, perhaps a year in advance of the time when these funds were scheduled for expenditure under the Act.

2. Accurately estimating need levels upon which to base legislative authorizations is difficult because of changing perceptions of what level of water quality is required and improvements in water quality technology. Under the appropriations process money must first be appropriated and then projects found on which to use the money. Where projects are not found, Federal dollars remain unused for periods of time.

3. Enforcement of water quality standards as they apply to localities could proceed with much greater fairness than at present because enforcement schedules could be tied to capacity of local financing and availability of Federal assistance. With financing capability determined, enforcement schedules could be developed which assure that water clean-up programs will proceed quickly and fairly, consistent with the financing capacity of local governments. We would not face situations, as we do today, where localities have almost impossible demands placed upon them to comply with water quality standards at a time when it is very difficult and perhaps impossible to scrape together sufficient funds to finance required water pollution projects.

4. The political pressures which force some states to structure priority lists to discriminate against large projects would be reduced. Presently states must plan their allotments on the basis of their one year share of the appropriation and are reluctant to allocate all or a substantial portion of this to one project, reducing the changes of big projects receiving adequate funding. Long term financing authority would make a much larger fund available to be divided for use over several years and permit adequate funding of small and large projects, with assurance to those not funded in the first year that they would receive assistance later on.

Another change in the Act which is required is development of a more rational system of setting priorities to determine which

projects within the state shall receive funding. Under the present program in which assignment or priorities is managed entirely by the states, there is no relation between priorities assigned and the areas with the greatest pollution problems or with projects which could be most effective in controlling pollution. To avoid these difficulties, two changes are suggested: First, the Act should be amended to require that a project's effectiveness in controlling pollution and the degree of a community's pollution problem be prime factors in determining state priorities. Second, instead of allocating all funds among states on a formula basis as at present, one-quarter of the funds available under the Federal Water Pollution Control Act should be retained in a discretionary fund for the Federal Water Quality Administration to use to give extra assistance to communities with particularly great needs and assure that cities have received adequate assistance before any standards enforcement actions are considered. This discretionary fund would also be used to provide the extra incentive grants for state contributions to local programs as suggested earlier.

A STUDY OF LOCAL NEEDS FOR WATER POLLUTION CONTROL FACILITIES IN FISCAL YEARS 1971–76

STUDY BACKGROUND

On April 28, 1970, during testimony of Mayor Robert W. Knecht of Boulder, Colorado and Mayor Carl B. Stokes of Cleveland, Ohio before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, Senator Edmund S. Muskie, requested NLC and USCM to provide his Committee with such specific information as they could obtain on the extent of local needs for water pollution control facilities in the next six years. To obtain this data, NLC and USCM undertook an extensive survey, sending questionnaires to all state leagues of municipalities and direct member cities of NLC and USCM. In addition, NLC and USCM staff studied local needs data developed by some states and by the Association of Metropolitan Sewerage Agencies, which also prepared a needs report at Senator Muskie's request.

As a result of the returns of questionnaires and other material studied, NLC and USCM have obtained data indicating the specific needs for water pollution control facilities in 1105 local communities covering approximately 95 million persons. The combined needs reported by these communities is $21,698,562,256. The needs were broken into three categories by the NLC questionnaire.

1. Needs for Primary and Secondary treatment facilities.

2. Needs for Tertiary treatment facilities.

3. Needs for Interceptor and Storm Sewers, including projected costs of separating storm and sanitary sewers, and/or storing storm water overflows (interceptor sewers are currently eligible for Federal assistance under the Federal Water Pollution Control Act, storm sewers are not).

Replies to NLC and USCM survey indicated that some communities counted interceptor sewer needs as part of their primary and secondary treatment facility costs. The cost breakdown as reported is:

1. For Primary and Secondary treatment	$9,311,987,574
2. For Tertiary treatment	4,100,386,533
3. For Interceptor and Storm sewer improvement	8,368,738,149

In reply to the third survey question relating to interceptor and storm sewer needs, many cities broke down their responses into various program categories. Identified needs for interceptors and treatment programs for storm water overflows totalled $1,826,877,000 of which $542,377,000 was for interceptor needs and $1,284,500,000 was for storm overflow treatment programs. For separation and improvement of storm sewer systems, identified needs totalled $1,772,125,000. Thus it is certain that a significant portion of the needs listed in the category of storm and interceptor sewers were for interceptor sewers which are currently eligible for aid. The questionnaire did not request any data on sanitary sewer needs, and such sanitary sewer needs data as was supplied was not used.

In addition to the nearly 45 million people covered by the NLC and USCM survey, there are between 95 and 55 million persons living in the United States who are served by sewage treatment works and related facilities or should be so served by 1976. Based on this projection, and recognizing that needs in reporting jurisdictions averaging approximately $220 per capita, we estimate total national needs for state and local water pollution control facilities to be between $30 and $33 billion today. Adding a five percent inflation factor, the total costs to provide these facilities over the next six year period will range from $33 to $37 billion.

There follows a compilation of local pollution control needs by state. Following this is a listing of the needs in individual jurisdictions. Those needs figures followed by (M) are needs figures where the city reporting indicated that it was reporting needs for an area greater than its city limits, those needs figures followed by (AMSA) are gained from the survey prepared for Senator Muskie by the Association of Metropolitan Sewerage Agencies; those needs figures followed by (S) are from surveys prepared in 1970 by state governments. Wyoming is omitted from the survey as no data was provided from Wyoming.

State	Jurisdictions surveyed	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs	Total
Alabama	4	$57,900,000	$43,700,000	$19,600,000	$121,200,000
Alaska	4	168,500,000	----------	40,000,000	208,500,000
Arizona	5	10,070,750	22,300,000	31,264,000	63,634,750
Arkansas	4	7,100,000	7,200,000	10,930,187	25,230,187
California	33	579,362,000	536,054,000	363,195,000	1,478,611,000
Colorado	5	27,000,000	10,865,000	80,500,000	118,365,000
Connecticut	11	133,080,000	14,500,000	318,330,000	465,910,000
Delaware	1	12,000,000	8,000,000	2,000,000	22,000,000
Florida	12	236,973,260	80,000,000	127,354,900	444,328,160
Georgia	6	88,200,000	23,400,000	251,500,000	362,600,000
Hawaii	1	86,000,000	32,000,000	16,000,000	134,000,000
Idaho	2	6,800,000	22,600,000	10,000,000	39,400,000
Illinois	459	879,228,000	322,800,000	1,298,500,000	2,500,528,050
Indiana	12	99,800,000	62,000,000	436,000,000	597,800,000
Iowa	12	35,300,000	6,000,000	46,500,000	87,800,000
Kansas	6	15,850,000	16,750,000	84,300,000	116,900,000
Kentucky	3	88,600,000	15,900,000	110,200,000	214,700,000
Louisiana	4	44,175,000	24,000,000	18,775,000	86,950,000
Maine	5	32,970,000	13,700,000	38,400,000	85,070,000
Maryland	3	106,950,000	1,950,000	6,000,000	114,900,000
Massachusetts	13	295,450,000	29,500,000	314,000,000	638,950,000
Michigan	14	519,500,000	54,500,000	278,179,000	842,179,000
Minnesota	7	116,000,000	106,085,000	213,800,000	435,885,000
Mississippi	2	34,950,000	4,000,000	5,750,000	44,700,000
Missouri	13	366,005,500	9,511,000	60,141,000	435,657,500
Montana	2	12,100,000	----------	34,940,000	47,040,000
Nebraska	4	$62,599,400	$3,160,000	$12,283,000	$78,042,400
Nevada	2	17,012,000	19,406,000	13,800,000	50,218,000
New Hampshire	52	168,785,600	----------	45,400,000	214,185,600
New Jersey	9	508,870,000	59,500,000	108,155,000	676,525,000
New Mexico	1	12,415,000	5,000,000	39,000,000	56,415,000
New York	14	1,599,971,200	2,075,700,000	692,385,000	4,367,876,200
North Carolina	8	65,550,000	34,500,000	47,475,000	147,525,000
North Dakota	2	----------	850,000	10,000,000	10,850,000
Ohio	21	538,640,000	59,500,000	678,270,500	1,226,230,500
Oklahoma	6	75,676,750	14,146,553	17,786,467	107,609,770
Oregon	79	108,161,000	40,500,000	111,145,000	259,933,000
Pennsylvania	24	941,740,000	58,560,000	1,370,305,095	2,370,605,095
Rhode Island	2	11,000,000	3,000,000	6,000,000	20,000,000
South Carolina	5	58,250,000	16,050,000	8,300,000	82,600,000
South Dakota	69	12,056,564	4,300,000	5,400,000	21,756,564
Tennessee	3	170,000,000	13,500,000	170,000,000	353,500,000
Texas	19	133,483,000	130,975,000	95,269,000	369,727,000
Utah	2	1,200,000	----------	24,000,000	25,200,000
Vermont	2	3,800,000	3,300,000	13,000,000	20,100,000
Virginia	4	102,400,000	1,000,000	58,000,000	161,400,000
Washington	70	340,074,900	74,840,000	161,216,000	576,130,900
West Virginia	2	8,500,000	----------	38,500,000	47,000,000
Wisconsin	8	130,470,000	15,234,000	344,952,000	490,656,000
District of Columbia	1	181,700,000	----------	----------	181,700,000
Total	1,005	9,311,987,574	4,100,386,533	8,368,738,149	21,698,562,256

By Mr. MOSS:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

ADDITIONS TO WASATCH NATIONAL FOREST

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private land to be added to the Wasatch National Forest in Utah.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967, because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair. No action was taken and the bill died.

Now, however, plans for residential subdivisions or other developments on the lands have been expanded. All of the developments are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major supply source for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase

these private lands—although they recognize the urgency of doing so—because they must give highest priority to holdings at higher elevation. On their war-reduced budget, purchase of even these elevated lands is impossible.

Nor can the Salt Lake City Corp., afford to make the necessary investment. Admittedly, it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake County. Nonetheless, since the city cannot handle the problem, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front Range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is not turned over to private developers.

This year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. There is much greater citizen demand for protection from pollution now than in 1967.

I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem, but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduce today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the RECORD.

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

S. 1144

A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use, the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east, Salt Lake Base and Meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $, to remain available until expended.

By Mr. MOSS:

S. 1145. A bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes. Referred to the Committee on Post Office and Civil Service.

RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL-STATE COOPERATIVE PROGRAMS

Mr. MOSS. Mr. President, I am today introducing a bill to bring employees of Federal-State cooperative programs under the Civil Service Retirement system. Although hearings have been held on legislation of this type in the past, no action has been taken.

Let us hope that the 92d Congress will be the one which brings to an end this long-standing inequity.

As everyone knows, retirement privileges have been extended to State and county agricultural extension workers, but most of the other employees who are now working or have worked in the past on programs financed by the Federal Government, conducted under the auspices of a Federal law, and pursued in the national interest, are excluded. They are treated like second-class citizens when it comes time to retire.

Aside from the importance of establishing a uniform Federal retirement system, passage of this bill would be most helpful in assuring to the Federal Government the experience and expertise of many men and women who now hesitate to take positions offered to them.

Some recruiting difficulties might disappear if a potential employee could be sure that his years of service would be credited toward retirement. Moreover, mobility and interchange between the States and the Federal Government is vital if national agencies are to continue to act in an effective and innovative fashion. As cooperation among Federal, State, and local units grow—and I think this definitely is the pattern of the future, we must facilitate and encourage, not hinder, the exchange of personnel.

The argument is offered that the proposed extension of benefits would cost too much. At this point, we simply do not know how many people will be covered by the law. Even if we had an up-to-date and accurate estimate of the number eligible, we still have no means of determining how many employees would elect to take advantage of the provisions of the bill or for how long annuity payments would have to be made. Some employees who have already retired may have a short life expectancy and thus may decide that the advantages of entering the retirement fund are limited.

The key point in considering cost, however, is that none of these people is asking for a Federal handout. In order to participate, the employee would have to pay into the Federal Civil Service Retirement an amount equal to the aggregate of what he would have paid into the fund during his period of service plus interest. This lump sum should more than offset the initial costs of the bill.

By Mr. MATHIAS:

S. 1148. A bill to provide for the continued operation of the Public Health Service general hospitals. Referred to the Committee on Labor and Public Welfare.

Mr. MATHIAS. Mr. President, I introduce today a bill to appropriate the $21 million needed by the Public Health Service, during fiscal year 1972, to fully maintain the present operations of the Nation's Public Health Service hospitals. Many Congressmen share with me the sense of urgency over the disposition of these important health resources. Almost one-third of the Senate joined in cosponsoring a resolution urging the administration to continue operating these hospitals.

In my own State of Maryland, concern about the PHS facilities in Baltimore has been so great that the State House of Delegates recently approved a resolution calling on Federal officials not to close any of the PHS hospitals. That resolution was cosponsored by the entire 43-member house delegation from Baltimore City.

A fairly obscure passage in the proposed budget for next year states that the administration is to consider whether the services offered by the PHS hospitals might be offered elsewhere at a saving to the taxpayers. This seems a perfectly reasonable question to ask regarding any Government program. Indeed, all of us want the Government to operate as efficiently and economically as possible.

Allow me to quote, from the explanation for the request for funds to provide services in HEW medical facilities.

This figure includes funds to insure that beneficiaries currently served by the eight Public Health Service general hospitals will receive the care to which they are entitled, including care in community facilities or other federal hospitals, at federal expense. This policy includes consideration of the potential converting the PHS direct care facilities to community use.

Since then, we have been assured by top HEW officials that, if no such alternative arrangements can be determined, the President will request a supplemental appropriation to continue the operation of the PHS hospitals. I am told that this assurance was repeated as recently as last Friday in testimony given by HEW to this subcommittee's counterpart in the other body.

Increasingly, I think, it has become evident that no realistic prospect for making alternate arrangements. The chairman of the House Committee on Veterans' Affairs, Representative OLIN E. TEAGUE, has said he doubts the VA hospitals could handle the patient load from the PHS hospitals. And I agree, since VA hospitals themselves need all the help they can get. Indeed, the VA hospital system is already so overburdened in many places that it is turning away patients whose disabilities are unrelated to their military service. According to the executive vice president of the Maryland Hospital Association, private hospitals in the Baltimore area could not absorb the Wyman Park PHS hospital's load, which numbers over 115,000 patients annually.

Another alternative under considera-

tion by the administration, I understand, would be to transfer of PHS hospitals and clinics to community organizations or groups for use as community health facilities. For a number of reasons, this arrangement would be almost as unsatisfactory as closing down the hospitals altogether.

Abolition of PHS control would undoubtedly raise the prospect of a sharp reduction in the hospitals' vitally important public service programs. At present, 35 of the National Cancer Institute's 120 beds around the United States are located in the Baltimore PHS hospital. Continuation of this noted program would be seriously jeopardized by any transfer of hospital control.

Essential teaching, training, and other manpower programs would also be called into question. In Baltimore alone, the PHS is involved in a very extensive array of manpower programs, including internships, residencies, and nurse training.

Nor is the education of doctors and nurses the only manpower issue at stake. As Government facilities where everyone is on salary, the PHS hospitals are a good deal less hampered by departmental rivalries than private institutions, and this has made it easier to experiment with new categories of health personnel, such as paramedics for which there is an ever-growing realization of need.

Direct service to the community by the Baltimore PHS hospital is evident in many programs, such as the provision of physicians to city schools and the development and administration of the Maryland Eye Bank.

Another probable result from loss of PHS control would be immediate dislocation of many of the hospital and clinical staff. Not only career civil servants, doctors, and other specialists, but large numbers of minority group staff would be subject to displacement. In Baltimore alone, $3 million of the hospital's $7.2 million annual payroll goes to black and other minority group employees.

What makes the fate of the PHS hospitals all the more critical, I think, is the recent enactment of the Emergency Health Personnel Act, which calls upon the Public Health Service to attack health problems in the ghetto and other doctor-shortage areas.

President Nixon is to be commended for requesting the full $10 million authorized for this innovative program. But it would be a cruel irony for the administration to move now to undercut the PHS hospitals at the very time when Congress has enacted this new health manpower legislation to meet the country's most desperate needs.

Indeed, this may be the worst possible time to sever PHS control over these facilities, many of which are strategically located near ghetto neighborhoods. Only last Thursday I announced that I would introduce a bill to provide a major new incentive for graduating doctors, dentists, and other health personnel to take up service in these doctor-deprived areas. My bill would establish a loan forgiveness mechanism whereby service with the PHS in these areas would operate to cancel Federal educational loan indebtedness at the rate of 25 percent per year.

I am, therefore, of the view that it would be extremely counter-productive to carve out the base, the PHS hospitals, to which these idealistic young health professionals would be attached.

One justification given for shaking off PHS control, we understand, is that the facilities are underutilized and do not serve a broad enough segment of the population. This, rather than being a problem, represents an opportunity. The present low occupancy can be turned to advantage for the care of the indigent.

Several PHS hospitals are eager for such assignments. After setting up a health evaluation service the Baltimore hospital could be ready to serve an indigent population of 25,000, according to its director, Dr. Edward J. Hinman. This plan, which has the enthusiastic approval of the Baltimore City Health Department, would provide ambulatory care to a black neighborhood which now has but one doctor and no dentists or drug stores.

There has of course been a great deal of talk about the poor state of PHS facilities. Further use of them would undoubtedly require extensive modernization. But the cost-factor, whether channeled through the PHS or through local authorities, would be essentially the same. The only question about modernization, then, is just how much longer we must wait.

A very significant question, relating to cost, is that of per diem expense. The average cost per day in PHS hospitals is $65 to $70 per day, which includes everything from doctors' salaries and laboratory tests to X-rays and drugs. The average daily charge in other hospitals, however, is something on the order of $95 to $115 for room and board alone. Transfer of control over these hospitals, taking them out of the hands of the PHS, might thus cost the taxpayers more, rather than less.

For all these reasons, and indeed many more, the wisest course of action, I think, would be to retain PHS operational management over all their hospitals and clinics. Not only would this accord with the 5-year-old recommendations of a prestigious Presidential Science Advisory Committee, it would maintain an essential basis for extending, through the Emergency Health Personnel Act, critically needed health services to our Nation's ailing poor.

For this reason I am introducing a bill which would provide the Public Health Service, through fiscal year 1972, with the $21 million needed to maintain the full operations of all these vitally needed hospitals. I would urge my Senate colleagues to join me in supporting this legislation.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 1151. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo Project, Tex., and for others purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, I am today introducing a bill, for myself and for the Senator from Texas (Mr. BENTSEN), to authorize the Interior Department to revise a payment schedule for a reclamation project in San Angelo, Tex. This area of our State is suffering from a drought condition. The infrequent rains have not been sufficient to keep the municipal water reservoir from dropping, and now the city must seek an alternative supply of water from another source, which will entail heavy costs and impair the payment schedule on an existing reclamation project. The Interior Department is in agreement on the need for a rescheduling of this payment plan so that there will be a total of 50 years in which to payout the project instead of the usual 40. This would enable the city to develop and utilize the new alternative source for its water supply until rains eventually replenish its reservoir source. We commend this bill to the Senate and request early consideration of this much needed measure.

By Mr. HART (for himself, Mr. BAYH, Mr. HUMPHREY, Mr. JAVITS, Mr. PERCY, Mr. HARTKE, Mr. STEVENSON, Mr. TAFT, and Mr. SAXBE):

S. 1156. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program. Referred to the Committee on Agriculture and Forestry.

Mr. HART. Mr. President, the Great Lakes are truly a national resource. Combined, the Great Lakes total 95,000 square miles forming a waterway stretching 2,300 miles from the Atlantic Ocean to Duluth, Minn. The Great Lakes Basin comprises 15 percent of the Nation's population, 50 percent of its steel production, and 25 percent of its industrial manufacturing. In 1966 a total of 246,000,000 net tons of cargo moved on the Great Lakes representing 40 percent of all traffic on U.S. waterways in terms of ton miles. The locks of Sault Ste. Marie between Lake Huron and Lake Superior are the busiest in the world. Recreational opportunities abound as search for water-based recreation increases. Demands on the Great Lakes for industrial and municipal water supplies reaches over 15 billion gallons per day. Thus, the Great Lakes truly are the lifeblood of the industrial midwest and a resource of the utmost national interest.

But the Great Lakes are dying. Many have said Lake Erie is already dead with Lakes Michigan and Ontario soon to follow. The demands of society upon the Great Lakes is taking its toll. Water quality has declined rapidly and perpetual dredging must take place to remove the pollution-laden sediment load from rivers and harbors.

It is to the problem of sediment control that I address myself in the legislation a number of us propose today. Soil erosion is one of the greatest contributors to the declining quality of the Great Lakes. An indication of the magnitude of the problem is the Corps of Engineer's estimate that maintenance dredging

alone in the Great Lakes requires the removal of approximately 11 million cubic yards of sediment annually from the various harbors at a cost of some $18 million. Certainly a good portion of this expenditure could be saved with an intensive program of soil erosion control. Likewise, one of the major problems associated with sediment buildup is the pollution load that is carried downstream by soil particles. Many of the chemicals applied to agricultural and other land to serve a beneficial purpose become pollutants when washed off the land and into our rivers and lakes. In fact, research has shown that many pollutants, including phosphorus, iron, and the pesticides DDT and dieldrin, move downstream attached primarily to soil particles. Ultimately, these pollutants become deposited in our rivers and lakes and subsequently are removed by dredging. The disposal of these polluted dredge spoils is a critical problem in the Great Lakes as elsewhere.

Thus, the need for an intensive program of soil erosion prevention in the Great Lakes is urgently needed. It is in this spirit that I introduce today proposed legislation entitled the Great Lakes Basin Conservation Act. Under this proposal, the Secretary of Agriculture would be authorized to enter into 10-year contracts with any landowner or operator in the Great Lakes Basin to effectuate changes in land use or cropping systems to conserve soil and water. It is important to note that all landowners or operators would be eligible. Thus, the program would reach such diverse problem areas as farmland, streambanks, lakeshore, and other areas contributing to soil erosion in the Great Lakes Basin. The plans required under the program would incorporate, to the extent practicable, practices and measures to enhance fish and wildlife and recreation, to enhance the economic use of land, and to reduce or control agricultural related pollution.

The bill is patterned after the Great Plains conservation program which has been in existence for some 15 years. In doing so, this proposal contains the features of the Great Plains program which simplify the administration of the contracts and make them attractive to the landowners or operators. First, the contracts are between the Secretary of Agriculture and the landowner or operator thus eliminating much of the red-tape involved with intermediary approvals. Second, the funds would be available without fiscal year limitation thus allowing the Secretary to obligate funds for the life of the contract from yearly appropriations. This provision will assure the contractor of a continuing source of money.

The National Association of Conservation Districts—NACD—conducted their 25th annual meeting in Chicago on February 9. At that meeting the NACD adopted a resolution bearing directly on the soil erosion problems of the Great Lakes. That resolution is as follows:

GREAT LAKES CONSERVATION PROGRAM

The Great Lakes are the greatest fresh water source on the face of the globe and contain one-quarter of the world's supply of fresh water.

The Great Lakes Basin constitutes the industrial heartland of this nation, and is one of the major social and economic complexes of the world. The basin has about 15 percent of the nation's population, 50 percent of its steel production, and 25 percent of its industrial manufacturing. The basin is blessed with ample water, the prime ingredient of outdoor recreation, and can provide recreation for 50 million or more people living within a day's drive of the Lakes.

Forty-four American ports on the Lakes handle a million or more tons of cargo each year.

It is a matter of serious concern, however, that sediment is rapidly impairing the use and life of the Great Lakes. We believe the protection of the Great Lakes has become an urgent national and international as well as regional problem.

The NACD advocates legislation in the current session of Congress to authorize and set in motion a Great Lakes Conservation Program, modelled in principle after the Great Plains Conservation Program, to deal with sediment pollution in the Lakes and their surrounding basin.

This recognition of the Great Lakes erosion problem is a strong indication that swift action is warranted.

The Great Plains conservation program was spawned out of an urgent need to control erosion during the dust-bowl days of the great depression. The current state of the Great Lakes argues strongly for a similar program to deal with a similar urgent need.

I introduce the bill for appropriate reference and ask that it be printed in full in the RECORD.

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

S. 1156

A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Lakes Basin Conservation Act".

SEC. 2. The Soil Conservation and Domestic Allotment Act, as amended, is amended by adding after section 16A a new section as follows:

"SEC. 16B. Notwithstanding any other provision of law—

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with land owners and operators in the Great Lakes Basin area determined by him to have control for the contract period of the farms, ranches, or other lands covered thereby. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems and land uses which are needed to conserve the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures needed under such changed systems and uses. Such contracts may be entered into during the period ended not later than December 31, 1985, with respect to farms, ranches, and other lands in counties in the Great Lakes Basin area of the States of Michigan, Indiana, Illinois, New York, Ohio, Pennsylvania, Minnesota, and Wisconsin, designated by the Secretary as susceptible to serious water erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which the farm, ranch, or other land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan shall, to the extent practicable, include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Under the contract the land owner or operator shall agree—

"(A) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this section;

"(B) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the farm if the Secretary determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept payment adjustments as the Secretary may deem appropriate if he determines that the producer's violation does not warrant termination of the contract;

"(C) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of the farm, ranch, or other land agrees with the Secretary to assume all obligations of the contract;

"(D) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract; and

"(E) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program. In return for such agreement by the land owner or operator the Secretary shall agree to share the cost of carrying out those conservation practices set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation measures under the contract;

"(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof, or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;

"(3) in applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under

this subsection shall be regarded as wheat acreage;

"(4) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. The Secretary shall also, in accordance with existing law, make those technical services available to the land owner or operator to assist in developing plans under this Section. In addition, the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

"(5) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this section, except that the total cost of the program (excluding administrative costs) shall not exceed $150,000,000, and for any program year payments shall not exceed $25,000,000. The funds made available for the program under this section may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition, to, and not in substitution of, other programs in such area authorized by this or any other Act."

By Mr. BELLMON:

S. 1159. A bill to amend the act entitled "An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes" (84 Stat. 986). Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, in 1970, Congress authorized a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading. The act authorizes not only a study of the Cherokee Strip but also the historical cattle trails which crossed this area and other arteries of commerce which crossed the Nation.

I am today introducing a bill to amend that act to provide that that study which will be conducted also include the area which was known as "No Man's Land." This area which lay outside the limits of the Louisiana Purchase was considered a part of Mexico until the formation of the Republic of Texas in 1836. The tradition that slavery should not exist above the thirty-six thirty caused Texas to give it up in 1850. As the boundaries of other States which surround Oklahoma were fixed, there remained literally a "No Man's Land" entirely outside the limits of any State or territory. By the Organic Act of 1890 this area was finally included as a part of the Territory of Oklahoma.

There are many historical features of this area that would contribute to the overall study. For example, the Old Santa Fe Trail crosses part of this area. Also there are dinosaur pits, lava formations, and Indian pictographs that might be lost without some consideration being given to their historical and cultural value. More important this area was important in the expansion and development of our country during those formative years.

The enactment of this legislation will insure that this area will be considered when a study of the Cherokee Strip and the cattle trails is made.

Mr. President, "No Man's Land" was once one of the most colorful and historical areas in our Nation. A wealth of knowledge about the winning of the West and about life in Pioneer America is available there today. The lives of countless Americans living and unborn can be greatly enriched by proper development of this area for historical and tourism purposes.

By Mr. HANSEN:

S. 1160. A bill relating to the rehabilitation of areas damaged by deleterious mining practices, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, today I am introducing legislation to provide for a Federal contribution through the Bureau of Mines for projects to seal and fill voids in abandoned coal mines and abandoned oil and gas wells and to reclaim and rehabilitate lands affected by the strip and surface mining and processing of coal and other minerals.

Similar legislation to aid in the rehabilitation of areas damaged by deleterious mining practices has been enacted with regard to the Appalachian area of our Nation. The Appalachian area has particularly suffered from subsidence problems resulting from the collapse from abandoned mines, and the Congress has recognized the disastrous effect this can have on the quality of human life and the economic growth of a particular area. However, Appalachia is not the only section of the country which experiences these problems. My own State of Wyoming has experienced subsidence problems. Other States such as Washington, Michigan, Oklahoma, and many others have the same experience. However, Federal assistance has been limited to the Appalachian area.

Recently, under the terms of the demonstration grant from the Department of Housing and Urban Development, the Dowell Division of Dow Chemical Co. backfilled an abandoned coal mine area under the city of Rock Springs, Wyo., using a new technique it had developed. The demonstration project was conducted last October and every indication to this date points that this technique has proven extremely successful. Official reports will be coming from the Bureau of Mines and the Department of Housing and Urban Development in the next several months. Of prime importance is the fact that the Dowell technique for backfilling abandoned mines provides greater surface support in potential subsidence areas and is much less expensive than previous techniques which have been used in the Appalachian areas.

Because the Dowell technique is a much more efficient and economically feasible method of tackling the subsidence problem, it is important that all cities and towns in this Nation which face potential subsidence be given an opportunity to solve the problem. Justice and equity require that Federal assistance which was given to the Appalachian area to solve subsidence problems in populated areas be extended to the entire Nation.

Since the Dowell technique offers a much less expensive method of treating these areas, it is certainly within the means of the Federal Government to offer its assistance to all areas of the Nation which face these problems.

Mr. President, I respectfully request that this legislation be referred to the appropriate committee and that the Senate swiftly enact the legislation.

By Mr. MONDALE:

S. 1161. A bill to assist in removing the financial barriers to the acquisition of a postsecondary education by all those capable of benefiting from it. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, it will come as no surprise to students, parents, and educators to hear that the cost of college education continues to skyrocket. Our country has increasingly recognized the benefits which come to the Nation and its citizens where higher education is broadly based. We have not been content to let postsecondary education remain a privilege of the wealthy few. We have sought to make college education available to young Americans willing and able to gain from the experience, but we have failed.

Mr. President, it is for that reason that I today introduce the Student Assistant Act of 1971.

Clark Kerr, who headed the Carnegie Foundation's inquiry into higher education has said:

> Today a young man or woman whose family's income is in the top half of the national income range has three times the chance to get a college education as one whose family is in the bottom half.

It is more than mere coincidence that students coming from families with a high socioeconomic status are far more likely to attend college than students from families of low socioeconomic status. The tragedy is that this is true regardless of the student's ability.

Mr. President, I ask unanimous consent to have printed in the RECORD several tables to illustrate this situation.

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

TABLE 1.—DEGREE CREDIT COLLEGE ATTENDANCE BY FEBRUARY 1967 OF OCTOBER 1965 HIGH SCHOOL SENIORS WHO GRADUATED FROM HIGH SCHOOL BY FAMILY INCOME

[In percent]

Family income	Attended college	Did not attend
Under $3,000	19.8	80.2
$3,000 to $3,999	32.3	67.7
$4,000 to $5,999	36.9	63.1
$6,000 to $7,499	41.1	58.9
$7,500 to $9,999	51.0	49.0
$10,000 to $14,999	61.3	38.7
$15,000 and over	86.7	13.3
Total entrance rate	46.9	53.1

This table indicates the differences in entrance rates between students coming from low- and high-income families. Assuming that entrance rates are to be equalized between students coming from families with incomes below $10,000 and students with family incomes in the $10,000 to $15,000 range, the following gap in entrance rates would have to be closed:

TABLE II.—*Gap in college entrance rates—Degree-credit students*

Family income:	*Percent*
Under $3,000	41.5
$3,000 to $3,999	29.0
$4,000 to $5,999	24.4
$6,000 to $7,499	20.2
$7,500 to $9,999	10.3
$10,000 to $14,999	[1] 0

[1] Equals base.

Source: Factor's Related to High School Graduation and College Attendance 1967, U.S. Census Bureau.

It should be noted that this study includes only those students attending degree-credit programs in institutions of higher education. If the students attending vocational programs in colleges and universities were included, the entrance rates shown would be higher (approximately 6%).

COLLEGE ENTRANCE RATES

The following table shows the college entrance rates by SES quartiles and ability halves for full- and part-time students in 2- and 4-year institutions offering degree credit programs. It should be noted that vocational programs are also offered by such institutions and that students taking vocational programs in degree credit institutions are reflected in the entrance rates.

TABLE III.—ENTRANCE RATES, BY ABILITY AND SOCIOECONOMIC STATUS TO 2-YEAR AND 4-YEAR INSTITUTIONS—FULL-TIME AND PART-TIME STUDENTS

[In percent]

Ability	SES quartiles				Total enrollment rates
	Low 1st	2d	3d	High 4th	
Top half	58.0	66.3	78.3	87.8	74.5
Bottom half	31.2	33.9	44.4	59.4	39.5
Total entrance rates	44.0	51.8	66.3	81.1	60.7

Source: "Growth Study" conducted by Educational Testing Service, 1967.

Mr. MONDALE. Mr. President, the information in these tables simply puts numbers on what most of us know intuitively, that high school seniors coming from families with a low income are far less likely to go to college than those coming from families with middle to high income. The tables show that the factor which is most likely to determine whether or not an individual attends college is not his or her ability, but rather his or her family's economic status.

Once again those at the bottom of the scale suffer the most. They are the people described as disadvantaged because they have so little going for them. An inordinate number of them are members of minority groups—Negroes, Indians, Mexican Americans, Asians, and Puerto Ricans. Many come from rural areas or pockets of poverty in remote areas and urban ghettos. The chance to go to college is no more than a pipedream without the necessary support from their family, friends, and educational system.

By allowing these disadvantages to continue; by allowing the cycle of poverty to repeat itself without interruption; by allowing talent to go unused, we are squandering our Nation's most precious resource. But the problem does not stop with the lowest socioeconomic classes. A large number of working class Americans are finding it more and more difficult to finance a college education for their children. Although they work hard their salaries are not high.

The meager savings they manage to set aside are quickly eaten up by health and employment emergencies. Pay increases generally just keep them abreast of the rapidly rising cost of living. Keeping this in mind, we can understand their plight when we see that the cost of college education has risen even more rapidly than the cost of living.

Mr. President, I ask unanimous consent to have printed in the RECORD a table illustrating this point.

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

TABLE IV.—INCREASE IN THE COST OF ATTENDING PUBLIC AND NONPUBLIC 4-YEAR UNIVERSITIES FOR 1 YEAR COMPARED WITH THE INCREASE IN THE CONSUMER PRICE INDEX, 1960–70

	1960	1970	Percent increase
Consumer Price Index (1967=100)	88.7	116.1	31
Public university	$881	$1,390	58
Nonpublic university	$1,701	$2,993	76

Note: The Office of Education tells us that on the average, it costs $1,248 to attend a public institution of higher learning for 1 year, which includes 4-year universities, 4-year colleges, and 2-year institutions. For all private institutions the averag e is $2,722. Next year the costs will be greater.

Sources: U.S. Statistical Abstract, table 192 and Department of Labor, Bureau of Labor Statistics.

Mr. MONDALE. Mr. President, the fact is that more and more Americans are not able to pay these prices. It is estimated that over a million young people must forgo college today, not because they lack ability or desire, but because they lack the necessary money. Unless we do something now to eliminate these inequities and end this waste of manpower, higher education may once again become the privilege of the wealthy few.

If a growing number of students and parents cannot stand the rising costs of education, who can? The findings of the recently published Carnegie Commission report, "The New Depression in Higher Education," make it clear that the schools are unable to avoid the pinch of increasing costs and decreasing incomes.

After visiting a substantial mix of 41 different colleges and universities across the Nation, the study concluded that 71 percent were either in financial trouble or headed for it. The author is understandably loath to make the sweeping generalization that this 71-percent figure would hold true for all 2,729 institutions of higher education in the country. Nonetheless, it is sobering to find listed among those headed for financial trouble such distinguished schools as the University of Minnesota, the University of Michigan, the University of Chicago, and Harvard University. Among those determined already to be in financial trouble are Stanford University and the University of California at Berkeley. Our Nation's colleges and universities are clearly up against a financial wall.

A large part of the problem is that tuition covers only a part of the total expense of educating any given student. In 1968–69 students bore only 34 percent of the total cost of higher education. For private institutions, tuition and fees covered 64 percent of the cost of education, while in public institutions it came to only 19 percent.

The problem will not be solved simply by giving needy students the money they require for tuition and sending them off to school, because the schools cannot afford to take them if there is no other money coming in to meet the additional expenses. In short, the schools need nearly as much assistance as the students to meet the crush of rising costs. Clearly, we cannot expect the colleges to solve the problem unassisted.

Nor can we reasonably expect the States will step into the breach. Many observers have noted a decline in State support of higher education in the wake of student unrest during the past few years. However, a longer perspective shows that this is just part of a continuing trend. In 1957–58, State and local government support of higher education amounted to 33 percent of costs. By 1967–68, before a number of critical disturbances, the figure had dropped to 25 percent.

There are many reasons for declining support from State and local government, but one of the most important is simple financial capacity. The demands on State and local resources are constantly expandiing in both scope and magnitude. As result, even where there is willingness to increase, or at least to maintain the existing level of support, other requirements often make that impossible.

One further point is worth noting. Individuals with college training are among the most mobile elements of our society. Investing money in the education of a person who then moves to another State, may be viewed from the perspective of an individual State as a bad investment and a loss to the State economy. Certainly such a view is unreasonably narrow, but it can affect the national manpower pool and individual lives.

What I am discussing is a problem with national dimensions and national importance. The State and local governments cannot provide the solution, nor can the colleges or individuals involved. Therefore, I am proposing legislation that will provide: First, grants to undergraduate and graduate students based solely on need, up to the national average cost of attendance for the type school they are attending, either public or private; second, assistance to institutions where these students enroll, to help offset the cost of education beyond tuition and fees; third, fellowships for graduate and professional students in their

third and fourth years of graduate study; fourth, a private nonprofit bank to increase the flexibility and assure the availability of student loans; fifth, outreach to identify and encourage high school students who otherwise might not seek further education; and sixth, and interagency coordinating committee to improve the administration of the various student aid programs.

I am not asking any of those who cosponsor this proposal to support all of its specific and detailed provisions. My purpose is to find the best possible legislation for dealing with the problems of providing assistance to college students and institutions of higher education.

Before explaining the particular provisions of this legislation, I think it is approprate to discuss the wisdom of this type of investment. The most important gain is also the most difficult to measure. How can we calculate what it means to a person when a blank wall is replaced with a broad horizon and when frustration is replaced with fulfillment? However, that might be measured, we know we can multiply it a million times just to get started. In human terms there is no question about the importance of the legislation I am proposing today.

In economic terms, this legislation is a bargain. The Department of Health, Education, and Welfare reports that in a lifetime of working, a college graduate will make $213,000 more than a high school graduate. What that means to a family's buying power and how it affects the next generation's capacity to go to college are obvious.

For the economy as a whole, additional skills are put to use. More money is pumped into the economy, acting to spur the growth of still more goods and services.

With regard to the Government's economic interest, according to the Internal Revenue Service, approximately two-thirds of all taxpayers pay 15 percent or more of their income in Federal personal income taxes. At this rate the minimum tax return on the additional $213,000 made possible by a college education would be $31,950.

Another way of predicting the likely impact of this program on tax revenue is to look at the GI bill, one of the most successful education programs ever undertaken by the Federal Government. The educational benefits available through this law made it possible for millions to return from war duty and complete their education; 7,800,000 World War II veterans and 2,391,000 Korean conflict veterans participated in the first two GI bills. Among these, according to the count of the Veterans' Administration, in the last Congress there were 11 U.S. Senators and 116 U.S. Representatives. I am one of these who was fortunate enough to qualify for this assistance. The total cost of these programs was $19 billion. The benefits of the first two GI bills ended in 1965 after approximately 20 years of operation. At that time, the Veterans' Administration concluded:

> An analysis of incomes of veterans and nonveterans in the same age groups, made with the help of the Department of Labor and the Department of Commerce, shows that incomes of veterans who received G.I. bill help in education averaged from $1000 to $1500 a year more than of those who did not. On this basis, we estimate that the trained and educated veterans paid additional income taxes in excess of $1 billion a year. The G.I. Bill provisions for education covered a period of 20 years; the estimate of $1 billion annually in added taxes totals a $20 billion return in taxes alone on the $19 billion cost of the program.

One billion dollars in added tax revenue per year. And this is continuing. By the time the generations who participated in the first two GI bill programs complete their work life the added tax return will more than double that of each tax dollar originally spent for the program.

The millions who have been fortunate enough to qualify for education assistance under the provisions of the GI bill have proved—in concrete ways—for all to see, what a national commitment to education can mean. We have seen how a Federal program which provides assistance directly to students has worked. This task before us now is to extend this successful approach.

WHAT THE BILL WILL DO

First. Student opportunity grants will be provided solely on the basis of need, directly to students who are pursuing postsecondary education at least half time. Eligibility will continue for 4 years—or its part-time equivalent—of postsecondary vocational or undergraduate study, unless the student is enrolled in a program that requires longer than 4 academic years for the baccalaureate degree. The longest period of eligibility is 5 academic years or its part-time equivalent.

Graduate and professional students will also be eligible for these grants for a period not to exceed 4 academic years, or its part-time equivalent enrollment beyond the baccalaureate degree.

The only requirement for eligibility in applying is enrollment in or presumed admission to a postsecondary—including vocational—or higher education institution. The student will attend the school of his or her choice, with the grant being dispensed through the institution.

Students will be able to apply for a grant as early as the 11th grade of high school. Although grants made at that time will be reviewed when the student graduates from high school, it is necessary that the student have an early indication of the amount available for postsecondary education. In a report to the President entitled, "Toward a Long-Range Plan for Federal Financial Support for Higher Education," the Department of Health, Education, and Welfare suggests that:

> There is some evidence that changes in the cost of college have a greater impact on college attendance if these chanegs are made known to students early in their high school careers. If there were a fundamental improvement in the method of financing student's education, it is likely that the long range impact of this change would be to remove some of the barriers to college attendance which we identify as motivational in the short run.

The provision for part-time study is included to increase the flexibility of this program as it responds to the needs of students. There are some students whose families require that they engage in heavy part-time work loads in order to attend school. With part-time work, plus the aid available through this program, a student who otherwise could not, will be able to attend college.

The reason for giving money to the individual student is to provide the most assistance where it is most needed. An equivalent amount of money spent on aiding institutions of higher education—as opposed to students—would not have the same impact of easing the financial burden of college attendance on families or reducing this obstacle to college attendance. That kind of aid would help institutions meet their mounting costs. It would ease the pressures for increases in tuition. But it would not provide specific assistance for those who would not decide to attend college without assurance of financial aid. The prospects for raising the money they need for attending college would be as hopeless as ever.

The amount of the grant will be determined by the amount the student will be able to contribute toward his or her own education and what it will actually cost to attend the school of his or her choice. The expected family contribution and student savings, as determned by the Commissoner, will comprise what the student is expected to pay. The cost of attendance will be the actual cost of tuition, fees, room and board at the school the student chooses. If the student is eligible for the full amount of the grant, he or she can receive 100 percent of the cost of attendance up to the first $1,400. This is more than the national average cost of attendance at public 4-year universities, which means the cost of attending most public institutions will be fully covered by the grant.

The maximum amount of any grant will be equal to the national average cost of attendance at nonpublic 4-year universities, which right now is around $3,200. As the cost of attendance rises above $1,400 the grant is increased by a percentage of the additional amount. The higher the cost, the smaller the percentage will be. One effect of this graduated scale, of course, is to provide a measure of cost control, because increasing costs are not fully reimbursed. More important though, is the fact that the doors of private institutions will finally be opened to all who have been denied simply because they did not have enough money.

If we are sincerely dedicated to the goal of equal opportunity for all students we cannot allow private institutions to remain forever beyond the reach of low income students. In addition, we cannot expect public schools to absorb all the new students this bill would create. Private schools throughout the Nation currently have vacancies which can be and should be filled by any expansion of the student population.

The student opportunity grants provided by this bill will guarantee every student with the interest and ability the chance to attend the school of his choice.

These grants will be a giant step toward making higher education a right not a privilege.

Second. A cost of education allowance will provide the additional money schools will need to educate the students assisted with grants. I have already noted that student charges do not nearly cover the cost of providing a student's education, and that we can come nowhere near solving the total problem unless we provide assistance to the schools as well as the students. Categorical grant programs offer some relief, but unfortunately they also tend unduly to alter the priorities set by individual institutions. The schools are encouraged to engage in activities which do not coincide with their greatest needs.

Therefore, institutions attended by recipients of student opportunity grants will be paid a direct cost of education allowance for each grant recipient, based on a graduated scale. For an undergraduate freshman, it would be 50 percent of the first $200 of the student's grant and 25 percent of everything over that. Because it costs more to educate students as they progress toward their degree. The 25 percent rises to 30 percent for sophomores, 35 percent for juniors, 40 percent for seniors, and 50 percent for graduate students.

The result of providing these individual and institutional grants will be to give students the money they need to go to school, and give schools the money they need to maintain high standards of instruction.

Third. A Federal Fellowship program will provide awards to assist graduate students of exceptional ability, who also demonstrate financial need, to complete their final two years of study toward the Doctor of Philosophy, or equivalent degree. These fellowships, 15,000 the first year, will be awarded directly to the student, to study in the institution of his choice.

The amount of the stipend will be determined by the Commissioner of Education in accordance with prevailing practices under comparable federally supported programs, except that the stipend will not be less than $2,800 nor more than $3,500 for each academic year of study, not to exceed 2 years. An allowance of $300 per dependent, not to exceed $1,500, will be paid to the student if he has dependents.

A cost-of-education allowance will be paid to the institution in which the student is pursuing his study. This amount will be one and one-half times the grant to the student—not including the allowance for dependents—less any amount charged the student for tuition.

They will be based solely on ability and need rather than on the student's field of study.

The rationale for extending eligibility for the student opportunity grants to graduate and professional degree students is the same for making this aid available to postsecondary vocational and undergraduate students: to remove the financial barrier to higher education.

The cost of attending graduate or professional school is often higher than that of attending undergraduate school. The student, moreover, often cannot count upon family support for graduate school. Students from high-income families are more likely than students of equal ability from low-income families to attend graduate school. This bill will seek to remove this inequality.

The new fellowships are provided for several reasons. First, graduate enrollments are increasing at a faster pace than undergraduate enrollments. This is putting an increasing strain upon present sources of graduate support, many of which are supplied by State governments, private endowments, and foundations. We must assure that the flow of this highly trained talent will continue.

Second, most of the present aid provided by the Federal Government for graduate education is tied to the field of study or the type of research a given graduate student undertakes. The effect of this has been to encourage graduate education in some areas while discouraging it in others.

Third, many of the present federally aided graduate benefits are available only through specific universities which have received the authority to grant these aids. This means that the student must be registered in an institution which participates in a program that dispenses graduate aid.

This bill will eliminate many of these deficiencies. It will not replace present federally aided graduate assistance. Many of these programs have performed successfully and will no doubt continue to do so. But this bill will make eligibility dependent upon ability and need, rather than the field of study or the particular institution in which a student is registered.

Fourth, a higher education loan bank will be chartered as a private, nonprofit corporation. Its purpose will be to provide loans to postsecondary vocational, undergraduate, graduate, and professional students for a period of up to 5 years of graduate or professional study. The amount of the loan will not exceed the cost of attendance less any other Federal aid received.

Loans will be guaranteed against default, death, and disability by the Federal Government. Interest payments and repayments of the principal will be deferred until a student has completed his schooling and for a period of time up to 3 years after that time for such services as the Peace Corps, VISTA, or the armed services. There will be no forgiveness features similar to those of the national defense student loan program. The bank, however, will be eligible to establish for each year a low earnings cancellation provision providing for canceling, in whole or in part, or annual repayment in any year in which repayment constitutes a hardship. This will encourage persons who might be reluctant to undertake these loans, because of their fear of failure in college work, or because of their hesitation to undertake the obligation of large sums, to do so. Then if their income is very low, part of their loan will be canceled.

This bank would be an improvement on the present system in several ways. A student can now go to a local bank for a guaranteed loan. However, there is often no money available for such loans. Even when there is money, the student is usually considered in relation to his or her family's credit rating with local lending institutions. Consequently some students with academic promise fail to receive these loans because of their family's credit rating. Another common problem is that loans are denied because the students' family has not had a long established account with the bank. The result, however, is the same, the student does not get the loan.

In addition, this bank will be able to tap larger pools of money than does the present guaranteed loan program. Pension funds, insurance investment funds, and other large pools of money may be available to a higher education loan bank. The managers of these funds, however, are unwilling to make this money available on a loan-by-loan basis to students at the present time. This bank will provide a structure whereby these funds may be channeled to students.

Finally, loans made by this bank should be somewhat cheaper than present loans. The provisions for the bank isolate its loans from the private market to some extent. The Federal guarantee of the securities sold by the bank and the Government guarantee of the loan itself will reduce the costs of these loans. The use of the Internal Revenue Service to collect these debts will substantially reduce collection costs.

Fifth. A student outreach program will supplement existing efforts. The present student outreach programs, Upward Bound and Talent Search, have identified and helped to motivate thousands of students during the last few years. Without the effort of these programs, thousands of students who are now in postsecondary education programs would not be there.

Nevertheless, I believe that additional efforts are needed. The number of able students who are not yet in postsecondary education programs indicates a large field that has yet to be tapped. In addition, the massive Federal effort envisioned by this bill must make its full impact felt by providing new efforts to identify and motivate students to attend college. I think that this can be done by striking out in several new directions.

We can involve high school teachers and students in these efforts more than we do now. We can do this by providing Federal training courses for high school teachers and counselors and for members of student councils. These courses can provide new ways that these trained persons can keep high school students up to date on postsecondary financial aid, study programs, and career possibilities. Many students need assistance in making their future educational plans. We must make certain that they have adequate information on which to base these plans.

We must also provide aid to the colleges for their recruitment efforts. Many sensitive educators have long remarked that if the colleges of this country would emphasize academic recruitment of students from low-income families as

much as they emphasize the recruitment of athletes, the opportunity disparities between rich and poor students would be much less today. We should take advantage of the skill and know-how of universities in recruitment efforts. This bill will provide Federal assistance for this purpose to colleges which develop especially effective efforts at recruitment.

When students and their parents are making postsecondary educational plans they need ready access to information about financial aid, career, and college possibilities. This bill will establish higher education opportunity centers throughout the country for this purpose. Most can use existing Federal facilities. Some can use roving recruiters. All can make printed information available at all times.

The paucity of information about those who do not attend college is truly amazing. We know little about how to identify these people or how to orient them positively toward postsecondary education. We know little about the mix of factors, such as motivation, finances, and ability, which determine who does and who does not go to college. As a result I think it would be well to establish a special Council on College Opportunities within the Office of Education which would have independent responsibility for examining and recommending improvements in this area.

With the advice of this Council the Commissioner of Education would first fund research projects—either institutional or individual—designed to develop better ways to identify and motivate students who might potentially benefit from postsecondary education; and, second, develop measures designed to monitor the change in the postsecondary and higher education opportunity structure. This structure should be defined broadly, but it should include measures of the improvement we are making in assuring a college education for all who can benefit from it. We know, for example, that the percentage of high school graduates who attend college each year is increasing. But we do not know whether it is improving as fast—or improving at all—for the poor and lower income groups as it is for the upper income groups, whether it is increasing as fast for our rural youth as for our city youth, and others.

Sixth. An interagency coordinating committee consisting of representatives from agencies administering student aid programs will be established.

We need a structure through which these agencies can regularly exchange information. I think they should have the opportunity to discuss their programs with each other. The committee should explore possible ways that they can identify individuals potentially able to benefit from further education and encourage them in this direction.

Mr. President, we have come a long way from higher education which was a privilege for the few who could afford it to higher education for all the talented who need and want it. Unfortunately, however, we still have a long way to go. And unless we act soon, much of the progress we have made will be lost to rapidly increasing costs. Both the students and the schools need money. This bill will make that money available. Graduate students need help and the student loan system needs to be improved. This will make substantial improvements in those areas. Outreach and program coordination efforts need to be significantly increased. This bill will increase those efforts.

In short, the legislation I am introducing is a comprehensive attack on both the problems and inequities in our system of higher education. We can afford to wait no longer, and I urge the Congress to act now.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. GRAVEL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 423

At the request of Mr. MCINTYRE, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 423, a bill to limit Federal payments to individual farm producers to $10,000 per crop per farm.

S. 424

At the request of Mr. MCINTYRE, the Senator form Utah (Mr. Moss) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 424, a bill to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

S. 649

At the request of Mr. MANSFIELD, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 649, a bill to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date.

S. 1030

At the request of Mr. RANDOLPH, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1030

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the name of the junior Senator from Rhode Island (Mr. PELL) be added as a cosponsor of S. 1030, a bill to amend the Educational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

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

S. 1062

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 1062, a bill to establish a National Foundation for Higher Education, and for other purposes.

SENATE CONCURRENT RESOLUTION 9—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF CERTAIN SENATE HEARINGS

Mr. STENNIS submitted the following concurrent resolution (S. Con. Res. 9) which was referred to the Committee on Rules and Administration:

S. CON. RES. 9

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Armed Services two thousand additional copies of the hearings before the Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee during the Ninety-first Congress, second session, entitled "Investigation Into Electronic Battlefield Program".

SENATE RESOLUTION 69—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT OF THE HISTORY OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MCCLELLAN submitted the following resolution (S. Res. 69) which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved, That there be printed, with illustrations, as a Senate document a compilation of materials relating to the history of the Senate Committee on Government Operations in connection with its fiftieth anniversary (1921–1971).

Sec. 2. In addition to the usual number, there shall be printed five thousand copies of such document for the use of the Committee on Government Operations.

Sec. 3. One hundred copies shall be bound with a buckram cover and gold lettering for the use of the Committee on Government Operations.

NOTICE OF HEARINGS ON THE TRUST TERRITORY

Mr. BURDICK. Mr. President, for the information of the Senate and others who may be interested in the matter, I wish to announce that the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs will hold a hearing on Tuesday, March 30, to take testimony from certain residents of Micronesia, who will be in the city at that time, on two pending measures.

The first bill is Senate Joint Resolution 35, to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission. The second bill is S. 860, relating to the Trust Territory of the Pacific Islands, which also embraces, among other things, the establishment of a claims commission to settle the outstanding World War II and post-World War II claims of Micronesians.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m.

MIDDLE EAST TECHNICAL UNIVERSITY

Mr. BYRD of West Virginia. Mr. President, I share with all Americans the relief that the four American airmen have been released by their kidnappers in Turkey—that a senseless tragedy has been avoided, and that these men have been spared the role of being pawns in some internal Turkish struggle.

We owe a debt of gratitude to Turkey, our long-time friend and ally, which committed over 30,000 troops, police, and other investigators to the rescue efforts. I am convinced that the intensity of the efforts on the part of the Turkish Government played a major role in the kidnappers' choice of reason over insanity. And I feel certain that the Turkish Government will not cease in its efforts until the kidnappers are brought to justice.

At the same time, Mr. President, I share the concern that anti-Americanism is spreading on a number of foreign university campuses—and that this anti-Americanism is actually being supported with U.S. tax dollars.

Middle East Technical University is a case in point. The airmen were kidnapped near the campus, the Turkish officials felt strongly that leftist students at the school were responsible for the abduction. METU has been considered a hotbed of anti-Americanism in Turkey for the past few years. In 1969, former U.S. Ambassador Robert Komer visited the campus, only to have his official limousine burned.

This was but one articulation of the anti-American activities on the campus of METU. The kidnapping of the four airmen may have been another.

Two years before the limousine burning, Middle East Technical University received a $4.5 million loan from the U.S. Agency for International Development. The university has also shared in $1.67 million of technical assistance grants to two Turkish colleges since 1967—Hacettepe University is the other school which received AID money.

The United States, of course, can do nothing to halt anti-Americanism on foreign campuses—but it is inconceivable to me that our tax dollars should go to support institutions that seemingly wish to build their reputation on being a sanctuary for young anti-American revolutionaries.

The Agency for International Development should begin at once to review its direct programs to foreign universities. It should cancel loans to institutions where anti-Americanism appears to be a major preoccupation of the students.

I repeat that we cannot stop the spread of anti-American activities on foreign campuses—but we must stop indirectly condoning it. We must not support it with American tax dollars.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the time between 12 noon and 1 p.m., will be equally divided between the Senator from Idaho (Mr. CHURCH) and the Senator from North Carolina (Mr. ERVIN).

Mr. PROXMIRE. Mr. President, it is my understanding that the Senator from Idaho (Mr. CHURCH) would like me to proceed now with a very short statement in support of his position. May I do so?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a very brief quorum call, with the understanding that the time will be equally charged against both sides.

THE PRESIDING OFFICER. Without objection, it is so ordered, and 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.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the aide, Wes Barthelmes, assistant to the distinguished Senator from Idaho (Mr. CHURCH) who is the leading opponent of the so-called filibuster, may be permitted the privilege of the floor during the roll-call vote today.

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

MODEST CHANGE IN RULE XXII CALLED FOR AT THIS TIME

Mr. PROXMIRE. Mr. President, it is my understanding that the distinguished Senator from Idaho (Mr. CHURCH) has agreed to yield me 4 or 5 minutes to speak. I think I will take less than that time, but I should like to proceed now.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, in a short time, we will once more be voting a motion—the fourth—to close debate on a motion to take up a resolution to amend rule XXII. Since our last vote, significant progress has been made toward agreement on a very modest compromise that accommodates the views of my colleagues on both sides of the issue.

This compromise was introduced yesterday by the Senator from Iowa (Mr. MILLER) as an amendment to the pending resolution. It meets the fears of those who are concerned lest cloture by three-fifths of those present and voting erode minority party rights by insuring that a majority of both parties must vote for cloture if the three-fifths rule is to be invoked. So that if we are going to invoke the three-fifths rule—60 percent on cloture—we will get it only if we have a majority of Republicans and a majority of Democrats voting for cloture. It also provides that a two-thirds cloture vote is necessary to shut off debate on rule changes. It retains the current two-thirds requirement when a majority of both parties is not achieved.

On December 14, 1787, in the Federalist Number 22 Alexander Hamilton wrote:

> In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays; continual negotiation and intrigue; . . . compromises of the public good. And yet, in such a system, it is even happy when such compromises can take place: for upon some occasions things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness.

Mr. President, if these words were true almost 200 years ago—when our country was young, the Central Government had almost no authority, the population was 2 percent of what it is now, and life was relatively uncomplicated—how much truer they are in today's complex society. Alexander Hamilton was speaking of a government whose principal duties were to protect the States against foreign governments, guard against domestic insurrection, and promote commerce. Today the Federal Government involves itself in virtually every facet of our lives from the education of our children to the quality of the food we eat.

The proposal we are trying to take up today would not completely answer Hamilton's arguments against minority control. It would permit a minority of two-fifths plus one of those present and voting—normally an even smaller minority of the full Senate—to continue debate—to block legislation from coming to a vote. And if a majority of both parties did not vote to shut off debate a minority of one-third plus one of those present and voting could keep the Senate in a state of animated suspension—again an even smaller minority of the full Senate.

It is difficult at the present time to foresee what emergencies will require expeditious Senate action in the months and years ahead. We can only be sure that there will be emergencies. We can be equally sure that if we fail to change the cloture rule "the sense of the smaller number" in Hamilton's words "will overrule that of the greater and give a tone to the national proceedings." The result will be "compromises of the public good." And public disillusionment with the legislative branch, a disillusionment currently attested to by opinion polls, will continue to mount.

Mr. President, this is especially important now, when we have so much we can accomplish, when the country is so much larger and more complicated, and when legislation is so much more imperative, and when now working 12 months in the year is not enough time for Congress to accomplish all that needs to be done.

There was a time when certain parts of the Nation felt that the only way in which their interests could be protected against the whim of the majority was through the cloture rule we are trying to change now. But there is little room for this approach toward the affairs of the country in the 1970's. Our problems are not limited to the North or South—the East or West. We should recognize the decline of this sectionalism as well as the need for a Senate that can respond quickly to national demands by voting this afternoon to halt fruitless debate on this extremely modest change in the cloture rule.

Let us then take this opportunity to make a step toward a more equitable and more representative cloture rule. Let us help the public business to go forward by expediting our own way of conducting business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time to be taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. 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. ALLEN. Mr. President, acting on behalf of the distinguished senior Senator from North Carolina (Mr. ERVIN), who is chairing a committee meeting at this time, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, every 2 years the Senate engages in a charade in which an effort is made to amend Senate rule XXII which has been a rule of the U.S. Senate since 1917. These efforts have failed, and it causes the junior Senator from Alabama to wonder if this charade is not engaged in for the purpose of extending the recess that the Senate takes between the close of one session and the start of another.

Where is the enthusiasm for this rules change to make it easier to cut off debate in the Senate? This discussion has continued for some 40 days. During that time I dare say the proponents of this resolution seeking the change in the rules have occupied the floor of the Senate for not more than 4 or 5 hours to explain their view and give their reasons for this change. It has fallen to the opponents of the rules change, those who want to maintain the right of extended debate in the Senate, those who want to see the Senate continue as the greatest deliberative body in the world, to carry on this discussion.

Has any legislation been prevented from being considered in the Senate as the result of this extended discussion? As a matter of fact, there are only three items on the Senate Calendar at this time. All three items could be disposed of today if brought up for discussion in the Senate.

So this discussion has not caused any delay in the deliberations of the Senate. It has not caused the delay of any piece of legislation.

Mr. President, at this time we are not considering the resolution providing for a change in the rules, Senate Resolution 9. We are considering a motion to proceed to the consideration of that resolution. The distinguished Senator from Wisconsin says that a compromise has been worked out between some Members of the Senate that is going to result in the adoption of this resolution.

I submit, Mr. President, that if cloture is invoked, we will not proceed to a vote on the resolution itself. We will merely take it up for consideration. And if a compromise has been worked out among some Senators, that is not binding on the Senate itself. This whole question will be opened up for any amendments that may come before the Senate, one of which is an amendment calling for a majority vote on cloture.

So, there is no compromise that can be agreed upon that will bind the Senate. The whole matter will be open for discussion. Any number of amendments can come before the Senate.

Mr. President, the best way to end this debate, of course, is to vote against the cloture motion today. As the junior Senator from Alabama understands it, this is the last attempt that is going to be made to invoke cloture on this question at this session of the Senate. Unless the junior Senator misunderstood the distinguished majority leader, he said that the vote today, unless it was successful, would be the last vote on the application for cloture.

So the best way to bring the debate to a close is to vote against the application of cloture. That will end it.

Mr. President, what is the alternative to that? If we vote to invoke cloture, then the matter continues to be debated. Each Senator is given 1 hour in which to discuss the matter. Finally a vote will be taken, not on the rules change, but on the motion to proceed to the consideration of the rules change.

Mr. President, then when the resolution for the rules change comes up for consideration, it will be subject to any number of amendments that may be offered, and extended debate could take place with respect to each one of those amendments and the main question itself. So, if we have had extended discussion for 40 days on this question, we could have a like amount in all likelihood on the resolution itself, because there is much more sentiment in the Senate to proceed to the consideration of the resolution than there is in favor of the resolution itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, any number of Senators have amendments they wish to offer. Today, if we vote down the attempt to apply cloture that will end the discussion. We can go on and proceed to the transaction of other business; dispose of the three items on the calendar, and then any other matters that might come before the Senate.

I hope that Senators who have been voting against the cloture motion will stand firm and vote this last time against applying cloture and end the discussion for this session of the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator from Idaho yield to me?

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, several days ago I expressed my views with relation to this subject matter. I had not intended to rise again to speak on the same subject. I would not want to be a party to anything that would prevent extended debate. I do not think that is the question here.

The question here is: Are the rules of the Senate as presently constituted so rigid that they actually thwart the welfare of our people?

I must say that in my experience in the Senate I have noticed that the so-called liberals have indulged in the so-called filibuster more times than the so-called conservatives. That may be an incongruity, but I think it is a fact of life.

Mr. President, it will be recalled that at the end of the last Congress, because of the rigidity of the rules of the Senate, we had thousands upon thousands of poor people in this country who are on social security who would have had an increase in benefits in the last session if it were not for the filibuster.

Mr. President, when one man in the Senate can rise and say, "Put your turkey in the oven for Thanksgiving and you can also put your turkey in the oven for Christmas because hell will freeze over before we allow a vote," I am afraid that we are not talking about extended debate. We are actually talking about thwarting the will of the American people.

Here it is almost mid-March and the people of this country who are on social security have been waiting endlessly in order to get a measly 5- or 10-percent increase on the miserable amount that is being given to them now.

I will say to my southern friends that there may be more advantage in this for them than they think, if they allow this liberalization of the rule. As I have already pointed out, we are not talking about limitation of debate; I favor extended debate. But when we have important legislation on the calendar such as we had in the last Congress and we could not bring it up for consideration and vote, to the detriment of the welfare of many of our people, I say that something needs to be done.

I do not think there is any magic about two-thirds or three-fifths; both of those figures have precedent in our Constitution. There is no question about it.

I think when a good cause is involved, cloture will not be invoked with three-fifths any more than it would be with two-thirds. But something needs to be done to correct this situation. We have handcuffed ourselves; we have put ourselves into shackles, and I say we have unwarrantably done so.

I hope today will be the end of it. I hope we can invoke a little cloture here in order that we can make some sense out of the sensibility of the greatest deliberative body in the world.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield 6 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mr. JAVITS. Mr. President, I would like to join my colleague in arms, and I mean that literally, in saying, "Let us unshackle ourselves."

The reason I say that, without repeating the very fine argument the distinguished Senator from Rhode Island (Mr. PASTORE) has made, is that we must unshackle ourselves not only in respect of the ability to act—and the Constitution requires us to act and not debate alone—but also because we are really now tangled up in our own feet in a procedural mess that is unbelievable and one out of which the Senate cannot work its way except by action of the Vice President.

Very unhappily for all of us the Vice President is not here today, which I regret, because he is the only man who can rule to get us out of the mess we are in.

I hear rumors that if this vote does not invoke cloture the majority leader intends to take down this question entirely, if he can, and it is always very difficult for us to vote against him. None of us wants to resist his control over the calendar.

But I feel that in the absence of the Vice President of the United States this would be most improvident, and I hope Senators stand up and vote to show that we deserve a further opportunity even if we do not get cloture. We should have the opportunity for a ruling by the Vice President when he is here.

The procedural snarl is as follows. There is no question the Senate can amend its rules by a majority vote. We have done it many times and, of course, we can do it, but to get to a vote we have to have a two-thirds vote. The Constitution gives us authority over our own rules. That authority is given to both Houses. But we have an extra constitutional provision here which is, in my judgment, in violation of the Constitution, which has kept us from exercising our will on the rules until two-thirds of the Senate allows us to do so.

The Vice President is the only one who can break that constitutional shackle, unless we are to have a real demarche in the Senate, which would shake the Senate to its foundations by having Senators so dissatisfied with the way Congress is permitted to perform that they could not go further and would block everything. In so trying a time none of us would dream of doing what I have just mentioned. We face this snarl, and the only man who can resolve this matter—short of two-thirds of the Senate, which is an unconstitutional exercise of power—is the Vice President of the United States.

I say that for this reason. If a majority of the Senate, which has now voted on three previous occasions, votes to close off debate, leaving rule XXII intact as the procedure to be followed, only the Vice President can say that is enough, and that as we are operating under the Constitution that ends the matter and he is going to proceed without further debate—and that goes for points of order and appeals from points of order.

Vice President HUMPHREY made such a ruling and he was overruled by the Senate. Now, we have a new Vice President and only he can bring about a regularity of procedure by affirming again the ruling of former Vice President HUMPHREY and giving the Senate another chance to get itself out of this tangle which makes a mockery of our democracy.

I notified the Vice President that I was going to make this point. He is not here. I do not find fault with that because I am sure he had good reason not to be here. Nevertheless, he is not here and no presiding officer other than the Vice President is going to act in such a critical way, in respect of the Constitution and the procedures of the Senate.

Therefore, I deeply believe this matter should not be terminated today, whatever may be the results of this vote; that it should not be taken down; and that the Vice President at the proper time—I gave him notice that I would raise this point today—should rule whether or not this constitutionally elected officer of all the people, elected with the President, will use his authority. He is the Presiding Officer of the Senate. That is one authority the Constitution gives him which is unqualified and untouched.

Whatever else the President may give or not give him—and Presidents have both built up and cut down Vice Presidents—that is his authority. I think he owes a solemn duty to the country to rule one way or the other on this question.

In answer to a question by the Senator from Alabama (Mr. ALLEN), the Vice President, for practical purposes, has left the issue open. This is what he said:

> In response to any point of order as to the constitutionality of the procedure or as to whether or not the Senate is a continuing body which involves a constitutional question, the Chair, under the uniform precedents of the Senate, will submit the same to the Senate for decision.

That is not the question that bothers us. Of course the Senate will decide. But the question that bothers us is, Will there be a filibuster so that the Senate can never decide until one-third lets us decide, or will the question be decided without debate? And on that question only the Vice President can rule, and it is his duty to do so, and I hope we have the opportunity to present him with that question.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. HART. Mr. President, the senior Senator from New York has stated effectively, I think, all that needs to be said on this point. I rise simply to support each of the suggestions he made.

I had hoped very much the Senate, and the country, could be given the opportunity the Senator from New York urges that we seek; namely, a ruling from the Vice President with respect to what is perhaps as basic an issue as this body will confront in this Congress. I thank the Senator from New York for putting it before us.

Mr. President, once again we approach the moment of decision on a proposal to modify the Senate cloture rule.

This year we have heard again all of the old arguments by opponents of reform. As for me, they are no more convincing this time than in the past. More important, they do not meet the fundamental constitutional principle upon which we who support a change of rule XXII rest our case.

While I doubt few votes will be changed at this point, it is important for the record and for the American public's understanding of what we have been trying to accomplish to sum up the essentials of this protracted debate—to try to provide some perspective.

Mr. President, proponents of reform ultimately rest our case on the constitutional right of the majority of the Senate to adopt new rules at the beginning of each Congress. Our reasoning was set forth clearly and succinctly by President Nixon in 1959, when as Vice President he presided over this body:

> The Constitution gives the Senate the power to make its rules. That means that the Members of the Senate have the right to determine the rules under which the Senate will operate. This right, in the opinion of the Chair, in order to be operative also implies the constitutional right that the majority has the power to cut off debate in order to exercise the right of changing or determining its rules.

We have heard, really, three main lines of argument against any modification of rule XXII. First, opponents of change have again attempted to divert attention from this basic constitutional principle by citing at length the Founding Fathers' view of the Senate as a body designed carefully to debate and filter pressures for hasty ill-conceived action.

We have also heard the perennial invocation of the Founding Fathers' desire to protect minorities. Both points are, of course, accurate. But neither offers any support for maintaining rule XXII in its present form. Those who framed our Constitution sought to insure legislative deliberation and protect minorities by instituting a system of checks and balances of Government and between the two Houses of Congress. The bicameral

Congress, Supreme Court review of legislation, and the Presidential veto all provide safeguards against impulsive action and protection of minority interests. Minority interests are also protected by the Bill of Rights, and by the smaller constituencies in the House of Representatives. The Founding Fathers did not seek to protect minority interests by thwarting majority vote in the Senate. They did not, as they could have, prevent majority action in the Senate, except for certain specified categories of action, such as constitutional amendments and ratification of treaties.

Indeed the Constitutional Convention repeatedly rejected requiring a two-thirds vote for general categories of legislation such as interstate commerce.

Finally, for the first several decades of our country, the Senate rules permitted closure of debate by a majority on a motion to put the previous question.

The second main argument is an exercise in semantics, which is more appealing thn persuasive. Our opponents again stress that the Senate is a "continuing body" and that, therefore, the rules carry over from the last Congress. Obviously in some sense the Senate is a continuing body, designed to retain continuity by having only one-third of its membership change at a time. Equally clearly, it is a discontinuing body in many other ways: bills must be reintroduced; officers elected, committees selected, hearings repeated, and so forth. Thus, the "continuing body" argument boils down to two propositions:

Because two-thirds of the Senators carry over, the Senate is a continuous body; because the Senate is a continuous body, the rules carry over. Striking the conclusory words "continuous body" from the formula reveals the underlying proposition: Since two-thirds of the Senators carry over, the rules carry over. This is a non sequitur. It assumes that the carryover of two-thirds of the Senate always carries over the majority in favor of the rules. The infusion of one-third newly elected Senators—both by their numbers and their power of persuasion—may very well change the majority view on rules and it is this majority view that is determinative under our constitutional democracy, not who carries over. So much for the "continuing body" argument.

The third basic argument against reforming rule XXII has been that it would prevent adequate deliberation, which is particularly important during times of stress and turmoil. Mr. President, deliberate careful action is always preferable to undo haste. But I suggest that one of the reasons for the stress and turmoil in America today is precisely that the Senate and other institutions have been incapacitated by devices for delay or dilution of serious attack on our Nation's problems. The apparent inability of our Government to take action on our domestic ills when the needs are so painfully clear is a basic cause of unrest and disaffection. Opponents of reform have argued that no significant legislation has been stopped by the present rule, particularly pointing out the civil rights statutes which eventually were passed during the past decade. Yet last year the effort to avert a political crisis and reform our presidential electoral system was filibustered even though it would have required a two-thirds vote to pass the proposed constitutional amendment. And those of us who fought for the civil rights legislation now brandished by those who opposed us well remember the many long years of delay, measures diluted and those not even offered because of the present rule which required legislation by exhaustion.

The majority, or even a substantial majority, of the Senators may not be omniscient or infallible, but certainly neither is a small minority. If the present rule is necessary to protect minority interests, why not let 10 Senators prevent action—or three?

If the true basis for opposition to reforming the rule XXII were a desire to assure adequate debate, that goal could be met by proposals which have been offered and rejected many times. The real aim can only be to retain for a small minority of Senators the right to dictate what laws shall be passed by Congress. I remain convinced this position is unfair, unwise and unconstitutional.

Mr. MILLER. Mr. President, I should, in fairness, point out that Senators who were willing to change their votes in order to effectuate the compromise we have been seeking to achieve made it very clear that unless the votes necessary to achieve cloture are assured, they would very likely continue to vote against cloture.

Mr. ALLEN. Mr. President, I yield 8 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 8 minutes.

Mr. FULBRIGHT. Mr. President, I have the greatest respect for the Senator from New York. We have just spent the morning discussing his latest bill, which, in a sense, seeks to delineate the war power of the President. The thrust of it is, in a sense, to restrain, and I think, in effect, it is, indeed, to place a restriction upon, Presidential power.

For him now to be appealing to the Vice President, who is essentially an executive officer, although he happens to be the Presiding Officer of the Senate, to subvert the Senate—in effect, to weaken the check of the legislative body against the executive which is created in the Constitution—seems to me a bit inconsistent.

I certainly hope this will be the last vote. I think four votes on the matter is enough. It has delayed the Senate, and I insist again, as I have in the past, it is not those of us who oppose the change in the rules who have delayed the Senate; it is the insistence of the proponents of the rule change who have delayed the Senate indefinitely. We have wasted much time on it. It is not that there has been much debate. There has not been much attendance or debate on both sides of the question. But it impinges on time which we could spend profitably in committee or other work.

I find it strange, indeed, that the proponents for a change would resort to the executive branch to weaken or subvert the legislative branch. This is directly contrary to the spirit of the Constitution. If we are to preserve some balance set up under the Constitution, we have to preserve the independence of the Senate, its capacity to restrict and advise with and cause the Executive to contemplate, to consider its decisions, before it makes a decision taking us into war abroad or making improvident decisions on our domestic scene. It is just as important on the domestic scene. As a matter of fact, a number of so-called liberals have used this device with respect to domestic measures—most recently in the case of the SST.

So I, myself, find it very difficult to justify appealing to the President, or the Vice President, to step into the breach—in a sense it departs from the rules of the Senate—in order to force upon us a change in the rules which I think would substantially lessen the effectiveness of the Senate.

I think it goes a little far to refer to the Humphrey rule as if it were a rule. The Vice President made a single ruling, which was promptly overruled by the Senate. We ought to call it a nonrule. I do not think it is entitled to the dignity of being called a rule. It has never been accepted as a rule by the Senate. It was simply an aberration by a former Senator who had been committed to the civil rights cause. There was no man who had been more active or more positive in his advocacy of the civil rights cause, going back, in the most dramatic fashion, to the convention of 1948, in Philadelphia, wherein he almost disrupted that convention by his advocacy of immediate civil rights action at that time.

I respect his judgment. Those bills have been passed. As far as his judgment went as to what the Congress and the Senate and the Supreme Court would finally do, he was correct. Whether or not it was the best solution to the problem still remains for history to determine. In any case, it is not a rule, and I would say that there is no Humphrey rule today which we are under any compulsion to respect at all.

I referred a moment ago to the hearing which was held this morning. Two of the most distinguished historians in the country are testifying upon the Javits bill, which has several cosponsors, including the Senator from Virginia (Mr. SPONG), the Senator from Maryland (Mr. MATHIAS), and I think one or two others.

The whole thrust of that bill is to reestablish the constitutional role of the Senate—or of the Congress, I should say, but we are particularly interested in the Senate—in our governmental structure. Dr. Commager yesterday agreed, and in fact, both witnesses agreed. I know of very little dissent from the proposition that in the last 25 years the influence of Congress upon the course of our country's activities, especially in foreign relations, but also in domestic relations, has been overshadowed by the Executive. The enormous power of the Executive is inevitably on the increase in a time of war, in which we have been for much of the last 25 years. Everybody agreed to that. There was no dissent. All are disturbed

about it. Yesterday Dr. Commager was disturbed about it.

I do not say they agree with me, but we are all in agreement that it is important to reestablish the role of the Senate in our governmental function or governmental structure—that is, the basic belief that discussion of important public matters is essential. The discussion which takes place in this House—this body—is important to reaching wise decisions. I think it is a fundamental assumption of our constitutional system that there is something to be gained by having a Senate which will deliberate upon and will consider the significance especially of the very controversial and very deeply important matters.

The Senator from Rhode Island very eloquently—and he is a most eloquent Member of this body—referred to this body as the greatest deliberative body in the world, or something to that effect. I do not think I misquote him. I submit to him that the only reason we have any reputation as a great deliberative body is because of the rules by which we reach decisions. The rules and procedures are of the very essence and are very important, far more important than any particular substantive bill that comes before us. If we give up the procedures by which the Senate reaches its decisions, which I think account for whatever greatness it still has, I think we will have taken a most serious step toward the elimination of the Senate as an effective body in our constitutional system.

The very fact that the executive knows that it has to face the possibility of stubborn resistance to its proposals, I think, enters into the decisions which they make as to how radical or how extreme are the proposals they submit.

In other words, I think it has a great effect upon the formulation of the policies in addition to the actual refinement and development of those policies after they have been introduced.

I am quite confident that the executive branch, when it is contemplating taking action, takes into consideration the fact that the Senate of the United States will have something to say about it. They do not have to bother too much about the House of Representatives; they have usually been able to control it. The attitude of many people in the House of Representatives, particularly the leadership, and they make no bones about it, is that they are there to carry out the President's policy.

That has often been the attitude of many Members of the Senate. But the institution itself is all I am interested in—the preservation of the effective influence of the Senate in making important decisions involving the security and the life of this country. I think it would be a grave mistake if we forgo that influence and turn our country completely over to the Executive.

I realize that in many areas, many people think the Executive is more efficient, that it gets action more quickly, that it is more responsive to the popular demands of the moment. In many cases, it may well be. In many cases the Senate is stubborn. But I hope this will be the last vote, and that we can go on to something else.

Mr. PEARSON. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. Nine minutes.

Mr. CHURCH. I yield 1 minute to the distinguished cosponsor of the resolution, the Senator from Kansas.

Mr. PEARSON. Mr. President, I take this opportunity to thank the leadership for permitting us to fight this issue out this year on these grounds. We feel Senate Resolution 9 is a reasonable and a balanced approach to amending the rules of the Senate to meet the issues that face us in the last third of this century—a proposal of balance between the right of full debate and the right to vote at some time, of balance between protecting the rights of the minority and then permitting the majority at some time to govern.

I would be less than candid with the Senate and with the record——

The PRESIDENT pro tempore. The Senator's 1 minute has expired.

Mr. PEARSON. One additional minute. If I did not recognize that a great deal of the crusade has gone out of this effort. It is said that some of the great issues that have come before the Senate were at the time unable to be enacted into law because of the present filibuster rules. I think that is a narrow view which does not consider the very important issues of the future.

I want also, Mr. President, to commend the distinguished Senator from Iowa (Mr. MILLER) for his attempts to make a reasonable proposal and some compromise, as well as others who have worked very hard to bring reason and some sense of balance to the rules of the Senate and to this effort.

I thank my colleague.

Mr. CHURCH. I thank the Senator from Kansas.

Mr. President, I yield 4 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I take second place to no one in upholding the institution of the Senate, especially in relation to the executive branch; and I feel that that argument has been carried out to an extreme in this debate.

I believe in a great deal of flexibility for the Senate. I believe, to a degree, in unlimited debate. But I also believe in some sort of orderly organization, and facing up to legislative matters which come before this body.

What the distinguished Senator from Idaho and the distinguished Senator from Kansas have proposed will in no way dilute that power, that prerogative, that prestige which is the Senate's, but rather, I think, it will serve as a safeguard against a possible constitutional majority being able to impose cloture in the years ahead; and that, in my opinion, would be a real disaster.

Mr. President, little remains to be said in the debate on the pending motion. Every facet of every argument on every side of the issue of reducing rule XXII to three-fifths cloture has been aired. In my judgment, the case for adjusting the rule has long since been made.

What I fear, more than ever, is that barring some accommodation on this issue at this time will only strengthen the hand of those who seek a majority cloture procedure. Such a change goes beyond the mere question of debate limits. A change to majority cloture would alter in turn the whole constitutional role of the Senate in our frame of government. In short, it would be a mistake with far-reaching implications. But the threat of that mistake occurring is increased should the Senate refuse now to impose a three-fifths rule and thereby end these biennial efforts to alleviate the unfair burden of two-thirds cloture.

Two-thirds cloture has proved unreasonable mainly because some Senators' attitude on invoking cloture is unyielding. But that fact is plain. Majority cloture would be a destructive standard and that fact is just as plain. It was for this reason that last Thursday I wrote my colleagues on this side of the Senate aisle asking that they support the three-fifths resolution. I asked that they consider carefully all means of arriving at a three-fifths rule and suggested that the necessary assurances could be obtained to guarantee that three-fifths would not be used hereafter as a means of gaining majority cloture in a future Congress. Such an assurance is indeed possible if we could only get on with our business and reach the merits of the three-fifths resolution. I ask unanimous consent that the text of my letter to all Democratic Senators be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. In closing, I would only say that before it is too late I hope those Senators who profess their intransigence on this issue now will reconsider and permit a vote for three-fifths. It is the only way to strengthen the institution of the Senate and block the effort that will lead eventually to majority cloture. I urge the Senate to adopt the pending motion.

EXHIBIT 1

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., March 4, 1971.

Hon. ———
U.S. Senate
Washington, D.C.

DEAR SENATOR: I have enclosed an excerpt from the Congressional Record of March 2, 1971, which capsulizes, in my opinion, the significance of the effort to change Rule XXII. The last opportunity to resolve this issue will occur on Tuesday next. In the meantime, efforts will be made by Senators Church and Pearson who have spearheaded this proposal to make any necessary modifications to satisfy the real concerns of many Senators.

I believe that most Senators could agree to the slight modification providing for 3/5s if assurances could be had that the 3/5s rule will not be used in a future Congress to limit debate on a resolution providing for majority cloture. I believe that this risk should and can be satisfied between now and next Tuesday.

I believe that the modest change to 3/5s will protect the Senate as an institution and

its place in demanding reflection and hopefully wisdom prior to governmental action. Importantly, too, it should reduce the likelihood of success in future efforts to gain a majority cloture rule. That step would not only reduce Senate deliberations but would relegate the Senate itself to an inferior position in our scheme of government.

I urge each of you to consider again the premises upon which your past actions on changing Rule XXII have been based. I believe the bases for many of our attitudes have changed. The issues that will confront the Senate will be far different from those that have molded our opinions on Rule XXII. The Senate as an institution can be benefited by this slight modification that will preserve the status of minority viewpoint and provide insulation against further change.

Sincerely,

MIKE MANSFIELD.

The PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The distinguished Senator from New York (Mr. JAVITS) a few moments ago made the point that under the Constitution, a majority of the Senators present could end debate, basing that opinion, I judge, on section 5 of article I of the Constitution, saying that each House of Congress shall have authority to make its own rules.

Of course, we have made our rules, and the rules of the Senate each session, under rule XXXII, carry over to the succeeding Congress, until amended in accordance with the rules.

Mr. President, the distinguished Senator from New York said that this question should have a ruling by the Vice President of the United States. I submit, Mr. President, that the Vice President has already ruled on the question. In answer to a question which I propounded to him when this debate first got underway, the Vice President, on January 26, said:

> In response to any point of order as to the constitutionality of the procedure, or as to whether or not the Senate is a continuing body, which involves a constitutional question, the Chair, under the uniform precedents of the Senate, will submit the same to the Senate for decision.

Then, on the first cloture vote, on February 18, when 48 Senators voted to apply cloture and 37 voted not to apply cloture, on page S1495, the Vice President, in announcing the vote, said this:

> On this vote the yeas are 48 and the nays 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

So the Vice President has ruled on this question, that it takes a two-thirds vote to invoke cloture under the rules. If the distinguished Senator from New York had any argument or dispute with the Vice President on his ruling, he had his recourse under the rules to appeal from that ruling, just as the distinguished former Senator from Florida, Mr. Holland, 2 years ago appealed from a ruling by then Vice President HUMPHREY, which was to the opposite effect, and the Senate voted, in effect, that it takes a two-thirds vote of the Senate to apply cloture.

Mr. President, they say that there is a great hue and cry from the country to change the Senate rules. Let us examine for a moment the record of the 11 new Senators, those who are in the Senate for the first time, in the 92d Congress. Six of the 11 Senators voted in favor of not cutting off debate and only five in favor of cutting off debate and applying cloture. So if there is any great hue and cry from the country for a change in the Senate rules, the Senators fresh from the people would have voted in accordance with that belief.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Idaho.

Mr. President, as Members of the Senate know, a number of us have been trying to work out a reasonable compromise on the proposed rules change. That compromise is presently at the desk; and if cloture could be invoked, we would reach it. However, it is difficult to get the number of votes necessary to invoke cloture, and even at this moment attempts are being made to get the one or two extra votes that are needed.

I commend the distinguished majority leader, the distinguished minority leader, and the two chief sponsors of Senate Resolution 9—the Senator from Idaho (Mr. CHURCH) and the Senator from Kansas (Mr. PEARSON)—for undertaking to do the best they can, along with me, to work out a compromise. This has been a very fine effort; and if it does not succeed, it will not be because a great deal of time and trouble has not been put into it.

I want to underscore the fact that certain absentee Senators have made this negotiation very difficult. Unfortunately, some Members of the Senate are not here; and if the Senators were here, I think we could have got the job done.

I thank the Senator from Idaho.

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

Who yields time?

Mr. ALLEN. Mr President, how much time is reserved to the Senator from Alabama?

The PRESIDENT pro tempore. The Senator from Alabama has 5 minutes, and the Senator from Idaho has 1 minute.

Mr. CHURCH. Mr. President, I yield the 1 remaining minute to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the purpose of the U.S. Senate is to legislate. Correspondingly, our constituents elected us in an anticipation that they were sending us to a legislative assembly wherein votes were recorded after a reasonable time for discussion. Instead, this desirable procedure does not obtain. We are deadlocked on many major matters—vital bills held hostage to the obstruction of a relatively few Members, while the supporting majority has a choice between abandoning the legislation or enfeebling it by constraining amendments.

The right to debate a question broadly has been recognized since this body first met 182 years ago. But when the rules of the Senate, intended to provide a deliberative method for legislating, are used—or misused—to raise an all but impossible barrier to the enactment of legislation, then these rules should be corrected.

Words of Thomas Jefferson, spoken in the early 19th century, apply well to the challenge we face today:

> As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

In the specific instance to which I address myself today, the situation is even more alarming. On January 25 of this year, Senate Resolution 9 was introduced. It was cosponsored by 51 Senators from Republican and Democratic ranks. Fifty-one is a significant number because it stands for a constitutional majority of the U.S. Senate.

An observer would have every reason to assume that a resolution with such support would be acted on promptly and presumably with approval.

But what are the facts? Seven weeks have passed since Senate Resolution 9 was introduced. And what has transpired? During this time we have been engaged in a filibuster or talk-a-thon, or what have you, to prevent the resolution from being taken from the calendar and being considered directly. If this cloture effort succeeds this afternoon—and I hope it does—that only ends the debate on the motion to consider. Another period of debate of undetermined length would loom ahead before another set of cloture efforts could be launched in order to obtain a vote on Senate Resolution 9.

I suggest that such a condition within this great legislative assembly is mischievous, at the least, and obstructionist at best.

A recent Harris poll, to which the diligent Senator from Idaho (Mr. CHURCH) has alluded, indicates a loss of faith by the American people in Congress. Surely, the Senate has suffered a loss of confidence in many segments of our society because of the legislative casualties cause by the application of the filibuster, as fortified by rule XXII—or more damagingly simply by the threat of the filibuster.

These are difficult and troubled times, Mr. President. Our legislative agenda demands a more efficient and more prompt consideration of vital matters than is permitted by rule XXII as it now is written. Our legislative procedure is deteriorating. The legislative disarray that prevailed in the closing days of the 91st Congress should be a warning that business-as-usual will not suffice.

Recognition that the times call for modification of our rules reaches to the highest levels. Democratic and Republican Vice Presidents have expressed a view in this very Chamber that the cloture rule needs to be modified. Turn-of-the-century working rules may explain why we are lagging, but it is not a good reason.

We could face a time when rule XXII, as now written, could render the Senate vulnerable to legislative paralysis at some future time of national crisis.

Mr. President, we all would agree that man should dominate the machines he creates. So with our rules—they should not be permitted to reign over us.

Inflexibility, or shortsightedness, in the face of legitimate evidence that change is needed, is a foe, not a friend, of the U.S. Senate.

I will, as I have on past occasions, vote for cloture.

The PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. I yield myself such time as I may consume.

Mr. President, this will be the fourth vote by the Senate on this question. There has not been one change of position by a single Senator in the some 40 days that this debate has lasted, unless there has been some change in the last day or so, as indicated by the distinugished Senator from Iowa (Mr. MILLER). There has been no switching of position.

Now, Mr. President, at the last minute, on the 40th or 41st day of the debate, they come in and say, "We have a great amendment here which is going to change everything. Let us all get behind it."

It occurs to the junior Senator from Alabama that there seems to be more interest in the form of a change than in the substance of a change. That would lead the junior Senator from Alabama to conclude that those who want to cut off the right to extended debate in the U.S. Senate will accept any form of change of this rule as an entering wedge to move eventually to majority cloture, and that is apparently the effort of those who are now seeking this change.

Mr. President, I submit that if cloture is invoked in this matter, it will not end the debate. We then go to an extended discussion of the resolution itself, including the amendment to be offered by the distinguished Senator from Iowa and any other amendments—including, I assume, the amendment of the distinguished Senator from New York (Mr. JAVITS), to provide for 51 votes for cloture. So once cloture is invoked, the bars are down. Any amendment can be adopted that the Senate sees fit to adopt.

So, Mr. President, I hope that those who want to see the right to extended debate continue in the U.S. Senate will hold firm, and that this will be, as assurances were given by the distinguished majority leader, the last vote on cloture on this question during this session of Congress.

Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. Since all time has been yielded, 1 minute remains.

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

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

The legislative clerk proceeded to call the roll.

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

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

All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion which will be stated by the clerk.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

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.

The PRESIDENT pro tempore. Under rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 14 Leg.]

Aiken	Fannin	Moss
Allen	Fong	Nelson
Allott	Fulbright	Packwood
Anderson	Gambrell	Pastore
Baker	Goldwater	Pearson
Bayh	Griffin	Pell
Beall	Gurney	Percy
Bellmon	Hansen	Prouty
Bennett	Harris	Proxmire
Bible	Hart	Randolph
Boggs	Hartke	Ribicoff
Brock	Hollings	Roth
Brooke	Hruska	Saxbe
Buckley	Hughes	Schweiker
Burdick	Humphrey	Scott
Byrd, Va.	Inouye	Smith
Byrd, W. Va.	Jackson	Sparkman
Cannon	Javits	Spong
Case	Jordan, Idaho	Stennis
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Cook	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McGee	Tower
Dole	McGovern	Tunney
Dominick	McIntyre	Weicker
Eagleton	Metcalf	Williams
Eastland	Miller	Young
Ellender	Mondale	
Ervin	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

The question is, Is it the sense of the Senate that debate shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Texas (Mr. BENTSEN) and the Senator from Maine (Mr. MUSKIE). If present and voting, the Senator from Alaska would vote "nay" and the Senators from Texas and Maine would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent and, if present and voting, would vote "yea."

The Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 55, nays 39, as follows:

[No. 15 Leg.]

YEAS—55

Aiken	Hartke	Pearson
Allott	Hughes	Pell
Anderson	Humphrey	Percy
Bayh	Inouye	Prouty
Beall	Jackson	Proxmire
Bellmon	Javits	Randolph
Boggs	Kennedy	Ribicoff
Brooke	Magnuson	Saxbe
Burdick	Mansfield	Schweiker
Case	Mathias	Scott
Church	McGovern	Smith
Cook	McIntyre	Stevens
Cranston	Metcalf	Stevenson
Dominick	Mondale	Symington
Eagleton	Montoya	Taft
Fong	Moss	Tunney
Griffin	Nelson	Williams
Harris	Packwood	
Hart	Pastore	

NAYS—39

Allen	Dole	Long
Baker	Eastland	McClellan
Bennett	Ellender	McGee
Bible	Ervin	Miller
Brock	Fannin	Roth
Buckley	Fulbright	Sparkman
Byrd, Va.	Gambrell	Spong
Byrd, W. Va.	Goldwater	Stennis
Cannon	Gurney	Talmadge
Chiles	Hansen	Thurmond
Cooper	Hollings	Tower
Cotton	Hruska	Weicker
Curtis	Jordan, Idaho	Young

NOT VOTING—6

Bentsen	Hatfield	Mundt
Gravel	Jordan, N.C.	Muskie

The PRESIDENT pro tempore. On this question the yeas are 55, the nays are 39. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. JAVITS and Mr. MANSFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I appeal from the ruling of the Chair.

Mr. ALLEN. Mr. President, I would like to discuss this matter.

The PRESIDENT pro tempore. The question is: Is the decision of the Chair to stand as the judgment of the Senate? The question is debatable.

Mr. JAVITS. Mr. President, on that I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

QUORUM

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

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

The legislative clerk proceeded to call the roll.

Mr. ALLEN. 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.

Mr. MANSFIELD and Mr. JAVITS addressed the Chair.

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

Mr. MANSFIELD. I move to table the appeal.

Mr. JAVITS. Mr. President, will the Senator withhold that motion so I may explain the situation?

Mr. MANSFIELD. Briefly.

Mr. PASTORE. Mr. President, will Senators be seated, please?

The PRESIDENT pro tempore. Let us have order in the Senate. Senators will be seated.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I am very grateful to the majority leader for staying his hand momentarily. It is characteristic of him. I shall not presume on his courtesy by making any extended oration, but I do wish to state the basic legal situation which we face.

The Chair has ruled that two-thirds of the Senate not having voted in the affirmative, the debate is not closed under rule XXII, and the rule applies. I appealed from that decision because it is my belief that at the opening of every Congress the Senate has a constitutional right to change its rules and that right may not be inhibited by the opposition of one-third plus one, which prevents the Senate from voting normally.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator. Will the Senator please use his microphone.

Mr. JAVITS. I thank my colleague. I have pleaded for this improvement for years.

Mr. BYRD of West Virginia. The Senator was a leader in the movement.

Mr. JAVITS. That is correct.

Mr. President, if I may just repeat, I thank the Senator from Montana for staying his hand. I will not presume upon the time he has graciously allowed me by doing other than stating the legal situation. The legal situation is that the Chair has ruled that although a majority voted to close debate under rule XXII, two-thirds did not. Therefore, debate is not closed under rule XXII.

I appealed from that decision because it is my belief that, at the beginning of every Congress—and we are in that position; that has been preserved for us, again by the majority leader—the Senate has a right, under the Constitution, to revise its rules or change them, and that there is no acquiescence in their continuance if a Member or Members of the Senate move to amend the rule, which the Senator from Idaho (Mr. CHURCH) and the Senator from Kansas (Mr. PEARSON) have done. That ends the acquiescence question.

The proceeding to change the rules is constitutional and cannot be inhibited, because it would be unconstitutional, by the rules of the Senate which make it impossible for less than two-thirds to end debate. If, for practical purposes, debate is not ended, then the Senate cannot vote on a change in its rules and exercise its constitutional right.

Therefore, I believe, in this unique situation, the Chair should have ruled that a majority of the Senate having voted to close debate, and debate having continued for what everyone agrees has been an adequate period of time so that the Chair would not have to hear any more debate, debate should have been declared closed, and the rest of rule XXII applied. That would mean appeals as well as points of order would not be subject to debate, but would be decided without debate.

The majority leader, by moving to lay the appeal on the table, effectively, according to Senate practices, raises that question. So if the vote is to sustain the tabling motion, then I believe it presents the view of the Senate to the extent that any tabling motion does present it. If the vote against it fails and the debate continues, I think it equally is an expression by the Senate that rule XXII applies other than the section which prohibits the Senate from changing its own rules by majority action, after adequate debate.

That is the precedent laid down by Vice President HUMPHREY. His ruling was appealed from, and the Senate reversed it. But I believe every new Senate—and this is a new Senate—has a right to pass on that question itself.

Again I express my gratitude to the majority leader.

Mr. MANSFIELD. Mr. President, I appreciate the explanation made by the distinguished Senator from New York. He has laid the issue out in such a way that there can be no misunderstanding.

I have said time and time and time again that I am against a mere majority vote to bring about a change in the rules, because I think to do so would alter the position of the Senate in our scheme of Government.

If the appeal of the Senator from New York were upheld, then it would be only a matter of time before a majority would be able to cut off debate on any issue. That is the real issue at this time. The heart of this institution is at stake.

Mr. President, I move to table the appeal of the Senator from New York.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana to lay on the table the appeal by the Senator from New York from the ruling of the Chair.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MONDALE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Oregon(Mr. HATFIELD). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Oregon would vote "nay."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 55, nays 37, as follows:

[No. 16 Leg.]

YEAS—55

Aiken	Curtis	McClellan
Allen	Dole	McGee
Allott	Dominick	McIntyre
Baker	Eastland	Miller
Beall	Ellender	Pearson
Bellmon	Ervin	Prouty
Bennett	Fannin	Roth
Bible	Fong	Smith
Boggs	Fulbright	Sparkman
Brock	Gambrell	Spong
Buckley	Griffin	Stennis
Byrd, Va.	Gurney	Taft
Byrd, W. Va.	Hansen	Talmadge
Cannon	Hollings	Thurmond
Chiles	Hruska	Tower
Church	Inouye	Weicker
Cook	Jordan, Idaho	Young
Cooper	Long	
Cotton	Mansfield	

NAYS 37

Anderson	Javits	Proxmire
Bayh	Kennedy	Randolph
Brooke	Magnuson	Ribicoff
Burdick	Mathias	Saxbe
Case	McGovern	Schweiker
Cranston	Metcalf	Scott
Eagleton	Montoya	Stevens
Harris	Moss	Stevenson
Hart	Nelson	Symington
Hartke	Packwood	Tunney
Hughes	Pastore	Williams
Humphrey	Pell	
Jackson	Percy	

NOT VOTING—8

Bentsen	Hatfield	Mundt
Goldwater	Jordan, N.C.	Muskie
Gravel	Mondale	

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, the vote just announced on the cloture motion showed that 59 percent of the Senators voting favored the limitation of debate. This 55 to 39 vote represents the high water mark in the effort, over the years, to secure a modification of rule XXII.

Originally, in 1961, a cloture attempt to change rule XXII garnered only 37 votes, actually a minority of the total vote cast. Four years ago, 53 votes were obtained for cloture in connection with this longstanding effort to modify rule XXII. The previous high point was a vote of 54 to 42.

So, whether measured from the standpoint of the number of affirmative votes cast, or from the standpoint of the spread between the affirmative and negative votes, this represents the high water mark of the effort to date.

Mr. President, I would not want this occasion to pass without paying tribute to the great Senators who have labored in support of this cause in the past. I see in the Chamber the Senator from New Mexico (Mr. ANDERSON), who was one of the originators of the attempt to modify rule XXII. I see the Senator from Minnesota (Mr. HUMPHREY), who is back again with us once more. He has played a prominent role, along with the Senator from Michigan (Mr. HART) and the Senator from New York (Mr. JAVITS).

I also give much-deserved credit to the leadership for the assistance they have given us in this fight, both our distinguished majority leader (Mr. MANSFIELD) and the able leader of the Republicans (Mr. SCOTT).

Especially, do I want to express my appreciation to the amiable Senator from Kansas (Mr. PEARSON), the cosponsor of Senate Resolution 9.

I think, Mr. President, that the message is clear. If one looks back over the trend in the vote since 1963, the message is written plain: We are moving toward the day that a prudent modification will be made in the cloture rule. We make some progress with each successive attempt, and I feel reasonably confident that, at the commencement of the next Congress, it may prove possible for us to succeed.

Mr. President, I should like to conclude with the observation once made by President Wilson, who said:

> I would rather fail in a cause that will ultimately succeed than succeed in a cause that will ultimately fail.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. I thank the Senator.

Mr. President, I should like to join with Senator CHURCH and Senator PEARSON in approving very much of the stalwart nature of their struggle and approving, also, what others have done in this field.

I should like to add the name of the present President, who was then Vice President, President Nixon, when he was presiding over the Senate, who ruled, as Vice President Humphrey did—although he did not have an opportunity to bring it actually into being. I should like, also, to add the name of the Senator from Michigan (Mr. HART), who joined me in this effort.

Mr. President, I am convinced that the Senate will not be allowed to do what it ought to do, which is to undo its own shackles. I did not argue with the majority leader, because we are all fairly sophisticated here, and there was no point in doing so at that point.

There is no effort here to make majority cloture the rule. The only question is: Shall a majority of the Senate, at the beginning of a new Senate or at the beginning of a new Congress, be in charge of writing its own rules? Can we ever undo this, unless we have what Calhoun called concurrent majorities? My answer is "no."

So I would say that the Senate will be unable to work any meaningful reform. The only thing it ever got done was with the tremendous power of the then majority leader, former President Lyndon Johnson. It was able to get a minor change—two-thirds present and voting, instead of two-thirds of the Senate. But that took the power of Lyndon Johnson in the Senate, which was enormous, and it was a very little change.

So until we bite this bullet, until we cut the Gordonian knot and make the constitutional decision that we have the power to disentangle or, as Lincoln said, to disenthrall ourselves, there will be no meaningful change in rule XXII, and one-third of the Senate can continually frustrate it.

One day, perhaps when I am long dead and gone, we will face some supervening national issue that will shake this Nation to its foundations, and a third of the Senate will stand in the way of acting on it; and the Senate will rue the day we made this legal decision, which we made once before and which we made today.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I just want to make the record complete and thank the leadership and thank the Senate. We took a great deal of time, but I think it was worth the fight.

I should like to concur in all that the distinguished Senator from Idaho said, in that we are gaining ground. The day will come, and I think the Senate will be a better body and a greater body at that time.

I thank the leadership. They did all we asked them to do, made every reasonable effort to help us in the final days of a compromise, and I shall always be grateful.

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

Mr. MANSFIELD. I yield.

Mr. CHURCH. Mr. President, I had meant, in extending my compliments earlier to those who participated in this debate, to include the leading members of the opposition. Let me do so now. Throughout the debate, I appreciated the courtesy extended to me by the distinguished Senator from Alabama, and I wish to acknowledge the worthy contributions made by the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT); by Senator STENNIS, the chairman of the Committee on Armed Services; by Senator ERVIN, who carried a major part of the load; by Senators COOPER, HOLLINGS; and all others who participated on the other side of this debate.

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

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. Mr. President, I should like to express to the Senator from Idaho and the Senator from Kansas, on behalf of those of us who over the years have sought to modernize the rules of the Senate, particularly rule XXII, profound thanks for their exemplary leadership in conducting this debate and in pursuing the question of a reasonable adjustment in rule XXII.

I think the Senate has missed a real opportunity to make a sensible, rational, and reasonable change, which was the recommendation that a three-fifths vote be able to close debate.

I hope that on another occasion the Senators will continue to pursue this course. I believe that it is needed. I tend to agree with the Senator from New York that we may well be sorry for our failure at this time to do what the times require—and the times require action, and the Senate and Congress are on notice by the public for action.

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

Mr. MANSFIELD. I yield.

Mr. ALLEN. I thank the distinguished majority leader for yielding.

Mr. President, I want to express my appreciation to the distinguished Senator from Idaho for his gracious remarks and for the fine, courteous fashion in which he handled his advocacy of a rule change in this debate. He was always most courteous and most considerate of the opposition. His was a gallant fight, for which I salute him.

I admire very much his ability and his determined fight not only for the resolution he introduced, for which he fought so hard, but also for his unswerving opposition to majority cloture. I should like to express my appreciation to him for standing for this principle.

Some interesting statistics are involved here. The distinguished Senator from Idaho has called attention to some. I recall the vote 2 years ago on overruling the then Vice President on the opposite ruling from the ruling of the President pro tempore today. I believe that vote for overruling was 51 votes to overrule and 47 votes to sustain. The vote today on the opposite question was 55 to 37. So, apparently, the Senate is gaining in the matter of its opposition to majority cloture.

I was interested, too, in the statistic

of 39 Senators voting against the invoking of cloture, which also was a high water mark for the opposition to invoking cloture at this session of the Senate. So it would seem that the opposition to the invoking of cloture and cutting off debate on the rules change continues to mount, and the opposition to this move was at its height on the final vote today. With 39 votes against cloture it is hard to see how the extended debate can be called a filibuster of southern Senators.

Also, I should like to express my appreciation to the distinguished majority leader, who has stated time and time again his opposition to seeking to amend the rules by majority vote; and certainly the moral leadership he exhibited when he moved to table the appeal of the distinguished Senator from New York showed him to be the great statesman he always has been. I pay tribute to the distinguished majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker had appointed Mr. Carey of New York and Mr. Ruth as members of the board of directors of Gallaudet College, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 123(a), Public Law 91-605, the Speaker had appointed Mr. WRIGHT, Mr. EDMONDSON, Mr. DON H. CLAUSEN, and Mr. SCHWENGEL as members of the Commission on Highway Beautification, on the part of the House.

COMMITTEE SERVICE

Mr. MANSFIELD. I yield to the distinguished minority leader for the purpose of presenting a resolution on behalf of the joint leadership.

Mr. SCOTT. I thank the distinguished majority leader for yielding.

Mr. President, this is a unanimous-consent request which I have cleared with the distinguished majority leader, with the distinguished junior Senator from Montana (Mr. METCALF), and with the distinguished senior Senator from Delaware (Mr. BOGGS).

Mr. President, I ask unanimous consent that in addition to the committee memberships to which a Senator may be entitled under paragraph 6 of rule XXV of the Standing Rules of the Senate, a Senator may serve as a member of any joint committee, if the Senate members of that committee may be selected only from among members of one of the standing committees named in paragraph 2 or 3 and specified in the provision of law relating to the selection of membership to such joint committee and this consent agreement shall be effective for the 92d Congress only.

Mr. President, that is the end of the request, but by way of clarification, let me say that we are having some difficulty working out committee memberships in the Joint Committee on Internal Revenue Taxation and, I believe, in the Committee on Reduction of Federal Expenditures.

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

EXTENSION OF RIGHT TO VOTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, Senate Joint Resolution 7, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be stated by title.

The LEGISLATIVE CLERK. Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. Is there objection to consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 2, after the word "is", strike out "hereby"; in line 4, after the word "Constitution", strike out "only if" and insert "when"; at the beginning of line 7, strike out "to the States"; at the beginning of line 9, insert "Section 1."; and, at the beginning of line 13, insert "Sec. 2,"; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

Mr. MANSFIELD. Mr. President, hopefully, we may be able to dispose of this constitutional amendment resolution today, although I would not guarantee it. If we do finish it, it is then anticipated that on tomorrow we will take up the debt limit proposal, provided the Senate gives its unanimous consent. When that is disposed of, it is anticipated that some time next week, perhaps on Monday or Tuesday, we will take up the bill dealing with Appalachia.

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

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

Mr. MANSFIELD. Mr. President, I would express the hope that those who are interested in this most important joint resolution, one of the most important to come before this body, would come into the Chamber. I will have to leave to go a short distance away but I will be on call. I just want the Senate to know that it would be my intention, if any amendments are offered to the joint resolution, to move to table such amendments.

RAISING OF PUBLIC DEBT LIMIT—PROGRAM

Mr. LONG. Mr. President, I would like to say to the distinguished majority leader, in regard to the reports I am filing on H.R. 4690, the bill to increase the public debt limit, that I have made plans that will take me out of town on Thursday and I would hope to be here when the bill is considered. This is a rather urgent matter. It is not urgent at the moment, of course, but each day will make it more so. I would hope that it could be scheduled for consideration sometime in the early days ahead.

Mr. MANSFIELD. I had just announced, just before the Senator from Louisiana came into the Chamber, that, hopefully, it might be possible to finish the pending business today and then it was the intention of the joint leadership, with the unanimous consent of the Senate being granted, to take up the debt limit tomorrow.

Mr. LONG. I thank the distinguished Senator from Montana.

Mr. GRIFFIN. Mr. President, I wonder whether I might inquire of the majority leader whether unanimous consent to take up the debt limit ceiling bill was granted or was ordered.

Mr. MANSFIELD. No, no. It will be asked. I said contingent on that.

Mr. GRIFFIN. I thank the Senator.

Mr. SCOTT. What about Appalachia?

Mr. MANSFIELD. That will not be ready until next week.

Mr. SCOTT. I thank the distinguished majority leader.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, does the Senator from Indiana have the floor at this time?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Indiana is correct.

Mr. BAYH. I certainly appreciate the courtesy of the distinguished Presiding Officer.

Mr. President, today we begin an important—and historic—debate on Senate Joint Resolution 7, the proposed amendment to the Constitution which would lower the voting age to 18 for all elections, Federal, State, and local. I look forward to a thorough and spirited debate. I hope that the Senate—and the House—will pass this measure

and send it to the States—because it is the right thing to do. I do not make such a recommendation casually. After spending more than 8 years as Chairman of the Subcommittee on Constitutional Amendments, and as a result of our efforts to secure passage of the 25th amendment, Mr. President, I am acutely aware that amending the Constitution is an awesome responsibility. It is a responsibility I do not take lightly. I think our Founding Fathers were correct in requiring two-thirds of both Houses and three-fourths of the State legislatures to join in concurrence before a major change could be made in the bedrock constitutional law of the land.

No constitutional change should be proposed by this body until there has been thorough study and thought, both in the Congress and in the rest of the country. I firmly believe that there has been such study and thought, and that we have achieved a nationwide political consensus favoring such a change in the voting age.

Last week the subcommittee ordered Senate Joint Resolution 7 reported to the full committee. The vote was unanimous. Last Thursday, the full committee met and ordered this measure reported to the full Senate for consideration on the floor. There, too, the vote was unanimous. Now it is time for each of us to consider this issue and decide how to vote. I plan to support this joint resolution because I believe that there is a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21-year age of maturity is derived only from historical accident. In the 11th century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the 11th century clearly has no relation to the intellectual and emotional qualification to vote in 20th century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than 3 years since the 18th century. As Vice President Agnew said recently in endorsing a lowered voting age:

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of Government. Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18- to 21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country—serving all of us—in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina War over the past 5 years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

> We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor . . . It exceeds the population of all but several of the States of the Union.

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of the unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18 to 21 year olds is often the idealism which Senator BARRY GOLDWATER has said:

> Is exactly what we need more of in this country . . . more citizens who are concerned enough to pose high social and moral goals for the nation.

As Prof. Paul Freund of the Harvard Law School recently wrote:

> I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend anew enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology; wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies.

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

> The nation cannot afford to ignore lawlessness . . . It is no less permissable for our nation to ignore the legitimate needs and desires of the young . . .
>
> . . . We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.
>
> The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

I believe that the time has come to extend the vote to 18-year-olds in all elections; because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HEARINGS

The testimony presented at recent hearings of the Senate Subcommittee on Constitutional Amendments also provides strong and persuasive support for lowering the voting age. The subcommittee held a series of comprehensive hearings on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings we heard support for a lowered voting age from witnesses representing all parts of the political spectrum, as well as from representatives of a great variety of organizations.

Senator RANDOLPH was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial results of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

> We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

Former presidential assistant Theodore Sorensen brought to the subcommittee's attention the conclusion of the Cox commission which studied the student disruptions at Columbia University. That commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of

whether to lower the voting age as raising a "moral issue." He said:

For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit.

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the commission in its final report had recommended a constitutional amendment to lower the voting age to 18.

Dr. Menninger also reminded us about the statement Senator Mansfield had made during the subcommittee's 1968 hearings:

The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot.

He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said that:

Nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or "radical."

And he pointed out that, according to the studies of the 1963 Commission on Voting, "where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population." He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the "stimulation" of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21-to-30 category.

Dr. S. I. Hayakawa, the president of San Francisco State University, stated that:

Lowering of the voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world.

He said that the vote, aside from its role in the democratic process, had a "symbolic meaning." For the young citizen, voting is "like an initiation rite, acknowledging adulthood."

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

Kleindienst also pointed out to the subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only "slowly, ineffectively, and begrudgingly." He thought that the amendment should be passed "in the name of fairness and justice." And he added:

But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us. Mr. Clark believes that by letting young people vote soon after high school we can "involve them in our system" and "keep them in meaningful participation in the system."

Senator GOLDWATER appeared and told us that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced that "this generation of young people is the finest generation that has ever come along." He said:

To give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections . . . I have confidence in these people.

Senator EDWARD M. KENNEDY said in his testimony that:

I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

Dr. Margaret Mead, the noted anthropologist, appeared before the subcommittee and particularly emphasized the fact that today's young people:

Are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past.

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

OREGON AGAINST MITCHELL

On March 13, 1970, 3 days after the hearings were concluded, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full committee pending the outcome of the Supreme Court test.

Although the constitutionality of lowering the voting age by statute had been explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in Oregon against Mitchell that title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The Supreme Court's decision came too late in the Congress to allow action by either House before the end of the session.

The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

In response to these comments, I started preparing a report which would explore the scope and magnitude of these criticisms, collect and summarize the background material on the effort to lower the voting age, and survey the problems arising across the country as a result of Oregon against Mitchell. I sent telegrams to the chief election officials of each of the 50 States and election officials from some 35 major cities and counties, asking them to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

THE REPORT

In preparing that report I found that as a result of the decision in Oregon against Mitchell, 47 States face the possibilitary of having to administer the 1972 election under a system of dual-age voting—voting at age 18 in Federal elections and at a greater age in State and local elections. It is my belief that such a system of dual-age voting is morally indefensible and patently illogical; how can we deny younger voters a voice in local affairs when we allow them the right to participate in the selection of the Nation's highest officials? Moreover, according to the election officials I corresponded with, dual-age voting may also be dangerously complicated and inordinately expensive as well. These officials estimated costs amounting to at least $10 million to $20 million. Last year Congress declared that every American over the age of 18 should be entitled to vote in all elections. It is my hope that the fact that dual-age voting is devoid of principle, and the fear that it may be unworkable in practice, will encourage the Congress to reaffirm that fundamental policy judgment by prompt passage of a Federal constitutional amendment for ratification by the States.

There is no basis whatsoever, in logic, in policy or in practice, for denying 18-

year-olds the right to vote in State and local elections when they may vote in Federal elections. All of the arguments advanced in favor of lowering the voting age apply with equal force to State and local elections and to Federal elections. Indeed, many of the areas in which young people have expressed the greatest interest—for example, the quality of education and the State of the environment—are primarily matters of local concern. In a time of increasing interest in the decentralization of Government programs and resources, there is simply no justification whatsoever for excluding young people from participation in State and local elective politics when we permit them full participation on the Federal level.

The administrative problems of creating and maintaining a system of dual-age voting have led election officials to raise the danger of profound confusion and delay in the election process. In the 47 States which have not yet extended the franchise to 18-year-olds, separate systems of registration and voting must be established for nearly 10 percent of the previous voting age population—more than 10 million young people. The attorney general of Oregon has characterized the result as "an intolerable administrative burden on the States." John D. Rockefeller IV, secretary of state of West Virginia, has said that the situation at the polling places on election day may amount to "a jumble of confusion." Louisiana State Attorney General Jack Gremillion fears "chaos and confusion" in the next general election. And a memorandum prepared for the secretary of state of Minnesota predicts "a nightmare at best" in the process of instructing voters in the 1972 elections.

I found that some jurisdictions expect to meet the problem primarily by the purchase of new voting machines. However, such a solution can create what one election official referred to as a "suffocating expense." And there is substantial doubt as to whether a sufficient number of machines could be ordered, financed, and delivered in time for the 1972 elections. Other jurisdictions expect to resolve the problem by the use of lock-out devices on voting machines—where feasible—or the use of separate paper ballots. Both of these approaches will require a substantial increase in manpower, either to perform and supervise the lock-out function or to administer the paper ballots. Moreover, the use of paper ballots—a possibility being considered by many jurisdictions, including the States of Michigan, Montana and North Dakota, and the city of Chicago—raise the possibility and the temptation of vote fraud often associated with the use of paper ballots.

Whatever approach individual jurisdictions take to meet the problem, many election officials fear that the confusion and complications of dual-age voting will lead to delay at the polls. James C. Kirkpatrick, the secretary of state of Missouri, has suggested that "probably most important of all" the consequences of dual-age voting is the possibility that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." It would be ironic indeed if in this manner the Voting Right Act discouraged the exercise of the franchise.

Based on the estimates of election officials, the total cost of implementing a system of dual-age voting appears to be no less than 10 to 20 million dollars—and may amount to substantially more. Such estimates vary widely among jurisdictions. Moreover, some State and local officials are just beginning to analyze the problems involved in depth and to canvass the possible solutions. In jurisdictions contemplating the use of separate voting machines, at a cost of approximately $2,000 apiece, the initial cost would be staggering—$1.3 million in Connecticut, $3.5 million in New York City. In jurisdictions choosing to use voting machine "lock-out" where possible, or paper ballots, the costs are harder to estimate because they involve primarily the use of additional personnel; but election officials are nevertheless concerned about the magnitude of the expense required. A few examples of responses from election officials follow:

Paul Maraton, Recorder of Maricopa County—including Phoenix—Arizona, predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California Secretary of State, it would cost more than 1.5 million dollars to implement dual-age voting in California. The Registrar-Recorder of Los Angeles County has estimated that "dual-age voting will cost approximately $400,000 to $500,000 additional" in the county.

Mrs. Gloria Schaffer, the Secretary of State of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40 to 50 percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and casting of paper ballots.

In Iowa, dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased, this figure "could rise considerably higher."

According to Allen J. Beerman, the Secretary of State of Nebraska, the implementation of Oregon D. Mitchell could easily result in a 30 percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the President of the New York City Board of Elections has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler, of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of $50,000 to $150,000 per election year."

Rhode Island relies heavily on voting machines, and as a result Secretary of State August P. LaFrance expects that additional expenses could total nearly "two million dollars."

Director of Elections Jack M. Perry of Shelby County Tennessee, which includes Memphis, has made a "rough estimate" that the extra expenses of dual-age voting would amount to "around $800,000."

A. Ludlow Kramer, Washington's Secretary of State, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a "suffocating expense," especially when his State is "desperately struggling to avoid bankruptcy."

The difficulty of determining just what constitutes a Federal election may lead to substantial disruption of State political party organization and prolonged confusion and delay in the courts. Oregon against Mitchell grants the right to vote in all Federal primary elections to all 18-year-old voters. However, in many States the selection of nominees for Federal office is not performed in a primary but by delegates elected to State conventions. Unless young voters are able to vote for these delegates, they will have no voice in the selection of the Federal nominees who will represent their party. However, many of these elected delegates also choose nominees for statewide office and perform other State functions, and 18-year-olds are precluded by law in 47 of the 50 States from voting for State officials. If excluded from party elections which affect—directly or indirectly—the choice of Federal officials, 18-year-old voters are certain to challenge their exclusion in court, and very substantial disruption and delay may result before the numerous separate and differing problems across the country are resolved.

POSSIBILITY OF LOWERING THE VOTING AGE

A Federal constitutional amendment offers the only realistic hope in most States for 18-year-old voting before the 1972 elections. Of the 47 States having voting age in excess of 18, only eight have reported that it would be possible to lower their voting age by State action before the 1972 general election without resorting to some extraordinary procedure, such as a special statewide election. Most of the remaining States face delays that would preclude final action lowering the voting age before that date. Ratification of a Federal constitutional amendment, on the other hand, appears to be a realistic possibility by 1972. At the present time it seems likely that at least 40 State legislatures will be meeting in 1972 alone, in the absence of any special sessions, and the reapportionment required by the 1970 census is likely to make the fall of 1971 and the spring of 1972 an active period for special sessions. The three amendments proposed by Congress in the 1960's—the 23d, 24th, and 25th—were ratified in an average time of approximately 15 months; an amendment lowering the voting age to 18 would stand an excellent chance of ratification within a similar period.

CONCLUSION

I have long been concerned with the need to extend the franchise to include our younger citizens. After chairing two sets of subcommittee hearings on this issue and after preparing this report, I

am now convinced—more firmly than ever before—that the time has come to lower the voting age to 18 in every election across the land—because it is right. And if the many problems of dual-age voting force us to confront the question more promptly, so much the better. Lowering the voting age is sound principle, sound policy, and sound practice. The Congress should complete its action at the earliest possible date, and send the amendment to the States for ratification.

Mr. President, I consider it a privilege to open the debate which I hope will lead to final ratification of one of the most important constitutional amendments ever to be presented to this body.

I refer, of course, to the matter which is the pending order of business, Senate Joint Resolution 7, the proposed constitutional amendment which would lower the voting age for all elections to 18.

The principal sponsor of Senate Joint Resolution 7 is the distinguished Senator from West Virginia (Mr. RANDOLPH), who has been involved in this effort since 1942. Senate Joint Resolution 7 is also cosponsored by 86 other Members of the Senate. This matter has been of great concern to the Senator from Indiana since his first days in the Indiana State Legislature back in 1955.

I think it is critical today that young Americans who are asked to bear the responsibilities of citizenship have some voice in determining what national policy shall be.

The inequity existing in the disenfranchisement of 18-, 19-, and 20-year-olds can be documented at length. But it seems to me that the most glaring inequity is manifest in the casualty lists which have been compiled over the years in Vietnam. The casualty lists disclose the tragic circumstance that half the young men who have made the supreme sacrifice for their country over the years by following the policy of their country in South Vietnam—I repeat, one-half, Mr. President, of those who died on the battlefields of Vietnam—were not old enough to vote for the public officials who sent them there.

I do not know how we can, in good conscience, continue to tolerate such a travesty. But, Mr. President, the reasons for lowering the voting age go beyond the equality that should be accorded 18-, 19-, and 20-year-old citizens.

It is the judgment of the Senator from Indiana that the country will benefit by the active inclusion in the body politic of those now kept without.

Having had the opportunity of conversing at length on our campuses, in our cities and in our factories with young people of all ages, I believe that our younger citizens are today qualified to vote as they never have been before.

There are a few young people who, by their acts and deeds, have shown they are not qualified to vote. But is there anyone here who can say that the same is not true of some of those who are older?

Young people have their weaknesses and their strengths, just as older people do.

One other aspect of this problem that I think the RECORD should contain came to light at the hearings which were held by the Senate Subcommittee on Constitutional Amendments.

Interestingly enough some of the most radical youth organizations refused to testify in support of the 18-year-old vote.

At first it was difficult for me to understand that. However, on closer examination, it became obvious why these organizations would not want to see the voting age lowered.

The main rallying cry of these groups is that we should destroy our democratic system. I say democratic system with a small "d" out of deference to the distinguished Presiding Officer, the Senator from Pennsylvania (Mr. SCHWEIKER). They say that we should destroy our system, because there is no place in it for young people today. They use this as a rallying cry on the campuses and in youth clubs. They say:

> We will destroy the system, tear it down, and build a new and better utopian one, and you as young people have a piece of the action.

How devastating it would be to the main rallying cry of those groups if the very system they say is sterile and unresponsive to change proves that it can change, and purges itself of inequities.

No other one piece of legislation can do as much to convince the younger people that there is a place for them within the system; nothing else can do more to give them an opportunity to work their will within the system than the measure which is now before the Senate.

Mr. President, perhaps a brief note on history should be interjected here so that the RECORD will be consistent.

All of use are aware that title III of the 1970 Voting Rights Act contained a provision similar to that which is now before the Senate. The Senator from Montana, the Senator from Massachusetts, and other Senators joined in introducing the amendment to the 1970 Voting Rights Act which, by statute, said that 18-year-olds should be given the franchise.

On December 21, 1970, in Oregon against Mitchell, the Supreme Court ruled that Congress had the authority to establish the voting age for Federal elections only. Thus, the result of the Supreme Court decision was to enfranchise the 18-, 19-, and 20-year-olds to vote for the President, Vice President, Senators, and Congressmen.

I think it would be rather kind to suggest that there is an inconsistency involved in a voting criteria that says that young people are qualified to vote for a President, but not qualified to vote for school board members, are qualified to vote for a U.S. Senator, but are not qualified to vote for a State Senator.

We now have an opportunity—to amend the Constitution of the United States to establish by constitutional amendment what we could not do by statute.

If there is any level of participation where young people need to feel involved, it seems to me it is at the State and local level. Young people never have the opportunity to meet their President, never know their Senators, and perhaps do not know their Congressmen. However, they come in touch day by day with their school board members, their mayor, and their local officials.

I think it is important for us to put our house in order. A comprehensive and thorough report prepared by my subcommittee on constitutional amendments—for which Mr. Peter W. Coogan and Mr. P. J. Mode did an excellent job of research—contains data from the prime election official in every State. That report carefully documents the difficulties and confusion which will result if we are not successful with this constitutional amendment.

Each election official in the country will have to compile two sets of lists—one set for those who are qualified to vote for President, Vice President, Senators, and Congressmen—including the 18-, 19-, and 20-year-olds—and another list of those who are qualified to vote for all other offices. Of course this latter list will exclude the 18-, 19-, and 20-year-olds. With all its ramifications, dual-age voting is estimated to cost between $10 and $20 million. Election officials have predicted untold confusion on election day in almost every precinct in America.

I hope that the Senate will act quickly. I hope that the House will soon follow suit. We just barely have time to refer this to the State legislatures so that we can get the necessary 38 legislatures to ratify this and make it effective before the 1972 election.

I would just like to finish with one last thought, if I may, Mr. President. As I have had the opportunity to travel around the country, I have been deeply disturbed at the number of people who have begun to lose faith in their country and in our democratic processes. I fear that many of them are losing faith in themselves.

Faith can be very strong medicine for some of the problems that confront us today. I know of no one act that can do more to shore up faith in our system, particularly as far as young people are concerned, than passing this constitutional amendment.

I do not hold it out as a panacea for all ills that confront us. However, if democracy means anything, it means the capacity, the ability, and the opportunity for people to determine their own destiny.

By acting favorably on this constitutional amendment, we will be saying to the some 11.5 million young Americans who are now treated as second-class citizens and required to bear the burdens of citizenship but not given the opportunity to develop and participate in the governmental processes, "Have faith, because this system is going to make itself available to you."

Then, Mr. President, it will be up to them to use it justly and wisely. I believe that these younger voters will help us deal more effectively with the problems that confront us now, and those which will confront yet unborn generations.

Mr. President, I ask unanimous consent that several statistical, technical, and historical articles not included in the record of hearings before the Subcommittee on Constitutional Amend-

ments, and excerpts from my report entitled "Lowering the Voting Age to 18, a 50-State Survey of the Costs and Other Problems of Dual-Age Voting," be printed in the RECORD at the conclusion of my remarks.

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

LOWERING THE VOTING AGE TO 18: A 50-STATE SURVEY OF THE COSTS AND OTHER PROBLEMS OF DUAL-AGE VOTING

INTRODUCTION

Lowering the voting age to 18 has in recent years gained broad, national support from all segments of the political and ideological spectrum. Encouraging and responding to this emerging consensus, the 91st Congress enacted Title III of the Voting Rights Act of 1970, lowering the voting age to 18 in all Federal, State, and local elections, primary and general.

Although the constitutionality of lowering the voting age by statute had been explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the Act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in *Oregon* v. *Mitchell* that Title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

This report was undertaken to explore the scope and magnitude of these criticisms, to collect and summarize the background material on the effort to lower the voting age, and to survey the problems arising across the country as a result of *Oregon v. Mitchell*. The chief election officials of each of the 50 States—and election officials from some 35 major cities and counties—were asked to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

This report is presented in the hope that it will speed Congressional action to adopt a proposed constitutional amendment lowering the voting age to 18 in all elections—Federal, State, and local—which can then be sent promptly to the States for ratification.

THE CASE FOR 18-YEAR-OLD VOTING

In recent years, we have achieved a nationwide political consensus favoring a lowering of the voting age to 18. In the extensive hearings of the Senate Subcommittee on Constitutional Amendments in the 91st Congress, the objective was agreed to by Senator Barry Goldwater and Senator Edward M. Kennedy, by Deputy Attorney General Richard Kleindienst and former Attorney General Ramsey Clark. This consensus has emerged from a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21 year age of maturity is derived only from historical accident. In the eleventh century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the eleventh century clearly has no relation to the intellectual and emotional qualifications to vote in twentieth century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year-olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than three years since the eighteenth century. As Vice President Agnew said recently in endorsing a lowered voting age, "young people today are better educated and they mature physically much sooner than they did even 50 years ago."

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of government. Today more than half of the 18- to 21-year olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18-to-21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country, serving all of us, in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina War over the past five years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

"We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor.... It exceeds the population of all but several of the States of the Union."

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18 to 21 years old is often the idealism which Senator Barry Goldwater has said "is exactly what we need more of in the country... more citizens who are concerned enough to pose high social and moral goals for the Nation." As Professor Paul Freund of the Harvard Law School recently wrote:

"I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutists slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies."

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

"The nation cannot afford to ignore lawlessness. . . . It is no less permissible for our nation to ignore the legitimate needs and desires of the young. . . .

". . . We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation."

Thus the time has come to extend the vote to 18-year-olds in all elections: because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HISTORY OF EFFORTS TO LOWER THE VOTING AGE

A. Action by the States

Nine States now have voting ages under 21 although only three of these have reduced the voting age to 18. Georgia was the first to act; in 1943 its voters ratified an 18-year-old voting amendment by more than a two to one margin. In 1955 the voters of Kentucky approved a referendum—by almost a two to one margin—which lowered that State's voting age to 18. Hawaii joined the Union in 1959 and carried with it its 1950 constitution, which allowed its residents to vote once they became 20. When Alaska was admitted to the Union, its constitution—which was overwhelmingly approved by its voters on April 24, 1956—contained a 19-year-old voting age. In 1969 the State legislature proposed lowering the age to 18. This amendment was approved by the State's voters in the 1970 elections and has now taken effect.

Several other changes in State constitutions relating to voting ages were approved by the voters in the 1970 elections. Maine voters agreed to enfranchise their 20-year-olds. Massachusetts voters extended the vote to those 19 and over. Minnesota and Montana did the same thing. Nebraska lowered its voting age to 20.

In at least three other States there has been recent legislative action to lay the groundwork for a State constitutional amendment, but in these States the voting age remains 21 because the amendment process has not yet been completed. In Delaware the State legislature has approved a 19-year-old vote proposal, but final ratification requires the approval of a subsequent State legislature. The New York State Assembly has twice approved an 18-year-old vote amendment. That proposal will go to the voters for ratification in the November 1971 elections.

Nevada legislators gave approval to an 18-year-old voting amendment in 1969. If the legislature again approves this same measure, it could be voted on by the people in 1972.

The California constitutional commission has recommended lowering the voting age to 19, but the legislature has yet to take action.

In addition to the above action, there have been popular referenda and legislative action on the issue of lowering the voting age in the following additional States: Idaho, Maryland, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, South Dakota, Illinois, Oregon, Washington, Florida, Wyoming, Connecticut, and Hawaii.

B. Action by the Congress

The idea of amending the Federal Constitution to lower the voting age to 18 for both Federal and State elections is not new. In modern times the first Joint Resolutions proposing such a change in the Constitution were submitted in the 77th Congress. On October 21, 1942, Jennings Randolph, then a Member of the House of Representatives, introduced House Joint Resolution 354. Since that time, more than 150 similar proposals have been introduced, at least one in each subsequent Congress. In the early years, such proposals attracted few other supporters, but over the years Congressional support for lowering the voting age has become increasingly strong. Senator Randolph's 18-year-old vote amendment in the 92nd Congress, Senate Joint Resolution 7, has 85 Members of the Senate as cosponsors.

Since the introduction of the first proposal, the issue of lowering the voting age to 18 has been thoroughly studied in the Congress. Congressman Celler, then the ranking majority member of the House Judiciary Committee, conducted hearings on the Randolph proposal on October 20, 1943, Senate Judiciary Committee hearings were conducted in the 82nd, 83rd, 87th, 90th and 91st Congresses.

While there has been thorough committee study over the years, these Joint Resolutions have not been reported out of committee, with one exception. In the 83rd Congress, Senate Joint Resolution 53 was reported out of the Senate Judiciary Committee (S. Rep. No. 1075) and debated on the floor of the Senate. It failed on a vote of 34 to 24, five votes short of the required two-thirds majority. (For floor debate, see Cong. Record, vol. 100, pp. 6911, 6956, 6963, 6969.)

C. The 1970 hearings

By far the most comprehensive hearings were those held by the Senate Subcommittee on Constitutional Amendments on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings support was heard from witnesses representing all parts of the political spectrum as well as from representatives of a great variety of organizations.

Senator Randolph was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial result of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

"We should extend our base by giving to the young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Former Presidential Assistant Theodore Sorensen brought to the Subcommittee's attention the conclusion of the Cox Commission which studied the student disruptions at Columbia University. That Commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of whether to lower the voting age as raising a "moral issue." He said: "For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit."

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the Commission in its final report had recommended a constitutional amendment to lower the voting age to 18.

Dr. Menninger also reminded the Subcommittee about the statement Senator Mansfield had made during the Subcommittee's 1968 hearings: "The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot." He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said that "nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or 'radical.'" And he pointed out that, according to the studies of the 1963 Commission on Voting, "where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population." He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the "stimulation" of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21 to 30 category.

Dr. S. I. Hayakawa, the President of San Francisco State University, stated that "lowering of voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world." He said that the vote, aside from its role in the democratic process, had a "symbolic meaning." For the young citizen, voting is "like an initiation rite, acknowledging adulthood."

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

"America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship."

Kleindienst also pointed out to the Subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only "slowly, ineffectively, and begrudgingly." He thought that the amendment should be passed "in the name of fairness and justice." And he added: "But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us." Mr. Clark believes that by letting young people vote soon after high school we can "involve them in our system" and "keep them in meaningful participation in the system."

Senator Goldwater appeared before the Subcommittee and said that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced that "this generation of young people is the finest generation that has ever come along." He said, "to give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections. . . . I have confidence in these people."

Senator Edward M. Kennedy said in his testimony that:

"I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government."

Dr. Margaret Mead, the noted anthropologist, appeared before the Subcommittee and particularly emphasized the fact that today's young people "are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past."

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

On March 13, 1970, three days after the hearings were concluded, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the Subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full Committee pending the outcome of the Supreme Court test. The Supreme Court's decision in *Oregon* v. *Mitchell* came too late in the Congress to allow action by either House before the end of the Session.

D. The Voting Rights Act of 1970

After the first series of 18-year-old voting hearings before the Senate Subcommittee on Constitutional Amendments in the 91st Congress, Senator Kennedy suggested that Congress might have the constitutional power to lower the voting age in all elections by statute, thus making a constitutional amendment unnecessary. Senator Mansfield—joined by Senators Magnuson, Kennedy, and other supporters—introduced such a provision as an amendment to the Voting Rights Act of 1970, which was then being debated by the Senate.

The Subcommittee immediately began a second series of hearings, devoted primarily to this issue. Support for lowering the voting age by statute was heard from a series of witnesses, including Senators Kennedy and Goldwater. The Subcommittee also studied the views of a number of experts in constitutional law. Professor Archibald

Cox of the Harvard Law School, a former Solicitor General of the United States, took the position that:

"States in which the voting age is twenty-one put those who are 18, 19, and 20 in a separate class from those who have reached their twenty-first birthday. Under the Fourteenth Amendment the question is whether the classification is reasonable or arbitrary and capricious. Undoubtedly, the Supreme Court would sustain such a State rule in the absence of federal legislation. Under Section 5 of the Fourteenth Amendment, however, the Congress has the power to make its own determination.

'If Congress upon reviewing these and related facts should find the classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach* v. *Morgan*, should sustain the legislation."

Professor Cox and his Harvard Law School colleague, Professor Paul Freund, later pointed out:

Katzenbach v. *Morgan* recognizes that under Section 5 of the Fourteenth Amendment, Congress has the power—and we think the responsibility—to make its own investigation and findings on the constitutionality of state voting classifications, which is conclusive if the Court can "perceive a basis upon which the Congress might resolve the conflict as it did."

"To limit *Katzenbach* v. *Morgan* to 'policing state restrictions on ethnic minorities' is to ignore the fact that the equal protection clause, which Section 5 gives Congress the power to enforce, condemns, in the words of the Supreme Court, 'any unjustified discrimination in determining who may participate in political affairs or the selection of public officials.' Indeed, Section 5 is the primary, if not only source of authority for eliminating all literacy tests and reducing residency requirements as proposed by the Department of Justice."

After three days of debate, the Senate adopted Senator Mansfield's Amendment No. 545 by a vote of 64 to 17, on March 12, 1970. The Amendment added Title III—providing for an 18-year-old vote in all elections, Federal, State, and local, general and primary—to the Voting Rights Act of 1970. The bill passed the Senate the following day, March 13, 1970, and was returned to the House, where it was again debated on April 8. On June 17, the House accepted the Senate amendments.

The Voting Rights Act of 1970, Public Law 19–285, was signed by the President on June 22, 1970. At that time the President issued a statement indicating that he signed the bill despite reservations about the constitutionality of lowering the voting age by statute. He gave his support for lowering the voting age by amending the Federal Constitution, concluding that: "The time has come to give 18 year olds the vote, as I have long urged. The way to do this is by amending the Constitution. . . . The Constitutional amendment now pending before the Congress should go forward to the states for ratification now."

THE SUPREME COURT'S DECISION IN OREGON V. MITCHELL

After passage of the Voting Rights Act of 1970, prompt Supreme Court tests of the constitutionality of the Act were sought by the Department of Justice, several States, and interested private parties. Four suits were finally consolidated by the Court for determination of all major issues presented. Two of the suits, *Oregon* v. *Mitchell* (No. 43 Original) and *Texas* v. *Mitchell* (No. 44 Original), were initiated by the States to invalidate Titles II and III of the Act. The other two, *United States* v. *Arizona* (No. 46 Original) and *United States* v. *Idaho* (No. 47 Original) were brought by the Department of Justice seeking a declaration that the Act was constitutional and an order forcing the States to enforce the Act. The Court heard oral argument on October 19, 1970, and handed down its decision on December 21, 1970. Excerpts from a Library of Congress analysis of the case follow:

"The best capsulization of the Court's resolution of the age reduction of Title III is probably to note that four Justices thought the Title wholly constitutional and four thought it wholly unconstitutional. Justice Black's resolution of the issue caused him to side with the former group insofar as federal elections were concerned and with the latter group insofar as State and local elections were concerned."

THE PROBLEMS OF DUAL-AGE VOTING

A. Illogical and morally indefensible

As a result of the Supreme Court's decision in *Oregon* v. *Mitchell*, our 18-, 19-, and 20-year-old citizens have the right to participate in the choice of Federal officers—President, Vice President, Senator and Congressman—but they are precluded from taking any meaningful part in the selection of State and local officials. While as a matter of constitutional law the Court's decision may have been correct, the result is morally indefensible. There is no basis whatsoever in policy or in logic for denying these citizens the right to vote in State and local elections when they may vote in Federal elections.

All of the arguments in favor of lowering the voting age are equally as applicable to State and local elections as to Federal elections. If young people are mature enough to vote, they are no less mature on State and local issues. If young people have earned the right to vote by bearing the responsibilities of citizenship, they have borne no less of State and local responsibilities. If we need the energy and idealism of the young channelled into elective politics, we need it no less at the State and local level.

Moreover, many of the problems that most concern our younger citizens are largely matters of local and State policy: the quality of education at all levels; the state of the environment; planning and community development. In these areas, participation of the young in local and State elections is particularly appropriate and necessary, and their point of view especially valuable in devising responsible programs.

Finally, we live in a time of increasing interest in decentralization, revenue sharing, and the merits of additional responsibility at the local level. We should not deny young people their share of such responsibility. We praise the efforts of local citizens' groups in working against pollution and other ills. Allowing younger citizens to vote would strengthen the process by which local progress can stimulate a broader renewal of the entire society.

B. Confusion, delay, and the danger of fraud

As a result of the Supreme Court's decision in *Oregon* v. *Mitchell*, special, separate facilities and procedures will have to be developed for younger voters who are eligible only to vote in Federal elections. This is not a small or isolated difficulty. Only three states—Georgia, Kentucky, and Alaska—now allow their 18-year-olds to vote in State and local elections. The other 47 States will have to deal specially with at least ten million potential voters; in most States the number of younger voters is close to 10 percent of the State's previous voting age population.

This separation of voters into two classes will have to be done in at least two different stages, at the time of registration and each time the voters come to the polls. When a registrant appears at the local election board office, the clerk will have to determine initially which class of voters the registrant belongs to and put him in the proper file. In most cases it will be necessary to have at least two complete registration lists. Many of the State officials who are responsible for supervising this type of operation complained about the difficulties of establishing procedures to transfer registrants automatically from the Federal-only list to the State-and-Federal list once the registrant becomes 21. Most voting lists are not now maintained in order of birthdate. Nor are the clerks used to transferring voters—on a regular basis—from one status to another.

Some State registration laws will cause trouble. In South Carolina, for example, each voter is issued a voting certificate which will describe the type of election in which he may vote. These voting certificates cannot be changed under present law to reflect the registrant's eligibility to vote in State elections once he turns 21, unless the registrant appears personally—after his 21st birthday and before the next election—to have his certificate amended. The Chairman of the Richland County Board of Registration fears that there will be "dissatisfaction and resentment" on election day.

There will be even more chance of confusion, delay and fraud on election day. Louisiana State Attorney General Jack Gremillion predicted that there would be "chaos and confusion" in the next general election—a fear shared by many election officials. John D. Rockefeller, IV, Secretary of State of West Virginia, said that the "crux of the problem" will relate to "the confusion which will be created at the polling place on election day." He indicated that "the added responsibilities passed on to the election officers . . . may create a jumble of confusion."

It will be necessary to identify and separate out the younger voters from those eligible to vote in all elections. In areas where there is registration, it will be necessary to go through the separate lists and check off each vote.. A few areas of the country do not require registration, and in such areas it will be necessary to verify not only the identity and residence of each voter, but also his exact age.

Once the voter's age is determined, the poll workers will have to give out the proper ballot or direct the voter to the proper voting machine. Poll workers generally do not receive much training and are expected to have difficulties adapting to overly complicated new procedures. A memorandum prepared for the Secretary of State of Minnesota noted that "election judges . . . are not apt to be the people who most readily understand the new and complicated regulations that will result." and concluded that giving proper instructions at the polls "will be a nightmare at best."

Voting machines are used today in more than half of all polling places, and are used exclusively in many areas of the country. Some election officials have reported that their voting machines simply cannot be adapted to service both types of electors simultaneously. Amalia Tora, the Election Attorney of the Connecticut Secretary of State's Office has predicted that it would not be "feasible" to permit both younger and older voters to use the same machines. In Nevada the Legislative Counsel Bureau predicts that it would probably be necessary to use paper ballots in the cities which now rely on voting machines.

Other election officers have been informed that it would be possible to "lock out" the State and local elections by pulling a special lever each time a younger voter came to use the machine. If this system were used, of necessity there would have to be an attendant to guard each machine and adjust the machine so that no voter could cast votes in any race for which he was not qualified. But this type of complication—like any added complexity—suggests the possibility of added confusion and added mistakes—whether brought about by fraud or simple error.

Many election officials in areas which now use voting machines have decided that this constant readjusting of the voting machines—even if possible—would be impracticable and prone to fraud, and therefore unacceptable. Some election officials—for example, in Connecticut, Rhode Island, and Shelby County Tennessee—are considering the use of a separate machine for the younger voters only in each voting place.

It has been suggested that it might be necessary to rely on paper ballots for 18-year olds in many jurisdictions—including the States of Michigan, Montana, and North Dakota and the City of Chicago. Paper ballots, of course, have been abandoned in many jurisdictions because they increase the likelihood and ease of vote fraud. And the usual problems associated with any paper ballot system will be exacerbated in those areas which rely heavily on machines, because the elaborate vote counting and fraud prevention procedures and safeguards were largely abandoned when the switch to machines took place. It will be necessary to reinstate these costly procedures and hire people to count and protect paper ballots whenever they are used.

Even where paper ballots are now used, a special ballot will have to be printed up and handed out to the right voters, thus adding even more confusion to the proliferation of such ballots—with separate ballots for referenda and the like—which now inundate the polling places.

One almost certain result of the dual-age voting confusion will be increased delay on election day. It will take more time because the two classes of voters must be separated in some manner. Moreover, it will take more time to administer two separate means of voting—whether by machine or paper ballot—than one. And delay at the polls inevitably results in diminished voter turnout, reduced political participation, contrary to the entire thrust of voting reform efforts. James C. Kirkpatrick, the Secretary of State of Missouri, indicated that "probably most important of all" was the fact that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather."

A few States are at least considering the possibility of avoiding some confusion and delay by keeping the younger voters out of the usual polling places—requiring them to vote either in centralized locations or by absentee ballot. But this type of alternative has fostered criticism on several grounds. At least one voting official has criticized this type of segregation of the younger voters because it would give them less of a sense of participation in the election system, and they should not be removed from the heart of the process.

Moreover, it would seem unfair to force the young voters to undertake special burdens—obtaining absentee ballots, or traveling to one centralized location in each city, for example—in order to exercise their right to vote. And requiring all younger voters to undertake special burdens to exercise their franchise might will serve to dissuade them from participating in the election. Absentee ballots might have to be filled out before the election, and obtaining them might require going through a good deal of bureaucratic red tape. The travel to a centralized voting place might be impossible for many young people. Indeed, to force younger voters to go to greater pains in order to exercise their right to vote is at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise.

C. Added costs to the States

The views of most State election officials are summed up in a comment by Oregon Attorney General Lee Johnson, who characterized dual-age voting as "an intolerable administrative burden on the States," a burden that "will result in considerable cost to the taxpayers." There are basically two types of expenses which will be involved, initial expenses for new physical equipment required to handle two classes of voters, and the ongoing expenses of sustaining and maintaining two sets of registration books, election supervisors, and the like.

The estimates of actual cost resulting from dual-age voting vary widely among States. Many State and local officials are just beginning to appreciate the problems involved and to canvass the possible solutions. But the information and estimates now available from election officials suggest that the nationwide cost involved is no less than 10 million to 20 million dollars—and may in fact amount to substantially more.

The largest costs will stem from the need to purchase new voting equipment. A majority of votes cast in America today—all of the votes in some States, like Connecticut—are cast on voting machines, many of which cannot be modified to "lock-out" certain votes. New voting machines cost approximately $2,000 apiece. In the interest of the greatest accuracy, a separate machine should probably be provided in each polling place so that no administrative errors would allow an under-21 voter to vote in a State or local election. An expenditure of $2,000 or more per voting place would entail an enormous initial cost of implementing dual-age voting—1.3 million dollars in Connecticut, 3.5 million dollars in New York City.

Even for jurisdictions prepared to meet such costs, there are dangers if the issue of voting age is not quickly resolved. For it takes time to get approval of purchase orders, finance the purchases and receive delivery of such a great number of machines. It is not altogether clear whether sufficient voting machines could be produced or modified in time for the 1972 elections—even if the States and localities were to move without further delay.

Because of the enormous cost involved in purchasing new voting machines, the great majority of jurisdictions can be expected to rely on some lesser measures, either machines modified to "lock-out" the vote of young people for State and local office, or paper ballots. But although this approach will reduce the cost of equipment required, it will increase the need for election clerks and officials in the polling places—not just once, but in every election. It is simply impossible to estimate the magnitude of this cost.

Moreover, a substantial increase in voting personnel will be required by dual-age voting even in jurisdictions relying on new voting machines. More clerks will be required to fill out the two sets of registration forms. More clerks will be required to handle the extra bookkeeping which will be involved when each under-21 registrant becomes of age and has to be transferred to the regular registration list. There will also be the problems and costs involved with the establishment of a completely separate set of bookkeeping to account for these younger voters.

Each jurisdiction will have to spend more on informational campaigns to inform their voters about the new complications and registration procedure. Additional ballots will have to be printed and kept track of. Each polling place, furthermore, will have to hire additional personnel to separate out the younger voters from the others. And a greater effort would have to be made to train poll workers—who are generally hired for only one day and given little or no instruction—in the complexities of the new procedures. Clerks will have to know which people are qualified to receive which ballots. Voting machine attendants will have to distinguish between those under and over 21, and adjust the machines appropriately for each class.

In areas where voting machines are used for those over 21 and paper ballots are given to those under 21, it will be necessary to institute a completely new additional system to count paper ballots and to protect against misuse and fraud.

At this early date, it is impossible to estimate the additional expenses brought on by dual-age voting with any great certainty. But several elections officials did attempt to give rough estimates of the cost their departments would be facing under this new procedure. A few examples follow:

Paul Marston, Recorder of Maricopa County—including Phoenix—Arizona, predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California Secretary of State, it would cost more than 1.5 million dollars to implement dual-age voting in California. The Registra-Recorder of Los Angeles County has estimated that "dual age voting will cost approximately $400,000 to $500,000 additional."

Mrs. Gloria Schaffer, the Secretary of State of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40 to 50 percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and casting of paper ballots.

In Iowa dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased this figure "could rise considerably higher."

According to Allen J. Beerman, the Secretary of State of Nebraska, the implementation of *Oregon* v. *Mitchell* could easily result in a 30 percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the President of the New York City Board of Elections has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of "$50,000 to $150,000 per election year."

Rhode Island relies heavily on voting machines. Therefore, Secretary of State August P. LaFrance expects that additional expense could total nearly "two million dollars."

Director of Elections Jack M. Perry of Shelby County, Tennessee, which includes Memphis, has made a "rough estimate" that the extra expenses of dual-age voting would amount to "around $800,000."

A. Ludlow Kramer, Washington's Secretary of State, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a "suffocating expense," especially when his State is "desperately struggling to avoid bankruptcy."

Several other jurisdictions have made estimates in the $50,000 range. And many election officials were unable to make precise

calculations at this time but described the added expenses as "subtantial" and "considerable."

D. Determining what constitutes a Federal election

In addition to the costs and confusion which may result from dual-age voting, there is another set of difficulties—legal in nature, hitherto unexplored, and very complex—which could bring chaos and confusion to the political party structures of almost every State, and thoroughly disrupt the process by which we select our President.

By its terms, the Voting Rights Act of 1970 extends the right to "vote in any state or political subdivision in any primary or any election." It clearly was the intent of Congress to let young voters take part in all elections—not just the final determination. The right to vote in the final election is of little value to those who are excluded from the preliminary selection process. As the Supreme Court has said in many cases, party primaries are "an integral part" of the "election process that determines who shall rule and govern." *Terry* v. *Adams*, 345 U.S. 461 (1953). See also *Smith* v. *Allwright*, 321 U.S. 649 (1944); *United States* v. *Classic*, 313 U.S. 299 (1941).

However, as a result of the decision in *Oregon* v. *Mitchell* these younger voters are now limited to participating in Federal elections, and just what constitutes a Federal election remains unclear. In many States the selection of nominees for Federal offices is performed by elected delegates who are also chosen to perform State election tasks as well. In the bulk of the States, the State party—including the city and county units of the party—plays a strong role in the choice of delegates to the national convention. In Indiana, for instance, there is a State primary at which voters of both parties choose delegates to State conventions. These State delegates, in turn, then elect the delegates to the national convention. While Indiana has a Presidential preference primary, it binds only on the first ballot, so that the State delegates may in fact select the Presidential nominee.

If the State convention were concerned solely with the selection of nominees for Federal office and delegates to the national convention—and hence ultimately with the choice of the party's nominee for President—there would be little doubt that 18-year-olds should be allowed to vote in the State primary election. However, the delegates elected to the Indiana State party conventions do far more than select candidates for United States Senator and delegates to the national convention. They also choose the party's candidate for Governor and other State offices. The question will surely be raised whether 18-year-olds, who cannot vote for State officers, should be able to vote in this primary and select the delegates to the State convention.

In the absence of a drastic change in State party operating procedures, there are two alternatives. Those between 18 and 21 could well be allowed to participate in the selection of State delegates who will choose both Federal and State nominees. This would preserve their right to affect the choice of national leaders at all stages in the selection, but would have the anomalous result of allowing younger voters to have a strong role in the nomination of State candidates, even though these same voters are precluded from voting for these candidates in the ensuing general election.

The other alternative would be to bar the younger voters from any role in these State primary elections. If this were done, granting the vote in Federal elections for the younger voters—many of whom have justifiable complaints about the artificial limits we have imposed on their abilities to participate in our electoral system—would be an illogical and unjustifiable gesture. For many of the most important questions are resolved, and the framework for the whole election is set, by the choice of each party's nominee.

Passing an amendment to the Federal Constitution would end all these difficulties for every State. However, if—for want of a constitutional amendment—we must choose between these two, the first alternative is clearly preferable. It is time to open up our State party structures to concerned and able younger citizens, even if—for the time being—they are not allowed to vote in State elections. Furthermore, to bar these voters from participating in elections which so vitally affect the outcome of Federal elections might well be a violation of the Voting Rights Act.

Some States, of course, do not have the same type of State-wide party primary to choose delegates to the State convention as Indiana, and therefore do not have precisely the same type of problems. But, using the Democratic Party as an example, only 13 States and the District of Columbia choose their delegates to the national party convention in a direct primary. In the other 37 States, the delegates are chosen by the State party. The procedures vary from State to State, but quite often delegates are chosen by party caucuses and conventions throughout the State. It is clear that 18-year-old voters prevented from participating in these party caucus elections will soon be in court challenging the legality of their exclusion from any State party elections which affect—directly or indirectly—the choice of Federal officers. The time to prevent a serious disruption in the State legislatures, in party decision-making, and in the courts is now, and the only way to avoid that disruption is to lower the voting age in all the elections before confusion sets in.

THE POSSIBILITY OF PROMPT ACTION

A. By the States

In almost all the States, it would take a State constitutional amendment to lower the voting age. In a few States, including Indiana, Vermont, and Utah, there is some doubt about whether the State constitution prescribes the minimum voting age or merely mentions an age above which the State legislature may not restrict the right to vote. While there are pressures in each of these States in support of lowering the voting age by statute—rather than by constitutional amendment—in each of these States it is likely that any effort to avoid use of a State constitutional amendment would be challenged, and therefore delayed by a court test. As a result, the only sure way to lower the voting age in the States—in the absence of an amendment to the Federal Constitution—is to amend the State constitutions in each of the 47 States which now prescribe a voting age higher than 18.

Very few of these States consider it possible to complete action on a State constitutional amendment in time for the 1972 elections. Only eight States reported that it would be possible to lower their voting age by amending the State constitution before the 1972 elections without resorting to some extraordinary procedure such as a specially-called election. And of those eight States, only one, New York, already has completed legislative action on the proposed amendment and has a scheduled election for final voter ratification. Thus, of the 47 States with a voting age greater than 18 for State elections, change before the 1972 election appears impossible in 39 States in the absence of a Federal constitutional amendment. Some of those States must wait even longer: Delaware cannot act until 1973; Iowa cannot act until 1974; South Carolina cannot act before 1973; and Tennessee cannot act until 1977.

B. Through a Federal constitutional amendment

There is a realistic possibility of gaining passage and ratification of an amendment to the Federal Constitution which would lower the voting age to 18 before the 1972 election. At the present time, it appears that at least 35 State legislatures are required by law to meet in 1972. Another five legislatures can easily meet without the calling of a special session. In addition, there are likely to be a number of special sessions in 1972. During 1968 and 1969, a total of 38 special sessions were held in 24 states; the reapportionment required by the 1970 census is likely to make 1971 and 1972 an even more active period for special sessions.

In the past, constitutional amendments have often been ratified in a year or less. The 12th Amendment was ratified in 8 months; the 23rd Amendment was ratified in 9 months; the 13th, 20th, and 21st Amendments were ratified in 10 months; the 11th and 17th were ratified in 11 months; the 15th was ratified in less than 12 months; and the 18th and 19th Amendments were ratified within 13 and 14 months respectively. The three amendments proposed in the 1960's—the 23rd, 24th and 25th—were ratified in an average time of 15 months.

FIFTY-STATE SURVEY OF THE PROBLEMS OF DUAL-AGE VOTING

METHOD OF CONDUCTING THE SURVEY

In conducting the survey, some 80 newspapers from across the country were reviewed at the Library of Congress for reports and comments by State election officials and others at or shortly after the time of the Supreme Court's decision in *Oregon* v. *Mitchell*. The majority of information was gathered through written inquiry to the chief elections official in each of the 47 States which have not lowered the voting age to 18. Similar inquiry was made of some 35 additional elections officials from major cities and counties across the country. The full text of the initial inquiry follows:

"As Chairman of the Senate Subcommittee on Constitutional Amendments, I am requesting your cooperation in providing some information about the effects on your elections of the recent Supreme Court decision lowering the voting age to 18 in Federal elections only. Such information will be of immense use to us in deciding whether to push for quick enactment of a proposed amendment to the Federal Constitution, which would allow 18-year-old citizens to vote in all elections. Since time is of the essence in this matter, I would appreciate it if you could possibly send me your reply by February 1. The questions follow:

"1. What extra expenses do you estimate will be brought about by the new dual-age voting procedure?

"2. What other possible problems do you envision as a result of the dual-age voting?

"3. Is the present voting age for State and local elections in your State set by State law or by your constitution?

"4. As a practical matter, what is the earliest date on which you could lower the voting age without a Federal Constitutional Amendment?

"BIRCH BAYH,
"U.S. Senator."

Various follow-up inquiries were conducted.

Detailed replies were received from election officials in each of the States. Further valuable assistance was provided by the Youth Franchise Coalition, Common Cause, and the Honorable A. Ludlow Kramer, Secretary of State of Washington.

ALABAMA

Number of voters affected

Alabama currently has a voting population for State elections of over 2 million people. About 195,000 are now eligible to vote in Federal elections but will have to be registered separately under the dual-age voting procedure.

Costs and problems of dual-age voting

According to the Secretary of State, "Nobody has been willing to hazard a guess so far" as to the extent of the expenses that would be involved with such a dual-age voting procedure.

Lowering the voting age by State action

The Secretary of State has indicated that "remedial legislation will be passed during this session" of the Alabama legislature. (Letters to Birch Bayh, January 14, 1971, and January 26, 1971.) Since the present voting age for State and local elections is set by the State constitution, it is unlikely, although not impossible, that the age can be changed by State action before the next Federal election.

Jim Ziegler, State Chairman of Southern University Student Governments, has announced that he has started a student campaign to build support for lowering the voting age in Alabama. (Alabama Journal, December 23, 1970.)

ALASKA

A State Constitutional amendment passed by the State legislature in 1969 and ratified at the general election in 1970 lowered the voting age from 19 to 18. As a result, *Oregon* v. *Mitchell* poses no problem for future elections in Alaska.

ARIZONA

Number of voters affected

Arizona currently has a voting age population for State elections of about 1 million. Between 90,000 and 100,000 additional citizens are currently eligible to vote only in Federal elections.

Costs and problems of dual-age voting

The Arizona House majority leader, Burton Barr (R., Phoenix), commented on this situation: "To say that an 18 year old can vote for President but must be 21 to vote for Barr seems a little ridiculous on the face of it. It appears to me that the Supreme Court ruling means the State has to honestly get at the problem. A duplicate system of balloting is not practical." (The Arizona Republic, December 22, 1970.)

Arizona's Secretary of State, Wesley Bolin, has reported that "Extra expense will be involved in printing two ballots and two poll lists, as well as in securing additional voting machines." He also said that another "possible problem will be the counting of the two ballots." (Letter to Birch Bayh, January 18, 1971). While the Secretary of State was unable to make an exact cost estimate without more time for study, Paul Marston, the Maricopa County Recorder, has predicted a dual-ballot system might well entail the use of 400 extra voting machines at $150 each, an expense of $60,000 for Maricopa County alone.

Lowering the voting age by State action

Arizona's voting age is established by the State Constitution. The legislature is in session this year. Several members of the State Senate have announced that they will introduce legislation to start amending the State Constitution so as to extend the State franchise to all those 18 or older. (The Arizona Republic, December 22, 1970.) If the legislature passed such a proposed amendment, theoretically it would be possible to ratify the amendment in either a primary or special election. Thus, it could be possible to lower the voting age to 18 before November of 1972. (YFC; Bolin letter to Birch Bayh, January 18, 1971)

ARKANSAS

Number of voters affected

Arkansas now has a voting age population for State elections of over 1,200,000. More than 100,000 additional voters would be fully enfranchised if the State voting age were lowered to 18.

Costs and problems of dual-age voting

Thomas Glaze, the Chairman of the Election Laws Institute, has predicted that the Supreme Court's decision will force the use of "special ballots," but that the costs, which will have to be assumed by the counties, would be "negligible." (Arkansas Democrat, December 22, 1970.)

Lowering the voting age by State action

Kelly Bryant, the Arkansas Secretary of State, reports that in the current session of the Arkansas legislature a number of proposals relating to lowering the voting age are being considered. (Letter to Birch Bayh, February 4, 1971.) In the absence of a special election, a State constitutional amendment proposed by this session of the legislature could not be ratified before the 1972 Presidential elections.

CALIFORNIA

Number of voters affected

California's State election voting population is over 12,000,000. More than 1,000,000 potential voters are now allowed to register and vote in Federal but not in State or local elections as a result of the Supreme Court's recent action.

Cost and problems of dual-age voting

According to Assemblyman John Briggs, the California Secretary of State has determined that it would cost California "over $1.5 million" to implement dual-age voting. (Letter to Birch Bayh, Jan. 28, 1971.) James S. Allison, the registrar-recorder of the County of Los Angeles, reports that, while he does not know all the additional work that may be required, dual-age voting will cost approximately "$400,000 to $500,000 additional." Allison also noted "two other" major problems. The first is having to maintain two complete registration systems, one including reference to the age of the registrant so that he can be transferred to the over-21 file on his birthday. The other involves further complications in the various different ballot styles that have to be prepared for each election. In the 1970 primary alone, the County of Los Angeles had 1,660 styles. More would be needed with dual-age voting. (Letter to Birch Bayh, Jan. 27, 1971.) According to Assemblyman Briggs, controlling the vote at the County level "would be a tremendous job—they would have to be able to identify the 18-year-olds, and there would be many legal problems involved." (Letter to Birch Bayh, Jan. 28, 1971.)

Lowering the voting age by State action

The problems involved with maintaining two independent sets of polling list have given new impetus to local efforts to lower the voting age. Several State Assemblymen have introduced legislation to lower the voting age. Governor Ronald Reagan, who previously opposed such a move, has now indicated his support as a result of the Court's decision. Briggs plans to support such a change as part of his campaign to change the law and make 18-year-olds into full-fledged adults in the eyes of the law. There is some talk of getting a special election on this issue next year, but there has been opposition from those who contend that a special election would cost about $4,000,000. Briggs still supports the idea of a special election because it would cost less than separate registration and voting facilities for the more than one million 18-to-20 year olds who now must be treated separately. (Los Angeles Times, Dec. 22, 1970.)

COLORADO

Number of voters affected

Colorado's current State voting population is about 1,200,000, and lowering the voting age to 18 would fully enfranchise an additional 10 percent of that number.

Costs and problems of dual-age voting

James L. Eitemiller, the Elections Officer of the Colorado Department of State, did not anticipate that the dual-age voting procedure would raise election costs "to any great extent." However, he did report that his office expected that there would be possible confusion from his bifurcated procedure. He reports:

"We envision at this time that the County Clerk, who is the elections officer in each county, will have to maintain a separate registration book in order to separate the 18-year-olds from the over-21-year-olds and, at this time, we anticipate that the 18-year-olds will vote by absentee ballot, or at the County Clerk's office, which is the same procedure we use when new residents vote for President.

"The reason for this is that at the Presidential election in 1972 the polling places would have two registration books—one for the 18-year-olds and one for the over-21-year-old groups. In order to avoid confusion, it might be necessary to have the 18-year-olds vote at the County Clerks' Office, or by absentee voters' ballot, inasmuch as they will not be allowed to vote for the State and local candidates." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

In the 1970 general election, Colorado rejected a proposal to change the State's Constitution and allow 19-year-olds to vote. Elections officer Eitemiller informed us that it would be impossible, in the absence of a Federal constitutional amendment, to change the State voting age before the next set of Federal elections. (Letter to Birch Bayh, January 12, 1971.)

CONNECTICUT

Number of voters affected

Connecticut currently has a State voting population of over 1,900,000. Almost 150,000 voters are now permitted to vote in Federal elections but excluded from any participation in the State and local contests.

Costs and problems of dual-age voting

The Connecticut Secretary of State, Gloria Schaffer, has indicated considerable concern over the difficulties engendered by the Supreme Court's recent decision. Connecticut is faced with special difficulties because its vote is recorded entirely by voting machine. It does not use paper ballots. The Secretary of State's office is presently conducting detailed studies of the matter, but their preliminary studies suggest that "it is not feasible to permit voting by electors and '18 year old' Federal voters on the same voting machines." As a result, it will probably be necessary to provide separate voting machines for 18 year olds in each polling place. That plan would require the purchase of approximately 650 additional machines—none seem to be available for rental—at a cost of $1,900 per machine. Therefore, the initial cost of the dual-age voting procedure in Connecticut, not counting the continuing costs of keeping two separate sets of registration books, would be about $1,300,000. (Letter to Birch Bayh, January 13, 1971.)

Lowering the voting age by State action

In order to avoid the cost of purchasing so many additional machines, Secretary of State Schaffer has announced plans to ask the State legislature to pass a constitutional amendment in its present session. Such a proposal, which had been passed previously by the legislature, was defeated narrowly—307,530 to 336,012—in the November, 1970, election. Because of the provisions of Article 12 of the Connecticut Constitution, ratification of such an amendment could not be effective until after the November 1972 elections. Secretary Schaffer has "heartily endorsed" the "immediate enactment of a proposed amendment to the Federal constitution

allowing "18 year old" citizens to vote in all elections" and she believes "this to be the only truly feasible solution." (Letter to Birch Bayh, January 13, 1971; New Haven Journal-Courier, January 21, 1971.)

DELAWARE

Number of votes affected

Delaware, with a voting population of over 300,000, has almost 30,000 potential voters who are unable to vote in State and local elections but who must be registered for Federal elections.

Costs and problems, of dual-age voting

Burton D. Willis, the Delaware State Election Commissioner, submitted the following detailed memorandum as to the actions his state was planning to take to meet this problem, as well as the costs of administering the plans which he had formulated. He reported:

"1. There have been two theories advanced to implement the procedures for voting of 18 year olds:

"a. The procedure that has been advanced from this agency would create 18 year old voting districts throughout the State, consisting of one or more complete Representative Districts. I advocate five Primary Districts throughout the 27 Representative Districts within New Castle County, one Primary District for Kent County and one Primary District for Sussex County. Each of these two counties have six Representative Districts. By comparing the cost per polling place of the 1970 General Election, I anticipate that the Primary Districts will cost approximately $300.00 each or a total of $2,100.00 throughout the State.

"b. The other theory which has been advanced by some members of the Legislature would be to allow the 18 year old voters to cast their vote by a paper ballot in the Election District where they reside. This would create the problem of constructing and dismantling 368 voting booths throughout the State. I anticipate that it would be impossible to assemble and disassemble these booths for less than $25.00 each for a total of $9,200.00.

"Regardless of which way it is handled, I figure that it will create 1,200 additional man hours for our election administrative bodies. This equals the position of Clerk II at an annual salary of $4,740.00. Therefore, the anticipated cost to our State for Plan A would be $6,840.00—Plan B, $13,940.00.

"2. The problem that dual-age voting would cause will be sorting our files from 18 to 21 year old group on a monthly basis so the registered voter who has become 21 within that period could be processed to our master records. This expense is figured within the above anticipated costs.

"3. The present voting age in our State is 21, set by Section 2, Article V of our State Constitution; however, there has been an amendment that passed the 125th General Assembly to lower the voting age to 19. We anticipate that the 126th General Assembly will pass the second leg of this amendment in the early part of its Session. Therefore it will only be the 18 to 19 year old age group who would be inconvenienced to either vote in the 18 year old district or by paper ballot." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

It would not be possible to lower the voting age to 18 in Delaware until 1973 at the earliest. While Delaware does not require ratification of proposed amendments to its State constitution by the electorate, it does require that all such amendments be passed by two successive legislatures. And the next-succeeding legislature does not meet until 1973. (Willis letter to Birch Bayh, January 12, 1971.)

FLORIDA

Number of voters affected

Florida presently has a state voting population of almost 4 million. It will now have to take steps to register separately over 320,000 18-to-20-year-olds.

Costs and problems of dual-age voting

The Director of the Division of Elections of the State of Florida, Dorothy W. Glisson, has predicted that there will not be a great deal of added expense involved with the separate registration of persons between the ages of 18 and 21. However, Mrs. Glisson did say that "in some areas where an additional ballot will be required because of already crowded ballots on machines," there will be additional costs involved with printing and the hiring of extra poll workers. She also predicted, "Additional expenses will also be incurred in setting up voting machines to accommodate this extra category of voters." (Letter to Birch Bayh, January 20, 1971.)

Martin Braterman, the Dade County Supervisor of Elections, has said that it would cost about $400,000 to purchase sufficient additional voting machines to allow the 18-21-year-olds to vote together with the rest of the voting population at all elections. He also predicted operating costs for the two primary and general elections of about $22,500. He said that, as a way to forestall extra expense and confusion at the polls, the legislature was likely to consider requiring voters eligible only for the Federal elections to deposit their paper ballots in the office of the Supervisor of Elections during the 30-day period preceding each general election. These ballots would then be counted together with absentee ballots. Florida has used this method before, and Mr. Braterman estimates that it would cost for Dade County approximately $16,500 in each election year. (Letter to Birch Bayh, January 18, 1971.)

The possibility of confusion as a result of the new complications in voting procedure was also mentioned. Mr. Braterman said that the "problems involved in setting up the voting machines . . . should be given serious consideration." Mrs. Glisson thought that the Supreme Court's decision would result in "more work for Florida's voting supervisors." (Miami Herald, December 22, 1970.)

Lowering the voting age by State action

As in most States, the voting age is set by the State constitution. A proposed amendment which would have lowered the voting age to 18 years in State elections was defeated on November 3, 1970. Mr. Braterman could not "venture a guess as to when this question may again be placed on the ballot for consideration of the electorate in the State of Florida." (Letter to Birch Bayh, January 18, 1971.)

GEORGIA

Georgia was the first state to extend its franchise to 18-year-olds. It did so in 1943.

HAWAII

Number of voters affected

Hawaii presently has approximately 425,000 citizens eligible to register for State elections. An additional 35,000 would be enfranchised as a result of lowering the voting age from the present 20 to 18.

Costs and problems of dual-age voting

Lt. Governor George R. Ariyoshi expects that the extra costs occasioned by the dual-age voting will amount to about $63,000, broken down as follows: public relations $1,000; voter lists $12,000; ballots $8000; election workers $40,000; precinct supplies $2000. He expects difficulties in "administering the election itself—avoiding getting ballots mixed up in printing and delivering them to the precincts and in giving the right ballots to each voter." (Letter to Birch Bayh, January 12, 1971)

Although it has not yet been definitely decided, Hawaii officials are now contemplating setting up separate voting units, with separate ballots, in each precinct for the younger voters. (Letter from Morris T. Takushi, Elections Administrator, January 25, 1971.)

Lowering the voting age by State action

Hawaii's 20 year old voting age is now set by the State constitution. A proposal to lower that age to 19 was defeated in the 1970 elections. No constitutional amendment "as a practical matter" could take effect until after the next Presidential election. (Letter to Birch Bayh, Jan. 12, 1971.)

IDAHO

Number of voters affected

Idaho presently has more than 400,000 voters qualified for the State elections. Nearly 45,000 others would be qualified if the voting age were lowered to 18.

Costs and problems of dual-age voting

R. L. Stephens, the Assistant Secretary of State, reports that "substantial extra expense will be involved" because of duplications in registration and voting procedures. (Letter to Birch Bayh, February 3, 1971.)

Lowering the voting age by State action

The voting age is set by the Idaho constitution. Two-thirds vote of the legislature and ratification by the electorate is required in order to amend the constitution. According to Assistant Secretary Stephens the "earliest date that such an amendment could be considered" would be November of 1972. (Stephens letter to Birch Bayh, February 3, 1971.)

ILLINOIS

Number of voters affected

Illinois has more than 6½ million people eligible to vote in State elections. More than 500,000 others would become qualified if the voting age were lowered to 18.

Costs and problems of dual-age voting

John W. Lewis, the Illinois Secretary of State reported that while it would be "impossible to determine actual expenses," he thought "there would be two sets of registration records, two sets of ballots," and "additional voting booths where electronic devices and voting machines are used." Therefore, he estimated a "40 to 50" increase in election costs. He thought that because duplicate records and separate files and voting lists would have to be kept for the 18-year-olds, the work of running an election "would be doubled and additional expenses would also be incurred." (Letter to Birch Bayh, January 15, 1971.)

For the city of Chicago alone, it has been estimated that the Supreme Court's decision will result in additional expenditures of between $150,000 and $200,000. According to Stanley T. Kusper, Jr., Commissioner of the Board of Election Commissioners of the City of Chicago, these additional costs, "will be necessitated by extraordinary procedures with regard to absentee voting, possible adaptations of our mechanical voting machines or the implementation of the use of separate paper ballots for those persons qualified to participate only in the federal aspects of the election, separate applications for ballot, possible separate ballot boxes, tally sheets and other materials, specially colored registration and identification cards, separate poll lists, etc." (Letter to Birch Bayh, January 14, 1971.) Chicago officials seemed dismayed by the prospect of implementing the decision. For example, Edward J. Barrett, the Cook County Clerk, called on the State legislature to pass a law to allow all 18-year-olds to vote even though such a proposal has been turned

down in a recent general referendum election. (Chicago Sun Times, December 22, 1970.)

Sheila Wolfe and David Gilbert of the Illinois Secretary of State's Office discussed the necessity almost to double the election facilities and mechanics—and hence the cost—as a result of the Court's decision. (Chicago Tribune, December 22, 1970.)

Lowering the voting age by State action

The new Illinois constitution sets a voting age of 21 years. Secretary Lewis felt that no constitutional amendment could likely be ratified in time for the 1972 general election. (Letter to Birch Bayh, January 15, 1971.)

INDIANA

Number of voters affected

Indiana has about 3 million people eligible to vote under present State law and would enfranchise an additional 250,000 if the voting age were lowered to 18.

Costs and problems of dual-age voting

The law clerk to the Indiana State Election Board, O. Wayne Davis, has estimated that dual-age voting will cost about $170,000 for Indiana. He wrote:

"* * * every county in the State of Indiana must now maintain two separate registration files. In some cases this will necessitate additional employees and in all cases will increase the cost for supplies. A conservative estimate is that the increased cost in this area alone will exceed fifty thousand dollars. Second, every precinct in Indiana must prepare for the casting of paper ballots. Such preparations will cost at least one hundred thousand dollars. Finally, there will be increased costs in the printing of separate ballots. Approximate cost, twenty thousand dollars." (Letter to Birch Bayh, January 27, 1971.)

Lowering the voting age by State action

The Indiana constitution, in Article Two, Section Two, grants to those 21 years and over the right to vote. It is not yet clear whether this provision would preclude the State legislature from lowering the age by statute. However, if a constitutional amendment is required, it could not be as a practical matter ratified before the general election of 1972. (Davis letter to Birch Bayh, January 27, 1971.)

IOWA

Number of voters affected

Iowa has about 1,700,000 people eligible to vote; an additional 130,000 would be enfranchised under an 18-year-old vote provision.

Costs and problems of dual-age voting

Based on a report from the Polk County Auditor's Office, the Secretary of the State of Iowa, the Honorable Melvin D. Synhorst, has estimated that the State-wide cost of implementing the dual-age voting in the next Federal election would be somewhere near the "$125,000 to $150,000 mark." He added, "This figure could rise considerably higher" if additional voting machines had to be purchased. He thought that a "serious problem will be encountered in maintaining proper registration records for this new group of voters in those counties or cities where registration is required in Iowa." He said he could not estimate the cost factor for this separate registration system but that it would be "substantial." (Letter to Birch Bayh, January 19 ,1971.)

Lowering the voting age by State action

Because of the peculiarities of Iowa law, in the absence of an amendment to the Federal Constitution, it would be impossible to approve an amendment to the Iowa constitution before the November 5, 1974 general election. Thus, the lowering of the voting age could not be effective before the 1976 regular general election. (Synhorst letter to Birch Bayh, January 19, 1971.)

KANSAS

Number of voters affected

Kansas has a voting population of about 1,400,000, and about a quarter of a million new voters would be eligible to take part in State and local elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

A member of the elections division of the Kansas Secretary of State's office, Lavina M. McDonald, said that separate registration records and lists are being maintained for those under the age of 21. She described the need "to set up a registration procedure to transfer the name of an elector from the list for only national elections to the regular registration file on his 21st birthday." She pointed out that separate ballots would have to be prepared and anticipated "some problems" in those areas which use voting machines. Mrs. Elwill Shanahan, the Secretary of State, said, "As I see it now, we're going to have two separate ballots." (Topeka Daily Capital, December 22, 1970.) An Assistant Secretary of State, Jack Brier, said that the Supreme Court's decision "presents an immense number of problems for state and local officials." (Wichita Eagle, December 22, 1970.)

Lowering the voting age by State action

The Kansas Constitution provides that a constitutional amendment can only be presented to the voters at a general election, and the next such election is in November of 1972. A State constitutional amendment which would change this requirement, is presently being tested in the courts. (McDonald Letter to Birch Bayh, January 18, 1971.) Therefore, it would seem that in the absence of an amendment to the Federal Constitution, Kansas is very likely to have to deal separately with voters under 21, at least in the 1972 elections.

KENTUCKY

Kentucky has allowed 18-year-olds to vote in State elections since 1955.

LOUISIANA

Number of voters affected

More than 200,000 additional Louisiana residents would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

Louisiana's Secretary of State, Wade O. Martin, Jr., said of the Supreme Court's decision: "It poses some difficult problems," but he was sure that the problems could be worked out. Jack Gremillion, the State Attorney General, predicted that the ruling would cause "chaos and confusion" in the next general election. Secretary of State Martin concluded that he expected difficulty because, "The more complications you have, the more likely it is that the whole machinery of elections will break down." (New Orleans Times-Picayune, December 22, 1970.)

On February 3, 1971, Secretary Martin reported to Senator Allen Ellender his present conclusions about the feasibility of adapting the State's voting machines to the new requirements. He wrote:

"Specifically, my conclusion at the present time is that the voting machines, in which Louisiana has invested millions of dollars to secure what I consider the nation's best voting facilities with an absolute minimum of fraud, could be adjusted so as to accommodate the numerous "classes" of voters created by the so-called Voting Rights Act, but it would be—

"1. Most difficult and time consuming.

"2. Tremendously expensive both for parts and labor.

"3. Such multiple adjustments as "lockouts" and exclusions, along with some of the unreasonable requirements that we have at least three kinds of absentee ballots for voting in combined state and federal elections, must inevitably increase the chance of error and open the door to possible fraud because of confusion and delays."

Mr. A. E. Papale, the Registrar of Voters for the Parish of New Orleans has estimated that in the initial year of dual-age voting there will probably be about a 50% increase in annual registration costs, with about a 6% increase in succeeding years. Among the other possible problems he envisioned was "confusion in the public mind" because different voters would be eligible to vote for different combinations of candidates. (Letter to Birch Bayh, January 25, 1971.)

Lowering the voting age by State action

Secretary of State Martin said that "If any amendment to our State constitution is contemplated, it appears that the earliest date at which it could be submitted to the electorate would be the general election for State and local officers to be held February 1, 1971." (Letter to Birch Bayh, February 1, 1971.)

MAINE

Numbers of voters affected

Maine presently has a voting age of 20 as a result of ratification of a proposed constitutional amendment at the November 1970 elections. Close to 50,000 voters however, are still allowed to vote in Federal but not State contests.

Costs and problems of dual-age voting

Elden H. Shute, Jr., the Deputy Secretary of State, said of the decision, "This presents us with some real problems." (Portland Press Herald, December 22, 1970.) According to Peter M. Damborg, the Deputy Secretary of State, it would cost approximately "$10,000" for the additional ballots, instructions to voters, etc. (Letter to Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

The Maine Constitution presently sets the voting age and could not be altered before November 1971. (Damborg letter to Birch Bayh, January 19, 1971.) Several bills to lower the voting age to 18 have been introduced in the State legislature this session. The Deputy Secretary of State has reported that he believes one of these bills is "certain to pass," and therefore he is urging the town clerks to "withhold setting up separate voting lists" pending the outcome of this legislation and a referendum. A referendum would cost the State approximately $25,000. (Letter from Peter M. Damborg, Deputy Secretary, Maine Department of State.)

MARYLAND

Number of voters affected

Lowering the voting age to 18 would enfranchise more than 200,000 additional Maryland voters.

Costs and problems of dual-age voting

The Administrator of the State Administrative Board of Election Laws felt that as a direct result of the Supreme Court's decision, there would be an additional expense involved in "keeping a separate book or registry" and in "printing separate absentee ballots for those persons between the ages of 18 and 21 years." Further, since Maryland votes by machine, "additional mechanical adjustments must be made" in order to adapt the machines to the different types of electors. (Letter to Birch Bayh, January 22, 1971.)

Lowering the voting age by State action

The Maryland State constitution sets the voting age. Although legislation is already being processed which would amend the constitution, according to Mr. Morris, "the earliest possible date it could be done would be November 7, 1972." Therefore, in the absence of a Federal constitutional amendment, Maryland would be forced to use dual-age voting in the next Presidential election.

MASSACHUSETTS

Number of voters affected

Even though Massachusetts has recently lowered its voting age to 19, almost 100,000 voters are still precluded from taking part in State elections.

Costs and problems of dual-age voting

John F. X. Davoren, the Secretary of the Commonwealth of Massachusetts, reports that the new ballot for younger voters should not cost more than $40,000. Massachusetts has yet to decide whether to require the younger voters to vote by absentee ballot, or in some other special manner. Davoren expects that these administrative problems "will be resolved in plenty of time." (Letter to Birch Bayh, February 4, 1971.) Norman Gleason, the State Director of Elections, has said that the administrative problems at the State level will not be difficult. (Boston Globe, December 22, 1970.)

Lowering the voting age by State action

The Massachusetts constitution requires a majority of the legislators elected, sitting in joint session, in two different legislatures to approve any proposed constitutional amendment, before it can be sent to the voters for ratification. An 18-year-old vote proposal was approved last year. If approved again, the question could be put on the 1972 ballot. (Boston Herald Traveler, December 22, 1970.) Therefore, as a practical matter it would be impossible to reduce the voting age in Massachusetts before 1973 without an amendment to the Federal Constitution. (Davoren letter to Birch Bayh, February 4, 1971.)

MICHIGAN

Number of voters affected

More than 400,000 additional voters would be eligible in Michigan State elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

Richard H. Austin, the Michigan Secretary of State, reports that it was not possible to give an exact cost figure for the new voting procedures. He did say that since 85% of Michigan's voters use voting machines, the cities and townships would have to incur "large, significant" costs for the purchases of new machines unless the machines could be adapted easily. It might also be necessary to redivide the State into slightly different voting precincts because of the possible need for paper ballots.

Austin also said some questions will be raised about whether those who are registered to vote for Federal offices are to be considered "registered electors" for the purpose of signing petitions and the like. It is also unclear whether the 18-year-old vote decision applies to the election of delegates to party conventions. (Letter to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

Michigan's voting age for State and local elections is determined by the State constitution. If the legislature passed a proposed amendment in time, it would be possible to put this question to the people in November, 1971. (Austin letter to Birch Bayh, Jan. 29, 1971). Attempts to amend the State constitution will have to start anew because such a proposal was turned down in 1970 by the voters. (Detroit Free Press, Dec. 22, 1970.)

MINNESOTA

Number of voters affected

As a result of a referendum last fall, Minnesota has lowered the voting age to 19. However, more than 60,000 voters who are able to participate in Federal elections are still disenfranchised in State elections.

Costs and problems of dual-age voting

A memorandum prepared for the Secretary of State indicated that additional expenses could be expected from the need to train election judges and county officials about the complicated new voting procedures. Confusion was also an issue. "Without a doubt the most serious problem will be confusion. With two ages and both state and federal residency requirements, Minnesota can have five classes of voters . . . Election judges are usually people who have nothing else to do on election day and are not apt to be the people who will most readily understand the new and complicated regulations which will result." The memorandum concluded that instructing everyone as to who may vote for what "will be a nightmare at best." (Letter from Secretary of State Arlen I. Erdahl to Birch Bayh, January 22, 1971.)

Lowering the voting age by State action

Secretary of State, Arlen Erdahl has indicated that the secrecy of a ballot might be compromised in sparsely settled areas as a result of the 18-year-old vote decision. (Minneapolis Tribune, January 21, 1971.)

Since constitutional amendments may not be adopted in special or primary elections, no change in the State voting age could be made, in the absence of a federal constitutional amendment, which could go into effect in time for the next scheduled elections. Secretary Erdahl indicated in a letter that he is presently trying to convince the State legislature to submit a constitutional amendment to lower the voting age to 18. However, he concluded, "Even better, in my opinion, would be an amendment to the Federal Constitution permitting 18 year olds to vote in all elections . . ." (Letter to Birch Bayh, January 22, 1971.)

MISSISSIPPI

Number of voters affected

More than 130,000 Mississippians could vote for the first time in State elections if the voting age were lowered to 18.

Costs and problems of dual-age voting

The Mississippi Secretary of State Heber Ladner predicted that the Supreme Court's ruling "will bring about quite a revision in election procedures—both in registration and casting of ballots." (The Clarion-Ledger, December 22, 1970) Mr. Ladner, however, thought that the extra expenses involved in the new procedures would be "negligible" and he did not envision "any tremendous problems." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

The voting age is set by Article 12 of the Mississippi Constitution. It appears that the Mississippi legislature will be faced with the issue of amending its constitution to lower the voting age in the coming year. Representative Dana Moore, who is chairman of the Registration and Elections Committee, talked of a "definite possibility" that such a bill would clear his committee and be taken up on the House floor. But he was not sure what the outcome of a floor vote would be. He predicted that a final vote would be "very close." (The Clarion-Ledger, December 22, 1970.)

MISSOURI

Number of voters affected

Nearly a quarter of a million voters would be newly enfranchised in State elections as a result of the establishment of a Statewide 18-year-old vote.

Costs and problems of dual-age voting

James C. Kirkpatrick, the Missouri Secretary of State, reported that it would be "extremely difficult" to project the total cost. But he did feel that the extra cost of special ballots and ballot boxes would be about $50,000. He foresaw that additional election officials might be needed across the State. Local Governments would be beset with higher registration costs because of the need to maintain separate registration books for those under 21. In those areas where registration is not required, confusion would be likely on election day as it would be necessary to determine the age of each voter and give special treatment to those under 21. Furthermore, it would be necessary to be shifting existing registration records constantly, as younger voters turned 21. Kirkpatrick thought that it would be difficult to explain to these younger voters "why they are able to vote for President and Congressmen but not eligible to vote for State and local officials." He concluded, "Probably most important of all—the confusion may well result in long lines at the polling places on election day. This could cause people . . . to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." (Letter to Birch Bayh, January 13, 1971.)

The Director of Elections of the Board of Election Commissioners for the City of St. Louis, Harry F. Leitz, thought that the St. Louis voting machines probably could not be adjusted for dual-age voting. He predicted that merely providing separate, additional registration binders for each precinct to help them in their record keeping would cost $3600. (Letter to Birch Bayh, January 18, 1971)

Lowering the voting age by State action

The voting age is set by the State constitution. If a proposed amendment were to pass the State legislature this year and be ratified by the voters at a specially called election, the change could be effective before 1972. (Kirkpatrick Letter, January 13, 1971.)

MONTANA

Number of voters affected

During the 1970 election, the voters of Montana approved a constitutional amendment which lowered the voting age for State elections to 19. Over 10,000 additional voters would be enfranchised for State elections if the voting age were to be further lowered to 18.

Costs and problems of dual-age voting

Frank Murray, Montana Secretary of State, reported that costs, which he estimated to be about $5,500 statewide, would not be the greatest problem. He did think that the "lockout" mechanisms on the State's voting machines would probably be inadequate, and that paper ballots, resulting in slower counting, would have to be used. He also said that it would be "impossible to preserve the secrecy" of the ballot in small precincts, where there may be only one or two 18-year-old voters. (Letter to Birch Bayh, January 25, 1971.)

Lowering the voting age by State action

It would not be possible to amend the State constitution before the November 1972 Presidential election. (Murray Letter, January 25, 1971.)

NEBRASKA

Numbers of voters affected

Nebraska has approximately 870,000 residents of voting age for State elections under current law. An additional 50,000 would be able to vote in State elections if the voting age were lowered from the current 20 to 18.

Costs and problems of dual-age voting

Allen J. Beermann, the Nebraska Secretary of State, predicted that his State would have to face about a 30 percent increase (about $300,000) in election costs as a result of "dual sets of ballots, registration forms, poll books, and abstracts, and the printing and bookkeeping cost related to them." (Letters to Birch Bayh, January 15, and 26, 1971.) Beermann also thought that it would be necessary to devise methods "to efficiently separate the younger voters and to include them upon their reaching the state's voting age, 20." Another problem might arise in computing "total votes cast",

used in determining the number of signatures necessary under State law for certain petitions, since there would be a different number of total votes cast for President and Governor.

Walter H. Loescher, Clerk of Hall County, Nebraska, estimated that for his county alone the additional registrations files and poll books, together with the extra cost of paper ballots, would cost about $3,000. He also thought there would be "sizeable" costs involved in blocking out the voting machines to provide separate facilities for those ineligible to vote for State officers. Mr. Loescher concluded, "If federal action is not forthcoming, we would be stuck in Nebraska in conducting the 1972 Primary and General Elections with the new dual age voting procedure."

Lowering the voting age by State action

A bill has been introduced by the Nebraska Legislature to amend the State constitution by reducing the minimum voting age from 20 to 18. If passed, that bill would submit the issue to the electorate in 1972. (Lincoln Star, January 14, 1971) The Secretary of State predicted that it would be possible, in theory at least, to ratify a State constitutional amendment in time for the 1972 election, but that it would require the calling of a special election. And he said that because the cost of such a special election would be "prohibitive," it appears "more practical" to talk in terms of waiting for 1972 for final ratification. (Letter to Birch Bayh, January 15, 1971.) Therefore, Nebraska is another State which will most likely face the dual-age voting procedure in 1972, in the absence of an amendment to the Federal Constitution.

NEVADA

Number of voters affected

More than 26,000 additional voters would be eligible to participate in State elections if Nevada were to lower its voting age to 18.

Costs and problems of dual-age voting

The Research Director of Nevada's Legislative Council Buerau reported that the exact dollar cost could not be computed at this time because his office had not been able to contact the 17 different jurisdictions that conduct elections in Nevada. But he did feel that there would be difficulties because of the demonstrated inflexibility of the State's voting machines. It would be necessary to establish a paper ballot system for those eligible to vote in only one part of the election. Use of the paper ballots "obviously" would require "additional printing and tabulation costs."

Lowering the voting age by State action

Under normal procedures an amendment to the Nevada constitution could not be ratified until the November 1972 elections. Thus, the change would not be in effect in time to deal with the next Presidential elections. Because of these possible difficulties there is reported to be "considerable legislative interest" in attempting to ratify such an amendment, if it should pass the State legislature, at a special election to coincide with the June 1971 city elections. (Letter from Arthur J. Palmer, Research Director, Nevada Legislative Council Bureau, to Birch Bayh, January 15, 1971.)

NEW HAMPSHIRE

Number of voters affected

Over 36,000 extra voters would be eligible to take part in State elections if New Hampshire's voting age were lowered to 18.

Cost and problems of dual-age voting

Robert L. Stark, New Hampshire's Secretary of State, predicted that the additional expense at the State level just for printing the short ballot, to be used by those eligible to vote for Federal offices only, would be about $4,000. Each of New Hampshire's 302 voting precincts maintain their own checklists, and they would be responsible for underwriting the extra cost involved in maintaining separate checklists for those under 21. The greatest problem would be the difficulty in handling, at the November 1972 election, the regular ballot, a constitutional amendment ballot, and two short form ballots (one for those eligible to vote only for the President because of short residence in the State, and one for those eligible to vote only in Federal elections because of age).

Lowering the voting age by State action

According to Mr. Stark, New Hampshire's legislature has already approved a constitutional amendment to lower the voting age to 18, and that question will be put to the voters in the November 1972 election. Therefore, the first regular Federal election at which there would be no problem of dual-age voting would be 1974. (Letter to Birch Bayh, January 14, 1971.)

NEW JERSEY

Number of voters affected

New Jersey is now making plans for registering over 300,000 citizens who are eligible to vote in Federal but not State elections.

Costs and problems of dual-age voting

The Secretary of State of New Jersey, Paul J. Sherwin, wrote saying that while it would be necessary to provide separate ballots where paper ballots are used and to lock out State and local elections on voting machines for those under 21, that cost would not be "prohibitive." (Letter Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

A bill has been introduced in the New Jersey State legislature to amend the State constitution to lower the voting age. If passed by the legislature, it could be ratified at the State's general elections in 1971 and therefore be effective in time for the next general election involving Federal officials. (Sherwin Letter, January 19, 1971.)

NEW MEXICO

Number of voters affected

More than 62,000 New Mexico residents can now take part in Federal but not State elections.

Costs and problems of dual-age voting

According to an official estimate the additional cost of printing separate ballots, sample ballots, and related election supplies, together with the cost of some new voting machines, is expected to amount to about $200,000. Prediction of exact costs is difficult, partially because the cost would not be borne by the State but by the counties which run the elections. Betty Fiorina, the New Mexico Secretary of State predicted that, leaving the costs aside, problems of administration will probably provide the greatest difficulties, and many of these problems have "not yet been identified." (Letter to Birch Bayh, January 20, 1971.)

Lowering the voting age by State action

The New Mexico constitution now deals with the 21 year old voting age. Some legislators are now proposing legislation to lower the voting age. (Albuquerque Tribune, December 21, 1970.) And the Secretary of State has expressed support of moves to lower the voting age for all elections in New Mexico. (Letter to Birch Bayh, January 20, 1971). The constitution provides that any change in the voting age must be ratified by three-fourths of the electors voting in the State. Therefore, there is a greater chance that ratification would not be successful in New Mexico, as compared with other States.

NEW YORK

Number of voters affected

New York will have to make special provisions for more than 850,000 potential voters in the event a Federal election takes place on a Statewide basis before the voting age can be lowered.

Cost and problems of dual-age voting

There have been varying estimates of the possible costs involved in implementing these new procedures. Maurice J. O'Rourke, the President of the New York City Board of Elections, has stated that such a dual age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters." (New York Times, December 23, 1970). While some jurisdictions have considered requiring younger voters to vote separately—by absentee ballot for instance—O'Rourke refused to exclude the new voters from the polling places since this would be their first exposure to the democratic system. "It shocks me. I would resign my job before I'd agree to a system of two classes of voters." (New York Times, December 23, 1970.)

Lowering the voting age by State action

In New York it is necessary for the State legislature to pass a proposed amendment to the State constitution twice before it can be referred to the voters for ratification. In January of this year a proposed constitutional amendment passed the New York Legislature for the second time—by a vote of 51 to 3 in the Senate and 137 to 8 in the House—and it will go before the voters in November. The Legislators reportedly acted quickly to avoid what many of them considered to be a potentially "catastrophic" situation throughout the State. Others felt that lowering the voting age would convince the young to take a constructive part in the system instead of resorting to violence. State Assemblyman Peter R. Biondo (R.-Westchester) called upon his fellow legislators to end "a paradox—one that prohibits our youth from voting for Governor Rockefeller and allows them to vote for the same man should he choose to run for President next year." (New York Times, January 12, 1971.)

If approved by the State's voters the new lowered voting age would be effective on January 1, 1972, and there would be no need to establish dual-age voting procedures. The Secretary of State of New York, John P. Lomenzo, believes that "there is a strong possibility that a system of dual voting will not be necessary." (Letter to Birch Bayh, January 22, 1971.) However, several citizens are worried that the referendum might be defeated by voter apathy, as has been the case in some other States. Mr. Frederick W. Richmond recently announced the formation of the Citizens Committee to Lower the Voting Age, which hopes to raise $500,000 to make sure that the voters are not deluded by a "false belief that a proposal like this is sure to carry." (New York Times, January 21, 1971.)

NORTH CAROLINA

Number of voters affected

Approximately 300,000 voters in North Carolina are eligible to participate in Federal elections but precluded from taking a role in State and local affairs.

Costs and problems of dual-age voting

Alex K. Brock, Executive Secretary for the State Board of Elections estimates that on the State level there would be very little administrative expense at the State level in setting up procedures for differentiating between the classes of voters. (Letter to Birch Bayh, January 26, 1971.) William B. A. Culp, Jr., Executive Secretary of the Mecklenburg County Board of Elections, provided an analysis of the estimated cost to the county of implementing those procedures for separating voters. Assuming there are 10,000 younger voters in his county, he estimated that it

would cost $500 to program the voting machines for each election, $3,000 for the extra clerks required to activate the "lockout" devices on the voting machines, and almost $1,800 for extra clerks to identify the under-21 voters on election day. He also thought there would be "logistical problems" and "increased potential for challenge or protest" if any younger voters inadvertently voted in State and local elections. (Letter to Birch Bayh, January 28, 1971.)

Lowering the voting age by State action

The voting age is set by the State constitution and could not, as a practical matter, be altered before the next Federal election. (Letter from Carl P. Holleman, Chairman, of the Wake County Board of Elections, to Birch Bayh, January 21, 1971.)

NORTH DAKOTA

Number of voters affected

North Dakota is faced with accounting for more than 35,000 potential voters on a basis separate from the rest of its voting population.

Costs and problems of dual-age voting

Responses to the poll are not yet complete. Grant L. Berquist has said that the voting machines he supervises in the City of Bismarck can be adjusted to lock out State candidates simply by pulling a special lever. Ben Meier, North Dakota Secretary of State, said that other areas of the State would have to use paper ballots. (Bismarck Tribune, December 23, 1970.)

Lowering the voting age by State action

A State constitutional convention has been called to meet for up to a month starting January 1, 1972, and that convention might well decide to act on the 18 year-old-vote problem. Ratification by the people of such proposed amendments takes place at a special election to be called by the Governor not less than 90 days nor more than 150 days after adjournment of the convention. (Letter from Ben Meier to Birch Bayh, January 19 1971.) Therefore, it is at least theoretically possible for North Dakota to lower its voting age before the next scheduled Statewide Federal election.

OHIO

Number of voters affected

According to the latest estimate by Secretary of State Ted W. Brown, extending the franchise to those 18 and older makes 553,000 additional Ohio citizens eligible to vote. (Cleveland Plain Dealer, December 22, 1970.)

Costs and problems of dual-age voting

Brown has estimated that it will cost about $1.50 to register each new voter. (A possible total cost of over $750,000.) Brown was unable to give an accurate estimate as to the expenses which will occur throughout the State because these are borne by the boards of elections in each of the State's 88 counties. (Letter to Birch Bayh, January 20, 1971) The Hamilton County Board of Elections, which includes Cincinnati, has predicted that it will have to spend approximately $50,000 extra to take care of separate sets of registration cards and other records. (Letter from Maurice J. Allen, Deputy Director, Hamilton County Board of Elections, to Birch Bayh, January 20, 1971.)

The complexity of the new procedure is likely to cause trouble. Secretary Brown thought there would be confusion "to the voter and confusion at the polling place for the precinct elections officials." In Hamilton County, it was thought that the dual procedure would create "confusion for the voters" and the "administrative problems and margin of error would greatly increase." (Allen Letter to Birch Bayh, January 20, 1971.) Brown added an additional point. He felt that there will be "dissatisfaction on the part of young people" who are able to vote for high Federal officials but barred from participation in the lesser State, county, and municipal offices and issues. (Brown Letter, January 20, 1971.)

Lowering the voting age by State action

The voting age in Ohio is established under the State constitution and if three-fifths of the members of both branches of the General Assembly approve, the amendment can be presented to the voters in the next general or special election. There will be a general election in November of 1971. (Brown Letter, January 20, 1971.)

OKLAHOMA

Number of voters affected

About 130,000 potential voters will have to be registered and dealt with separately as a result of the Supreme Court's decision in *Oregon* v. *Mitchell.*

Costs and problems of dual-age voting

Oklahoma expects that providing separate registration and voting facilities will cost an extra $50,000 to $150,000 per election year." (Telegram from Ward Fowler, Assistant Secretary of the Oklahoma State Election Board, to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

The voting age is set by the State constitution and the State legislature would have to submit any such amendment to the people. Several State elected officials have called for the passage, as soon as possible, of a State constitutional amendment, but the Speaker of the House has said that such an amendment would be difficult to pass. (Daily Oklahoman, December 22, 1970.) Such a proposed amendment could be ratified at the special election, but local observers predict that while a special election is possible that it is "not probable." (Fowler Telegram, January 29, 1971.)

OREGON

Number of voters affected

Over 100,000 potential voters in the State of Oregon are now eligible to vote in Federal but not in State elections.

Costs and problems of dual-age voting

Attorney General Lee Johnson, who had argued in opposition to the Voting Rights Act's age provision in the Supreme Court, said:

"Congress has an obligation to rectify the imposition of an intolerable administrative burden upon the States. As a result of the Court's decision, states will now have to hold separate elections for national officials and state and local officials. This will be administratively difficult and will result in considerable cost to the taxpayers." (Oregon Journal, December 22, 1970)

Clay Myers, the Secretary of State, hopes that a Federal constitutional amendment lowering the voting age to 18, "will pass Congress in the very near future and be referred to the States for ratification." Because of Oregon's unique combination of election laws and voting devices—it has outlawed voting machines—Myers believes that the problems of dual-age voting can be handled "simply, inexpensively, and in the best interests of the younger voters," without incurring "the tremendous additional expenses" that will beset other States. (Letter to Birch Bayh, February 2, 1971.)

Lowering the voting age by State action

The Oregon State constitution sets the present voting age at 21. No proposed constitutional amendment could be ratified, in the absence of a special election costing about $300,000, before the May, 1972 primaries. Myers reports that because the voters of Oregon turned down a 19-year-old amendment in 1970, there is "no assurance" that the voters will accept an 18-year-old vote proposal in the immediate future. (Letter to Birch Bayh, February 2, 1971.)

PENNSYLVANIA

Number of voters affected

Pennsylvania voting officials will be forced to devise procedures for separately registering and dealing with over 500,000 potential voters.

Costs and problems of dual-age voting

Edward Friedman, Pennsylvania State Counsel General, was quoted as saying that the Supreme Court decision would create an incredible logistics problem for the 1972 election. (Philadelphia Inquirer, December 22, 1970.) Various estimates of the possible costs of dual-age voting have been made, and they range from $250,000 to more than one million dollars. (Letter, prepared at the request of C. Delores Tucker, Pennsylvania Secretary of State, from Donald A. Bailey to Birch Bayh, January 29, 1971.)

Lowering the voting age by State action

The State's voting age is set by the constitution and amendment would require the approval of both two successive legislatures and a popular referendum. (Philadelphia Inquirer, December 24, 1970.) A constitutional amendment thus would not be effected until well after the next presidential election. There has been some talk of implementing the 18 year old vote at an earlier date through the use of emergency powers. (Bailey Letter to Birch Bayh, January 29, 1971.)

RHODE ISLAND

Number of voters affected

Rhode Island has over 50,000 potential voters in State elections who would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

State officials have estimated that there will be "considerable extra expense" as a result of the Supreme Court's decision. They will need separate registration and voting lists as well as separate voting machines for each voting precinct. One official estimated that such expenses could total nearly "two million dollars." (Letter from August P. LaFrance, Secretary of State of the State of Rhode Island, to Birch Bayh, January 19, 1971.)

Lowering the voting age by State action

It is possible that the State constitution could be amended during 1971, but only if a proposed amendment was passed by the State legislature and submitted to and approved by the general voting population at the next election.

SOUTH CAROLINA

Number of voters affected

South Carolina has over 165,000 potential voters in the State elections who would be enfranchised if the voting age were lowered to 18.

Costs and problems of dual-age voting

States Attorney General Daniel R. McLeod said that his State had been presented with an "illogical" situation. (Charleston Evening Post, December 22, 1970.) The Executive Director of the State Election Commission, James B. Ellisor, has calculated that the cost of the dual voting procedure will amount to between "$25,000 and $30,000" in each calendar year. He also felt that there would be "a special problem" in all the South Carolina counties which used voting machines, in adapting the machines to block out certain candidates and in identifying the under-21 voters so as to accord them special treatment. (Letter to Birch Bayh, January 15, 1971.) Richland County, which includes Columbia, South Carolina, has estimated that in that county alone the extra cost will amount to about $3,000. Johnston F. Peeples, Chairman of the Richland County Board of Registration, thinks there will be "dissatisfaction and resentment" on election day when many voters find that, even though

they have recently turned 21, their voting certificates still qualify them for voting in Federal elections only. These voters will be unable to vote in State and local elections, even though they are otherwise qualified. This problem might arise because under present law, voting certificates cannot be changed in mail, but only in person. (Peeples Letter to Birch Bayh, January 18, 1971.)

Lowering the voting age by State action

It is impossible to change the State constitution in order to lower the voting age to 18 before 1973 at the earliest. The State General Assembly first has to enact a proposed amendment which could then be voted on by the people at the next statewide general election. This will be held in November 1972. If ratified by the people, the proposed amendment must then go back to the General Assembly for a further vote—which could not possibly come before 1973. (Ellisor letter to Birch Bayh, January 15, 1971; Peeples Letter to Birch Bayh, January 18, 1971.)

It is possible that any effort to put an 18 year old vote measure through the State legislature will be difficult. House Speaker Solomon Blatt is said to "bitterly oppose" the 18 year vote. (The News and Courier, December 22, 1970.)

SOUTH DAKOTA

Number of voters affected

35,000 South Dakota residents are presently eligible for participation in Federal elections but cannot vote in State contests.

Costs and problems of dual-age voting

The Secretary of State, Miss Alma Larson, reported that, "This will make each election like two separate ones at the same time." Miss Larson added that it would be likely to slow down the counting process. (Rapid City Journal, Dec. 23, 1970) The Secretary of State's Office has "estimated an additional cost of $40,000 to implement the eighteen year old voting in South Dakota for President and Congress," and that the "many different types of ballots, separate poll and registration ledgers," will cause some problems. (Letter to Birch Bayh, February 1, 1971.)

Lowering the voting age by State action

The State constitution now sets the voting age. Several State leaders have announced their intentions to make the State age conform with the national age. (The Daily Plainsman, December 22, 1970.) Any proposed constitutional amendment could not be ratified until the November 1972 election. (Larson Letter, February 1, 1971.)

TENNESSEE

Number of voters affected

More than 215,000 potential voters will require special treatment in the next Federal election, unless the Tennessee State constitution can be changed to lower the voting age before that time.

Costs and problems of dual-age voting

The State Attorney General, David Pack said the decision will "certainly complicate" the mechanics of holding a general election in Tennessee. (Nashville Banner, December 21, 1970.) The Director of Elections of the Shelby County Election Commission who supervises elections in Memphis, has estimated that in his county alone dual-age voting may cost "around $800,000", but he did point out that this was "a rough estimate." The Commission will have to maintain separate systems of records and registration and will have to decide whether or not to pay the money to insure the greatest accuracy by installing a separate voting machine in each polling place for those who are only eligible to participate in Federal elections. (Letter from John M. Perry to Birch Bayh, January 18, 1971.)

Lowering the voting age by State action

The State constitution can only be amended by calling a constitutional convention. A limited constitutional convention, which can consider only questions concerning taxes, has been called for August 1971. It could not consider the issue of 18-year-old vote. And according to the constitution, conventions may not be held more often than once in 6 years. Therefore, no constitutional convention could deal with the 18 year old vote issue until 1977, thus, precluding participation in elections by 18 year olds until 1978 at the earliest. As a result there is some pressure to attempt to alter the voting age by a State statute, but there seems general agreement that any such statute would be wide open to a court challenge. Joe C. Carr, the Tennessee Secretary of State has stated that he believes "an amendment to the Constitution will be necessary." (Letter to Birch Bayh, January 13, 1971.)

TEXAS

Number of voters affected

Over 600,000 potential voters in Texas may find that their franchise is limited to Federal questions.

Costs and problems of dual-age voting

The Office of the Secretary of State of Texas is still in the process of determining what major alterations in voting procedures will be necessary to accommodate the dual-age voting system. They have concluded, however, that the Texas counties will be subject to some additional expenses and that these expenses could be "considerable." Some "extra confusion at the polling place" might result as well. (Letter to Birch Bayh, January 21, 1971.) State Senator Mike McKool hopes the legislature will now take the first steps to lower the voting age to avoid what he thinks will be millions of dollars of extra cost. (Dallas Morning News, December 22, 1970.)

Lowering the voting age by State action

The voting age is set by the State constitution and the legislature is now considering whether to submit a State constitutional amendment to the people. If submitted, such an amendment could be ratified within a reasonable time, if a special election was called for that purpose. (Letter from Randall P. Wood, Texas Director of Elections, to Birch Bayh, January 21, 1971.)

UTAH

Number of voters affected

About 60,000 voters in Utah would have to be registered for Federal elections and then moved over to the regular State voting rolls once they became 21.

Costs and problems of dual-age voting

Several State officials greeted the Supreme Court's decision with some dismay. They said that the decision would cause confusion and that there would be mechanical problems in its implementation. (Salt Lake Tribune, Dec. 22, 1970.) Clyde L. Miller, the Utah Secretary of State, has figured there will be an increase of about 15 to 20 percent in election costs. (Letter to Birch Bayh, January 14, 1971.) The Assistant Director of the Utah Legislative Council has reported that on the basis of computations made in one county there will have to be an increased expenditure of about $45,000 Statewide as a result of the Court decision. (Letter from Lowell W. Crandall to Birch Bayh, January 25, 1971.)

The Secretary of State raised another problem. He predicted his office would be beseiged with requests from those under 21 who wish to qualify as delegates to the State party conventions. He said that without legal clarification "Utah will face confusion" because it is not clear how the Court's decision will affect State party procedures. (Letter to Birch Bayh, January 14, 1971.)

Lowering the voting age by State action

It is not clear whether the Utah Constitution sets the voting age. Governor Rampton favors lowering the age by statute, but the Attorney General believes a constitutional amendment will be necessary. (Letter from Kent Briggs, Staff Assistant to Governor Rampton, January 29, 1971.) Assuming the decision is made to amend the State constitution, both Houses must pass a joint resolution by a ⅔ vote. Then the proposed amendment would go to the people for ratification on the 1972 election ballot. Thus, no change in the voting age could be effective, in the absence of an amendment to the Federal Constitution, until the 1973 municipal and 1974 general elections. (Crandall letter; Miller letter.)

VERMONT

Number of voters affected

Vermont has more than 21,000 potential voters between the ages of 18 and 21.

Costs and problems of dual-age voting

Vermont Secretary of State Richard C. Thomas predicts that "extra effort" will be required but does not foresee "any great added expense." (Letter to Birch Bayh, January 12, 1971.)

Lowering the voting age by State action

According to Secretary Thomas, it is unclear just how the voting age can be lowered most quickly by State action. The State constitution does contain several references to the age of 21, but according to an opinion of the State Attorney General, those references were inserted as a maximum upper limit and do not preclude lowering the voting age by State legislation. Therefore, Thomas has introduced legislation to make the change by statute. (The Times-Argus, Dec. 22, 1970.) But he suspects that even if the legislation were successful in the legislature, it would have to be tested in court.

It would be possible to start the amendment process this year. Any proposed change must originate in the Senate and be passed by ⅔ vote and then garner a majority of votes in the House. Then the next succeeding General Assembly, which meets in January of 1973, must approve the measure by majority vote. Only then can the issue be sent to the people for ratification by majority vote. (Thomas Letter to Birch Bayh, January 12, 1971.) Therefore, the State constitution could not be amended before the next Federal elections.

VIRGINIA

Number of voters affected

About 290,000 residents of Virginia are between 18 and 20 years old.

Costs and problems of dual-age voting

Governor Holton has announced that as a result of the Court's decision he is going to suggest that the Virginia General Assembly take steps to lower the voting age to 18 in all elections. (Richmond News Leader, December 22, 1970)

Lowering the voting age by State action

The voting age in Virginia is set by the State constitution. If a proposed amendment were to pass the General Assembly this year, it could be presented to the people for ratification in the November 1972 election. (Letter to Birch Bayh from L. Stanley Hardaway, Executive Secretary of the Virginia State Board of Elections, January 13, 1971)

WASHINGTON

Number of voters affected

About 170,000 potential voters in Washington could go to the polls in the next national elections and find themselves barred from voting in the State contests.

Costs and problems of dual-age voting

Governor Dan Evans is reported to have said that it was "highly illogical" to allow the

younger voters to participate in Federal but not State and local elections. (New Haven (Conn.) Journal-Courier, December 22, 1970)

A. Ludlow Kramer, the Secretary of State of Washington, reported that dual-age voting could cost $425,000 each year. He said:

"The complications of the dual-age voting created by the recent U.S. Supreme Court decision could cost the taxpayers of the State of Washington an additional $425,000.00 in 1972. If simplified voting procedures were authorized by our state legislature, the cost could be reduced to approximately $353,000.00. However, the lower figure would require statutory authority to eliminate formal registration of the 18–20 age voter and to provide that all such balloting must be by mail in a manner similar to Service Voting.

"The distressing fact is that whichever procedure is established, the costs are not only excessive in 1972 but would be repeated at each future election held in the even-numbered years."

Kramer broke this estimated expense total down into several categories. New forms, together with the additional clerical staff for registration and filing would cost about $115,000. Printing special ballots for all the 5,927 precincts in the State would cost at least $20,000. Additional clerical staff to be on hand while counting the votes cast by paper ballot at voting machine precincts would cost about $40,000. In addition, the cost of ballot boxes and voting booths, including transportation charges, "could easily exceed $200,000." (Letter to Birch Bayh. January 28, 1971)

Lowering the voting age by State action

The State constitution, which establishes the voting age, can only be amended at a general election. Unless the State legislature decides to establish an annual general election, final ratification would be impossible to obtain before the 1972 Presidential election. Secretary Kramer is unsure whether the necessary two-thirds vote in each branch of the State legislature could be obtained for a constitutional amendment to lower the voting age this year because the voters turned down an amendment to make the voting age 19 at the November, 1970 general election. He said:

"It would not be realistic to expect this legislative session to immediately re-submit another proposition to lower the voting age if it were not for the suffocating expense of the dual-age voting, especially at a time when the state is desperately struggling to avoid bankruptcy."

(Kramer letter to Birch Bayh, January 28, 1971.)

WEST VIRGINIA

Number of voters affected

West Virginia has more than 90,000 voters who are subject to different treatment in State and Federal elections.

Costs and problems of dual-age voting

John D. Rockefeller, IV, the West Virginia Secretary of State, submitted a "rough estimate" of the costs of dual-age voting. He felt they will amount to about $20,000 for voting machines, on a one-time basis, and about $20,000 per year for separate paper ballots. But, he added that the "crux of the problem" will relate to "the confusion which will be created at the polling place at election day." He estimates that there will be seven different ballots to choose from in the next presidential primary. "The added responsibilities passed on to election officials (who receive little or no training in West Virginia) may create a jumble of confusion." Training classes for election officials have not been provided in the past because of the "prohibitive costs." (Letter to Birch Bayh, February 2, 1971)

Lowering the voting age by State action

The State constitution prohibits "minors" from voting in State and local elections. The legislature is presently considering the passage of a statute to redefine the term minor for the purposes of voting, so that 18 year olds would be entitled to vote in local elections. Any such attempt would face a likely court test. A State constitutional amendment "could not be presented to the voters" in time to alleviate these problems before the next presidential election. Rockefeller added his "whole-hearted support to the proposal for a federal constitutional amendment lowering the voting age to eighteen." (Rockefeller Letter to Birch Bayh, February 2, 1971)

WISCONSIN

Number of voters affected

The Supreme Court's decision resulted in the enfranchisement of an additional 208,000 voters for Federal elections in the State of Wisconsin. (Milwaukee Journal, December 21, 1970)

Costs and problems of dual-age voting

The Secretary of State, Robert C. Zimmerman could not furnish definite information as to costs until the legislature decided what to do about the problem.

Lowering the voting age by State action

The legislature has convened and Zimmerman reports that, according to his understanding, legislation to start the process of reducing the voting age to 18 in all elections will be introduced in this session. The Wisconsin Constitution requires any proposed amendment to be voted on by the electorate at the next general election—which is scheduled for November 1972. (Letter to Birch Bayh, January 18, 1971) Therefore, Wisconsin will be forced to deal separately with those under 21 in the next general election in the absence of Congressional passage and ratification by the States of an amendment to the Federal Constitution.

WYOMING

Number of voters affected

Nearly 20,000 Wyoming citizens became partially enfranchised as a result of the Supreme Court's recent decision.

Costs and problems of dual-age voting

Thyra Thomson, the Wyoming Secretary of State, estimated "that the dual voting procedure will raise the cost of elections in Wyoming by 25% and will greatly slow up voting, tabulating and reporting of election results . . . Perhaps the greatest complication will be in accurately ascertaining the total votes cast in any precinct and voting district for any election." (Letter to Birch Bayh, January 14, 1971)

Lowering the voting age by State action

Thomson also said that because the State constitution establishes literacy, age, and residence tests, it would be impossible to lower the voting age in time for the Federal election in 1972. If the present State legislature adopts a proposed constitutional amendment, as Thomson thinks it probably will, the amendment would be voted on by the Wyoming electorate in 1972 and would apply to the next general election—in 1974. (Letter to Birch Bayh, January 14, 1971)

(From the N.Y. Times, Jan. 24, 1971)

BOYS AND GIRLS ARE NOW MATURING EARLIER

(By Walter Sullivan)

From surveys involving thousands of girls, four generations of Harvard boys, records of the choir of Johann Sebastian Bach and numerous other studies, it has been concluded by researchers on human growth that the rate at which boys and girls mature has been increasing steadily.

Not only are sexual and physical maturity coming earlier, but some researchers have also found a parallel acceleration in mental development, a phenomenon, they point out, that could have wide social and legal implications if confirmed.

Thousands of statutes in this country and abroad provide, for example, that until a person is "of age" he or she is subject to parental control and forbidden to vote, buy liquor, serve on juries or hold certain jobs.

However, the evidence for earlier mental maturity is not nearly as clear-cut or dramatic as that for earlier physical maturity, especially as it has been observed in menarche (pronounced "men-AR-kee")—the first appearance of menstruation in girls.

Evidence from many parts of the world shows that the average age of menarche has dropped by at least two years and perhaps by as many as five years.

In the Seventeenth Century, according to Quarinonius, a contemporary author, rural girls in Austria rarely reached menarche "before their 17th, 18th or even 20th year." In 1820 working class girls in Manchester, England, did so, on the average, at 15.7 years.

In 1934, a study of 250 girls in a New York Hebrew orphan asylum showed an average age of 13.53 years. The most recent surveys, including one of 6,217 student nurses show averages in many parts of the world at about midway between 12 and 13 years.

However, some researchers believe the drop in the age of menarche may be leveling off in the more affluent populations. Dr. Alan E. Treloar of the National Institute of Child Health and Human Development, who has been studying some 1,500 Minnesota women and their daughters, even thinks the trend has reversed.

He says he has "conclusive proof" that, within the last decade, the average age of menarche in this group has risen slightly.

If so, this could mean either that, contrary to the general belief, some factor other than nutrition is at work, or that the nutritional value of some American diets has recently declined.

In this connection, one study by Dr. Isabelle Valadian at Harvard University has led her to suspect that the diet of soft drinks and candy bars favored by some girls before puberty leads to poor reproductive success later on. She has followed up on girls whose early nutritional histories were recorded by Dr. Harold C. Stuart of Harvard.

Those given "low marks" on their childhood diet proved to have a greater number of unsuccessful pregnancies than those who had ranked high on the nutritional scoreboard.

VOICE CHANGE IS EARLIER

Earlier puberty in both boys and girls has been documented in a wide variety of ways. For example, S. F. Daw of Oxford University has examined the 18th Century records of Bach's boys' choir in Leipzig. The boys ceased singing soprano because of voice change at an average age of 18.

By contrast, a study of London schoolboys in 1959 showed the average age of voice change at 13.3 years.

Of particular interest in Bach's choir, was a sudden rise in the age of voice change during the seventeen-forties, when living standards in and around Leipzig were debased by the War of the Austrian Succession.

A similar effect was recorded in Moscow during the wartime stresses of the nineteen-forties, when the average height of 13-year-old boys dropped roughly an inch.

Such hints of a strong nutritional effect run through many of the recent reports. Furthermore, the trend toward earlier puberty seems in all cases to be closely associated with the striking acceleration of childhood growth during the last century or more.

Thus, according to Dr. James M. Tanner at the University of London's Institute of Child Health, not only does the growth spurt come earlier in life but growing also stops

earlier. At the turn of the century, he says, men stopped growing at about 26 years of age. Now, according to a study of French students, there is little, if any growth, after 17 or 18.

UNIFORM INCREASE IN HEIGHT

A study distributed a few days ago by the National Center for Health Statistics of the United States Public Health Service reports a rather uniform increase in the average height of 10-year-old American boys from 1875 to 1965. It amounted to roughly a half-inch per decade.

Over the last 90 years, the report says, the rise in average weight, for those in the 6-to-11 age bracket, has been 15 to 30 per cent. Much of this is related to early maturation.

"Thus," says the report, "a boy who was 10 years old in 1875 might have been only about 50 percent of the way through his growth period, while a 10-year-old boy of the mid-nineteen-sixties might be 60 to 65 percent mature."

While boys and girls of today, when they reach full adulthood, are somewhat taller than their grandparents, the margin is far less than that during their growth period.

Dr. Tanner is one of those who argue that intelligence matures earlier in those whose growth is accelerated. In the Eugenics Review he has reported a correlation between increased stature and higher mental test scores.

It is also pointed out by other researchers that, while the 18-year-old of today has not had as much experience of life as someone who is 21, he or she has experienced more of physical maturity than the 18-year-old of past generations.

One of the puzzling effects observed in a number of studies is that on the average city residents mature sexually before rural inhabitants. This was observed by Quarinonius in 1610: "The townsfolk have usually borne several children, before the peasant girls have yet menstruated."

"The cause," he added, "seems to be that the inhabitants of the town consume more fat food and drink . . ."

A Polish study, published last year, compared to 13.77 for nonagricultural girls.

Dr. Tanner, reached by telephone in London, agreed that earlier menstruation in city girls arises from better nutrition. However, he also suspects that genetic changes may play a role because of what could be called "the bicycle effect."

Until a century ago, inbreeding was typical of rural areas throughout the world. Then the introduction of mass-produced bicycles enabled young men to look further afield for their brides. The result, according to this hypothesis, was wider dissemination of the genes for tallness.

Since such genes tend to be dominant, when a tall person marries a short one the off-spring are more likely to be tall. However, Dr. Tanner and others believe this could account for only a small part of the growth changes of the last century.

Other factors that might lead to earlier menarche have been explored. The classic view that it occurs earlier in hot, humid climates has been discredited. This was noted in two review articles by Dr. Leonora Zacharias of Massachusetts General Hospital and Dr. Richard J. Wurtman of the Massachusetts Institute of Technology, one of which was coauthored by Dr. Martin Schatzoff.

The mean age of menarche for girls in Nigeria has been found to be 14.22 years. For Alaskan Eskimos it is 14.42 years. Dr. Tanner reports that Chinese girls in Hong Kong and Cuban girls of predominantly Negro stock experience menarche as early as European girls on the highest living standard.

If the Cuban and Chinese girls were better fed, he believes, they would mature even earlier. By and large, however, racial differences seem so slight that they are submerged by the effects of varying living standards.

Nor do psychological influences, such as early association with boys, seem important, according to Dr. Tanner. Those in coeducational schools do not reach menarche any sooner than those in girls' schools.

While some geographical variations have been observed, as noted by Dr. Zacharias and her colleagues, they can be explained in terms of younger maturation for city dwellers. Thus girls in the northeastern states reach menarche on the average about two months earlier than the national average.

BLINDNESS AND ALTITUDE

However, two effects are more marked: blindness (which leads to early menarche) and altitude (which delays it). Dr. Wurtman told a few days ago of a study of 338 blind girls showing that on the average the blind girls reached menarche a half year earlier than others. The effect was strongest in those completely unable to distinguish light.

It is known that light stimulation affects the hormonal system of the body, but how this might speed up menarche is a mystery.

The altitude effect was described last week by Dr. Rose E. Frisch of the Harvard Center for Population Studies. It was noted in comparing figures for growth and date of menarche, obtained between 1930 and 1950 by the Child Research Center in Denver, which is 5,300 feet above sea level, and similar records from the Guidance Council in Berkeley, Calif., which is at sea level.

In both cases the girls were defined as "upper middle class" and well-nourished. The average weight of the Denver girls at birth was 7 pounds and the mean age of menarche was 13.1 years. The California girls average 7.5 pounds at birth and reached menarche at a mean age of 12.8 years.

The low birth weight and slow growth rate of the Colorado girls was attributed to the shortage of oxygen at high altitude. The Denver girls lagged in weight throughout their development, but when they finally reached menarche their average weight was roughly the same as that of girls reaching this stage at sea level.

This and other finds have led Dr. Frisch to believe that menarche is initiated in any individual, when the body reaches a critical weight. The growth spurt that precedes puberty begins, she has found, when the weight, averaged for any age group, reaches some 68 pounds. Menarche itself occurs at a mean weight of 106 pounds.

This effect seems to occur without regard to age or height. It could explain why early body growth has led to earlier puberty.

Dr. Frisch says a particularly dramatic effect of altitude on menarche has been found in the high Andes of Peru by Jean McClung of the Harvard Medical School. Menarche is reportedly so delayed there that it is difficult, if not impossible, to find a girl who has borne children before the age of 18.

There is considerable evidence that the increase in stature of well-nourished Americans has ceased. Dr. Albert Damon of Harvard has studied families in which four successive generations have sent sons to that university. This was done to minimize the effects of genetics or economic status in a more random sampling.

The oldest generation, born about 1858, produced sons that were, on the average, a little more than an inch taller than their fathers. But the fourth generation, born about 1941, showed no increase in height.

A similar finding has been reported by Dr. Harry Bakwin of New York University. He has found that the height of boys entering Harvard from private schools in 1958–59 had not increased over those from such schools in the nineteen-thirties. Nor had that of girls entering Wellesley from either public or private schools.

However, the height of boys entering Harvard from public schools increased 1.5 inches during that period, which he attributes to improved living standards in the lower socio-economic groups.

Dr. Damon has also studied trends in menarche by comparing the date of that event as recalled by 66 women attending a prenatal clinic at Boston Lying-In Hospital with the time recorded for their 78 daughters. The average age for the mothers was 14.38; that for their daughters was 12.88.

A study is now in preparation at Harvard that will compare the ages of menarche in mothers and daughters who have attended Radcliffe, Wellesley, Mount Holyoke and Smith Colleges. This may indicate whether the century-long drop in that age has leveled off or even risen slightly in those of the upper socio-economic category.

It is obvious that the age of menarche has not been dropping throughout history. Writers of the Hippocratic school in ancient Greece refer to about 14. Dr. Frank Falkner at the Fels Research Institute for the Study of Human Development in Yellow Springs, Ohio, believes the age may vary cyclically for reasons unknown.

If people mature earlier, does this mean earlier initiation of the aging process and a shorter life span? In recent years the earlier increase in life span has leveled off, despite medical advances. Could this be because of the earlier maturation?

Specialists in human development say such an effect would be difficult to uncover. They also note that menopause in women is occurring somewhat later than before, indicating an opposite effect.

In the Fourth Century B.C., Aristotle wrote: "The menses cease in most women around the fortieth year." Furthermore, he said, they never occur after 50.

Today, menopause tends to occur at about 50, but trends are difficult to detect because of the widespread use of hormone-laden pills for birth control and to mitigate the effects of menopause.

The chief mystery, however, is the nature of the process that initiates puberty. "Why," said one researcher a few days ago, "does it happen at about 12, and not at 2 or 40?" No one knows.

MINIMUM VOTING AGE BY COUNTRY—AND APPROXIMATE PERCENTAGE OF ELIGIBLE POPULATION VOTING IN NATIONAL ELECTIONS

Country	Age	Percent
Afghanistan	21	NA
Albania	18	99
Algeria	21	NA
Andorra	[1]25	NA
Argentina	18	87
Australia	21	95
Austria	19	90
Barbados	18	70–80
Belgium	21	(2)
Bolivia	21	NA
Botswana	21	54
Brazil	18	70
Bulgaria	18	NA
Burma	18	NA
Cambodia	20	NA
Cameroon	21	97
Canada	18	75
Central African Republic	21	NA
Ceylon	18	85
Chad	21	30–40
Chile	21	86
China (Communist)	18	NA
China (Nationalist)	20	70
Colombia	21	65
Congo (Brazzaville)	18	NA
Congo (Kinshasa)	18	NA
Costa Rica	20	82
Cuba	21	NA
Cyprus	21	75–80
Czechoslovakia	21	98
Dahomey	21	NA
Denmark	21	89
Dominican Republic	18	NA
Ecuador	18	NA
El Salvador	18	NA
Equatorial Guinea	18	NA
Ethiopia	21	NA
Finland	20	85

Country	Age	Percent
France	21	80
Gabon	21	70
Germany (East)	18	NA
Germany (West)	18	70–80
Ghana	21	NA
Greece	21	75–83
Guatemala	18	NA
Guinea	21	99
Guyana	21	88–92
Haiti	21	NA
Honduras	18	80
Hungary	18	100
Iceland	20	85–90
India	21	NA
Indonesia	17	[9] 55
Iran	18	NA
Ireland	21	77
Israel	18	82
Italy	[4] 21	92
Ivory Coast	21	NA
Jamaica	21	65–72
Japan	20	65–75
Jordan	18	70–72
Kenya	21	NA
Korea (South)	20	79
Kuwait	18	NA
Laos	18	NA
Lebanon	21	67
Lesotho	21	70–85
Liberia	21	NA
Libya	21	NA
Liechtenstein	21	NA
Luxembourg	21	59
Malagasy Republic	21	NA
Malawi	21	100
Malaysia	21	NA
Maldives	21	80
Mali	21	NA
Malta	21	77
Mauritania	21	50+
Mauritius	21	80
Mexico	18	NA
Monaco	21	NA
Mongolian People's Republic	18	99
Morocco	18	80
Nepal	21	NA
Netherlands	21	69
New Zealand	20	84
Nicaragua	18	70
Niger	21	95
Nigeria	21	NA
Norway	20	80+
Pakistan	21	NA
Panama	21	60
Paraguay	18	NA
Peru	21	20
Philippines	21	NA
Poland	18	90+
Portugal	21	67
Romania	18	100
Rwanda	18	NA
San Marino	21	NA
Saudi Arabia	([6])	([5])
Senegal	21	NA
Sierra Leone	21	[3] 33
Singapore	21	([2])
Somalia	[8] 18	NA
South Africa	[7] 18	74
Spain	[8] 21	NA
Sudan	18	NA
Swaziland	21	89
Sweden	20	80+
Switzerland	20	60–80
Syria	18	N.A.
Tanzania	18	90
Thailand	20	49
Togo	21	NA
Tonga	21	NA
Trinidad and Tobago	21	NA
Tunisia	20	95
Turkey	21	65–75
Uganda	21	NA
U.S.S.R.	18	99
United Kingdom	18	75
United States	([6])	62
Upper Volta	21	94
Uruguay	18	[3] 60
Venezuela	18	90+
Vietnam (South)	18	80
Yemen	18	21
Yugoslavia	18	85
Zambia	18	72

[1] Males only.
[2] Vote is compulsory.
[3] Percentage of total population.
[4] For Senate elections, 25.
[5] No national elections.
[6] Subject to change by new Constitution.
[7] For whites. For Colored and Xhosa, 21.
[8] Heads of families and self-supporting men and women.
[9] See page 818.

Note: Voting ages shown are for national elections. In some countries, persons may vote at a younger age if they are married. The designation NA means not available. For countries not listed, no information was available.

State Action To Lower the Voting Age: A Report in Two Parts

The first part of this report shows activity in the several States since 1960 to lower the voting age. The second part reprints an earlier Legislative Reference Service report on each activity between 1943 and 1960.

The primary sources for the information herein are the legislative journals of the various States. The Library of Congress does not house every State's journals and the records of some State legislatures are difficult to use because of inadequate indexing. This report is, accordingly, incomplete. We have provided the latest information available which is, in most instances, current through October 1969.

Supplementary sources have been consulted including (1) newspapers, (2) the *Weekly Reports* of the Congressional Quarterly Service, (3) the *National Civic Review*, (4) reports of State legislative reference bureaus, (5) hearings in 1968 before the Subcommittee on Constitutional Amendments, Senate Committee on the Judiciary, (6) the *Congressional Record*, (7) *Scholastic Teacher* for May 2, 1969, and (8) publications of the Council of State Governments.

To provide the reader with speedy access to the information contained in this report, a table of action since 1943 in the States is included.

In summary, it can be concluded that State action to lower the voting age has increased considerably during the past ten years, partly in response to the Vietnam War but also for other reasons. The Congressional Quarterly Service reported in its *Weekly Report* of May 23, 1969, that bills to lower the voting age had been introduced in every State legislature in 1968 or 1969 with the exception of Georgia and Kentucky, where it is already 18, and Mississippi. Since 1966, action beyond mere introduction has occurred in several States, with referendums or possible referendums occurring in 18 States: Michigan (rejected, 1966), Maryland (rejected, 1968), Nebraska (rejected, 1968; on ballot again, 1970), Tennessee (rejected as topic for constitutional convention, 1968), North Dakota (rejected, 1968), Hawaii (rejected, 1968; on ballot again, 1970), Ohio (rejected, 1969), New Jersey (rejected, 1969), Alaska (on ballot, 1970), Connecticut (on ballot, 1970), Maine (on ballot, 1970), Massachusetts (on ballot, 1970), Minnesota (on ballot, 1970), Montana (on ballot, 1970), Oregon (on ballot, 1970), Wyoming (on ballot, 1970), Delaware (must be repassed, 1970 or 1971), and Nevada (must be repassed, 1971)).

Despite this flurry of action, no State has lowered its voting age since Kentucky did so in 1955.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Alabama	18	1943	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1965	Yes					
	20	1967	Yes	Defeated	Yes			
Alaska	19	1959	Part of constitution					
	18	1969	Yes	Yes	Yes			On ballot, 1970.
Arizona	18	1953	Yes					
	18	1962	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes					
	18	1967	Yes					
	18	1968	Yes					
Arkansas	18	1943	Yes	Yes	Defeated			
California	18	1943	Yes					
	18	1963	Yes					
	?	1965	Yes					
	19	1967	Yes					
	?	1968	Yes					
Connecticut	18	1955	Yes					
	18	1957	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1965					Rejected	
	18	1969	Yes	Yes	Yes			On ballot, 1970.
Delaware	?	1949	Yes					
	?	1951	Yes					
	18	1953	Yes	Yes	Defeated			
	18	1955	Yes	Defeated	Yes			
	19	1969	Yes	Yes	Yes	Awaiting, 1970 or 1971		Not required.
Florida	18	1943	Yes	Defeated	Defeated			
	18	1951	Yes	Yes	do			
	?	1953	Yes					
	?	1955	Yes		Defeated			
	?	1957	Yes					
	?	1959	Yes					
	18	1965	Yes	Defeated				
	18/19	1966	Yes					
Georgia	18	1943	Yes	Yes	Yes			Approved, 1953.

Footnotes at end of table.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969 —Continued

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Hawaii	20	1959	Part of constitution					
	18	1968					Yes	Disapproved, 1968.
	18	1969	Yes	Yes	Yes			On ballot, 1970
Idaho	?	1951	Yes	Defeated	Defeated			
	19	1959/1960	Yes	Yes	Yes			Disapproved, 1960.
Illinois	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1949	Yes					
	18	1951	Yes					
	18	1953	Yes					
	18	1955	Yes	Defeated				
	18	1957	Yes	do				
	18/19	1961	Yes					
	19	1961	Yes	Defeated				
	18/19	1965	Yes					
	19	1967	Yes					
Indiana	18	1943	Yes					
	?	1945	Yes					
	19	1953	Yes	Yes	Yes	No (1955)		
Iowa	18	1943	Yes					
	18	1949	Yes					
	18	1953	Yes					
	18	1957	Yes					
	18	1959	Yes					
	18	1961	Yes					
	?	1967	Yes	Defeated				
Kansas	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1949	Yes					
	?	1951	Yes	Defeated				
	?	1953	Yes					
	?	1955	Yes					
	?	1957	Yes					
	?	1959	Yes					
	18	1961	Yes					
	18	1963	Yes					
	18	1967	Yes					
	19	1968	Yes					
	18	1968	Yes	Defeated				
Kentucky	?	1946	Yes					
	?	1948	Yes					
	?	1950	Yes					
	?	1952	Yes					
	18	1954	Yes	Yes	Yes			Approved, 1955.
Louisiana	?	1946	Yes	Defeated				
	18	1948	Yes	do				
	18	1950	Yes					
	20	1968	Yes	Defated				
Maine	18	1943	Yes					
	18	1945	Yes					
	18	1947	Yes					
	18	1951	Yes					
	18	1953	Yes					
	18	1957	Yes	Defeated				
	20	1963		Refused to act			Proposed by committee.	
	18	1963	Yes	Defeated	Defeated			
	18	1965	Yes	do				
	20/19	1965	Yes	do				
	20	1965	Yes	do				
	20	1969	Yes	Yes	Yes			On ballot, 1970
Maryland	18	1943	Yes		Yes			
	18	1953	Yes					
	18	1954	Yes		Defeated			
	?	1957	Yes					
	?	1959	Yes		Defeated			
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1965	Yes		Defeated			
	18	1967	Yes					
	19	1968					Yes	Disapproved, 1968.
	19	1969	Yes	Defeated	Yes			
Massachusetts	18	1943	Yes					
	18	1945	Yes					
	18	1946	Yes					
	18	1948	Yes					
	18	1949	Yes					
	18	1950	Yes					
	18	1951	Yes	Favorably reported	Favorably reported			
	18	1952	Yes					
	18	1953	Yes	Favorably reported	Favorably reported			
	18	1954	Yes		Defeated			
	18	1955	Yes	Defeated	do			
	18	1956	Yes	do	do			
	18	1957	Yes					
	18	1958	Yes	Favorably reported	Favorably reported			
	18	1959	Yes	Defeated	Defeated			
	18	1960	Yes					
	18	1961	Yes					
	18	1962	Yes					
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes					On ballot, 1970.
	19	1967/1969	Yes	Yes	Yes	Yes		
Michigan	18	1943	Yes	Defeated	Defeated			
	?	1953	Yes					
	19	1954	Yes	Defeated				
	?	1955	Yes					
	?	1957	Yes					
	?	1959	Yes					
	18	1966	Yes	Yes	Yes			Disapproved, 1966.

Footnotes at end of table.

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Minnesota	18	1943	Yes					
	18	1947	Yes					
	18	1949	Yes					
	18	1953	Yes	Defeated				
	18	1965	Yes					
	18/19	1967	Yes					
	19	1969	Yes	Yes	Yes			On ballot, 1970.
Mississippi	7	1953	Yes					
	18	1954	Yes		Defeated			
Missouri	18	1943	Yes					
	18	1961	Yes	Yes	Defeated			
	18	1965	Yes	Defeated				
Montana	7	1951	Yes		Defeated			
	18	1957	Yes	Yes	do			
	19	1967	Yes	Defeated	Yes			
	19	1969	Yes	Yes	Yes			Do.
Nebraska	18	1943	Yes					
	18	1945	Yes					
	7	1953	Yes					
	18	1957	Yes					
	19	1967/1968	Yes	Passed unicameral legislature.				Disapproved, 1968.
	20	1969	Yes	do				On ballot, 1970.
Nevada	7	1953	Yes	Yes	Defeated			
	18	1965	Yes	Defeated	Yes			
	18	1969	Yes	Yes	Yes	Awaiting (1971)		
New Hampshire	18	1943	Yes					
	18	1951	Yes		Defeated			
	18	1965	Yes	Defeated				
	18	1967	Yes	do				
New Jersey	18	1943	Yes					
	18	1953	Yes					
	20	1961	Yes					
	19	1964	Yes					
	19	1966	Yes	Yes	Defeated			
	18	1969	Yes	Yes	Yes			Disapproved, 1969.
New Mexico	7	1969	Yes					
New York	18	1943	Yes	Yes	Defeated			
	18	1953	Yes		do			
	19	1957	Yes					
	18/19	1960	Yes					
	18/19/20	1961	Yes					
	18/19	1962	Yes					
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes					
	18	1966	Yes	Yes	Defeated			
	19/20	1967	Part of constitution				Defeated in constitutional convention.	
	18	1969	Yes					
North Carolina	7	1951	Yes		Defeated			
	18	1963	Yes					
	18	1963	Yes	Defeated				
North Dakota	18	1943	Yes					
	18	1953	Yes					
	19	1967	Yes	Yes	Yes			Disapproved, 1968.
Ohio	18	1943	Yes					
	18	1958	Yes					
	18	1959	Yes	Yes	Defeated			
	18/19	1961	Yes					
	18	1963	Yes					
	19	1969	Yes	Yes	Yes			Disapproved, 1969.
Oklahoma	18	1943	Yes					
	18	1951	Yes	Yes	Yes			Disapproved, 1952.
	19?	1965	Yes		Defeated			
	19	1967	Yes	Defeated	Yes			
	[3] 19	1967	Yes					
Oregon	18	1943	Yes					
	18	1953	Yes					
	7	1955	Yes	Defeated	Yes			
	18 or 19	1957	Yes					
	18 or 19	1958	Yes					
	18 or 19	1959	Yes					
	18	1965	Yes					
	18	1967	Yes		Defeated			
	19	1969	Yes	Yes	Yes			On ballot, 1970.
Pennsylvania	18	1943	Yes					
	7	1953	Yes					
	18	1957	Yes	Yes	Yes	Defeated 1959		
	18	1963	Yes					
	18	1964	Yes					
	18	1965	Yes	Yes 1966	Defeated			
	18	1965	Yes					
	19	1969	Yes	Yes		(Died in conference)		
	18	1969	Yes		Yes	(Died in conference)		
Rhode Island	7	1953	Defeated	Defeated				
South Carolina	7	1953	Yes	Rejected by legislature				
South Dakota	18	1951	Yes	Yes				Disapproved 1952.
	18	1954	Yes	Defeated	Yes			
	18	1957	Yes	Yes	Defeated			Disapproved, 1958.
Tennessee	18	1957	Yes	Yes	Yes	Called constitutional convention.	Rejected	
	7	1967/1968	Yes					
	18	11/68	Referendum to permit constitutional convention to consider lowering the voting age.					Rejected
Texas	18	1943	Yes					
	18	1945	Yes					
	7	1949	Yes	Defeated				
	19	1963	Yes	do				
Utah	18	1943	Yes					
	18	1953	Yes					
	18	1955	Yes	Yes	Defeated			
	7	1959	Yes		do			

Footnotes at end of table.

ACTION TO LOWER THE VOTING AGE IN THE SEVERAL STATES: 1943–1969—Continued

State	Age	Year	Legislation introduced	Passed House [1]	Passed Senate [1]	Repassed legislature [2]	Part of constitutional revision	Referendum result
Virginia	18	1954	Yes					
	18	1956	Yes					
	18	1958	Yes					
	18	1966	Yes					
	[4] 18	1968	Yes					
	18	1968	Yes					
	18	1969	Yes	Defeated in legislature				
Washington	18	1943	Yes					
	?	1945	Yes	Defeated				
	?	1947	Yes					
	?	1949	Yes					
	?	1953	Yes					
	18	1955	Yes	Yes	Defeated			
	18/19	1957	Yes	Defeated				
	?	1959	Yes					
	18	1961	Yes					
	18	1963	Yes					
	19	1965	Yes	Defeated				
	19	1965	Yes					
	18	1967	Yes					
	18	1967	Yes		Defeated			
West Virginia	18	1943	Yes					
	18	1945	Yes					
	18	1949	Yes					
	18	1951	Yes	Defeated				
	18	1953	Yes	do				
	18	1963	Yes					
Wisconsin	18	1943	Yes	Yes	Defeated			
	18	1945	Yes	Defeated				
	?	1947	Yes	Defeated in legislature				
	18	1951	Yes		Defeated			
	19	1953	Yes	Defeated				
	18	1963	Yes	Yes	Defeated			
Wyoming	18	1951	Yes	Defeated by legislature				
	19	1969	Yes	Yes	Yes [5]			On ballot, 1970.

[1] When it is stated that the House or Senate "defeated" a measure it could mean that the measure was defeated either on the floor of the House or Senate or in House or Senate committee; or it could mean that the measure simply "died" in a House or Senate committee after action in the other House; or it could mean that it was unfavorably reported. For specifics see the body of the report.

[2] In some States a proposed amendment must pass 2 consecutive legislatures before it can be placed on the ballot or obtain approval. It should also be noted that, with the exception of West Virginia, changing the voting age in every State requires amendment of the State constitution. Those States in which an amendment must be twice passed are: Delaware, Indiana, Iowa, Massachusetts, Nevada, New York, Pennsylvania, Rhode Island, South Carolina (after voter approval), Tennessee, Vermont, Virginia, and Wisconsin. In addition, consecutive session approval is required in Connecticut if a proposed amendment does not receive ¾ vote in 1 session, in Hawaii if less than ⅔ in 1 session, and in New Jersey, if less than ⅗ vote in 1 session. All States require voter approval except Delaware. (Book of the States, 1968–69, p. 16.)

[3] For members of Armed Forces and veterans.

[4] For those in Armed Forces.

[5] Wyoming Senate amended to deny the ballot to any male with long hair. This provision was dropped.

PART I: STATE ACTION SINCE 1960 TO LOWER THE VOTING AGE

Alabama

In 1961, H. B. 124 was introduced in the Alabama House of Representatives to reduce the voting age to 18. It died in committee. In 1963, S. B. 58 and H. B. 745 were introduced to reduce the voting age to 18 but no further action was taken on either measure. The same fate resulted for S. B. 240, the 18-year-old vote amendment introduced in the 1965 legislative session.

The Senate on July 27, 1967 passed 22 to 10 S. B. 24, which would have lowered the voting age to 20. Passage came on a motion to reconsider after S. B. 24 had initially failed (19–9) to receive the necessary votes. S. B. 24 died in House committee.

Alaska

No bills introduced in 1965 to lower the voting age. It is at present 19 and has been since Alaska entered the Union in 1959. In 1969 the legislature passed an amendment to lower the age to 18. It goes to the voters for action in 1970.

Arizona

In 1962, H. C. R. 8, to reduce the voting age to 18, received a favorable vote in the House on March 6, but was subsequently returned to committee. In 1964, H. C. R. 27, lowering the voting age to 18, was introduced without any subsequent action thereon. H. C. R. 7, introduced in 1965, would have lowered the voting age to 18, but no further action occurred on it. There was no action in 1966 on H. C. R. 12, or H. B. 253, both of which proposed lowering the voting age to 18. Four proposals were introduced in 1967 to lower the voting age to 18—H. B. 204, H. B. 214, H. C. R. 6, and H. C. R. 7—but all died in committee.

In 1968 four voting age bills were introduced, all to lower to 18 (S. B. 18, S. C. R. 1, H. B. 76, H. C. R. 5), and all died in committee.

California

No resolutions or bills were introduced in the 1961 legislative session. During the 1963 session, Constitution Amendment proposal 24, introduced in the Assembly, would have lowered the voting age to 18. It died in committee.

No bills introduced in 1964 or 1966. In 1965, H. Res. 389, to appoint an interim committee to study the right to vote, including the voting age, died in committee, as did A. C. A. 14, a lower voting age amendment (no age shown). In 1967, three bills to lower were introduced, A. C. A. 36 (no age shown), A. C. A. 14 (19), and A. C. A. 64 (no age shown). All died in committee. In 1968, A. C. A. 17 and A. C. A. 24 (no age shown) also died in committee. S. C. A. 8, which appears to have been a voting age proposal, was defeated in the Senate. In 1969, the California Constitutional Commission recommended lowering the voting age to 19.

Connecticut

In 1961, H. Res. 15, to lower the voting age to 18, was introduced in the House, without further action thereon. No action was taken during the 1963 session on H. Res. 25, an 18-year-old vote proposal. H. Res. 12, to lower (no age shown), died in committee in 1965. An additional proposal may have been introduced in 1967 but the journal is not clear in this regard. The Connecticut Constitutionl Convention rejected an 18-year-old vote proposal in 1965. *Congressional Quarterly Weekly Report* for May 23, 1969, reports that the Connecticut legislature approved an 18-year-old vote proposal which will go to the ballot for voter approval in November 1970.

Delaware

The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970, or 1971, it will take effect as Delaware does not require electorate approval of amendments to the constitution.

Florida

In the 1963 session no proposals to lower the voting age were introduced. S. J. R. 58, to lower to 18, was introduced in the Senate during the 1965 session without subsequent action. H. J. R. 675, an 18-year-old vote proposal introduced in the House during the 1965 session, was ordered from committee with recommendation that it not pass. No vote was taken on H. J. R. 675.

In 1966–67, H. J. R. 451 and H. J. R. 2426, to lower to 18, and H. J. R. 168, to lower to 19, died in committee. The new constitution of Florida, voted in 1967, retained 21 as the voting age.

Georgia

The voting age in Georgia has been 18 since 1943. (See part two of this report.)

Hawaii

Legislative proposals to lower the voting age (it is now 20) have been introduced since at least the 1961 session, according to a pamphlet on proposed amendments to the Hawaiian Constitution. In 1967, the Hawaii Legislature approved the convening of a Constitutional Convention subject to voter approval at a referendum (the voters previously expressed approval of such a convention in the fall election of 1966). The calling of the convention was once more approved by the voters and it convened and worked from July until November, 1968. The issue of lowering the voting age was debated at the convention and a proposal to lower the age to 18 was put on the ballot in 1968.

The electorate, November 1968, specifically rejected that part of the new Constitution which would have lowered the age from 20 to 18. This was the only part of the proposed Constitution the voters rejected. The vote was 72,930 (yes), 80,660 (no).

In 1969, the legislature approved an 18-year-old vote amendment. The voters will pass judgment in 1970.

Idaho

We have no record of any action in the Idaho legislature through the 1963 session.

Illinois

During the 1961 session two proposals to lower the age to 19 were introduced in the Senate—S.J.R. 16 and S.J.R. 18—without further action thereon. During that session an 18-year-old vote proposal was introduced in the House H.J.R. 4. It died in committee. H.J.R. 22, a 19-year-old vote resolution, was reported favorably from committee and voted on June 20, 1961, in the House. The vote was yea, 92, nay, 68, less than the two-thirds approval required by the Constitution.

In 1963 no proposals were introduced relative to lowering the voting age. In the 1965 session an 18-year-old vote resolution was introduced in the House (H.J.R. 32) and a 19-year-old vote resolution in the Senate (S.J.R. 23). Both died in committee.

In 1967, H.J.R. 5 and H.J.R. 39, to lower to 19, died in committee.

Indiana

The Congressional Quarterly Weekly Report for April 7, 1967, states that the 1967 session of the Indiana Legislature adjourned without taking action on proposals to lower the voting age. No other information could be found on the fate of such proposals in the Indiana Legislature.

Iowa

S.J.R. 13, an 18-year-old vote proposal introduced in the 1961 session, died in committee. H.J.R. 3, also proposing to lower the vote to 18, received an indefinite postponement. There is no record of any proposals being introduced in the 1963 session.

According, to the April 7, 1967 *Congressional Quarterly Weekly Report*, the Iowa House, by vote of 38–80, rejected during the 1967 session a proposal to lower the voting age (no age figure given in the report).

Kansas

During the 1961 session, an 18-year-old vote resolution (S.C.R. 4) died in committee. A similar proposal introduced in the 1963 session (S.C.R. 15) also died in committee. There is no record of any proposal being introduced during the 1965 session.

S.C.R. 8, to lower to 18, died in committee in 1967. In 1968, S.C.R. 36, to lower to 19, died in committee while H.C.R. 1065, to lower to 18, was unfavorably reported.

Kentucky

The voting age has been 18 in Kentucky since 1955 (see part two of this report).

Louisiana

In 1968, the House defeated, 64 to 28 (6 short of the necessary 70), a bill to lower the age to 20. As originally introduced the measure would have lowered the age to 18, but it was amended to age 20. (*The Times-Picayune*, July 5, 1968.)

Maine

In March 1963, as reported in the *National Civic Review*, the Maine Constitutional Commission recommended lowering the voting age to 20; the Legislature did not act on this recommendation.

During the 1963 session, H.P. 431 (L. D. 636), a proposal to permit those 18 years old to vote if they passed an examination in U.S. history, government, and economy, was reported from committee with recommendation that it not pass. The report was a divided one but the House sustained the majority recommendation, as did the Senate.

During the 1965 session, H.R. 433 (L. D. 562), to lower the voting age to 18, was reported with recommendation that it not pass. The House accepted this report. It also upheld do-not-pass recommendations for H. P. 676 (L. D. 478), a 20-year-old voting amendment, and for H. P. 255 (L. D. 325), a 19-year-old voting amendment.

In the Senate in 1965 S. P. 153 (L. D. 394), a proposal to lower the voting age to 20 (originally 18, but amended to 20), was passed 27–3 on May 20. In the House, S. P. 153, was defeated (yeas, 83, nays, 62) when it failed to obtain a required two-thirds approval on May 19.

In a 1966 session, no proposals to lower the voting age were introduced.

In 1969, the legislature passed a 20-year-old amendment. The voters will render their verdict in 1970.

Maryland

In the 1966 session, S. B. 78 and H. B. 133 were introduced to lower the voting age to 18. They died in committee. So did S. B. 184, an 18-year-old vote resolution introduced in the 1964 session. In 1965, H. B. 232, a proposal to submit an 18-year-old vote amendment to referendum, died in committee. S. B. 48, to lower to 18, introduced in the 1965 session, was unfavorably reported from committee. That report was sustained in the Senate by a vote of 23–6.

The Constitution submitted in 1968 for the approval of Maryland voters included a provision for voting by persons 19 and older. It was defeated by the voters 283,050 for 366,575.

In 1967, H. B. 164, to lower to 18, died in Committee. In 1969, a 19-year-old amendment was defeated in the House 73–61, after received initial approval 93–36. The Senate had earlier given its approval to 19-year-old voting 30–8 (March 6, 1969).

Massachusetts

A special report of the Legislative Research Council, prepared in 1968 under directive of S. No. 934 (1967), found that between 1943 and 1967, 91 measures to lower the voting age were introduced in the Massachusetts legislature: 86 to lower to 18, 3 to 19, and 2 to age 20.

"In some instances, the committee on Constitutional Law reported the bills favorably and one bill, Senate, No. 19 of 1955, was ordered to a third reading by the joint legislative convention. However, none of the bills were passed, and there did not appear to be any formidable support for these proposals prior to 1967."

In 1967, the General Court, in joint convention, approved House, No. 2537, reducing the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970. If the voters approve, the age will be lowered to 19, effective 1972.

(See above, the table of State action on voting age proposals for a recapitulation of the voting age bills introduced in Massachusetts.)

Michigan

In 1964, S. Res. 88, to create a special committee of five Senators to study the issue of a lower voting age and its ramifications, was adopted in the Senate. The House adopted a similar proposal that year, H. Res. 110.

In 1965, the Senate adopted S. Res. 166, which continued the five-member committee to study the issue of a lower voting age. In 1966, however, the Senate did not act on S. Res. 319, a resolution to appoint an interim committee to study the legal ramifications of a lower voting age.

In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18 by a vote of 1,267,872 to 703,076.

Minnesota

In the 1965 legislative session, three 18-year-old vote proposals were introduced but died in committee. They were S.F. No. 792, H.F. No. 271, and H.F. 1397.

In 1967, five voting age proposals, S.F. 36 (18), S.F. 47 (18), S.F. 571 (19), S.F. 900 (18), and H.F. 56 (18), died in committee.

In 1969, the legislature approved an amendment lowering the age to 19. This proposal will be on the ballot November 1970.

Mississippi

Legislative Journals for Mississippi indicate that no proposals to lower the voting age were introduced in the 1961, 1962, or 1966 sessions. These were the only Journals available.

Missouri

In 1961, H.J.R. 5 (H.J.R. 10), to lower the voting age to 18, passed the House on February 28 by a vote of 84–52. It died in the Senate.

In 1965, H.J.R. 10, to lower the voting age to 18, was defeated in the House on March 10 by a vote of 54–104.

Montana

There is no record of action in the Legislature during the 1961 session.

The Senate approved a 19-year-old vote proposal in 1967 but it died in the House.

In 1969 approval was given to a 19-year-old amendment. The House approved the measure 84–17 and the Senate 46–7. It will be submitted to the voters in 1970.

Nebraska

The Journals for 1960, 1961, 1963, 1965, and 1966 indicate that no proposals to lower the voting age were introduced in the unicameral Nebraska Legislature.

The *Congressional Quarterly Weekly Report* for April 7, 1967, reported that the 1967 session of the Legislature approved a 19-year-old voting age amendment which was submitted to the voters in a 1968 referendum. In 1968 the proposal to lower the voting age to 19 was defeated 246,672 to 255,051.

The legislature in 1969 approved a 20-year-old vote amendment. This proposal will be submitted to the voters in 1970.

Nevada

No voting age resolutions were introduced in the 1961 or the 1963–64 sessions. In the 1965 session, S.J. R. 3, to lower the voting age to 18 (as recommended by Governor Grant Sawyer), was reported from committee without recommendation. It passed the Senate on March 31, 1965, by a vote of 11–6 (in Nevada a proposed amendment must receive approval in two consecutive legislatures and then be submitted to the voters). In the House, a floor amendment to change the age from 18 to 19 was defeated. The resolution was also defeated by a 12–17 vote.

Scholastic Teacher, May 2, 1969, reports that the Nevada legislature approved an 18-year-old voting age amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

New Hampshire

No voting age resolutions were introduced in either the 1961 or 1963 sessions. In the 1965 session, C. R. 3, to lower the voting age to 18, was defeated in the House June 21, 1965.

In 1967, H. C. R. 13, to lower to 18, was killed by the House on recommendation of the committee.

New Jersey

No voting age resolutions were introduced in the 1960, the 1962, the 1963, or the 1965 sessions. In 1961, A. C. R. 40 would have lowered the age to 20. It died in committee. In 1964, S. C. R. 7 proposed a referendum on lowering the voting age to 19. It died in committee.

In 1966, A. C. R. 9 (or 4), a 19-year-old amendment, died in the Senate (which probably means it passed the House).

In 1969, the legislature approved an 18-year-old amendment. The vote in the Senate was 30–0. We have no record of the vote in the Assembly. The voters rejected the proposal decisively in November 1969; yes, 788,-978; No, 1,154,606.

New Mexico

Scholastic Teacher, May 2, 1969, reported that the New Mexico legislature was considering voting age proposals with a good

probability of action before adjournment. However, no final action was taken.

New York

No action was taken on the following resolutions to lower the voting age to 18 introduced in the 1960 session of the legislature; (in the Assembly) 90, 1398, 2509, 3009, 3257; (in the Senate) 987, 1968. Also introduced in 1960 was a 19-year-old vote resolution (169 in the Assembly) on which no action was taken.

No action was taken on the following 18-year-old vote resolutions introduced in the 1961 session: (in the Assembly) 17, 362, 734, 1450, 1662, 1688, 1928, 2380, 2627, 4510; (in the Senate) 147, 1119. Nor was any action taken on a 19-year-old vote resolution (271) and a 20-year-old vote resolution (2402) introduced in the Assembly.

No action was taken in the 1962 session on the following 18-year-old vote resolutions: (in the Assembly) 158, 724, 1078, 1121, 1290, 1530, 1533, 2142, 2185, 2810, 3297; (in the Senate) 302, 819. Nor was action taken on a 19-year-old vote resolution (401 in the Assembly).

In 1963 no action was taken on the following 18-year-old vote resolutions introduced in the Assembly: 110, 217, 452, 664, 1956, 1970, 2063, 2116.

No action was taken on the following 18-year-old vote resolutions introduced in the 1964 session: (in the Assembly) 69, 265, 480, 882, 1326, 1646, 2759, 2831, 3058, 3261; (in the Senate) 531.

No action was taken on the following 18-year-old vote resolutions introduced in the Assembly in the 1965 session: 81, 414, 474, 1296, 1552, 1663, 2595, 3069.

The *National Civic Review* noted in its May 1966 issue that in February 1966 the Assembly approved a measure to lower the voting age to 18. The Senate Majority Leader announced, however, that the Senate would take no action on the resolution in view of the Constitutional Convention to be held in 1967.

The issue of lowering the voting age was considered during the 1967 Constitutional Convention. On July 17, the Convention delegates defeated a proposed voting age of 19 by a 165–8 vote, and a proposed voting age of 20 by a voice vote. They then voted 102–76 to maintain the voting age at 21. On July 18, the delegates gave initial approval to a provision in the Constitution stipulating 21 as the voting age but authorizing the legislature to lower that to as low as 18. Once the age was lowered, it could not then be increased. The vote of approval was 95–83. On September 7, 1967, the delegates gave final approval to this provision by a 139–30 vote after defeating an attempt to lower the voting age to 20 (97–60) and defeating an attempt to eliminate the Legislature's power to lower the voting age (92–67).

The voters of New York, however, rejected the proposed Constitution at the November 1967 election by a 3–1 margin.

The *New York Times* indicates that 18-year-old voting age amendments were killed by both House and Senate committees in 1969.

North Carolina

There were no voting age proposals introduced in the 1961 session of the legislature. In 1963 S.B. 57 and H.B. 107, to lower the voting age to 18, were introduced. H.B. 107 was reported unfavorably; no vote was taken on the report. S.B. 57 died in committee. No proposals were introduced in the 1965 session.

North Dakota

The April 7, 1967, *Congressional Quarterly Weekly Report* notes that the Legislature approved a 19-year-old voting age amendment, which went to the voters in a September 1968 referendum. It was rejected, narrowly, 59,034 to 61,813.

Ohio

No action was taken during 1961 on proposals to lower the voting age to 18 (S.J. R. 9, H.J. R. 6) or a proposal to lower to 19 (H.J. R. 17). S.J. R. 23, and 18-year-old vote resolution introduced in the 1963 session died in committee. The Ohio legislature passed a 19-year-old vote amendment in 1969, which was rejected in November of that year by the voters, 1,274,334 against to 1,226,592 for.

Oklahoma

No proposals were introduced in the 1963 session to lower the voting age.

In 1965, S.J.R. 25, to lower to 19(?), was reported by committee but died on the calendar. In 1967, S.J.R. 12, to lower to 19, passed the Senate 35–7, March 7, 1967, but died in the House Committee. S.J.R. 10, to lower to 19 for members of the armed forces or veterans, died in committee.

Oregon

The April 1962 *National Civic Review* reported that the Oregon Constitutional Revision Commission, on February 23, 1962, recommended retaining the 21-year-old voting age.

No voting age proposals were introduced in the 1963 session. In 1965, H.J.R. 43 would have lowered the voting age to 18. It died in committee.

The Oregon Senate rejected an amendment to lower the voting age (presumably to 18) in 1967. As reported in the April 7, 1967, *Congressional Quarterly Weekly Report*, the vote was 12–17.

The legislature passed a 19-year-old vote amendment in 1968. It goes to the voters in November, 1970.

Pennsylvania

In the 1963 session, S.B. 809 and H.B. 337, to lower the voting age to 18, died in committee. The same fate awaited S.B. 6, and S.B. 11, 18-year-old vote resolutions introduced in 1964.

H.B. 72, an 18-year-old vote proposal introduced in the 1965 session, was approved by the House, 149–55, on January 4, 1966. The Senate failed to take action on H.B. 72. S.B. 27 and S.B. 157, to lower to 18, were introduced in the Senate in 1965 but died in committee.

It was noted in the Congressional Record, vol. 115, pt. 6, p. 7894, that the Pennsylvania House had passed a 19-year-old vote bill and, earlier, that the Senate had passed an 18-year-old vote bill. The differing measures died in conference.

Rhode Island

A Constitutional Convention was held over a three-year period (1965–67) in Rhode Island. Newspaper reports do not indicate whether serious consideration was given to lowering the voting age. More than 200 proposals were submitted for consideration at the convening of the Convention and it is possible that a lower voting age was among them. The final document as approved in September 1967 did not contain any provision pertaining to a lower voting age. (Note: Due to negative prospects for adoption of the new charter, it was not submitted, as planned, to the voters in the 1967 fall elections. Plans now call for reconvening the Convention to make certain alterations in the document. There is no indication that any consideration might be given to debating a lower voting age.)

South Dakota

No voting age proposals were introduced during the 1961, 1963, and 1964 sessions.

Tennessee

No voting age proposals were introduced in either the 1961 or 1963 sessions.

In 1967–68, S.J.R. 13, a voting age amendment, died in committee. In November 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18 (236, 214 to 290, 922).

Texas

No voting age proposals were introduced during the 1961 or 1962 sessions. In 1963, H.J.R. 12, to lower the voting age to 18, was amended on the House floor to change the age limit to 19 but defeated ultimately by a vote of 92–51. A vote of 100 is required in order for an amendment to pass the House.

Utah

No voting age proposals were introduced in either the 1961 or 1963 sessions.

Vermont

There is no record of any voting age proposals being introduced through 1966.

In 1967, H. 370, a bill to provide that any attempt to lower the voting age to 18 in 1968 must be preceded by notification at town meetings, died in committee.

Virginia

During the 1966 session, S.J.R. 33 and H.J.R. 4, to lower the voting age to 18, died in committee. In 1968, S.J.R. 7, to permit voting by those 18 and older serving in the armed forces, and S.J.R. 45, to lower to 18, died in Senate committee. H.J.R. 59, to lower to 18, died in the House committee. In 1969, the Virginia legislature, after giving thought to permitting an 18-year-old amendment on the ballot, decided not to submit the question to the voters.

Washington

In 1961, S. J. R. 29, an 18-year-old vote resolution, was introduced but died in committee. The same fate occurred to S. J. R. 3 and H. J. R. 2, 18-year-old vote resolutions introduced in the 1963 session.

In 1965, H. J. R. 10, to lower to 19, was favorably reported from committee but did not come to a vote. H. J. R. 22, to lower to 19, died in committee. In 1967, H. J. R. 14 and H. J. R. 26, to lower to 18, died in committee. S. J. R. 15, to lower to 18, with floor amendment to make 18 the age of majority, was defeated 25–20, March 6, 1967.

West Virginia

H.B. 83, an 18-year-old resolution introduced in the 1963 session, died in committee.

Wisconsin

During the 1963 session, 435, A, an 18-year-old vote referendum proposal, was approved by the Assembly, April 17, 1963, by a 54–38 vote. The Senate refused to concur in the Assembly's action. The Senate postponed action on 116, S that same year. It proposed to revise the statutes to lower the voting age to 18.

Wyoming

Scholastic Teacher, May 2, 1969, reports that the Wyoming legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970 and, if approved, become effective in 1972. The *National Civic Review*, April 1969 (p. 165) reports that the Wyoming Senate amended this 18-year-old proposal to deny the ballot to any male with long hair. This provision, however, was not retained.

PART II: STATE ACTION TO LOWER THE VOTING AGE, 1943–1960

(NOTE: This L.R.S. Report was reprinted in an Appendix to hearings held in 1961 on the nomination and election of the President and Vice President and on qualifications for voting. The full citation to the document is given below.)

U.S. Cong., Senate. Comte. *on the* Judiciary. Subcommittee on Constitutional Amendments. Nomination & Election of President and Vice President and qualifications for voting. Appendix to hearings . . . pt. 4, Washington, U.S. Govt. Print. Off., 1961. p. 859–866.

(The following is a study prepared by Walter Kravitz, Government and General Research Division, Legislative Reference

Service, Library of Congress, dated March 28, 1961.)

INTRODUCTION

Since the introduction in the 78th Congress, 1st session, of House Joint Resolution 39, calling for a constitutional amendment to extend the right to vote to citizens 18 years of age or older, at least 47 State governments have dealt with the matter of lowering the voting age in one way or another. This report presents a State-by-State survey of such action, followed by a summary of the most important of these.

The information has been compiled from a variety of sources. A completely thorough and exhaustive study would require examination of every State journal of the period under consideration. Few of these are available to us, and it would take many months to check those that are. We have, nevertheless, spot-checked some State journals when provided with specific leads from other sources.

Undoubtedly, we have caught only a fraction of the instances in which bills were introduced only to die in committee. But we have included, we believe, every major State action in this field, especially every instance in which the matter was put to a referendum.

Except for West Virginia, specific age qualifications for voting are embodied by all States in their constitutions; any change, therefore, requires a constitutional amendment.[1] Wherever pertinent, the method of amendment is explained below.

Alabama

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Alaska

The State entered the Union in 1959 under a constitution approved by a 2 to 1 majority of the voters on April 24, 1956. All citizens 19 years of age and older are entitled to vote.

Arizona

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Arkansas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. In the same year, the lower house approved the resolution 84–68, but the senate voted it down, 37 to 15. We have no word of any action since 1943.

California

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Connecticut

Proposals to lower the voting age to 18 were introduced in the legislature in 1955 and 1957. In both years the responsible house committee rejected the measures.

Delaware

In 1949 a bill to lower the voting age, H. B. 103, died in committee. In 1951 another house bill was similarly handled, while a senate measure, S. B. 187 was favorably reported but not acted upon. In 1953 a proposal to amend the constitution by lowering the voting age to 18 was passed by the lower house, 30–1; the senate did not act. An identical measure, S. B. 31, was passed by the senate by a vote of 16 to 1 in 1955 and received a 51 to 12 majority in the house, but the latter was less than the required constitutional majority and the bill failed.

[1] West Virginia's constitution bars minors, the word being defined by statute.

Florida

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1951, five resolutions to the same effect were introduced. One, H. J. R. 71, received the required three-fifths constitutional majority of the house, by a vote of 77 to 13, on April 18. On April 24 the measure failed in the senate 9–29. In 1953, three bills were introduced; none gained committee approval.

S. J. R. 204, in the legislature of 1955, passed the constitutional test in the senate on April 26 by a vote of 26 to 10, and on the folowing day a reconsideration motion was defeated, 13–24. In the house the measure was approved by the committee and put on the calendar, but never came to a vote. Measures to lower the voting age introduced in 1957 and 1959 were either pigeon-holed or reported unfavorably.

Georgia

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was passed by the senate on February 11, and by the house on March 3. The electorate ratified the amendment on August 3, 1943, by a majority of better than 2 to 1: yes, 42,284; no, 19,682.

Hawaii

The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20.

Idaho

Measures to lower the voting age were introduced in both houses in 1951, and were defeated. In 1959 a proposal to amend the constitution so as to lower the voting age to 19 received the necessary vote of two-thirds of all members of each of the two houses, voting separately. A referendum was accordingly held at the next general election, that of November 1960. The measure was defeated: yes, 113,594; no, 155,548.

Illinois

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeon-holed in both houses in 1945, 1947, 1949, 1951, and 1953. In 1955 and 1957 resolutions were brought to the floor of the house, but both were defeated.

Indiana

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Constitutional amendments must secure majorities in each house in two successive legislatures, plus a vote by the electorate, in order to succeed. A proposal to lower the voting age was passed by the legislature in 1945, but apparently failed in the next legislature. In 1953, a proposed amendment to give the vote to those 19 years of age and older was passed by both houses, but it was rejected by the 1955 legislature.

Iowa

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeon-holed in 1949, 1953, 1957, and 1959.

Kansas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee, as did similar measures in 1945, 1947, and 1949. In 1951, another resolution received the vote of a majority in one house, 69–50, but failed to get the required two-thirds vote. In the 1953, 1955, 1957, and 1959 legislatures other resolutions were introduced; none went beyond a second reading.

Kentucky

An amendment to lower the voting age was introduced in the legislature in 1946 but was never reported out of committee. In 1948, 1950, and 1952, similar proposals were released by the committees only to die or be defeated on the floor. In 1954 the legislature approved, by the required three-fifths of the members elected to each house, a proposal to submit to the voters a constitutional amendment to lower the voting age to 18. The referendum took place on November 9, 1955, and the amendment passed, by a 2 to 1 margin (192,838 to 107,650).

Louisiana

A proposal to lower the voting age was introduced in the legislature as H. 3 in 1946. It was favorably reported from committee but, on June 21, failed in a floor vote, 32–39. Of three similar measures introduced in the same session, two died in committee and the other was buried in the calendar. In 1948, a proposal to amend the constitution to lower the voting age to 18, H. 101, was reported favorably on June 3, and received a majority vote of the house, 48–39, on June 7. The State constitution, however, requires a constitutional two-thirds vote for amendments, so the measure failed. In 1950 H. 739, and in 1952 S. 27, both proposing a lowering of the voting age to 18, died either in committee or on the calendar.

Maine

Proposals for a constitutional amendment to lower the voting age to 18 were introduced to the legislature in 1943, 1945, 1947, 1951, and 1953. No action was taken on any of them. In 1957, a similar measure was unfavorably reported by the committee and the house upheld the report, 77–34, on April 26.

Maryland

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal died in the house of delegates in 1953. In the following year, 1954, the same measure managed to reach the senate floor, where it was defeated by a vote of 14–14. The State's constitution requires a favorable three-fifths vote of all members of each house to place a proposal on the ballot. In 1957 another attempt to lower the voting age was smothered in committee, despite the support of Governor McKeldin. In 1959 the proposal was reintroduced and, on March 6, was approved by the senate judicial proceedings committee. Three days later, in a test vote, the senate gave the bill a 16–11 majority, but on March 11 it reversed itself and defeated the measure, 13–14. A similar proposal was denied clearance, during the same year, by the house judiciary committee.

Massachusetts

A constitutional amendment was introduced in the general court in 1943 to lower the voting age to 18. It died in committee. Similar proposals were reported favorably but did not come to the floor vote in 1951, failed in committee in 1952, and were again reported favorably but did not come to the floor in 1953.

In his annual message of January 6, 1954, Gov. Christian Herter endorsed the move to amend the constitution to extend the vote to 18-year-olds. In the same year the proposal reached the floor of the senate, but was defeated. In 1955, a similar measure was taken as far as the joint session of the general court, only to fail. In 1956 the State's Governor again recommended lowering the voting age and the matter was again taken as far as a joint session, where it was defeated. In 1958 there was a favorable committee report, but no further action. In 1959 the joint session of the general court again rejected the proposal.

Michigan

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1953 four measures were introduced; all died in committee. In 1954, H. J. R. "B," a proposal to lower the voting age to 19, was reported favorably. On the floor the resolution received a 54–38 majority, but failed for lack of the required constitutional two-thirds. Measures introduced in 1955, 1957, and 1959 all died in committee.

Minnesota

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1947, and 1949. They were all either defeated or pigeon-holed in committee. In 1953, a similar measure was put to a vote in the house, on March 3. The vote was 63 to 62 in favor, but the measure was nevertheless lost because it did not receive a majority vote of the total house membership. In the same year, a similar senate proposal died in committee.

Mississippi

In 1953 one senate and two house proposals to amend the constitution so as to lower the voting age died in committee. One house resolution was reported, but was not brought up for a vote. On March 4, 1954, the senate rejected a measure designed to lower the voting age to 18.

Missouri

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

Montana

In 1951, S. 96, a proposal to lower the voting age, was defeated in the senate by a vote of 22 to 26. In 1957, H.B. 41, which proposed lowering the voting age to 18, passed the house 72 to 19, but was rejected by the senate.

Nebraska

Two proposals were introduced in the legislature in 1943 to amend the constitution so as to lower the voting age to 18, L.B. 345 and L.B. 382. Both were lost by postponement. In 1945, a similar measure, L.B. 129, was postponed by a vote of 28 to 10. In 1953, L.B. 201, another proposal, failed to get on the general file. In the 1957 session, L.B. 27, to lower the voting age to 18, died in committee.

Nevada

A joint resolution was introduced in the assembly in 1953 to lower the voting age. It passed that body by a vote of 25 to 18. In the senate the proposal died in committee.

New Hampshire

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal, S. 6, was defeated in the Senate in 1951.

New Jersey

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died on the calendar. In 1953, a similar measure, Con. Res. 6, died in committee. In his annual message to the legislature in 1955, Governor Meyner urged that the voting age be lowered to 18. We have no record of any legislative action.

New York

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was favorably reported and approved by the assembly, 77–59, but the senate failed to vote on the measure. In 1953 a similar proposal, S. 453, was defeated in the senate. The *New York Times*, on January 21, 1954, reported that Governor Dewey, at a news conference, expressed doubt about the advisability of lowering the voting age. In 1957, Governor Harriman urged the legislature to lower the voting age to 18. A proposal to lower it to 19 was introduced in the legislature but received no action. Governor Harriman repeated his recommendation in his 1958 annual message, without result.

North Carolina

The senate defeated a bill to lower the voting age by a vote of 15 to 30 in 1951. We have no record of any other legislative action.

North Dakota

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. In 1953 a similar proposal was defeated.

Ohio

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. The *Congressional Digest*, in its March 1954 issue, page 72, state that "several measures have been defeated on the floor during the past 19 years." In 1958, two proposals to lower the voting age to 18 died in committee, one in each house. In 1959, according to the *New York Times*, June 12, 1959, the house passed a resolution to lower the voting age to 18, and sent the measure to the senate. Apparently the latter body never acted on the proposal.

Oklahoma

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. The 1951 session of the legislature passed H. J. R. 9, to amend the constitution to lower the voting age to 18, by the necessary constitutional majorities, and the proposal was put to a referendum in November 1952. It was overwhelmingly defeated: no, 639,224; yes, 233,094. No proposals to lower the voting age have been submitted in the legislature since 1952.

Oregon

A constitutional amendment to lower the voting age to 18 was introduced in the legislature as H. J. R. 1 in 1943. It died in committee. A similar measure, H. J. R. 7, suffered the same fate in 1953. In 1955, a senate-initiated resolution, S. J. R. 1, passed the senate on March 24 by a vote of 21 to 9, but the measure died in the house committee. Two resolutions in 1957 and one in 1959, all designed to lower the voting age to 18 or 19, were pigeonholed in committee.

Pennsylvania

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. According to the *Congressional Digest* of March 1954, page 72, two bills to lower the voting age, S. 1, and H. 8, died in 1953, "as have other earlier measures since 1943." On May 24, 1957, the house of representatives approved, by a vote of 159 to 1, a measure to reduce the voting age to 18. The senate had previously passed the bill unanimously. Under the State's constitution, passage by the next legislature was required before the matter could be put to a referendum. Apparently the 1959 legislature did not take the necessary affirmative action.

Rhode Island

A measure to lower the voting age was defeated in the legislature in 1953. We have no record of any other action.

South Carolina

In 1953 the legislature rejected a proposal to lower the voting age. In his 1954 annual message to the legislature, Governor Byrnes recommended that the State constitution be amended to give 18-year-olds the vote. We have no record of any other legislative action.

South Dakota

This State is unique in having twice rejected by referendum proposals to lower the voting age to 18. A measure passed by the legislature in 1951 was submitted to the voters in 1952. It lost by 685 votes: no, 128,916; yes, 128,231. The legislature rejected a similar amendment in 1954, but in 1957 it again chose to put the question to the electorate. On November 5, 1958, the proposal was decisively defeated: no, 137,942; yes, 71,033.

Tennessee

In 1957 the legislature acted favorably upon a resolution to submit to the people a proposed amendment to the constitution to lower the voting age to 18. The State's amending process requires that two successive legislatures approve a measure before submission to a referendum. In 1959, instead of reapproving the 1957 proposal, the legislature called a constitutional convention to consider, as one of its four topics, the lowering of the voting age to 18. The convention met in Nashville on July 21. On July 30 the convention voted, 60–33, to leave the constitutional age provision unchanged. It also voted, 58–35, against reducing the minimum to 18, and rejected two proposals to reduce the vote age to 20.

Texas

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar bill was similarly treated in 1945. In 1949 H.J.R. 6 was favorably reported by the committee, but was then recommitted by the house. We have no record of any other legislative action.

Utah

In 1943 and 1953 constitutional amendments were introduced in the legislature to lower the voting age to 18. All died in committee. In 1955, a similar resolution, H.J.R. 3, was passed by the house, 40–18, but was rejected by the senate committee. In 1959, another proposal, S.J.R. 6, was similarly disposed of by the senate committee.

Virginia

Proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislatures in 1954, 1956, and 1958. All died in committee.

Washington

Two proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislature in 1943—H. J. R. 9 and S. J. R. 6. Both died in committee. In 1945, as H. J. R. 2, the proposal was favorably reported and, on February 23, received a majority vote, 49 to 48, in the house. Since this fell far short of the required constitutional two-thirds vote, the measure was lost. Similar measures died in committee in the legislative sessions in 1947, 1949, and 1953. In 1955, another proposal to lower the minimum to 18, H. J. R. 3, was recommended by the committee and passed the house with the required constitutional vote, 71 to 28, on February 15. In the senate the measure was pigeonholed in committee and a motion to discharge the committee and put the resolution on the calender lost 28 to 18, on March 8. In 1957, three resolutions were introduced: H. J. R. 3, and S. J. R. 3 lower the minimum to 18 and S. J. R. 27 to lower it to 19. H. J. R. 3 was twice reported favorably by the committee but the proposal was never brought to the floor. In the 1959 session each house received a resolution and in each the resolutions died in committee.

West Virginia

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1945, 1951, and 1953. In the first three sessions the measures died in committee. In 1951, on March 6, an attempt to

discharge the committee in the house failed, 40 to 48. In 1953 the house committee reported favorably, but no further action was taken. We have no record of legislative action after 1953.

Wisconsin

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It was adopted by the assembly as J. R. 30 by a vote of 55 to 29, but failed to gain clearance from the senate committee. In 1945, a similar resolution was rejected by the assembly committee. In 1947, under the designation Jt. Res. 18A, the proposal to lower the voting age passed through an intricate maze of parliamentary maneuvers ending in a 48–44 vote to pass. The majority not being a constitutional one, the measure failed. In 1951 an 18-year-old voting age proposal was rejected by a senate committee, and in 1953 an assembly measure to lower the limit to 19 was unfavorably reported.

Wyoming

In 1951, Gov. Frank A. Barrett asked the legislature to lower the minimum voting age to 18. A measure was introduced and defeated. We have no record of any other legislative action.

SUMMARY

Table I lists the five States in which the question of lowering the voting age has been put to the electorate. In two, Georgia and Kentucky, the question was approved. In three, Idaho, Oklahoma, and South Dakota, it was defeated.

Table II lists the 14 States in which, in addition to those in Table I, at least one house of the legislature has approved a proposal to lower the voting age by the required constitutional majority.

TABLE I.—REFERENDUM RESULTS

State	Age	Year	Result
Georgia	18	1943	Adopted.
Idaho	19	1960	Defeated.
Kentucky	18	1955	Adopted.
Oklahoma	18	1952	Defeated.
South Dakota	18	1952	Do.
Do	18	1958	Do.

TABLE II.—STATES IN WHICH AT LEAST A SINGLE HOUSE OF THE LEGISLATURE HAS VOTED AFFIRMATIVELY

State	Age	Year	Action
Arkansas	18	1943	Passed in house; defeated in senate.
Delaware	18	1953	Passed in house.
	18	1955	Passed in senate; lacked constitutional majority in house.
Florida	18	1951	Passed in house; defeated in senate.
	18	1955	Passed in senate.
Indiana	18	1945	Passed both houses; failed in next legislature.
	19	1953	Do.
Montana	18	1957	Passed in house; defeated in senate.
Nevada	18	1953	Passed in house.
New York	18	1943	Passed in assembly.
Ohio	18	1959	Passed in house.
Oregon	18	1955	Passed in senate.
Pennsylvania	18	1957	Passed both houses; failed in next legislature.
Tennessee	18	1957	Passed both houses; failed in constitutional convention.
Utah	18	1955	Passed in house.
Washington	18	1955	Do.
Wisconsin	18	1943	Passed in assembly.

SOURCES

Journals and calendars

Alabama: Journals.
California: Journals.
Connecticut: Journals.
Delaware: Journals.
Florida: Journals.
Indiana: Journals.
Illinois: Journals.
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Kansas: Journals.
Kentucky: Journals.
Louisiana: Calendars.
Maine: Legislative Record.
Maryland: Journals.
Massachusetts: Journals.
Michigan: Journals.
Minnesota: Journals.
Montana: Journals.
Nebraska: Journals.
Nevada: Journals.
New Jersey: Minutes.
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Ohio: Journals.
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The PRESIDING OFFICER (Mr. COTTON). The question is on agreeing to the first committee amendment.

SENATOR RANDOLPH URGES PROMPT PASSAGE OF SENATE JOINT RESOLUTION 7—CONSTITUTIONAL AMENDMENT TO LOWER THE VOTING AGE TO 18

Mr. RANDOLPH. Mr. President, the diligence of the Senator from Indiana (Mr. BAYH) as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary has often been proven to this body. As a further indication of his leadership he brings this measure to us for determination. The hour is late—very late—but still, we believe, in time to accomplish the necessary procedures prior to State and Federal elections in 1972. Senate Joint Resolution 7 will complete that which already has been accomplished partially by statutory Act of Congress and which the Supreme Court of the United States has held applicable only to Federal elections—extending the franchise to those between 18 and 21. However, this has left the voting rolls and balloting procedures in the 47 States with a higher voting age in a chaotic condition. States are being confronted with the requirements of establishing separate voting rolls and ballots in primary and general elections. The only way this situation can be resolved prior to the 1972 elections is by passage of the pending resolution in both this body and in the House of Representatives and referred to the States for ratification.

I believe it is important to stress at this time that 43 State legislative bodies are in session. However, only 31 will still be in session on April 1. There will be another legislative body convening in May. As we know, action by 38 of our States is necessary for the ratification of this constitutional amendment. If we move, as frankly we should have moved long ago, Congress can assure or at least reasonably assure that this confusing and chaotic condition of dual election systems can be resolved prior to the general elections of 1972.

I am grateful for the reference of the able Senator from Indiana to my continuing efforts in connection with this problem. I did offer my first resolution on lowering the voting age in October of 1942. That was several years ago. Persons might say, "Something should have been accomplished before today."

I have discovered, however, that very frequently the processes of Congress move very slowly. I am not a carping critic, so I accept the situation. I do say to my colleagues very earnestly that at the time of my original resolution—a hearing was held on that resolution—I believed in this cause. In continuing to pursue this issue through the many resolutions that I have presented in the House of Representatives and the Senate since that time, my convictions on the need to lower the voting age have been strengthened.

I am privileged, of course, to be the sponsor of Senate Joint Resolution 7; but I am gratified also that 86 Members of the Senate have joined with me in the cosponsorship of this resolution. There is not the matter of personal satisfaction which appeals to the Senator now speaking so much as the satisfaction that will come when we really complete this job of enfranchising our 18 to 21 year olds. This task must be completed in the interest of a more workable system of government through the use of the ballot by a very important segment of our population.

The ballot is not just a piece of paper. It is, in a sense, the exercise of freedom, the exercise of responsibility. I believe that the young adults of our Nation—I just do not designate them as youth and I wish we might more often explain their role in our society as young adults—have a very real mission to perform in bettering our country. They will fulfill their responsibilities, personal and public, in thought and in action.

We have before us the report which accompanies Senate Joint Resolution 7. Reprinted in the report is a statement which the Senator from Indiana, in conducting the hearings in 1970, heard me make:

> We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

I am a believer in young people. I came to the Congress of the United States at what would be considered a rather youthful age. I first ran for Congress when I was 28 years old, and I was elected 2 years

later when I was still 30 years of age, after having lost on the first occasion.

I have had the opportunity through the years—and prior to standing for public office—to work literally with thousands and thousands of young adults, as I have been working with them each year in my capacity, personally and officially, as a Member of the Senate.

Of course, the dress is different, the words are different; and perhaps the symbolism of youth expresses itself in a different manner than in the earlier period I mentioned. But inside of the individual and collective youth of America today there is a deep appreciation of this country and the heritage of our institutions, and the understanding of their need to not only talk about but to participate directly in resolving issues and problems. They will work actively for a better society through use of the ballot—the franchise of freedom and of responsibility.

It is imperative that they have the opportunity to help set the course of that future.

And, so, Mr. President, it is not my purpose, and I am sure it has not been the purpose of the able Senator who has brought the resolution to the floor this afternoon, to speak more than briefly on this matter. I repeat that there are 87 Senators who joined in the joint resolution. Senators who consented to cosponsor my resolution were not reluctant. Most of the Members of this body, regardless of which side of the aisle they are on—Democrats or Republicans—have been very eager to bring this matter to fruition.

It is my earnest hope, Mr. President, that the 26th amendment to the Constitution of the United States of America will be the extension of the full right of citizenship to Americans on attaining the age of 18. We will bring our 18, 19, and 20-year-olds into the unique system of America.

If we do this, we will broaden the base of our system of government to include approximately 7 percent more citizens in our voting population. These young adults have had this privilege partially extended, as I earlier indicated, by the Voting Rights Amendments of 1970, but the Supreme Court determined that our action was applicable only to Federal elections; and now a burden has been placed on State and local officials.

There are practices and procedures which are at variance. There would be separate voting rolls and ballots in primary and general elections. This has all been well documented and is a part of a report which has been filed by the Constitutional Amendments Subcommittee. I repeat, this will be, in a sense, not only confusing but chaotic.

The procedure by which States which do not now have 18-year-old voting—all but three—can lower their voting age can best be described as an endless process. In every case it would require amending the State Constitution. In all but one State the proposed amendment would have to be submitted to a referendum, and in several States a proposed amendment must be approved by two successive legislatures—not one, but two successive legislatures. I use my words carefully when I say this would be helter-skelter approach. It is a hit-and-miss approach. It is an approach which does not lead to balanced and well-reasoned action in connection with the voting process.

However, if there is prompt action by the Congress, the issue, as the Senator from Indiana has said over and over again, will be brought directly to the State legislative bodies for consideration. I stress again that 43 legislative bodies are in session today. Thirty-one are scheduled to be in session on April 1, less than a month away. Another will convene in May. Action by 38 States is necessary for ratification. Working this year and in the early part of next year, ratification can be achieved.

Mr. President, I believe it is the desire of the Senate to vote on this matter—I hope this afternoon. There need be no extensive debate. It has been a matter of discussion over a period of months and years, with concentrated debate during consideration of the Voting Rights Act last year.

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

Mr. RANDOLPH. I am happy to yield.

Mr. BAYH. The Senator as unsual is striking at the heart of the matter. He emphasized that by moving rapidly it is possible to accomplish our goal before all the States of the Union are put to great inconvenience and great expense. If we move quickly, we can get the proposed amendment ratified. He added one important factor which needs to be emphasized, and that is that rapid action now should not be interpreted by anyone as hasty.

As the Senator from West Virginia knows, the two of us tried our best, in the closing hours of the session last year, to prevail on two or three of our colleagues, whose names will not be mentioned here, but who seemed to be the only ones who opposed moving this measure through at the close of the session, after the Supreme Court had ruled

If we had been successful then, most of the State legislatures could have considered this matter. That is past history. We cannot remedy that mistake, but we can move expeditiously and wisely now. There has been adequate consideration of the subject. We have been discussing it and studying it for years. We have discussed it in committee and on the floor of the Senate.

I commend the Senator for moving quickly.

Mr. RANDOLPH. Mr. President, the statement of the Senator from Indiana is a valid one. This is not a pleasantry, but I want to emphasize that there are many persons in this body and in the Congress who have made not only considerable but commendable contributions to the hoped-for hour when young adults in this country will be voting in all elections—Federal, State, and local.

The distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who sits in the Chamber at this time, has again and again expressed himself, eloquently and effectively during debate, on this important proposition. I know that he joins with other Senators this afternoon in the hope that we will not permit this basic subject matter to be in a sense, diverted—and I use my words advisedly—and possibly subverted by other matter that is extraneous, especially in view of the need for prompt action and the fact that time is running out.

The New York Times of March 8 contains an editorial which I think sets forth the situation. After referring to it and reading from it I shall take my seat. The title of the editorial is "Uniform Voting Age."

The editorial reads:

The 26th Amendment to the United States Constitution is, we hope, fairly on its way. Within two days of each other the House and Senate Judiciary Committees have approved the proposed constitutional change to lower the voting age to 18 for all elections, including state and local. So overwhelming was the vote (32 to 2 in the House panel, unanimous in the Senate's) that the indications are bright for quick passage.

Since the 18-year-olds already have the right to vote in elections to Federal office—by grace of Congress, the President and the Supreme Court—an amendment now would serve only to complete their suffrage. Nevertheless, the move is highly essential. The amendment is what should have been passed in the first place instead of a Congressional law tacked on as a rider to an extension of the Voting Rights Act of 1965. That action was narrowly and only partially upheld by the Supreme Court, which found that under the Constitution as it stands, only the states could fix qualifications for voting in contests for non-Federal offices.

The result now is dire confusion in most of the country's state capitals. To keep two sets of registration rolls, as well as providing two types of ballot, will be cumbersome and expensive. Yet for a state to reduce the voting age for state and local offices would generally require amendment of its own constitution, a procedure that could take years.

I close with these words from the editorial, and I hope we will realize, as I said, that a delay of even 1 day might void our efforts. Just 1 day could keep us from having participation by 18- to 21-year-olds in the general elections of 1972:

The problem, then, is no longer one of philosophical preference, but only of smooth mechanics; very few will contend that people who may already vote for President should not have the power to vote for county sheriff or state assemblyman.

Quick action by Congress and 38 legislatures is needed now to bring uniformity out of confusion—ideally in time for the 1972 elections.

Mr. President, I am not often given to appeals, but I would like to appeal to my colleagues that we act on this matter, and act promptly, and do what we should have done long ago. We now have the opportunity and the responsibility to approve a constitutional amendment to lower the voting age to 18. Our Nation will be the better for it if we act now.

Mr. MANSFIELD. Mr. President, I understand that the distinguished senior Senator from Massachusetts (Mr. KENNEDY) will offer an amendment to this measure. It is my understanding also, indirectly, that he is not opposed to a time limitation of 1 hour, or perhaps 2 hours, on the consideration of that amendment. It is a proposed amendment to the pending joint resolution proposing

two Senators and two Representatives for the District of Columbia.

He knows that I intend to move to table that proposal, and I would hope, therefore, that it would be possible to face up to this matter today, so that if at all possible it could be disposed of.

What the Senate sought to do last year was to grant the right to vote to those 18 and above who are now denied the right to vote in State, local, and national elections. The House of Representatives agreed, the President signed the bill, the matter was taken by the Attorney General to the Supreme Court, and last December the Supreme Court laid down its dictum to the effect that what Congress had done and the President had signed did not apply to local and State elections, but only to national elections.

In other words, those citizens 18 and above are now eligible to vote for the President, the Vice President, Senators, and Members of the House of Representatives. If something on the order of this proposed amendment, which was reported unanimously by the Senate Judiciary Committee, and which I assume might well be passed unanimously by the Senate, is not attended to soon, a number of State legislatures will go out, and the need to get the necessary three-fourths of the States to ratify the amendment will thereby become a little more difficult.

The distinguished Senator from West Virginia (Mr. RANDOLPH) in my opinion a pioneer in this movement not only down through the years, but through the decades, has indicated that if something is not done, it will mean that the States will have to keep separate voting rolls; it will mean added expense to the States; and here we have a simple, clear-cut way, if it is unencumbered, to face up to the situation and, while there is time, to get this constitutional amendment before the requisite number of States for approval.

So I hope that the question of the amendment will be presented shortly. I would hope, if at all possible, that it could be disposed of today. But we cannot know until that matter is presented to the Senate for consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR THE COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. MCCLELLAN), I ask unanimous consent of the Senate that the time for the Committee on Government Operations to file reports of its Permanent Subcommittee on Investigations be extended to June 30, 1971. These reports are as follows:

CAMPUS DISORDERS

"Riots, Civil and Criminal Disorders in Houston, Texas, and Nashville, Tennessee"; "Riots, Civil and Criminal Disorders in Plainfield, New Jersey"; "Riots, Civil and Criminal Disorders in Detroit, Michigan"; "Riots, Civil and Criminal Disorders in Newark, New Jersey."

"Riots, Civil and Criminal Disorders, OEO grant to the Woodlawn Organization, Chicago, Illinois"; "Riots, Civil and Criminal Disorders, OEO Grant to Wilmington Youth Emergency Action Committee, Wilmington, Delaware."

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF RIGHT TO VOTE TO CITIZENS 18 YEARS OF AGE OR OLDER

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 7—proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, the Committee on the Judiciary's Subcommittee on Constitutional Amendments has prepared some perfecting amendments, really housekeeping amendments, which were adopted by the committee. I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER (Mr. COTTON). Without objection, the committee amendments are considered and agreed to en bloc.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, what is the unfinished business? I repeat, the unfinished business.

The PRESIDING OFFICER (Mr. COTTON). There is no unfinished business at this point. The pending business is Senate Joint Resolution 7, the 18-year-old vote constitutional amendment. It is open to amendment.

Mr. MANSFIELD. Mr. President, then I ask unanimous consent that the pending resolution be made the unfinished as well as the pending business and that the Allen proposal and the motion to take up Senate Resolution 9 be obviated completely at this time, as it would be tonight, anyway, on the basis of an adjournment.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that if the Senator seeks unanimous consent to continue on the pending resolution tomorrow it would become the unfinished business.

Mr. MANSFIELD. I understand the point, because when I moved that we adjourn tonight, earlier today, I know that that negated the Allen motion and the motion to take up Senate Resolution 9. All I am trying to do is to speed up the process so that there will be no doubt that the pending business will remain the unfinished business as well, and that there will be no possibility of the Allen motion or the Pearson motion coming back for consideration.

The PRESIDING OFFICER (Mr. COTTON). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The Senate by the unanimous-consent agreement will continue with this resolution tomorrow when it will become the unfinished business.

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

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

THE PLIGHT OF OUR DAIRY FARMERS

Mr. HUMPHREY. Mr. President, the Associated Press reported on March 7 that the Secretary of Agriculture is preparing to set milk price supports at $4.92 per hundredweight. I ask unanimous consent that at this point the Associated Press article by Don Kendall be printed in the RECORD.

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

NO INCREASE IN DAIRY PRICE SUPPORTS

Agriculture Department and Congressional sources say the Nixon Administration will not increase the rate of government dairy price supports for the year beginning April 1st. The sources said the decision will mean extension of the 85% support rate of parity for manufacturing grade milk used for cheese, butter, and other products set a year ago. There will be, however, some increase in actual price support rates because of a continuing rise in Government parity price—a formula relating costs of production with actual market prices. An announcement on the decision is expected soon. It must be made before the end of March. Under the law, Agriculture Secretary Clifford Hardin has the authority to set dairy price support level at between 75% and 90% of parity. A year ago Hardin announced the support level at $4.66/cwt on manufacturing milk—that was a 38¢ boost from $4.28 level set for the 69–70 marketing year. At that time, the new

$4.66 level amounted to about 85% of parity—but because farm expenses since have risen that price now has deteriorated to a little more than 80%.

If, as the sources indicate, Hardin goes ahead with 85% formula, dairy farmers can expect the April 1st rate to be about $4.92/cwt—an increase of around 26¢ from current year level.

Dairy groups have pushed for a full 90% level which according to the most recent parity scale would mean a guarantee of $5.21/cwt on manufacturing milk.

The sources say, however, that the full 90% rate is very unlikely particularly since it would have the effect of forcing the Agriculture Department to buy more surplus milk at that price when market prices fail to equal or exceed the support level.

While dairy prices have been good generally the past year, the Department has had to step up its surplus removal program. For the current year, a spokesman said, the Department expects to buy surplus products equivalent to more than 6.7 billion pounds of milk. This is ½ again as much as the 4.4 billion pounds of milk equivalent purchased in 1969–70.

Mr. HUMPHREY. Mr. President, the Associated Press story notes that a year ago Secretary Hardin announced the support level of $4.66 per hundredweight on manufactured milk. That was a 38-cent boost from the $4.28 level set for the marketing year 1969–70. At that time the new $4.66 level amounted to about 85 percent of parity. The present law permits the Secretary of Agriculture to set the dairy price support level at up to 90 percent of parity .

Mr. President, because farm expenses have risen since the Secretary announced the support level last year, the actual price support level has deteriorated to a little more than 80 percent. And the overall parity for American agriculture at this time is about 69 percent, which is only a few percentage points above the alltime low depression period of the thirties.

If the Secretary follows what is indicated in the Associated Press story I have referred to, the dairy farmers can expect that the April 1 price support rate will be $4.92 per hundredweight, an increase of 26 cents. The national dairy groups, of course, are advocating the full 90-percent level, which would bring about $5.2 per hundredweight.

I am privileged to represent in the Senate a State that is well known for its high quality of milk production.

The number of dairy farmers has been dropping year after year. The per capita consumption of milk has not kept up with the amount the producers would like, and the price that the farmers are receiving for their milk has not kept pace with the overall rise in production costs and costs of living.

I want to make it clear that I do not think the price indicated in this Associated Press report of $4.92 per hundredweight is adequate. Surely it is not adequate for the investment of capital and labor that our dairy families put into the production of milk. It may not even compensate them for the erosion of income resulting from lost inflation for the last 12 months. However, it is at least a move in the right direction if the Secretary should take it.

I wish to encourage Secretary Hardin to set the price at least at the level indicated in the Associated Press dispatch, which is considerably less than a fair and reasonable price. And it is my hope that he will go substantially higher than the 85-percent price support level.

Mr. President, I am addressing myself to a very serious economic problem which confronts an unusually well-qualified and high standing group of farm producers in this country known as our dairy farmers.

The dairy producers today are under very severe rules and regulations relating to sanitation and quality of milk; they are subject to every increase in cost, from taxes to transportation costs, to feed cost for cattle, to equipment and supplies, all of which have gone up very rapidly in price. That is why there is, on an annual basis under the Agriculture Act, a review by the Secretary of Agriculture as to dairy price supports.

Dairy farmers in some areas may have done a little better economically than the feed grain farmers and the cattle farmers. But this does not really indicate that they have had a very good time of it. It is merely to say they have not been as bad off as others who have been very seriously injured by the impact of falling farm prices and rising farm costs.

No administration has done too well for the American farmer. I am not here to criticize or condemn this administration. I am here to encourage the Secretary of Agriculture to do what needs to be done for our dairy farmers. I do this because if the price support level is not raised substantially we can expect a wave of farm failures the likes of which we have not experienced for many a year.

Regrettably, the great metropolitan newspapers do not bring to the attention of the American public the economic disaster that is taking place in rural America. I wonder how many of my colleagues know that the rate of farm bankruptcies is four times what it has been annually for the last 10 years. Thousands of farmers are being compelled to leave their farms. They go to the cities to find jobs that are nonexistent.

Later on this year it will be my privilege, as chairman of a Subcommittee on Rural Community Development, to attempt to demonstrate what I believe to be so true: that the migration of rural people, compelled by economic pressures to go from the rural areas to the cities, is a major contributing factor in the urban crisis. The urban crisis will not be solved simply by attacking urban problems any more than we can expect to solve the problems of floods merely by building higher dikes and dams downstream. We learned the hard way after spending billions of dollars and suffering untold billions of dollars in losses from floods that flood control has to be attacked upstream in the watersheds.

We are going to attack the problem of the urban crisis not only in the urban centers but in the rural communities, to make agriculture, to the best of our ability in the Government, an occupation that provides an opportunity for return of investment and a decent wage for labor.

At a later time I shall give more attention to the economics of agriculture. I am certain that some of my colleagues are mindful that in earlier days I spent a good deal of time doing this. I know it is much more fashionable these days to discuss Indochina and supersonic transports, and I know it is much more fashionable to be knowledgeable about science and technology. None of these things do I deprecate. All of these matters are of great interest and great concern to us. But I would remind this body of the old addage that "Depressions are farm led and farm fed," which might be revised to say, "Recessions, even the last one, may be farm fed and farm led."

Mr. President, I am appealing today to the Secretary of Agriculture to put the needs of the farmer at the head of his list. I am appealing to him to do not only what the Associated Press dispatch indicates he might do, but I am appealing to him to do better. We need our dairy products.

This Senate and this Congress has distinguished itself to the American public, particularly in its concern over hunger in this country and the problems having to do with malnutrition. There are Members of this body—my distinguished colleague from Minnesota (Mr. MONDALE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from South Carolina (Mr. HOLLINGS), and Senators on the other side of the aisle like the Senator from Vermont (Mr. AIKEN), and others—who have pointed out the great need in this country for a better food program, a better feeding program for our disadvantaged, and particularly our young people.

There is no better food, no more wholesome food, no more nutritious food than milk or dairy products. Yet I notice, and I call to the attention of my colleagues, that in the budget for fiscal 1972 there is no money provided for the special milk program—not one dollar. The special milk program has been on the books for many years. Surely there is no less need today for milk, particularly among those youngsters that have an inadequate diet, than there was 5 years ago or even last year. Fortunately Congress, in each instance when the school milk program has been reduced, restored the funds, and no doubt it will do so again. I cannot imagine this 92d Congress denying children wholesome, nutritious, clean, nourishing food, called milk.

We will have an opportunity shortly to remedy the budgetary defect and deficit in this area that is so evident.

My appeal today is for the Secretary of Agriculture to increase the dairy price support level. I urge upon him to keep in mind that the 90 percent level is not extravagant; it is 90 percent of what is called the fair price. I urge him to reject any advice to leave the level of price supports where they are now, because those levels are promoting economic disaster in America. I urge him not only to go to $4.92 a hundredweight, as indicated in the press dispatch, but to give attention to a figure over $5.

I trust that the Secretary is mindful of the fact that there has been circulating in this city a document labeled

"Review of the Dairy Situation." That document just came to my attention yesterday. I was shocked and amazed at some of its observations.

The document to which I refer recommends lowering dairy prices by keeping the same price support levels for the next marketing year that we have now, which means that in terms of real prices, due to the inflation, the farmer will be getting less this coming year than he received last year.

I, therefore, urge upon Secretary Hardin that he reject the advice and counsel of this document, known as "Review of the Dairy Situation." I hope he will not even give it serious consideration. It purports to speak for the farmers. But as I read it, it surely was not speaking for the farmers or the national interest.

This document, I repeat, calls for lower prices for dairy farmers. The end result of such a policy will be more production, because farmers will attempt to keep up their gross income by producing more. It will inevitably mean more purchases by the Government of the United States of surpluses. It will mean that thousands of dairy farmers will be literally driven from their farms due to the economic pressure of the cost-price squeeze.

The maintenance of a viable dairy industry is threatened by the low incomes that come from present untenable farm prices. If the proposal for even lower prices succeeds, it will hasten a wave of bankruptcy of dairy farmers and it will do grave damage to the national interest.

Let me state unequivocally that, despite any documents that may circulate in the high councils of Government, documents prepared by any organization purportedly representing farm interests, I do not know of a single Minnesota dairy family that does not need an increase in the milk prices support merely to stay alive.

My home is in Wright County, Minn. It is the largest dairy-producing county in the country. I can take members of the press or of this body to those fine dairy farm families and show them economic hardship today—not unemployment, because they have to stay on their farms as long as they can, hopefully to eke out an income, but with a falling farm income and ever-deepening debt.

Let me say once again, what is needed is not less income, but more; not a lower price support, but a better one. And any group or organization that pretends to speak for those dairy farmers that I am privileged to represent here in this body and asks for lower prices is, in my judgment, not acting in the best interests of the American farmer, and particularly the dairy producer.

So I urge that the Secretary of Agriculture reject out of hand this incredible document know as "Review of the Dairy Situation," and I ask him to announce promptly a reasonable increase in the dairy support level. Not to do so would be a cruel and damaging blow to some of the finest farm producers we have in this Nation—the men and the women who own and operate dairy farms. The dairy farmer not only is a producer but also is a conservationist, and his quality of production and operation is one of the great developments in American agriculture.

Mr. President, at a later date I shall present for the RECORD economic data indicating what is happening to dairy production in terms of the volume of production. I shall also present information as to the investments that are made in dairy production; the per-hour income that dairy farmers and dairy farms receive; the return, if any, upon investment.

I believe I can properly and fully answer any charge or any argument that is made which would indicate that a modest increase in price supports will saddle the Government of the United States with large expenditures for farm surpluses. The fact of the matter is that the Government of the United States is now losing income by the millions of dollars in tax revenue that could be the Government's, that could come into our general treasury, if farmers were making a profit on their investment and from their production.

So I appeal to the Secretary of Agriculture to turn away from the false prophets of low prices and lowering support levels and to follow what I believe will be his instincts and his basic good judgment, to give to this area of American agriculture the kind of help and understanding and assistance that it justly deserves.

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

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. HUMPHREY. I withhold it.

EXTENSION OF RIGHT TO VOTE

The Senate resumed the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished senior Senator from Massachusetts the amendment he intends to offer. I have also discussed the possibility of a time limitation not only with him but also with the distinguished minority leader and the manager of the bill, the distinguished senior Senator from Indiana (Mr. BAYH).

It is my understanding that before the Senate goes out tonight on an adjournment basis, the distinguished senior Senator from Massachusetts will offer an amendment. It is my intention at an appropriate time to move to table that amendment.

I, therefore, ask unanimous consent that, beginning at the hour of 12 o'clock noon tomorrow, there be a period for debate for not to exceed 2 hours, the time to be equally divided between the distinguished Senator from Massachusetts and the Senator from Montana, and that it apply to that amendment and all amendments thereto, and that following the disposal of that amendment, there be 1 hour allotted on the pending business, following which a final vote will be had.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I do not intend to object, is my understanding of the consent agreement correct, that there would be time available tomorrow between the hours of 12 and 2, when we would have an opportunity to discuss the amendment prior to the motion to table?

Mr. MANSFIELD. The Senator is correct. The time would be equally divided between us.

Mr. KENNEDY. Am I correct that, under the agreement, there could be no action that would preclude the opportunity of utilizing the full 2 hours for the debate? I believe that a number of Senators hope to be able to speak on the amendment. Am I correct in my understanding of the Senator's intention?

Mr. MANSFIELD. The Senator is correct. And if there is any time remaining on my side, and the Senator desires it, we will do our best to make it available.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Has the Senator also included in the unanimous-consent request the 1 hour devoted to the consideration of the bill following a vote on the tabling motion?

Mr. MANSFIELD. The Senator is correct, at which time a final vote will be had.

Mr. SCOTT. Mr. President, I express the hope that perhaps that hour will not be used up, because some Senators have other engagements on tomorrow afternoon.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that rule XII be waived.

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

How does the Senator from Montana desire the hour to be divided?

Mr. MANSFIELD. The hour would be under the control of the majority and minority leaders or whomever they may designate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, if the motion to table fails, does the majority leader wish to indicate any specific procedure with respect to subsequent votes?

Mr. MANSFIELD. Mr. President, the Senator has raised a question which I had not anticipated. However, we can always make another unanimous-consent request.

Mr. President, since the Senator has raised the point, I ask unanimous consent that the part of the motion providing that the vote take place at the end of the hour be negated.

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

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the unanimous-consent request which was recently granted be confined only to the 2 hours on the Kennedy amendment and my motion to table it, and that the time as agreed to be divided between the Senator from Massachusetts and the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing is as follows:

Ordered, That debate on the Kennedy Amendment (No. 11) relative to D. C. representation in Congress, and all amendments thereto, to S.J. Res. 7, proposing an Amendment to the Constitution, extending the voting right to citizens 18 years of age or older, be limited not to exceed 2 hours beginning at 12 o'clock noon tomorrow (March 10) to be equally divided and controlled by the Majority Leader (Mr. Mansfield) and the Senator from Massachusetts (Mr. Kennedy) after which the Senate will vote on the motion to be offered by Mr. Mansfield, to table the Kennedy Amendment.

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

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

AMENDMENTS NO. 11

Mr. KENNEDY. Mr. President, I call up my amendments No. 11.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

Mr. KENNEDY's amendments—No. 11—are as follows:

Beginning with the word "That" in line 3, page 1, strike out all to and including the colon in line 7, page 1, and insert in lieu thereof the following: "That the following articles are hereby proposed as amendments to the Constitution of the United States, any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified separately by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:".

On page 2, after line 7, insert the following:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship, shall be elected for the same term, and shall have the same rights, privileges, and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Amend the title so as to read: "Joint resolution proposing amendments to the Constitution to provide equal rights for men and women, and to provide for the representation of the District of Columbia in the Congress."

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. As I understand it, a unanimous-consent request has been propounded by the majority leader for a time limitation on this amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So, once the Senate stands in adjournment today, my amendment will become the pending business, and will taken up at 12 noon tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ADDITIONAL STATEMENTS

THE STATE OF VIRGINIA AND THE VOTING RIGHTS ACT OF 1965

Mr. BYRD of Virginia. Mr. President, last week an historic precedent was set—and an outrageous one.

The Governor of Virginia was forced to bring to Washington for approval four laws enacted by the Virginia General Assembly.

All these laws have to do with elections in the State. Three of them reapportion representation in the Congress and the two houses of the legislature, and the fourth amends the State's election laws pertaining to primaries and nominating conventions.

Under the Voting Rights Act of 1965, all new Virginia statutes and changes in old statutes must be approved by the Attorney General if they affect in any way the State's electoral process.

Virginia is one of six Southern States singled out for this treatment under the Voting Rights Act of 1965.

Neither the Governor of Virginia nor the Attorney General of the United States is responsible for this discriminatory situation.

The fault lies with Congress.

It was Congress which first passed the Voting Rights Act in 1965, and then extended it in 1970.

The Voting Rights Act imposed Federal control over voting procedures, contrary to the former practice of reserving this field for State action—a practice which, in my view, was constitutionally sound.

The act was aimed directly—and only—at the Southern States.

By use of a statistical formula specifically tailored for a discriminatory purpose, it singled for Federal dictation six Southern States—Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—and parts of a seventh State, North Carolina.

The 1970 amendments to the act, in an effort to give the law a veneer of fairness, resulted in extending controls to portions of six other States.

Nevertheless, the main thrust is directed against the seven Southern States originally covered.

By act of Congress, these few States became second-class members of the Union. This law resembles nothing so much as the vengeful measures of the Reconstruction period.

Under this law an illiterate, barred from voting in New York or California, can vote in Virginia.

This unjust law was passed to eliminate discrimination in elections. But no one maintained that Virginia had discriminated against her citizens in voting.

All that was required to trigger this misconceived statute was a low turnout in the 1964 election for President.

The entire act hinges upon a statistical formula: States whose turnout in the 1964 election was below 50 percent of their residents of voting age, where they made use of literacy tests or similar qualifying devices for registering voters, were put under Federal control.

The definition was designed to hit the South, as if there were no abuses in the rest of the Nation.

Let me say that I believe every American who qualifies under nondiscriminatory State laws—and Virginia's laws do not discriminate—should have the right to vote.

But I do not believe it is the province of the Federal Government to dictate who shall and who shall not cast a ballot in the individual States.

This law was not necessary, because there already was ample legal authority for challenging and overturning practices that actually discriminated against classes of voters.

Under the Voting Rights Act, the Attorney General can send Federal registrars into the affected States to make up voting lists, even without a court order empowering him to do so.

Furthermore, no State covered by the act can make any change in its voting laws—however equitable or progressive—without first obtaining a sanction from a three-judge court in the District of Columbia, or from the Attorney General.

In plain terms, the Federal Government has taken an unjustifiable degree of control over State and local matters in most of the South.

I want to make clear that I would oppose the kind of Federal controls contained in the Voting Rights Act, even if they applied to every State in the Union.

However, the act as it stands is even

more objectionable because it applies to only a few States. This adds discrimination to further centralization of power in Washington.

The full scope of the act was made evident by a recent decision of the U.S. Supreme Court.

On January 14 of this year, the Court handed down a decision dealing with a municipal annexation in Mississippi. This ruling made it clear that the Voting Rights Act imposed Federal control over—and could invalidate—every annexation, reapportionment, or redistricting in the affected Southern States.

The impact in my State of Virginia alone is staggering.

Almost 2 million people live in Virginia's independent cities, and the authority to annex territory is crucial to the continuing vitality of most of these communities.

Under Virginia law, annexation is controlled by a three-judge court, subject to appeal to the State supreme court. It is a long and costly process.

Now the independence of the Virginia judiciary and the well-being of the nearly 2 million residents of Virginia cities is at the mercy of the whim of an official of the U.S. Department of Justice.

The Voting Rights Act, as interpreted, clamps Federal controls over any change in the districts of the 140 members of the General Assembly, the 10 Members of the U.S. House of Representatives, the 452 supervisors of Virginia counties and several hundred councilmen and other officials of the State's municipalities.

According to the Attorney General of Virginia, the act also imposes controls over such details as a shift to voting machines, relocation of any of the State's 2,029 precincts, controls over absentee balloting, number of election officials, size and color of ballots, and addition of new elective officers.

The real evil in this situation is not the decision of the Supreme Court. It is the so-called Voting Rights Act itself.

For Congress to have enacted this law was a mistake. To have extended it is a tragedy.

THE MIDDLE EAST

Mr. SCOTT. Mr. President, despite the fact the official cease-fire along Israel's borders has ended, it seems very likely now that, barring a tragic miscalculation, the truce will last. There will, no doubt, be more Palestine guerrilla attacks across the borders, but the Palestine movement has never recognized the cease-fire and it would be dangerous for us to expect them to do so now.

However, the careful balance of power which President Nixon and his very capable Secretary of State, William P. Rogers, have helped establish in the area appears now to have the potential for ultimate peace. Until last August it would have been foolhardy for any Senator to make such a forecast, but the Nixon policy has now begun to bear fruit.

Both sides in the Middle East were weary of war. Even with massive Soviet assistance, Egypt was pouring a majority of its annual budget into the arms buildup and its military forces. Jordan, ground into poverty by its massive, lengthy and disastrous military commitment, needed respite. Israel, always under heavy pressure along its entire border, welcomed the easing of immediate danger of organized military incursions.

Key to the cease-fire was the assurance President Nixon was able to give Israel that a balance of forces would be maintained. The Israeli Government could not and, therefore, would not accept a situation in which it could be outgunned by its neighbors, singly or in combination.

This assurance to Israel, plus delicate negotiations directly with the Soviet Union, made possible the cease-fire back in August. The cease-fire has been maintained for 7 months through this same careful and subdued kind of diplomacy.

Egypt has announced it will no longer accept a formal cease-fire. There are, however, no indications yet that Egypt will use this lack of formal arrangement to launch an actual military adventure against any of the territory now held by Israel. Israel has also indicated she will not take steps that would unduly threaten the current uneasy peace along her frontiers.

President Nixon has given welcomed assurance the United States will not under any circumstances attempt to impose a peace settlement, nor will President Nixon be party to such an enforced peace in concert with others of the great powers. These assurances have given Israel a degree of latitude which is necessary for any meaningful peace negotiations which could bring about a permanent settlement in the area.

In short, although the cease-fire has formally come to an end with Egypt's announcement, there is still much cause to hope for continued negotiations and perhaps even an eventual settlement. If this much-hoped-for peace does come about, great credit must be given to Secretary Rogers and President Nixon. They have both worked long and hard hours to achieve it.

HEARINGS ON ADMINISTRATION ON AGING MERIT NATIONAL ATTENTION

Mr. WILLIAMS. Mr. President, the Senate Special Committee on Aging and the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare—as announced elsewhere in yesterday's issue of the CONGRESSIONAL RECORD—are working together on hearings which will evaluate the performance of the administration on aging within recent years.

As chairman of the Committee on Labor and Public Welfare and as past chairman of the Committee on Aging, I applaud the joint action planned by the Chairmen of the Committee, Senator FRANK CHURCH, and the subcommittee, Senator THOMAS EAGLETON.

Their inquiry will take place less than a year before a White House Conference on Aging and a year from the time when the Congress must decide whether it will extend the Older Americans Act for another 2-year period.

It is imperative, therefore, that the Congress give some consideration during the next few months to the following issues:

First. Has the Older Americans Act fulfilled the objectives set forth when Congress unanimously passed that act in 1965?

Second. What have been the effects of recent organizational changes which appear to strip the administration on aging of two major program areas and which place it more and more under the direction of the social and rehabilitation service?

Third. How sound are preparations for the White House Conference? Will that conference really grapple with the major issues that now concern aged and aging Americans?

Fourth. How extensively would proposed cutbacks in AOA funding—as expressed in the most recent budget offered by the executive branch—damage that agency and the State units on aging which receive a large amount of their funding through the Older Americans Act?

These questions are worthy of attention, and they should receive such attention well in advance of the White House Conference and the congressional debate on extension of the Older Americans Act.

As I said on February 25 during a discussion of priority objectives for the Senate Committee on Labor and Public Welfare:

> When the Congress established the AoA, it intended that agency to be a high-level unit with direct lines of communication to the Secretary of Health, Education, and Welfare. The time has come for a thorough evaluation of the downgrading of the AoA and the Older Americans Act.

Senators CHURCH and EAGLETON have provided the vehicle for such an evaluation; and I congratulate them for taking this initiative.

GREATER PROTECTION FOR VITAL MARINE RESOURCES

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the Maine Legislature petitioning the Maine Congressional Delegates to provide greater protection for vital marine resources.

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

JOINT RESOLUTION PETITIONING THE MAINE CONGRESSIONAL DELEGATES TO PROVIDE GREATER PROTECTION FOR VITAL MARINE RESOURCES

Whereas, the living marine resources found in the waters adjacent to the State of Maine and associated with the United States continental shelf and slope are vital as a source of seafood needs for the State of Maine and the nation; and

Whereas, the living marine resources are particularly vulnerable to damage from unrestrained harvesting and fishing; and

Whereas, the United States is handicapped in providing proper protection and management for these living marine resources by the lack of adequate jurisdiction over all domestic and foreign fishing in the area in which these resources are found; and

Whereas, the State of Maine has tradition-

ally depended upon its commercial fishing industry for a major portion of its coastal income; and

Whereas, the State of Maine believes that the harvesting of these marine resources on a sustained basis can be effective only if a greater measure of jurisdiction is given to coastal authorities; now, therefore, be it

Resolved: That we, the members of the 105th Maine Legislature assembled, go on record as petitioning each member of the Maine Congressional delegation to use every effort at his command to investigate all possibilities of the United States' securing a fisheries jurisdiction off its coastline to the outer edge of the continenal slope or at least to such an additional distance as will give adequate protection and management of fishery resources emanating from or adjacent to the United States, and that such fishery jurisdiction be qualified to permit foreign fishing inside said United States fishery zone through agreements with foreign governments similar to those which are presently in effect; and be it further

Resolved: That duly attested copies of this Resolution be immediately transmitted to said congressional delegates with our thanks for their prompt attention to this important matter.

ALASKAN NATIVE LAND CLAIMS

Mr. EAGLETON. Mr. President, one of the most important, yet perhaps least understood, issues to be resolved by this Congress is the settlement of Alaskan Native land claims. I am therefore grateful to William K. Wyant, Jr., who reported in the St. Louis Post-Dispatch of February 25 on the various measures being advanced to settle Alaskan Native land claims. His article, entitled "Alaskan Natives' Claims Pushed," outline the major differences between S. 835, the bill (S. 35), which represents the position of the Alaska Federation of Natives and which is now cosponsored by 13 Senators and is identical to the bill passed by the Senate in the last Congress and which the Natives oppose as inadequate, and H.R. 3100, which has been introduced in the other body by Representative ASPINALL and appears to be far less in keeping with the Native position than either of the Senate bills.

Mr. President, the article quotes Mr. Donald R. Wright, President of the AFN, in stating:

> The land is our life. To take almost all of it away from us . . . is to deprive us of life itself.

It appears to me that this may be the central issue involved in the complex claims settlement dispute, and I hope that other Senators will give careful consideration to the position advanced by the AFN. Mr. President, I ask unanimous consent that Mr. Wyant's article be printed in the RECORD.

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

ALASKAN NATIVES' CLAIMS PUSHED

(By William K. Wyant Jr.)

WASHINGTON, Feb. 25.—Senator Fred R. Harris (Dem.), Oklahoma, whose wife is part Comanche Indian, is trying to see to it that the Eskimos, Aleuts and Indians of Alaska get a square deal from the white man in Congress's settlement of native claims.

Harris and Senator Edward M. Kennedy (Dem.) Massachusetts, along with eight other senators, introduced a bill last week enlarging the package to be given the natives in return for final acquisition of title to Alaska.

The Harris-Kennedy measure would include a land settlement of 60,000,000 acres, compared with 10,000,000 provided in the bill that was passed by the Senate last July but failed to get action in the House.

In addition, the more liberal proposal would give the Alaska natives half a billion dollars of funds appropriated by Congresss and a 2 per cent share, in perpetuity, of revenues from public lands from oil and other minerals.

The Alaska claims bill approved by the Senate last year was reintroduced Jan. 25, by Senator Henry M. Jackson (Dem.), Washington. It provides $500,000,000 in federal funds over a 12-year period and the 2 per cent royalty on minerals. But it cuts off revenue sharing when the royalties have reached the $500,000,000 level.

Thus the Jackson bill would give the natives a total of a billion dollars from the federal treasury and from mineral royalties. Of the $500,000,000 from royalties, the federal share would be only $2,621,000 but the state would be giving up $497,300,000 in revenues it would otherwise receive.

In addition to the two Senate proposals for settlement of the claims of Alaskan natives there is a less open-handed House bill sponsored by Representative Wayne N. Aspinall (Dem.), Colorado, the chairman of the House Interior Committee.

The Aspinall bill would give the natives outright title of as little as 20,000 acres of land around their villages and permit them to use up to 40,000,000 acres for hunting and fishing without transfer of title.

Under the House proposal, the Eskimos, Aleuts and Indians would receive a federal appropriation of $25,000,000 over 10 years, plus an additional $25,000,000 from federal mineral revenues and up to $500,000,000 from state mineral revenues.

The liberal measure offered by Senators Harris and Kennedy is in line with what the Alaska Federation of Natives wants. The federation considers the land provisions of the Jackson bill inadequate.

Donald R. Wright, president of the federation pointed out to the Senate Interior Committee last week that the natives had filed formal claims to about 340,000,000 acres, or more than 90 per cent of the land in Alaska. Basis for their claim is aboriginal right. They were in Alaska first.

Wright said the Jackson bill, providing native title to only 10,000,000 acres or so would give the natives less than 3 per cent of "the land which is rightfully ours." The Harris-Kennedy bill, with 60,000,000 acres, would represent less than 20 per cent.

"The land is our life," Wright said. "To take almost all of it away from us . . . is to deprive us of life itself."

This appears to be the year of decision for the Alaskan native claims. There is great pressure from the State of Alaska, industry, and members of Congress to get the claims settled and out of the way so that the state can be developed and exploited.

For several years, a Department of the Interior "land freeze" has been holding up state selection of federal lands under the Alaska Statehood Act. The freeze was imposed by former Secretary of the Interior Stewart L. Udall and has been extended through June 30. The hope is that Congress will act by that time.

The 1970 census showed a total population for Alaska of only 300,382 persons, including only about 55,000 natives. It might seem at first blush that a settlement of a billion dollars and millions of acres of land is a great deal for so few persons.

Senator Kennedy told the Senate Feb. 9 that a billion dollars in cash might sound like a lot but recalled that $24 sounded like a lot to the Indians who sold Manhattan Island.

"Considering the natural resources beneath the tundra—beneath much of the land now claimed by the natives—a billion dollars will seem little more than the beads, hand axes, trinkets and blankets of the past."

Kennedy said money could not compensate a people "for giving up the land upon which their lives and culture depend."

WHY WE FIGHT IN LAOS

Mr. SCOTT. Mr. President, Walter Rostow, foreign affairs adviser to President Johnson, the other day wrote an excellent article, that appeared in the New York Times, detailing the history of why our support troops are backing up the South Vietnamese in Laos. Mr. Rostow makes the important point that with the closing off of the Cambodian supply route in 1970, the Laos corridor became the sole, major supply route into South Vietnam. As has been said time and again, we are buying time during the dry season to hurt the enemy in his effort to make war. We are succeeding in our mission. Mr. President, I ask unanimous consent that this fine article by Mr. Rostow be printed in the RECORD.

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

WHY WE FIGHT IN LAOS

(By W. W. Rostow)

AUSTIN, TEX.—As the critical battle shapes up for control over the infiltration routes through Laos during the current dry season, it may be useful to recall the history of that critical piece of the world's real estate.

The Hanoi delegation returned from the post-Sputnik conference in Moscow in November, 1957, content that the policies agreed to there permitted the reopening of attack on South Vietnam. Speaking to a group of North Vietnamese officials on Dec. 7, 1957, Le Duan said: "The Moscow documents have not only confirmed the line and created favorable conditions for North Vietnam to advance toward Socialism but have also shown the path of struggle for national liberation and have created favorable conditions for the revolutionary movement in South Vietnam."

By the second half of 1958 violence in South Vietnam began to increase. South Vietnamese political and military cadres, brought north in 1954, were infiltrated through the Laos corridor, joining the expanded Vietcong effort in the south. By December, 1958, there were clashes between regular North Vietnamese and Lao forces near Tchepone. This was part of the background to the grant of emergency powers to the Government of Laos in January 1959 and the coming into the Government of several army officers. But the Government in Vientiane lacked the power to assert sovereignty over its territory in the face of Pathet Lao and North Vietnamese opposition. By Jan. 20, 1967, Laos was in almost total political and military disarray.

President Kennedy convinced the Communists in his first three months that a takeover of Laos would be resisted by the United States. As a result, the Geneva Conference on Laos opened in May, 1961, against the background of a precarious cease-fire. The United States was prepared to accept a neutral Laos, headed by Souvanna Phouma; but it negotiated hard to make that neutrality real. The Laos Accords were signed on July 23, 1962. The signatories agreed that they would not

introduce into Laos military personnel in any form and that they would not use the territory of Laos for interference in the internal affairs of other countries.

In addition, Harriman negotiated an understanding with Pushkin, the Soviet delegate, that Moscow would assume responsibility for assuring that the provisions of the Laos Accords would be honored by Hanoi, including explicitly an end to the transit of Laos against South Vietnam. This was not a casual understanding. It was an agreement negotiated over many months without ambiguity in either Government.

The Laos Accords went into effect in the first week of October, 1962. It was clear immediately that Hanoi did not intend to honor the agreement: infiltration continued. Moscow was apparently not prepared to accept the costs of forcing Hanoi's compliance. And the United States failed to act decisively, which might have strengthened Moscow's hand in Hanoi.

(I have said on another occasion—The New York Times, Jan. 5, 1969—that I regard the failure of the Kennedy Administration to insist promptly on the honoring of the Laos Accords of 1962 as the greatest single error in policy of the 1960's; although it is not difficult to understand why President Kennedy, in the wake of the Cuba missile crisis and with things then going relatively well in South Vietnam, would have chosen not to initiate a major crisis at that time.)

Given the arithmetic of guerrilla warfare, the infiltration of, say, 500 Communist cadres a month from the North was a most serious matter in 1961–63. Normally one guerrilla ties down 10 or 15 on the defending side.

In 1964 the meaning of infiltration changed. In the wake of the 1963 political crisis in South Vietnam, Hanoi made the momentous decision to introduce its regular forces into the battle. They came through Laos.

For a time supplies came in directly by coastal shipping until choked off by the American and South Vietnamese navies. And Hanoi made arrangements with Sihanouk for supply through Cambodia on a scale greater, even, than was understood at the time. Nevertheless, the war which Southeast Asia and all of us have suffered since 1964 could never have been mounted without the illegal use of the Laos trails.

With the closing off of the Cambodian supply route in 1970, the Laos corridor became the sole major route into South Vietnam.

Men have differed in the past and they may differ now over the meaning of this tale and the lessons to be drawn from it. For example, Roger Hilsman and I debated temperately the military significance of infiltration in 1962. But I agree with this passage from his "To Move a Nation" (p. 155): "The lessons of the Laos crises are many—that agreements with the Communists can be kept by and large intact, for example, but only if one is willing to keep up the same level of commitment to keep the agreement as one was willing to use to obtain it in the first place."

What the South Vietnamese are now trying to do is to enforce an agreement which Hanoi and Peking freely signed in July 1962; which Moscow undertook to guarantee; and for which the United States continues to bear an inescapable responsibility.

REVENUE SHARING AND FEDERAL WELFARE TAKEOVER

Mr. HUMPHREY. Mr. President, national debate and discussion on revenue-sharing and other proposals to help State and local governments is increasing. This is very heartening. States and localities who are in critical condition and literally must be kept alive through a transfusion of Federal funds.

One of the proposals being circulated unofficially is Representative MILLS' Federal takeover of welfare costs. This proposal, which includes reform of the present system, is excellent and will certainly figure in any welfare legislation. The Federal Government should assume the total costs of welfare over a 3- or 4-year period.

However, as an editorial from the Christian Science Monitor of March 1, REUSS and I believe that merely federalizing welfare would not provide assistance to those areas that do not have high welfare costs yet do have a critical need of funds if they are to continue essential services.

I believe that a combination of welfare-reform and Federal financing plus revenue-sharing, as suggested in the Humphrey-Reuss bill (S. 241), would provide a balanced assistance program to local governments.

It is not important whose program is implemented. What is important is that this vitally needed assistance reach our States and localities as soon as possible and under conditions that assure its being spent effectively and well.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

REVENUE SHARING CHALLENGED

Not all the arguments are in on the revenue-sharing battle that looms in Congress, but at this reading it looks as though the plan of Rep. Wilbur Mills for federal takeover of all welfare costs will give revenue sharing a run for the money.

Strong philosophical arguments can be made in its favor.

First, it's simple. National minimum standards would be set to determine who is a bona fide welfare client. Once a poor family proves its eligibility, monthly checks would start flowing from a computerized system, not unlike the social security system. The present creaking welfare structure, with its hordes of welfare "caseworkers," would fade away gradually. Welfare frauds would be discouraged by heavy penalties attached to a federal crime.

For congressmen, the Mills formula has one major appeal: it gets away from the Nixon plan to give away funds without strings.

On the other hand, revenue sharing under the Nixon plan would be less costly. It proposes a flat $5 billion increase to the $10 billion of aid already given cities and states. But big city mayors complain that the formula would bring them fewer dollars and pump more funds into the affluent suburbs.

In the face of growing interest in the Mills plan, the administration is showing willingness to compromise. Mr. Nixon has signaled Congress he would consider taking over some welfare costs, along with revenue sharing. (Indeed, his program to take 225,000 welfare recipients off the rolls by creating new jobs for them is a move in this direction.)

Even so, some thoughtful objections are being made to the whole concept of revenue sharing. High among these is that it would take the heat off those states that are not holding up their own end by passing a graduated corporate and individual income tax. It fails to spur states to cut out costly patronage jobs. And it gives the power to spend tax money to persons not responsible for collecting it.

Sen. Henry Reuss and Sen. Hubert Humphrey offer a compromise bill that combines the Nixon-Mills versions, though takeover of welfare would be spread out over a period of time. A new twist, not without merit, would require states to modernize their governments, knock out tiny inefficient units, and create new regional bodies.

The key question, however, must be: Which approach offers most relief to the cities and states in the most practical way, and with minimum opportunity for boondoggling? Mr. Nixon will have to work hard to convince wary congressmen that revenue sharing carries the advantage in these respects.

DOOMSAYERS—THE AMERICAN HYPOCHONDRIACS

Mr. GOLDWATER. Mr. President, to these conservative eyes, it is somewhat of a special event when one of the national weekly magazines prints a serious article reminding us as a people to keep our bearings in the stream of history. For conservatives, the lessons of the past have always served as a basic test against which we might judge the wisdom and practicality of current vogues, goals, ethics, beliefs, and demands for changes.

This is why I was so delighted recently upon discovering a scholarly presentation of the lasting values inherent in history. Though the article appeared nearly 8 months ago in the July 6, 1970, issue of Newsweek, its message remains so timely I would like to bring it to the attention of any Senator who, like me, may have overlooked it until now.

The piece was written by Dr. Daniel J. Boorstin, who is well known as Director of the Smithsonian Institution's National Museum of Science and Technology. Entitled "A Case of Hypochondria," his brief paper devastatingly exposes the ridiculous preoccupation which so many homegrown critics have with self-doubt and worry about the health of our Nation.

According to Dr. Boorstin, these critics have formed a cult of doomsayers who are overwhelmed by the ailments of the instant moment. "In a word," Dr. Boorstin warns, "we have lost our sense of history." As a result, lacking the materials of historical comparison, "We are left with nothing but abstractions, nothing but baseless utopias to compare ourselves with."

Mr. President, in the midst of a current fashion of scare headlines and hourly crises, it is refreshing to discover a sensible voice guiding our sights back to the real story of human history. In fact, I agree with Dr. Boorstin the best antidote "against ruthless absolutes and simple-minded utopias has been American history itself." It is my belief an examination of the past our people lived and of their problems and conditions and capabilities for meeting them will reveal how truly far we as a great nation have come. At the same time, a study of the past will give a sense of proportion and timing to our capacity for solving contemporary social concerns.

Mr. President, there is no question that Dr. Boorstin's penetrating article war-

rants our deep attention as we seek to work on national issues and distinguish honest solutions from illusory ones. For this reason, I ask unanimous consent that the article be printed in the RECORD.

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

A CASE OF HYPOCHONDRIA

(By Daniel J. Boorstin)

Our inventive, up-to-the-minute, wealthy democracy makes new tests of the human spirit. Our very instruments of education, of information and of "progress" make it harder every day for us to keep our bearings in the larger universe, in the stream of history and the whole world of peoples who feel strong ties to their past. A new price of our American standard of living is our imprisonment in the present.

That imprisonment tempts us to a morbid preoccupation with ourselves, and so induces hypochondria. That, the dictionary tells us, is "an abnormal condition characterized by a depressed emotional state and imaginary ill health; excessive worry or talk about one's health." We think we are the beginning and the end of the world. And as a result we get our nation and our lives, our strengths and our ailments, quite out of focus.

We will not be on the way to curing our national hypochondria unless we first accept the unfashionable possibility that many of our national ills are imaginary and that others may not be as serious as we imagine. Unless we begin to believe that we won't be dead before morning, we may not be up to the daily tasks of a healthy life.

We are overwhelmed by the instant moment—headlined in this morning's newspaper and flashed on this hour's newscast. As a result we can't see the whole real world around us. We don't see the actual condition of our long-lived body-national. And so we can't see clearly whatever may be the real ailments from which we actually suffer.

In a word, we have lost our sense of history. In our schools, the story of our nation has been displaced by "social studies"—which is the study of what ails us. In our churches the effort to see man sub specie aeternitatis has been displaced by the "social gospel"—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and the durable, but spend most of their efforts in fruitless search for a la mode "social commentary"—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months. Our merchandizers frantically devise their 1970½ models (when will the 1970¾'s arrive?) which will cease to be voguish when their sequels appear three months hence. Neither our classroom lessons nor our sermons nor our books nor the things we live with nor the houses we live in are any longer strong ties to our past. We have become a nation of short-term doomsayers.

Without the materials of historical comparison, having lost our traditional respect for the wisdom of ancestors and the culture of kindred nations, we are left with nothing but abstractions, nothing but baseless utopias to compare ourselves with. No wonder, then, that so many of our distraught citizens label us as the worst nation in the world, or the bane of human history (as some of our noisiest young people and a few disoriented Negroes tell us). For we have wandered out of history. And all in the name of virtue and social conscience!

We have lost interest in the real examples from the human past which alone can help us shape standards of the humanly possible. So we compare ours with a mythical Trouble-Free World, where all mankind was at peace. We talk about the War in Vietnam as if it were the first war in American history—or at least the first to which many Americans were opposed. We condemn our nation for not yet having attained perfect justice, and we forget that ours is the most motley and miscellaneous great nation of history—the first to use the full force of law and constitutions and to enlist the vast majority of its citizens in a strenuous quest for justice for all races and ages and religions.

We flagellate ourselves as "poverty ridden"—by comparison only with some mythical time when there was no bottom 20 percent in the economic scale. We sputter against The Polluted Environment—as if it was invented in the age of the automobile. We compare our smoggy air not with the odor of horsedung and the plague of flies, and the smell of garbage and human excrement which filled cities in the past, but with the honeysuckle perfumes of some nonexistent City Beautiful. We forget that even if the water in many cities today is not as springpure as palatable as we would like, for most of history the water of the cities (and of the countryside) was undrinkable. We reproach ourselves for the ills of disease and malnourishment, and forget that until recently enteritis and measles and whooping cough, diphtheria and typhoid, were killing diseases of childhood, puerperal fever plagued mothers in childbirth, polio was a summer monster.

Flooded by screaming headlines and hourly televised "news" melodramas of dissent and "revolution," we haunt ourselves with the illusory ideal of some "whole nation" which had a deep and outspoken "faith" in its "values."

We become so obsessed by where we are that we forget where we came from and how we got here. No wonder that we begin to lack the courage to confront the normal ills of modern history's most diverse, growing, burbling Nation of Nations.

Our national hypochondria is compounded by distinctively American characteristics. The American belief in speed, which led us to build railroads farther and faster than any other nation, to invent "quick-lunch" and self-service to save the terrible ten-minute wait, to build automobiles and highways so we can commute at 70 miles an hour, which made us a nation of instant cities, instant coffee, TV-dinners, and instant everything, has bred in us a colossal impatience. Any social problem that can't be solved instantly by money and legislation seems fatal. Our appliances and our buildings and our very lives seem out of date even before they are ready for occupancy. What can't be done right now seems hardly worth doing at all.

Some of these current attitudes are themselves the late-twentieth-century perversions of the old American Booster Spirit, which has had no precise parallel anywhere else. Totalitarian nations have been marked by their obsession with "planning"—with five-year plans and ten-year plans. But planning expresses willingness to accept a sharp distinction between present and future, between the way things are and the way they might be. And that distinction has never been too popular in the U.S.A. The nineteenth-century Boosters of Western cities defended their extravagant boasts by saying there was no reason to wait, if you were actually bragging only about things that were certain to happen. To them the beauties of Oleopolis or Gopher City were none the less real simply because "they had not yet gone through the formality of taking place."

This Booster-Vagueness has always made Americans wonderfully unpedantic about the distinction between the present and the future. The amiable vagueness, which once gave an optimistic nineteenth-century America the energy and the hope to go on, still survives. But in a hypochondriac twentieth-century America its effects can be disastrous. Now that very same extravagant vagueness leads some Americans to believe that every battle is Armageddon—and that the battle is already lost. And that the nation is none the less dead simply because the national demise "has not yet gone through the formality of taking place."

An immigrant nation, without an established religion and without political dogma, had to depend heavily on its sense of a shared past (and a shared future). American history itself was an antidote to dogmatism and utopianism. It proved that a nation did not need to be altogether one thing or another. Federalism was a way of combining local control with national government. Ethnic pluralism was a way of allowing people to keep as much as they wanted of their Old World language, religion and cuisine—to live among themselves as much as they wished. The immigrant was not compelled either to keep or to abandon his Old World identity. Free public schools, and the American innovations of the free high school and the public college, tried to have standards and yet give everybody the same commodity. The nation aimed to preserve "free private enterprise" (freer and on a larger scale than anywhere else) and yet to provide social security, farm price supports and other insurance against the free market. On a priori grounds, each and all of these would have seemed impossible, and they were all messy, philosophically speaking.

The best antidote, then, against ruthless absolutes and simple-minded utopias has been American history itself. But that history becomes more and more inaccessible when the technology and institutions of our time imprison us in the present. How can we escape the prison?

First, we must awaken our desire to escape. To do this we must abandon the prevalent belief in the superior wisdom of the ignorant. Unless we give up the voguish reverence for youth and for the "culturally deprived," unless we cease to look to the vulgar community as arbiters of our schools, of our art and literature, and of all our culture, we will never have the will to de-provincialize our minds. We must make every effort to reverse the trend in our schools and colleges—to move away from the "relevant" and toward the cosmopolitanizing, the humanizing and the unfamiliar. Education is learning what you didn't even know you didn't know. The last thing the able young Negro needs is "black studies"—which simply re-enforces the unfortunate narrowness of his experience and confines him in *his* provincial present. We all need more ancient history, more medieval history, more of the history and culture of Asia and Africa.

Then, we must enlarge and widen and deepen what we mean by our history. The preoccupation with politics which has been the bane of the history classroom fosters the unreasonable notions that today governments are the root of all good and evil. The self-righteous effort by self-styled prophets of self-vaunted new "schools" of history would make history a mere tool of contemporary polemics, and so destroy the reason for exploring our past. They would make men of all other ages into the slaves of our conceit—to be used only for our purposes. We must make our history more total by incorporating the past that people lived but that historians have not talked much about. In the United States this means an effort to make more of the history of immigrants, of the history of technology, of the history of everyday life, of business and advertising and housing and eating and drinking and clothing. Democratizing our history does not mean perverting it to the current needs of demagogic or "revolutionary" politics. It does

mean enlarging its once-pedantic scope to include the whole spectrum of the ways of life of men and women.

When we allow ourselves to be imprisoned in the present, to be obsessed by the "relevant," we show too little respect for ourselves and our possibilities. We assume that we can properly judge our capacities by the peculiar tests of our own day. But we must look into the whole Historical Catalogue of man's possibilities. To be really persuaded that things can be otherwise, we must see how and when and why they have actually been otherwise.

To revive our sense of history is surely no panacea for current ills. But it surely is a palliative. It may help us discover what is now curable, may help us define the timetable of the possible, and so help us become something that we are not. If history cannot give us panaceas, it is the best possible cure of the yen for panaceas. And the only proven antidote for utopianism.

"The voice of the intellect," observed Sigmund Freud (who did not underestimate the role of the irrational) in 1928, "is a soft one, but it does not rest until it has gained a hearing. Ultimately, after endlessly repeated rebuffs, it succeeds. This is one of the few points in which one may be optimistic about the future of mankind." Beneath the strident voice of the present we must try to hear the insistent whisper of reason. It does not sound "with it." It speaks only to the attentive listener. It speaks a language always unfamiliar and often archaic. It speaks the language of all past times and places, which is the language of history.

DEPARTURE OF A PROFESSIONAL STAFF MEMBER

Mr. JACKSON. Mr. President, on January 31, 1971, Mr. Stewart French retired from the professional staff of the Senate Committee on Interior and Insular Affairs.

It will be recalled that the more formalized system of professional staffing of Committees of Congress as we know it today was established by the 79th Congress in the Legislative Reorganization Act of 1946.

The intent of the act in pertinent part was that our committees should be staffed by highly skilled, impartial experts who would serve the Congress without regard to partisan, political or personal considerations.

The long service of Stewart French exemplifies one of the instances in which the intent and purpose of this Act of Congress has been fulfilled.

Stewart had served on the professional staff of the Interior Committee for almost 22 years, and as its chief counsel since 1954. Prior to his appointment to the committee at the beginning of the 81st Congress in 1949, he had been a lawyer and a newspaperman in various capacities in both Government and private enterprise.

Stewart's career on the Interior Committee staff is an example of the way the professional staff system was intended to work. He served under six different chairmen—four Democratic and two Republican. He served the members on both sides of the committee table with equal professional skill, willingness, and enthusiasm. Among the major legislative achievements in which he had a key staff role are Statehood for Alaska and Hawaii; the Submerged Lands Act; the Outer Continental Shelf Lands Act; and the Land and Water Conservation Fund Act, to name a few. We will miss him very much.

Mr. President, at its most recent executive session, the Interior Committee adopted a resolution respecting Stewart French's departure. I ask unanimous consent that the text of this resolution and the appended letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, D.C., February 3, 1971.

Mr. STEWART FRENCH,
Chief Counsel, Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR STEWART: On behalf of the other members and myself, I want to express our sincere appreciation to you for the twenty-two years of dedicated public service which you have rendered to this Committee, the United States Senate, and to the Nation.

Those of us who have worked with you through the years and who are familiar with the operations of the Senate know and appreciate the key role which you have played in initiating and shaping the important legislation which this Committee has handled over the past two decades. Your accomplishments and the zeal with which you have served this Committee and the Senate will long be remembered.

The Committee wishes you and Polly the very best in the months and years ahead. I hope that both of you will have a well-deserved opportunity to relax, travel, and enjoy some of the great national park and recreation areas which you helped preserve for the Nation.

With best personal wishes,
Sincerely yours,
HENRY M. JACKSON, *Chairman.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

RESOLUTION

Whereas, Stewart French did serve as a member of the professional staff of the Senate Committee on Interior and Insular Affairs for some 22 years, having been appointed with the full concurrence of the membership of the Committee, by the late Senator Joseph C. O'Mahoney, then Chairman, at the beginning of the 81st Congress in 1949; and

Whereas, Mr. French did serve under six different Committee Chairmen, four of whom were Democrats and two of whom were Republican; and

Whereas, Mr. French's services, both professional and personal, were always equally available to all Senators on the Committee from either Party and were rendered with professional skill, enthusiasm, and conscientiousness in conformity with the highest traditions of the legal and newspaper professions of which he was a member; and

Whereas, Mr. French's career on the professional staff of the Committee does illustrate and exemplify the standards, intent, and expectation of the Congress in establishing and maintaining the concept and system of expert, non-partisan professional staffs for Committees of Congress;

Now therefore, be it resolved, That the Members of the Senate Committee on Interior and Insular Affairs in Executive Session assembled do hereby concur in and adopt as its own the letter addressed to Stewart French by the Chairman, dated February 3, 1971, as the expression of the Committee's regard for him. A copy of the said letter is attached to and made a part of this Resolution.

HIGHER EDUCATION OPPORTUNITY ACT OF 1971

Mr. GRIFFIN. Mr. President, last Thursday, March 4, 1971, I was pleased to join the distinguished Senator from Vermont (Mr. PROUTY) as a sponsor of S. 1123, the Higher Education Opportunity Act of 1971.

The aim of this legislation, as President Nixon put it, is to insure "that no qualified student who wants to go to college should be barred by lack of money."

Through a combination of grants, work-study payments, subsidized loans, and loan guarantees, this legislative package advanced by the administration would make it possible for every qualified student, regardless of economic status, to obtain such financial assistance as may be necessary to go to college.

This is a subject in which I have been interested for a long time. In 1958, I coauthored the national defense student loan program which became part of the National Defense Education Act.

It is a source of considerable satisfaction to me that since 1958 as many as 2,750,000 students have benefited from the national defense student loan program.

During the development of that legislation in 1958, I worked closely with the present Secretary of the Department of Health, Education, and Welfare, Elliot L. Richardson, who served then in the same Department. Once again, I am pleased to have the opportunity to work with Secretary Richardson in an effort to build on the national defense student loan program and to expand educational opportunities for those who are qualified to attend college.

Under S. 1123 the national defense student loan revolving fund would continue in its present form. While additional Federal money would not be added to this fund, it is estimated that $1 billion in new money for subsidized and guaranteed loans would be made available from nongovernment sources under the legislation through creation of the proposed National Student Loan Association.

Mr. President, this is important, meritorious legislation. I hope it will receive early and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of a statement concerning this proposal presented March 3, 1971, by Secretary Richardson before the Senate Subcommittee on Education be printed in the RECORD.

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

STATEMENT BY HONORABLE ELLIOT L. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE SUBCOMMITTEE ON EDUCATION, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, WEDNESDAY, MARCH 3, 1971

Mr. Chairman and Members of the Subcommittee: Last week the President sent to the Congress his second special message on higher education, urging your prompt action on proposals which would greatly expand higher education opportunities for the people of this Nation. I am pleased to be with you this morning to discuss these proposals and to join the President in urging

your immediate attention to this matter of great national concern.

The President's program for expanding higher education opportunities is based on two important proposals: expansion and reform of student financial aid programs and the encouragement of basic structural changes in higher education through the establishment of the National Foundation for Higher Education. For the first time in the history of Federal higher education policy, this Administration is also submitting a budget which requests sufficient funds to support its commitment to expanded educational opportunities.

EXPANSION AND REFORM OF STUDENT AID

The basic tenet of our program for the reform and expansion of student aid programs is the commitment that no qualified student who wants to go to college should be barred by lack of money. The legislative proposal which is before you provides that Federal funds would go first, and in the largest amounts, to the neediest students, placing them on an equal footing with students from higher-income families. In addition, the proposal provides that needy students would have advance assurance of the type and amount of Federal assistance they could expect to get for their college education.

Commissioner Marland and Mr. Muirhead will develop the profound significance of this new direction in Federal policy. For the time being, I would like to emphasize that we are proposing nothing less than an assured level of basic Federal support for every student from a low-income family who is qualified to enter college. This assurance will have an important effect on the college aspirations of high school, and even elementary school, students. In addition, it will provide, as never before, a degree of freedom for college-bound students from low-income families to choose among a variety of educational institutions with an assurance of a basic level of Federal support, regardless of which type of institution they choose to attend.

The Administration's improvements in the existing student aid programs have five major purposes:

To assure the availability of funds to every qualified student.

To assure that Federal funds go first, and in the largest amounts, to the students who need them most.

To provide potential students with as accurate information as possible concerning the aid they can expect.

To assure that all students of equal need are treated alike.

To provide additional financial aid to students attending high cost institutions.

The Administration is recommending a coordinated student aid system with two parts: (a) a combination of grants, work-study payments, and subsidized loans for undergraduate students with low to middle incomes attending post-secondary educational institutions as well as proprietary institutions of higher education; and (b) creation of a National Student Loan Association to raise money privately and make it available for all post-secondary students at all income levels.

The basic concept of the student aid system is that all students whose families can be expected to make the same contribution should have the same help available for their education from Federal sources. The combination of family contributions plus Federal grants, work-study payments, and subsidized loans would be enough to enable any student to meet minimum education expenses.

The system would work in the following manner: Each year the Secretary of HEW, after conferring with the Advisory Council on Financial Aid to Students, would publish a schedule indicating the amount of Federal funds available to students at different income levels. The college or university would calculate each student's eligibility for aid by determining the expected family contribution toward his educational costs. This determination would take into account such factors as the size of the family, the number of children in college, extraordinary family expenses, and capital assets. The deficiency between expected family contribution and the amount of resources the student should have available to him would be met by a combination of grants, work-study payments, and subsidized loans.

It should be noted that what we are proposing represents a Federal floor for educational assistance. Added to this floor will be, in a majority of cases, financial aid from State sources, institutional aid, and private financial assistance, which amounted to an estimated total of $994 million in academic year 1969–70. As an example of State programs that are available, I might note that in New York, State assistance this year will aid about 250,000 students with an average award of $280. In Ohio, a student enrolling in a private institution from a family with an income of under $3,000 receives a $900 State grant. If he enrolls in a public institution, he receives a $300 grant. In either case, that assistance would be added to his eligibility for Federal assistance. Many other States have similar programs of student aid. Institutions, particularly private ones, also devote a significant portion of their income to student assistance. We would anticipate that they would use those funds to provide supplemental awards for low-income students and whatever limited assistance might be needed for students not qualifying for direct Federal subsidy. Of course, in no instance would Federal aid, combined with other aid, exceed the cost of education at the institution in question.

Mr. Chairman, it has been charged that our proposal ignores the problems faced by middle income families in putting their children through college. I would like to emphasize how untrue this is by pointing out to the committee some concrete examples of how our proposals would work under the President's budget commitment:

A family with $12,000 income and three children in college would be eligible for almost $1,000 per student just in basic grants and loans.

Children from large families with incomes over $15,000 would often be eligible for up to $1,500 per student in "cost-of-education" loans subsidized at the very favorable rates of the NDEA loan program.

Each child from a small family with income of $13,500 and with only two children, both in college, but with medical expenses of $2,400, would be eligible for basic subsidized loans of almost $400 per student and additional subsidized cost of education loans.

If these are not "middle-income families," Mr. Chairman, I have to ask what kind of families we mean when we use this phrase. Median family income in the United States is about $9,800. I would suppose that families in the brackets on either side of this line are truly "middle income." And these families *are* going to be helped—not just by loan guarantees, but by substantial grants and subsidy allowances.

We feel that the concept of relating student aid to family contribution, and hence to family income available for support of the student's education, is the only workable way to determine the extent and type of Federal student assistance. The use of the amount of Federal income tax paid by a family, as proposed in S. 659, to determine Federal student assistance is, according to economists, nearly always more regressive than adjusted family income.

I cannot over-emphasize at this point the fact that under the Administration bill, eligibility for student assistance will be made on the basis of family income and claims on that income. The key individual in this equation will be the college financial aid officer who will make the determination of adjusted family income, and hence qualification for direct Federal subsidy.

The commitment of this Administration to increasing student aid is reflected in the President's budget for FY 1972. That budget calls for a $575 million appropriation for education opportunity grants and work-study in FY 1972, a 70% increase over the current year. It also provides funds to subsidize nearly four times the volume of loans covered in the FY 1971 budget. We believe this demonstrates quite clearly the commitment of this Administration to higher education.

The President's proposal will also provide dramatically increased access to Federally guaranteed loans for all students, regardless of their families' financial status. In the past, the supply of guaranteed loans has been arbitrarily restricted by the lack of a secondary market which could buy student loan paper and provide lenders with new loan capital. To meet this problem, we propose the establishment of the National Student Loan Association, with authority to buy and warehouse student loans made by institutions of higher education and commercial lenders. We estimate that this new marketing institution would suply as much as $1 billion in new lendable funds for guaranteed loans.

NSLA would be a private corporation, chartered and established by the Federal government. It would raise funds by issuing its own obligations for sale in private capital markets. These obligations would be guaranteed against default by the government, allowing the NSLA to pay a lower rate of interest.

With the proceeds from its sales, NSLA would buy, sell, or warehouse student loan paper from colleges, banks, or other eligible lenders. Typically, a college without funds of its own to invest in student loans would make a loan to a student and then turn immediately to NSLA to sell the student's note and regain liquidity. To insure the operation of NSLA and ease the transition into a secondary market, the fiscal 1972 budget calls for an appropriation of $400 million, which would be used to assist colleges in making loans and would be returned to the Treasury after NSLA begins operation.

NSLA would significantly increase the flow of funds into student loan markets. Both banks and colleges would be encouraged to do more student lending.

There are proposals for a secondary market before both the House and Senate which provide only for warehousing of student loans. While the warehousing function, which involves cash advances to be repaid by the lender, is vital to a secondary market institution, authority to buy and sell student loans is also essential.

Finally, several other features of the President's student aid proposals merit attention:

Educational Opportunity Grants would continue as the basic grant program, but without matching requirements.

The College Work-Study Program would continue. Colleges would continue to match work-study funds provided by the Federal Government (one dollar for four), but this requirement would be waived for institutions or work programs which it would hamper.

National Defense Student Loan benefits would continue. However, lendable capital would come from the private money markets rather than the Federal Treasury.

Institutions of higher education would preserve the option, within national limits set by the Commissioner of Education, of determining the mix of grants and work-

study payments appropriate to the individual student.

The Guaranteed Loan Program would continue to be open to all college students, however high their family incomes. The interest subsidy paid by the Federal government on student loans to above-average-income students while they are in college and the special allowance paid to banks would be eliminated.

Loan ceilings would be raised to $2,500 annually and would apply to the aggregate of both subsidized and unsubsidized loans.

The length of the maximum permissible loan repayment period would be increased to twenty years from the present ten.

The student could prepay his loan at any time without penalty.

RENEWAL, REFORM, AND INNOVATION

Providing increased access to higher education is only one part of the Administration's strategy for expanding higher education opportunities. The President said in his Message on Higher Education, "If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent." To encourage basic structural change in higher education and to provide new and more meaningful educational options for students, the President proposes to establish the National Foundation for Higher Education.

For too long the relationship between the Federal Government and the Nation's colleges and universities has aggravated rather than solved problems. In many cases, the Federal Government has hired universities to do work which has had little or no relationship to their essential functions. The National Foundation for Higher Education will forge a new and constructive partnership for basic change and innovation designed to meet the needs of the American public.

Mr. Chairman, I understand that I will return tomorrow to discuss in detail the Foundation proposal. Today, however, let me make clear that I am personally responsible for, and am committed to the specific design of the Foundation.

It has been carefully drawn up to achieve independent yet coordinated action. It will be an agency within the Department of Health, Education, and Welfare, run by a Presidentially-appointed Director, and advised by a strong Board. The Director of the Foundation will have close working relationships with the Commissioner of Education and the Director of the proposed National Institute of Education. Since this Administration has made it clear that the Commissioner of Education is the chief education officer, I intend to ask the Director of the Foundation to report to me through him.

I am pleased to see that S. 659, introduced by Chairman Pell, includes a Foundation, as well as a National Institute of Education, another key request of the President in the area of education reform. NIF is also before you as S. 434, which was introduced by Senator Prouty. It would appear that the members of this subcommittee share with the President a major concern for the reform and revitalization of education in this Nation. I believe that our differences can be readily resolved and we can get on with the task at hand—making education more exciting, more challenging and more productive.

During the past year we have consulted frequently with representatives of the higher education community and of the Congress in an attempt to reach accommodation on a higher education bill which would be accepted by all concerned. These consultations have resulted in several important changes in this year's proposals over last year's. We have, for example, added a new component to our student aid proposals—cost of education loans—which will provide benefits identical to those currently received by students under the National Defense Student Loan Program, enabling low and middle income students to attend higher tuition institutions. At the suggestion of Members of Congress and leaders in the higher education community, we have also proposed a new program of loan insurance for private college facilities and requested extension of existing authority for direct loans and grants under the Higher Education Facilities Act. Finally, our consultations have resulted in important changes in our proposal for the National Foundation for Higher Education. We have removed from the Foundation the programs which clouded its reformist image last year, and we have, as noted, modified its structure to place it within the Department of Health, Education, and Welfare.

The Higher Education Opportunity Act also contains a number of other titles and provisions which either extend or modify many existing provisions of the Higher Education Act of 1965, the Higher Education Facilities Act, and the National Defense Education Act. Commissioner Marland will discuss these modifications with you in detail.

CONCLUSION

In closing I would like to emphasize the importance of prompt Congressional action on the President's proposals for higher education. Failure to act immediately could mean a denial of much-needed support for as many as one million students who have not previously had access to Federal student aid programs. Time is of the essence. We must act now in order to assure students and institutions alike that Federal resources will be available for the opening of school in the fall.

The theme common to all of the Administration's higher education proposals is expanding higher education opportunities for all who can benefit from them. The President called for a "new kind of engagement between all the citizens of our society and our system of higher education." I urge the Congress to join in this exciting new effort to make good on our National commitment to equality of educational opportunity.

HALT HEROIN IMPORTS AT SOURCE

Mr. HUMPHREY. Mr. President, heroin addiction is one of the major problems facing our Nation today. There are more than 500,000 heroin addicts in the country today, a quarter of them teenagers.

It is the greatest single cause of death among young persons between the ages of 18 and 35. It is a major cause of street crime in our cities.

Eighty percent of the heroin brought into this country comes from Turkey and 15 percent from Mexico—two of America's political and economic allies.

It is not enough to spend millions fighting drug addiction at home while the poppies grow freely abroad and produce a bumper crop of opium. We must strike at the source.

That is why I am joining the Senator from Indiana (Mr. HARTKE) and other Senators in cosponsoring Senate Resolution 64, calling on the President to use all necessary diplomatic and economic means to curtail the production of heroin abroad and to halt it from being illegally imported into the United States.

SST SCARE EVAPORATES

Mr. GOLDWATER. Mr. President, for more than a year, now, we have heard a concentrated and almost unending stream of charges concerning the SST and environmental pollution. At times it seemed as though reason and fact were to be given no weight in the consideration of this problem. The campaign of the opponents of the SST was so massive that it seemed to defy the possibility of a factual debate or even a dialog based upon the truth.

As so often is the case, however, the critics of the SST have modified their own punch. They have indulged in so much verbal overkill that the Members of Congress, some segments of the press, and a greater and greater number of American laymen are now beginning to understand the truth.

The fact is that the environmental arguments against the supersonic transport are so negligible that they do not deserve to be taken seriously in a decision over whether the United States is to be permitted to build two prototypes of this airplane of the future.

As the newspaper, the National Observer, observed on March 8 the environmental arguments against the SST "are now in tatters."

The newspaper paid particular attention to a warning from Dr. James McDonald, a University of Arizona physics teacher who argued that a fleet of SST's would cause atmospheric changes and expose Americans to enough greater radiation that it would cause an extra 5,000 to 10,000 cases of skin cancer in the United States. It pointed out that Representative SYLVIO CONTE, of Massachusetts, who voted against the SST last year drew from Dr. McDonald the fact that he once held a belief that flying saucers may have been responsible for the power brownouts in the Northeastern United States.

Because of the importance that has been given to the environmental arguments against the SST—although very few of them ever held even a small degree of relevance—I ask unanimous consent that the National Observer article entitled "Environmental Scare Over SST Evaporates" be printed in the RECORD.

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

ENVIRONMENTAL SCARE OVER SST EVAPORATES

(By Jude Wanniski)

The environmental arguments against the supersonic transport (SST) are now in tatters. As a result, chances have improved that later this month Congress will decide to go ahead with the airplane. Of all the horrifying concerns raised by the environmental lobby against the SST, not one has survived a barrage of intense scientific scrutiny.

In hearings last week before a House Appropriations subcommittee, the Coalition Against the SST showed its desperation. The most serious ecological warning came from Dr. James McDonald, a University of Arizona physicist, who argued that a fleet of SST's would cause atmospheric changes that would expose Americans to greater radiation, that exposure would cause an extra 5,000 to 10,000 cases of skin cancer in the United States.

This theory was too much for Rep. Silvio Conte, a Massachusetts Republican who last year voted against the SST. Mr. Conte asked Dr. McDonald if the physicist also believes, as Mr. Conte was told, that flying saucers may have been responsible for the power brown-outs in the Northeastern United States.

"I've kept the same open mind on UFOs as I have on the SST," said Dr. McDonald, who thereupon urged Mr. Conte to scour the Air Force archives for himself to see the evidence that points to the probability of the existence of flying saucers. "I wish I had the time," sighed Mr. Conte.

The most important testimony came from Dr. William Kellogg, associate director of the National Center for Atmospheric Research. Dr. Kellogg last year chaired a symposium of physicists that reviewed the climatic effects of the SST. It concluded that although some additional research was needed, there is no concrete reason for holding up SST prototype development.

Dr. S. Fred Singer, deputy Secretary of the Interior and the chairman of the American Geophysical Union's Committee on Environmental Quality, also gave the project a green light. He told the subcommittee he is "95 per cent sure" the SST would have no significant harmful effect on the environment. And within two years, before the United States would have to decide whether or not to go from prototype to production of SSTs, he believes he can be "99.99 per cent sure."

The environmental lobby should be delighted with its success to date. Through the lobby's pressures, the Administration has ruled out SST flights over land, eliminating the sonic-boom problem. It has also pledged that should the SST fail to get a clean bill of health from the scientific research of the next two years, the plane will not be built. Further, the contractors now promise that the SST will be cleaner and quieter than any of the commercial jets now in use. And if it doesn't meet these higher standards, says the Administration, it will not be certified.

But the lobby, the Coalition Against the SST, is not happy. It simply doesn't want the airplane built. A year ago, the coalition—which includes the Sierra Club, the Friends of the Earth, the Environmental Defense Fund—argued that the SST sideline noise was too high, that it measured 124 EPNdb (effective perceived noise in decibels). The coalition insisted the SST be required to meet the new regulations for subsonic jets, 108 EPNdb. The engine contractor, General Electric, redesigned the engine. It now says it will meet the 108 EPNdb standard. The Sierra Club now insists the requirement be made 98 EPNdb.

REACTION AGAINST PROGRESS

Dr. Singer has a theory about these objections. "Why has there been so much fuss raised about the SST? Why is the conflict focused on this particular new technology? I think the answer is complex, but perhaps one of the important reasons is that the SST has become a symbol. In my view, we are witnessing here a general reaction against all technological progress, and against basic science itself, on the part of a coalition of people which—paradoxically—includes scientists."

In this view, the environmental opposition to the SST is largely unreasoning, more a visceral yearning to see technological progress frozen while a way is found to cleanse water and air. Of course, this is a hopeless ideal, even a counter-productive one, especially since the United States is profoundly enmeshed in global economics. Indeed, only by more rapid advances in the "right kinds" of technology will the nation outrace pollution.

Before the end of this month, Congress will have to decide whether or not the SST is the "right kind" of technology, a decision that should be easier now that the environmental issues have become clearer. The question now: Is the SST an economically sound proposition?

Here, the Administration and the aviation industry acknowledge they will not really know until the prototypes are completed and flight-tested. But they insist the stakes are so high and the odds are so favorable that it would be near criminal not to take the gamble. The Government has already invested $1 billion; it will take $300,000,000 to complete the prototypes.

Since the British and French and the Russians are well ahead in SST development, the Administration says there is the real possibility that if the Congress says "no" on the SST a lot of unpleasant things could happen: a loss of 150,000 jobs in the U.S. aircraft industry; an accumulative loss, by 1985, in the U.S. balance of trade of more than 50 billion; loss to the U.S. Treasury not only the $1 billion so far invested, which would be repaid through royalties, but more than $6 billion in corporate and personal income taxes.

Private industry is in no position to gamble another $300,000,000 to find out if the SST will prove economic. The industry already has a $139,000,000 investment in the plane, and if the prototypes show an economic potential, the contractors will have to find more than $4 billion for production. The Government is playing for bigger stakes. If the SST is not built, industry's loss of potential profits would be small compared with the staggering losses the U.S. Government would face in damage to a basic industry. On this reasoning, the House Appropriations subcommittee last week gave its nod, by a 7-to-2 vote, to the SST.

The environmentalists refuse to recognize the chief reason the SST is attractive to the world's airline companies, although this same reason promises a beneficial impact on the environment: The SST would be twice as productive as the most productive subsonic jet, the Boeing 747. Thus, it would take half as many SSTs as 747s to handle transoceanic traffic.

RHETORICAL TRAP

If it had not been for the continuing advances in productivity in commercial aircraft, the skies would be swarming with airplanes to handle the demand and airports would have to be 10 times their current size. William Magruder, director of SST development in the Department of Transportation, points out that it would take 50,000 DC-3s to handle the air traffic now served by the U.S. jet fleet of 3,000.

In a way, the Coalition Against the SST has been trapped by its own rhetoric. It built the SST into "an ecological disaster" of such monstrous proportions—in the process allying itself with forces that don't want the SST built no matter how benign its environmental impact—that it cannot now gracefully back away.

The same coalition, which includes the American Federation of Scientists and the Council for a Liveable World, also came together to lobby against antiballistic missiles. When these groups join together, seeking strength in unity, they give up independence of action. They find they can't peel out from the coalition once they get what they would normally feel is a reasonable compromise. They must fight to the bitter end with nonnegotiable demands.

The coalition will continue to push the skin-cancer theory, but not with any enthusiasm. It recognizes it now must battle the airplane on economic grounds, and last week presented an economic case.

Russell Brown, a young chemical engineer from Idaho, appeared on the coalition's behalf, submitting a paper that "proves" the SST could not compete with the 747. When a subcommittee member praised him for his testimony, Mr. Brown could not resist boasting that he had worked out his calculations "in two evenings at a dining-room table." The arithmetic, he said, was so simple that "any eighth-grader could do it."

INTERNATIONAL DECADE OF OCEAN EXPLORATION

Mr. HOLLINGS. Mr. President, one of the little heralded programs of marine science, but one which promises great return to the United States, is the International Decade of Ocean Exploration. This program, presently housed in the National Science Foundation, will emphasize the following goals during this decade:

First, preserving the ocean environment by accelerating scientific observations of the natural state of the oceans and its interactions with the coastal margin;

Second, improve environmental forecasting;

Third, expand seabed assessment activities;

Fourth, develop an ocean monitoring system through design and deployment of ocean data buoys;

Fifth, improve worldwide data exchange; and

Sixth, acceleration of planning for international sharing of responsibilities and costs for ocean exploration.

On February 25, Mr. Feenan D. Jennings, recently appointed head of NSF's International Decade of Ocean Exploration program, addressed the American Oceanic Organization. His speech is a concise description of the IDOE. I ask unanimous consent that it be printed in the RECORD.

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

PRESENTATION TO THE AMERICAN OCEANIC ORGANIZATION

(By Feenan D. Jennings)

It is a genuine pleasure for me to address this meeting of the American Oceanic Organization. In particular, I am pleased because this is the first opportunity we have had to discuss the International Decade of Ocean Exploration program outside of the foundation.

As most of you know, the Vice President assigned responsibility for the management of the decade program to the National Science Foundation in November of 1969 as one of the President's five initiatives in marine sciences for fiscal year 1971. The Vice President said the United States would propose emphasis in the International Decade of Ocean Exploration on the following goals:

(1) Preserve the ocean environment by accelerating scientific observations of the natural state of the ocean and its interactions with the coastal margin—to provide a basis for (A) assessing and predicting man-induced and natural modifications of the character of the oceans; (B) identifying damaging or irreversible effects of waste disposal at sea, and (C) comprehending the interaction of various levels of marine life to permit steps to prevent depletion or extinction of valuable species as a result of man's activities.

(2) Improve environmental forecasting to help reduce hazards to life and property and permit more efficient use of marine resources—by improving physical and mathematical models of the ocean and atmosphere

which will provide the basis for increased accuracy, timeliness, and geographic precision of environmental forecasts;

(3) Expand seabed assessment activities to permit better management—domestically and internationally—of marine mineral exploration and exploitation by acquiring needed knowledge of seabed topography, structure, physical and dynamic properties, and resource potential, and to assist industry in planning more detailed investigations.

(4) Develop an ocean monitoring system to facilitate prediction of oceanographic and atmospheric conditions—through design and deployment of oceanographic data buoys and other remote sensing platforms;

(5) Improve worldwide data exchange through modernizing and standardizing national and international marine data collection, processing and distribution; and

(6) Accelerate decade planning to increase opportunities for international sharing of responsibilities and costs for ocean exploration, and to assure better use of limited exploration capabilities.

As you must recognize, the goals which I have just quoted are rather broad in their scope, and much of the effort during this first year has been devoted to refining an operating philosophy for the conduct of the program and in identifying more specifically, scientific problems upon which we should focus our attention.

First, I would like to outline three basic points of philosophy which have been used to shape the program and which we will use for the management of the projects during the coming years.

(1) The goals assigned by the vice-president were, in my opinion, well chosen in that they all involved an examination of man's interaction with the oceans. We recognized that a fledgling program such as ours would have to be designed carefully to avoid duplicating the prerogatives and even the assigned responsibilities of on-going Federal agency programs. This meant, for example, that we should not involve ourselves with research into tsunamis, tides, mapping and charting, fisheries research or operational prediction systems, all of which are responsibilities of the National Oceanic and Atmospheric Administration. Nor would we involve ourselves in detailed geological surveys which are rightfully the task of the U.S. Geological Survey; nor in an examination of the environmental quality of rivers and estuaries which, at first glance, are the responsibility of the environmental protection agency and the Federal Water Quality Administration. Having blocked out those areas which were not our concern, we then attempted to arrive at an operational philosophy which would take advantage of existing talent and resources, to stretch the money available to IDOE as far as possible in attaining the goals outlined. We concluded that IDOE and other agencies could enhance each other's activities. This could be done with the Department of Defense and other agencies by encouraging cooperation on research projects. For example, the Navy in pursuit of an oceanographic environmental prediction capability, might support research in air/sea interaction; the IDOE, charged with the task of improving environmental forecasting for the benefit of mankind, would also need to examine the processes involved in the exchange of matter and energy between the atmosphere and the oceans. If we could combine our interests and our support in looking at large-scale air/sea interaction processes, it would benefit the goals of both the Navy and the decade programs.

The other method by which we could stretch our resources, and which was an inherent part of the decade program, would be to encourage and foster international cooperation in programs to which all participating countries actively contribute. Thus, we will seek joint support of the IDOE scientific investigations from other countries whenever it is mutually advantageous to do so.

(2) We have attempted to identify, within the broad goals outlined by the Vice President, rather specific scientific problems which are—at this time—particularly susceptible to a concerted attack by the research community. This may be occasioned by the state of our theoretical understanding of a problem, or by recent advances in our technological capabilities to examine the problem, or by some combination of these and the scientific community's present involvement in them.

(3) Having identified the problems which are particularly amendable to solution by a concerted effort, we would then focus the necessary scientific talent on the problem, and provide enough resources, in terms of technology, equipment, and technical assistance, to offer the hope of really obtaining the answers to significant questions. The combined results of these philosophies is a program which focuses on a very few carefully identified scientific problems and which involves most of the scientists concerned with those problems on an inter-institutional, inter-agency, international basis.

Those philosophies then are the major operating tenets of the program.

I would now like to address the programmatic aspects of the IDOE. Three of this six goals outlined by the Vice-President fall into categories which I would define as support functions:

(1) The first of these is the development of technology for monitoring the environment. While we recognize the importance of applying truly modern technology to oceanic investigations, we do not believe that the level of funding presently available to the program will permit the support of technological development in the general sense. Instead, we will support that technology required by the IDOE scientific programs as necessary. This will involve participation by industry wherever possible. As the program grows in size and sophistication, increasing involvement of the technological excellence of industry will be required. In addition, we will foster the growth of the National Oceanographic Instrumentation Center by supporting that organization's direct involvement in the testing, calibration, and engineering evaluation of the instruments to be used in the scientific program.

(2) The second support function involves the improvement of national and international data exchange through modernization and standardization of our present systems. Once again we decided that it was not feasible to support such a program in general terms, but that it would benefit the scientific research efforts as well as the existing data management organizations if we were to involve the data centers directly in the scientific projects. Accordingly, we have made arrangements by which the environmental data centers of NOAA and the sorting centers of the Smithsonian will participate in the IDOE through the following procedures: (A) the data centers will review the research proposals submitted to the IDOE by the scientific community to insure that adequate attention has been paid to the reduction and processing of the scientific data resulting from the work; (B) the data centers and the scientists will agree on formats for submission of the data and on schedules for delivery of the data to the centers; and, (C) the data centers will estimate the added costs of handling data resulting from the decade program, over and above their on-going responsibilities, so that proper funding for those centers may be provided by the IDOE.

(3) The third support function—which is really more of an objective—concerns international sharing of responsibilities. In a sense the decade program—as we see it—is quite different from previous international cooperative studies of the oceans. For example, the international Indian Ocean expedition and the international cooperative investigations of the tropical Atlantic concern themselves with cooperative assaults on a given geographic area of the world oceans. The IDOE on the other hand, will focus on *scientific problems* which will more properly involve cooperation between various countries on a scientist-to-scientist basis, rather than a broad commitment from each country to mount an exploratory expedition to a given geographic area in an agreed upon time period.

Thus, the major emphasis on international cooperation will be to insure that the principal investigators in this country contact their counterparts in other countries and encourage their participation in the programs whenever possible. In addition, we at the program management level will present our overall program plan to intergovernmental organizations in order to obtain their assistance and support.

Having presented to you our general approach to the management of the decade program, I would now like to describe the scientific programs which we have identified within each of the three broad goals outlined by the vice president.

Although one of the primary goals of IDOE is to stimulate integrated long-term studies of environmental quality of the ocean, it quickly became apparent to the office that markedly lacking was any set of baseline data or other information against which the validity and objectives of proposals could be weighed. Unless such information is obtained, there is the danger of ending the decade without answering important questions relating to the quality of the environment.

Two national academy of sciences panels met in 1970 with the primary intent of identifying pollutants of concern in the marine environment. The first, GNEM (Global Network for Environmental Monitoring—IBP: NAS), listed among the elements and compounds of concern a suite of heavy and transitional metals including mercury, lead, cadmium, arsenic, copper, and zinc; oil and hydrocarbons of petrochemical origin; chlorinated hydrocarbons; and polychlorinated biphenyls. Subsequently, a second panel (NASCO—Williams College) recommended that no monitoring program be supported until the completion of adequate baseline studies which identified sources and rates of input, presence or absence of specific pollutants, and concentrations occurring in the ocean at present. The panel estimated that the goal could be reached in one to two years.

To accomplish the objectives outlined at the Williams College conference, primary consideration should be given to a study of the areal and shore-seaward distribution of pollutants, focusing on sources of injection into the marine environment. Specifically, these include (1) rivers (seaward from their mouths), (2) the atmosphere, and (3) accidental or intentional spillage—the first, best studied where water enters the ocean from areas of high population and industrial density; the second, at points remote from land but under the major wind systems.

Recognizing that associated problems differ from one geographical area to another, the office has invited study proposals with the intent of supporting separate studies in the North Atlantic, Northeast Pacific and Gulf of Mexico. The objectives are:

(1) To identify major suspected and unsuspected pollutants and their sources;

(2) To identify ocean processes affecting the dispersal, sedimentation, and fate of pollutants;

(3) To identify or predict the impact of pollutants on the biosphere as well as their

effect on esthetic and commercial uses of the oceans; and

(4) To identify areas of the ocean where one might expect to find high concentrations of pollutants.

Using these guidelines, surveys to obtain baseline information of the presence or absence of specific pollutants and their concentrations in the biota, sediments, and water will be made preceding the study programs. Once completed, the studies will provide adequate information to permit the logical development of sophisticated research projects to study the biological amplification, chemical reactions, ultimate fate and effect of pollutants and so forth. We have identified responsible groups in the Atlantic and Pacific and are considering the proper approach to the gulf and Caribbean.

In addition to the pollutant baseline studies, we hope to support a program to determine the present day distribution patterns of all the most important oceanic tracers—both physical and chemical—along north-south transects of the three major oceans of the world. This work will be important to our program in environmental quality, and to our long-range interests in predicting environmental conditions.

In the area of environmental prediction, we feel much more comfortable in identifying those scientific problems which hold the most hope for pay-off to the benefit of man.

The progress in both the theory and the measurement of upwelling processes over the past few years has reached the point where a concerted scientific research effort into coastal upwelling systems may give us the capability to make some early attempts at predicting the onset of upwelling. It has been estimated that over 50 percent of the world's fish catch is made in upwelling areas. If we are able to improve our capability to predict the onset of upwelling and to understand the processes taking place within the food chain, it will surely result in an increase in man's use of the oceans as a source of food.

Another program which presently has the attention of the majority of East Coast physical oceanographers is the study of the role of medium-scale eddy processes in ocean circulation. As a result of the work over the last several decades we now know something about the mean circulation of the oceans, but we have no real understanding of the perturbations which take place. We also know that a large percentage of the energy involved in such perturbations occurs on scales equivalent to the quasi-geostrophic eddies which have been observed in the Northern Atlantic over the past several years. We hope to support a program which attempts to delineate these eddies with the ultimate goal of understanding the dynamic processes which control their generation and decay.

Another area of environmental prediction which in my opinion holds great promise for pay-off is the study of the large-scale air/sea interaction processes taking place in the north Pacific. We are considering supporting a program of synoptic observations, combined with theory, which will provide us with the understanding of energy exchange between the ocean and the atmosphere. The goal of the program is to provide the proper scientific basis for increasing our long-range weather forecasting both in the marine environment and over the North American Continent. Other important parts of our environmental prediction effort are an examination of water mass formation and abyssal circulation which are important in the distribution of heat energy and pollutants in the ocean. In addition, the top layers of sediments from areas of rapid sediment deposition can be used to identify climatic changes which have occurred in the past. A knowledge of such changes will allow us to determine whether man is influencing changes now observed, or, whether they are naturally cyclic events which have nothing to do with our activities.

In the area of seabed assessment we hope to focus much of our attention on the study of the rift valleys of the mid-ocean ridge systems to determine whether the hot mineral brines observed in the Red Sea—which is itself a rift valley—might also be taking place in the deep sea. We also considered that the deep ocean trenches should be studied for two reasons: First, men are considering the deep trenches as a place for the disposal of some kinds of wastes on the basis that such waste will be buried as the sea floor slides under the continent; and, second, there is a great deal of seismic activity associated with the ocean trenches and there is a good possibility that mineralization may also be taking place there. We intend, therefore, to support research which will help us determine whether our theories are correct; if they are, an understanding of the generating mechanisms may help us to predict the occurrence of resources on the floor of the ocean.

Our understanding of the geophysical framework of the continental margins under the oceans of the world is by no means uniform. We believe that a search for minerals on these margins will require a knowledge of the geophysics of these areas and intend to support studies along continental shelves While we may support a few fine grain surveys to look at the geology of selected areas, this will not be a major thrust of our seabed program on the continental margins.

I am personally very excited about the scientific program which I have just outlined because this is the first time we will be able to bring the necessary resources to bear to provide us with the hope of obtaining some meaningful answers from our research. Although I cannot tell you today which individual projects will be funded to carry out this program, I can say that if we expend the money according to our present plan in fiscal year '71, we will spend 2.8 billion in environmental quality, 7.3 million in environmental prediction, and 4.9 million in seabed assessment. In 1972 we anticipate that these ratios of expenditures will shift as we begin to undertake full-scale investigations into the quality of the ocean environment.

The philosophies and the scientific program which I have just described have been presented to and approved by the National Science Foundation-International Decade of Ocean Exploration Advisory Panel made up of representatives from academic institutions and industry; by the inter-agency decade planning group which is composed of representatives from all government agencies; and, tentatively, by the IODE planning panel of the National Academy of Science Ocean Affairs Board and National Academy of Engineering Marine Board, which was responsible for the drafting of "an oceanic quest". We will continue to seek the advice of these groups as the program progresses.

The true strength and ultimate success of the International Decade Oceanography program will hinge on the scientific excellence of the research effort. While we will not neglect such important aspects as international cooperation, technological advancement, and the proper management of data, our major effort has been and will continue to be directed toward ensuring that the programs we support are of the highest quality. It is only through this approach that we shall make real contributions to man's understanding, treatment, and usage of the oceans during the coming decade.

FRANCO-AMERICAN COOPERATION IN CONTROL OF DRUG TRAFFIC

Mr. MATHIAS. Mr. President, it is obvious that any effort to control the drug traffic and to curb drug abuses will require international coordination for success. This is particularly true in the case of the United States and France. Our close cultural ties and the attraction of Paris for young Americans, our relative positions in the Atlantic Community and France's geographic position athwart the immemorial paths of trade between East and West all require intimate partnership to control the problems related to drugs.

Over a year ago, I visited the headquarters of the French police in Paris and spent an entire day in discussion of drug problems and related juvenile offenses. In January of this year I met with the Honorable Arthur K. Watson, U.S. Ambassador to France for a discussion of the drug problem and the steps he has been taking to improve controls on a bilateral basis. The Ambassador has been personally committed and extremely active in this area. I am happy to observe that there has been a considerable improvement in both attitudes and practice during the year that has elapsed between these two conferences.

It gives me a great deal of satisfaction, therefore, to note that the United States and France signed a historic drug control pact on February 26, 1971. It puts the two countries squarely on record to do something about the illicit narcotics and dangerous drug traffic.

The agreement was signed in Paris by Attorney General John N. Mitchell and French Interior Minister Raymond Marcellin.

It is historic in that it is the first written cooperative law enforcement agreement between two countries.

The pact, which is the result of about a year's work by top American and French officials, spells out in detail how narcotic agents of both countries work together in combatting the problem, particularly trafficking through France.

A section of the protocol preamble sets forth its basic purpose. It says in part:

> Close cooperation and mutual assistance are, therefore, essential to enable the services to meet their respective obligations in combatting the traffic narcotics and dangerous drugs.

The protocol spells out in detail the stationing of American personnel in France and French personnel to the United States to work in the common effort.

It also outlines how the two governments will conduct joint investigations and exchange intelligence and pool their resources. American agents are assigned to Paris and Marseilles and two French agents are already assigned to the New York Office.

Of primary importance to the two countries is the detection of heroin conversion laboratories in southern France and the interdicting of heroin being shipped into the United States.

Although many provisions of the protocol are already in existence, it will clarify duties and matters of cooperation.

More than anything, the protocol is symbolic of two concerned governments and their commitment to wage a vigorous attack on the illicit narcotics traffic.

Mr. President, strong efforts are being made by the Nixon administration to stem the flow of illicit drugs from Europe to America.

France and the United States have worked together in the past when critical problems confronted them.

I ask unanimous consent to have printed in the RECORD the text of Attorney General Mitchell's statement made at the signing ceremony in Paris, and an editorial from the Washington Daily News of Monday, March 1.

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

DEPARTMENT OF JUSTICE,
February 26, 1971.

Attorney General John N. Mitchell read the following statement during the signing of an agreement between France and the United States to formalize their activities in the fight against international trafficking in drugs:

My good friend, Minister of the Interior Marcellin, and other distinguished officials and guests of France and the United States:

Our action today in signing this agreement is another noble chapter in the history of comradeship between our two countries.

Nearly two hundred years ago, we first fought together to achieve liberty on the other side of the Atlantic Ocean.

In this century we have twice been comrades in arms to preserve liberty on this side of the Atlantic, and throughout the world.

Today our two nations are, in a sense, striking another blow for liberty.

The enemy we face destroys men's liberty and makes them slaves of a drug habit.

Frenchmen and Americans have conquered tyrants together, and together we can put an end to this growing tyranny of drugs.

For many years, both of our countries have been attacking the narcotics traffic together.

We have joined other nations in getting the United Nations to establish a special fund to fight drug abuse. I am happy to report that the United States has pledged $2 million to this fund this year.

France and the United States played leading roles during the recent conference on the Convention on Psychotropic Substances that ended in Vienna last Sunday. I would like to note that one of the most effective representatives there was Dr. Jean Mabileau of France, who was chairman of the important Control Measures Committee.

And, of course, French and American law enforcement authorities have been cooperating closely in striking at international drug traffickers. Much progress has been made in arrests and seizures in both countries.

Today we are formalizing and extending this effort through this agreement.

Other international agreements have controlled the legitimate production of drugs and outlawed all other production. But something important was missing.

This agreement provides for cooperation between our nations in drug law enforcement.

The next great step is for other countries concerned with the drug traffic to join in formal agreements for police cooperation in this field.

If America and France dedicate themselves to rigid enforcement of this agreement.

And if our cooperation can light the way for other nations to make and enforce similar agreements . . .

Then I predict that the tyranny of narcotics can be encircled and overthrown.

The implementation of this agreement is now in the hands of the French Police Judiciaire and the American Bureau of Narcotics and Dangerous Drugs.

I am proud that in this crusade, as in others of the past, the banners of America and France are flying together in the vanguard.

ON THE DRUG FRONT

Attorney General John N. Mitchell has just signed an agreement with French Interior Minister Raymond Marcellin which pledges the United States and France to a joint fight against the drug traffic.

Mr. Mitchell said the new pact commits the two countries to trade information, run joint investigations and station French agents in the United States and U.S. agents in France.

He said this cooperation, now formalized in writing, already has resulted in the seizure of hundreds of pounds of dope and about 20 arrests.

The U.S. Customs Bureau reported that its "canine corps" has sniffed out large quantities of marijuana and hashish at entry ports, enabling agents to make more than 175 seizures.

These examples of Government action illustrate one aspect of the drug problem—disrupting the traffic, keeping the stuff off the market.

Another news item underlines the other aspect, which probably is even more difficult than enforcement—trying to talk student addicts out of the habit.

An organization called the National Council on Drug Abuse Education and Information is launching a training program for public school counselors who will work with student drug users across the country in an effort to steer them off the dope.

The critical need for both tough enforcement and broad antidrug education was pointed up again the other day at the annual meeting of the American Association of School Administrators. The school officials were given the results of a comprehensive survey of public school students in Cincinnati which indicated at least 18 per cent had used drugs. And 90 per cent of those who admitted using drugs said they would not go to their parents for help.

This underscores the urgency of the problem as well as the difficulties in meeting it.

It is deadly serious. Any steps, by way of enforcement or education, which can alleviate the problem are absolutely essential.

PEACE CORPS

Mr. HUMPHREY. Mr. President, it is with a great sense of pride and satisfaction that I offer my congratulations to the Peace Corps on the celebration of its 10th anniversary. It was my privilege to sponsor the legislation which established and authorized the Peace Corps. It is, therefore, most encouraging to view the work of achievements the Peace Corps and the resulting prestige it has acquired. The example of this fine organization leads me to conclude that through individual and collective efforts and dedication, institutions can be created which fit the needs of society and which can solidly improve the human condition at home and throughout the world.

Excerpts from a general letter written by Mr. Blatchford sum up the past history and its future.

Ten years ago, President John F. Kennedy stood on a windswept platform over the Capitol steps and challenged Americans to

Ask not what your country can do for you—ask what you can do for your country.

Since then, more than 45,000 of our countrymen and countrywomen have responded to this call. They have sought not only to represent the best in America overseas, but to serve the people among whom they live as well as they serve our own Nation. Now, 10 years after the dream of a Peace Corps first began to take shape, it is fair to ask whether the early ideals are being met, whether the concept actually can be made to work. I would like to offer you some answers which may be of interest to your readers.

The Peace Corps has proved that it does work; that it can do a meaningful job overseas. Here are some facts:

The Peace Corps is now in 61 countries and operates 547 separate programs. Its volunteers practice 312 skills and speak 187 languages.

In the year just completed we sent overseas 830 experienced farmers, skilled tradesmen, and vocational education specialists—330 more than we announced as a goal 15 months ago.

The number of requests for 1971 has risen to 5,112, with more to come, because for the first time the Peace Corps is offering to provide the skills in greatest demand.

More than 100 families with children have now been accepted into the Peace Corps. The number of older volunteers going overseas trebled last year.

The Peace Corps has launched new programs for special purposes. Intern programs with colleges will bring in members of minority groups. A joint program with the Smithsonian Institution will provide highly skilled volunteers in ecology and the environment. A joint program with the Teacher Corps will provide experienced teachers in math and science.

In the past 18 months, the number of Americans on our staff overseas has decreased by 36 percent.

In the past 10 months, the number of local citizens on our staff overseas has increased by 40 percent. The overall size of the Peace Corps staff has been reduced by 24 percent to become more economical and efficient.

The Peace Corps is now entering its second decade as living, vibrant proof that America is a nation of people who care about the world in which they live, of people who are willing to put that care and concern into action, who will commit a portion of their lives to the benefit of others. One way to build a lasting peace is to help make better the quality of life for all people. Through its work in development and education, the Peace Corps is striving to build a peace of cooperation and mutual effort. National development and international peace go hand in hand. And the role played by a growing and maturing Peace Corps cannot be denied.

It is a dynamic organization which has profited from certain set-backs in the past and shows every promise of moving ahead. But in order to do so we must give it all the encouragement we can; we should in fact endorse the concept of national nonmilitary service on as wide a scale as possible so that other national service corps can carry on in the fine tradition of the Peace Corps.

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

Mr. TOWER. Mr. President, the timely action of the Judiciary Committee in reporting and the Senate in passing Senate Joint Resolution 10 is laudable. This resolution calls for the designation of the week of March 21 as National Week of Concern for Prisoners of War/Missing in Action.

On December 30, 1969, Ambassador Philip C. Habib in his opening statement at the 48th Plenary Session of the Paris peace talks, said:

> Your side (North Vietnam and the NLF) claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.
>
> As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.
>
> As President Nixon has said, this is an unconscionable position. There is no way it can be justified to the families of the prisoners or to the world at large.
>
> This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

Mr. President, that statement was made more than a year ago, but the situation stands unaltered today.

On February 22, only 2 weeks ago, I talked personally with Mr. Habib as well as Ambassador David Bruce in Paris. They made it clear that while the North Vietnamese have demonstrated some concern over the continuing pressures brought upon them regarding POW's and MIA's, they still show no signs of mitigating their position on this most important issue.

This prolonged recalcitrance of the North Vietnamese and the Viet Cong to adhere even to the minimum requirement of international law and rudimentary human decency has deepened concern for the prisoners of war and missing in action across the Nation and around the world.

The passage of this joint resolution has provided a focus for the demonstration of this widespread concern by designating a National Week of Concern. I commend Congress for the swift action taken on this measure.

CHARLES WILLIAM ENGELHARD, JR.

Mr. WILLIAMS. Mr. President, I join Senators in expressing my sorrow at the passing of Charles William Engelhard, Jr., of Far Hills, N.J.

Those of us who had the privilege of knowing Charles Engelhard recognized him to be an exceptional man: a distinguished industrialist who served as an adviser to our Government on East-West trade relations, a determined humanitarian whose support of deserving charities and social causes is well known in our State and Nation, a noted industrialist and proponent of increased international trade, and a family man of great warmth and humor.

His involvement with many projects in the State of New Jersey will be long appreciated and remembered. His assistance to Rutgers University and to the orphans of Boystown, in Kearny, N.J., was well known, as were his efforts in behalf of such projects as the American Heritage Foundation, several libraries, museums, and foundations. His belief in the essential dignity of man pervaded his life and he made substantial efforts to improve racial understanding and cooperation throughout the world. He was an outstanding New Jerseyite and American.

PROPERTY RIGHTS

Mr. HARTKE. Mr. President, it has been fashionable for some to contend that the right to own and hold property is not also a "human right." In an article published in the February, 1971, issue of the American Bar Association Journal, Professor Thomas Shaffer, of the University of Notre Dame Law School, gently rebuts the proposition that property rights should have no important place in our contemporary society. Professor Shaffer points out that the accumulation of property fulfills a very basic need in man which cannot lightly be disputed. In a very real sense our property is an extension of "us" and the process of accumulation is "good" or "bad" only in light of the property owner's intentions.

Mr. President, I ask unanimous consent that this humorous and thoughtful article be printed in the RECORD.

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

MEN AND THINGS: THE LIBERAL BIAS AGAINST PROPERTY

(By Thomas L. Shaffer)

(Note.—Ownership of property is as prevalent in human society as taxes and government, and almost as prevalent as sex. Most men are more concerned with their possessions and with what it takes to acquire and protect them than they are with righteous indignation.)

When a property teacher sets out to learn about the human facts in his subject—if, for instance, he wants to learn about the behavioral aspects of the law of the dead (wills, trusts, future interests and death taxation)—he will be discouraged by the fact that psychological literature has a great deal to say about sex, and even quite a bit about death, but almost nothing about property.

There are a couple of metaphysical essays by Jean-Paul Sartre,[1] and, from the founders of psychoanalysis, the theory that our concern about property begins at the potty chair.[2] But for the most part the men who have been most interested in studying the human spirit have not been concerned about our relationships with things. There may be a reason for that. And the reason may be useful for our profession, which necessarily deals with property and which should begin to learn what it cannot learn from behavioral science.

MOST REVOLUTIONARIES ARE NAIVE ABOUT PROPERTY

Here is a guess: The most revolutionary elements in our society are naive about property. They say, as William Stringfellow, a distinguished lawyer, said in his book *Dissenter in a Great Society:*

> The venerable ideological conflict in our society between those who regard property, and the ownership of property, as the moral basis for society and those persuaded that human rights must have precedence in the ordering of society and the making of public policy once more dominates the American scene.[3]

Some of our revolutionaries (not including Mr. Stringfellow) say that banks must burn and some that houses should be owned communally. The aspiration is that we share our burdens and our benefits and forget about ownership. In some hard-to-get-at away this sentiment is implicit in the communal spirit—the let's-get-together ethic—of the coming generation. And something like this same spirit is implicit in the ideas and sympathies of those of us who often cheer at the irreverence of the coming generation. This is a mildly utopian idea; it is prevalent in the literature of the new left and the not-so-new, not-so-left, and it suggests a liberal bias against property. (If the word "liberal" seems bothersome, substitute "reformer's" or even "revolutionary's". "Liberal" is used here, frankly, to provoke annoyance.) There is at least the implied aspiration that it is possible to separate the ownership of property from the rights of men. Whatever it is, it seems to be erroneous, and the error could make a difference. More to the present point is that it seems to be part of the current liberalism in behavioral science.[4]

My favorite image on men and things is Humphrey Bogart on the *African Queen*, chugging down that fetid jungle river with Katherine Hepburn. The boat's ancient steam engine jammed and rattled and scattered hot steam, and Bogart jumped up, ran to the boiler and kicked it. And the boiler worked again.

Hepburn asked what was the matter with the boiler, and Bogart said it was jammed. Hepburn asked him why, and Bogart said, "I left a screwdriver in it one day when I was working on it, and the screwdriver jams a valve." Hepburn asked why he didn't take it apart and take the screwdriver out. And Bogart said, "I could do that, Miss, but I like to kick her. She's all I got."

You cannot talk about the captain of the *African Queen* as a person unless you are willing to talk about the *African Queen* as an extension of its captain—as part of his personality. That seems obvious, but it is an instinctive judgment on which the behavioral scientists have presented no data. They have defaulted on their clear duty to satisfy the curiosity of lawyers. If they had not failed us—or if they someday propose to redeem their failure—what might be the behavioral theories on man's ownership of things? Here are three ideas.[5]

"I AM WHAT I HAVE"

First, property is something I am. It is a part of what is me. Sartre makes a theoretical case for that proposition:

> The quality of being possessed does not indicate a purely extenral denomination . . . ; on the contrary, this quality affects its very depths. . . . This is the significance of primitive funeral ceremonies where the dead are buried with the objects which belong to them. . . . The corpse, the cup from which the dead man drank, the knife he used make

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Footnotes at end of article.

a single dead person. The desire to have is at bottom reducible to the desire to be related to a certain object in a certain relation of being.

* * * * *

I draw the collection of my surrroundings into being with myself. If they are taken from me, they die as my arm would die if it were severed from me.

* * * * *

The totality of my possessions reflects the totality of my being. I *am* what I have.[6]

Property personality is a common thing in the law of succession—in this culture and others. Consider the astounding respect that is shown for the wishes of a dead man on the disposition of his property. In Tahiti,[7] and in Iowa and Kansas for that matter, one reason a man makes a will is in order to prevent fights—because his survivors will not resist what he wants done as much as they will resist someone else, someone who lacks the dead man's identification with the property. Throughout the law of succession, in all cultures, there lingers the idea that the property is the personality of the dead man. Property is his immortality.[8]

Try that thought on yourself. Pretend you are going on a long trip, a trip from which you may never return. What will you take with you? What is the most valuable thing you own? And what is the most significant thing to you personally? Can you tell clearly where you end and the things on your take-along list begin? [9] Those who study the dynamics of "total institutions"—prisons and asylums—report one of the principal ways to make inmates docile is to take away everything they own.[10] The result is not only a naked man, but also a naked personality. Justice Holmes said: "A thing which you have enjoyed and used as your own for a long time, whether property or an opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however you came by it." [11]

PROPERTY IS SOMETHING I DO

Property is more than something I am. It is also *something I do*. One of the first signs of a beginning of ownership among primitive, communistic societies is respect for primary rights in things that are the fruit of labor. Among the Yamana of South America, for instance, if I catch a whale, the blubber belongs to everyone in the village. But I get first pick and, to some extent, get to choose who gets second and third pick.[12] In the Semang society on the Malay Peninsular, there is no ownership of land or buildings, but every warrior owns his own poison tree.[13] The Eskimos of Greenland and the Arctic Siberians recognize almost no exclusive ownership, but if you want to learn a spell or a hunting song you have to pay the man who knows it.[14]

In each of these instances—and in the case of American businessmen—property is what I do. And this is true beyond consideration of wealth. I asked a veteran life insurance underwriter a couple of years ago about his business clients. He said they were always greatly concerned about what would happen to their businesses when they died. I asked him if they knew how much their businesses were worth, and he said they usually did not.

PROPERTY IS SOMETHING I USE

Property is more than what I am and more than what I do. It is also *something I use*, and there are three radically different aspects of property as *use*.

Property may be a conduit to other people; it may be a cornerstone of human relationships. Freud noticed this in his *Psychopathology of Everyday Life*.[15] I am enjoying myself at your house but have to leave, and when I leave I forget my coat. I have to go to the office on a Sunday afternoon and resent it, and find when I get there that I left my keys at home. My things—coat and keys—are where I wish I were. A patient of Freud's was having trouble with his wife; she gave him a book and he misplaced it. Six months later their relationship improved, and the patient found the book in some obvious place in his desk.

It has usually been thought that primogeniture, the legal system under which property is inherited by an eldest son to the exclusion of everyone else, is medieval and undemocratic. But societies that have observed primogeniture—including fairly modern societies—are often prosperous. This comes about because the central family—father or eldest son—takes care of everyone else. Property is used to keep the family together at least as much as the family is used to keep the property together.[16]

The line between rights in things and rights in persons is functionally obscure. Most legal systems have always recognized rights in persons as a species of property. The levirate—a custom under which a widow is given to her husband's brother—seems a cruel instance of that, but it is not really so different from child ownership, or even wife ownership, in our own society.[17] Engels saw this connection; he wrote that the institution of marriage had to decline with decline in the institution of property. The two go together—a dogma that caused great theoretical turmoil in the Soviet Union until Stalin rejected it.[18]

Property is something I *use*, in a second sense, as a significant personal expression not otherwise available to me. There is a custom among one tribe of Indians in Arizona, for example, that everything a dead man owns is destroyed when he dies. Survivors are afraid of the dead; they want solid earth between them and all extensions of the dead man—including his property personality.[19] We all know carpenters who could not be who they are without wood and tools. The only ownership recognized in many primitive societies is the ownership of things to work with. A quaint example of that is the Hopi garden. A husband may own the garden, and he may do whatever he wishes with his produce as long as he is in the garden. But if he brings the produce into the house—his wife's house, as the Hopi see it—the produce doesn't belong to him anymore and only his wife is allowed to give it away.[20]

The idea of ownership begins when self-expression with property requires exclusive rights in it. It may be that the need for exclusive control has important psychological significance. The anthropologist Rene Millon hit upon the very rude beginnings of land ownership among the Sierra Populaca of Mexico. Those people were just beginning to permit a man to demand exclusive rights in his grove of coffee trees—the land as well as the trees. They had recognized for a long time that a man could own the trees, but only recently did they expand this idea to the land itself. And the apparent explanation of the extension is that they had discovered that they could grow more and better coffee that way. Millon does not guess at the effects of this transition on the social and psychic personality of the coffee grower.[21]

There is a third sense in which property is something I use, and that is as a means of assuming and protecting power. The coffee trees of the Sierra Populaca suggest that development. There are many instances in our own history. An example is the use of land grants in the United States and in Spanish America, not only as a means of economic development, but as a means of solidifying power. For another example, the English feudal system, from which our law of property grew, was above all a system of government.[22]

TRANSMISSIONS OF STATUS AND PROPERTY ARE INSEPARABLE

The transmission of status—which is a symbol of power—and the transmission of property are functionally inseparable. Titles and positions of honor illustrate that throughout Western history; and there is more transmission of status in our own culture than we may be ready to admit. You can reflect on that fact as you run down the roster of names in the United States Senate. In societies entirely alien to our own, the transmission of corporate membership—in clan groups, in castes, in the primitive equivalent of the country club—is property used to assume and protect power.

I think Mr. Stringfellow and reformers of his persuasion, as well as revolutionaries who will doubtlessly be influenced by him, make a mistake when they equate the assumption and protection of power with property ownership. And the mistake may lead them far beyond anything they had in mind. There is a kind of revolution that is callow and therefore unwittingly inhumane. Successful revolutions—and the most successful of all revolutions, the American Revolution, was designed and implemented by lawyers—are built on a healthy respect for the way people are. Callow revolutions tend to unexpected catastrophe. I agree with Justice Holmes that "the notion that with socialized property we should have women free and a piano for everybody seems to me an empty humbug".[23] One thing every reformer ought to try for—on pain of failure—is an appreciation for what is most important to the people he proposes to reform.

In terms of national policy, an appreciation for the way people are and the way people own will tend to support, for example, the way our federal tax structure has grown up, so that businessmen are taxed just this side of destroying their desire to own more than they have. And death taxes are kept just low enough so that a man does not lose all hope of aggregating status and power and passing it along to his children.

A primary goal of the American welfare state—supported, as it is, by taxing policies that take realistic account of the way people are—is that every household should have a house. Every person should have enough property to guarantee and safeguard personality; for dignified labor; for sound relationships with those he loves; and for self-expression.

Behavioral scientists don't probe property relationships in *our* culture because they are members, by and large, of Mr. Stringfellow's species of reformer. The trite label for that species is middle-class liberal. Middle-class liberals are ambivalent about property. They are comfortable with their things. They couldn't get along without things. But social passions and consider-the-lilies-of-the-field idealism leave one somehow ashamed of ownership—and, especially, of the love of ownership.

HYPOCRISY OF PROPERTY IS A SORE SPOT

The enlightened American liberal has come to terms with his sex impulses and even has learned to live with anxiety about death—both more advertently, and more efficiently, than he has dealt with his ambivalence about the comforts of property. The rebellious kids have some pretty useless ideas about *distribution* of the property, but they hit a sore spot when they talk to their elders about the *hypocrisy* of property.

Middle-class liberals aside, most men are more concerned with their things and with what it takes to acquire and protect their things than they are with righteous indignation. The comparison is important because self-expression—the "firstness of the First" (Amendment)—appears to be a sort of primary, non-negotiable value among the vocal leaders of the coming generation, and even

Footnotes at end of article.

more so among the admirers and supporters they have in the command generation. But most people set almost as much store by the nonvocal dimensions of their personalities.

All of us are more involved in our things than many of us care to admit. Anyone who proposes to be a revolutionary should realize that, as Judge Prettyman said, "The right of a man . . . to warm his slippered feet before his own open fireplace is as great as his right to gather with his neighbors in the corner pub and cuss the government." [24]

FOOTNOTES

[1] SARTRE, EXISTENTIAL PSYCHOANALYSIS (1953).

[2] FERENCZI, SEX IN PSYCHO-ANALYSIS (1958).

[3] STRINGFELLOW, DISSENTER IN A GREAT SOCIETY (1964); see Slater, *Cultures in Collision*, PSYCHOLOGY TODAY 31 (July 1970).

[4] See Moynihan, *Eliteland*, PSYCHOLOGY TODAY 35 (September, 1970).

[5] See also SHAFFER, DEATH, PROPERTY, AND LAWYERS (1971); Shaffer, *The Psychology of Testation*, 108 TRUSTS & ESTATES 11 (1969); Shaffer, *Will Interviews, Young Family Clients, and the Psychology of Testation*, 44 NOTRE DAME LAW. 345 (1969); and Shaffer, *The Psychological Autopsy in Judicial Opinions under Section 2035*, 3 LOYOLA UNIVERSITY OF LOS ANGELES L. REV. 1 (1970).

[6] SARTRE, *supra* note 1, at 122–123.

[7] Cairns, *The Explanatory Process in the Field of Inheritance*, 20 IOWA L. REV. 266, 281 (1935).

[8] See generally GOODY, DEATH, PROPERTY, AND THE ANCESTORS (1962).

[9] Thanks to Dr. Oron South, of the Midwest Group for Human Resources, for this suggestion.

[10] GOFFMAN, ASYLUMS (1961); SYKES, THE SOCIETY OF CAPTIVES (1958).

[11] Holmes, *The Path of the Law*, 10 HAR. L. REV. 457–477 (1897).

[12] Lowie, *Incorporeal Property in Primitive Society*, 37 YALE L. J. 551, 552–553 (1928).

[13] *Ibid.*

[14] *Id.* at 553–555; The return of succession and even testation to Soviet law is an interesting parallel. See Griffin, *The About Turn: Soviet Law of Inheritance*, 10 AM. J. COMP. L. 431 (1961).

[15] FREUD, THE PSYCHOPATHOLOGY OF EVERYDAY LIFE (Mentor ed., 1951); ch. II, JONES, PAPERS ON PSYCHO-ANALYSIS (Beacon ed. 1961).

[16] Cairns, *supra* note 7 at 268–281: Radcliffe-Brown, *Patrilineal and Matrilineal Succession*. 20 IOWA L. REV. 286, 297–303 (1935); Griffin *supra* note 14.

[17] *Ibid.* (Radcliffe-Brown).

[18] Atkinson, *Succession Among Collaterals*, 20 IOWA L. REV. 185, 186, note 3 (1935).

[19] Blauner, *Death and Social Structure*, 29 PSYCHIATRY 378 (1966).

[20] Beaglehole, *Ownership and Inheritance in an American Indian Tribe*, 20 IOWA L. REV. 304 (1935).

[21] Millon, *Trade, Tree Cultivation, and the Development of Private Property in Land*, 57 AMERICAN ANTHROPOLOGIST 698 (1955).

[22] See generally Cairns, *supra* note 7; JOHN, LAND TENURE IN EARLY ENGLAND (1960).

[23] HOLMES, COLLECTED LEGAL PAPERS 306 (1921).

[24] PRETTYMAN, TRIAL BY AGENCY 15 (1969).

THE NATION'S ENERGY RESOURCES

Mr. TOWER. Mr. President, recently the Senate Interior and Insular Affairs Committee held hearings on Senate Resolution 45, a resolution which calls for an in-depth investigation of the availability of and the future requirements for our Nation's energy resources. Based on this study, the Interior and Insular Affairs Committee would recommend by September 1, 1972, policies and legislation designed to maximize the utilization of our energy resources consistent with preserving and enhancing our environment to the greatest extent possible.

As a cosponsor of this measure, I urge my colleagues to give Senate Resolution 45 their full and favorable consideration. I ask unanimous consent that my remarks before the Interior Committee be printed in the RECORD.

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

STATEMENT BY SENATOR JOHN G. TOWER

Mr. Chairman: I appreciate this opportunity to comment upon S. Res. 45 which was introduced by my distinguished colleague, Senator Jennings Randolph. I am a cosponsor of this resolution calling for an in-depth investigation of the nation's energy resources and our future requirements for these resources. Indeed, I can think of few subjects for our deliberations here more urgent or more pervasive than the dangerous energy shortages which presently threaten our nation.

In comparison, other matters assume minor proportions. At its worst, a prolonged energy shortage could affect the amount of heat and light in virtually every home, factory, hospital and school throughout the land, at stake could be the possible cessation of all movement of automobiles, trucks, trains, buses, airplanes, and ships. Moreover, our national security could be seriously threatened. And, more importantly, our very existence could be jeopardized. Our vast energy uses are entwined in literally every facet and fibre of our lives. My imagination is able to conceive of few, if any, more pervasive or urgent concerns before this body than the preservation of adequate supplies of the four major energy resources—oil, natural gas, coal, and fissionable material—and the support of investigation into the potential of fusion power sources and solar power conversion.

In this Congress, I will reintroduce a resolution to authorize NASA to expand upon their research into small-scale solar power conversion on spacecraft to large-scale conversion through orbiting power stations. The potential of these future sources of power should be included in the Congressional consideration of our national energy policy.

While I hope that the energy shortage which I have described will never occur, I must admit that such an event is a possibility. I am convinced that immediate action is necessary to avoid an energy crisis.

The first step involved in taking such preventive action is the formulation of national energy policies. This is the thrust of Senator Randolph's resolution.

For many years, I have been concerned that the nation was losing its supplies of adequate and secure energy resources. My concern stems from the declining investment of risk capital in the energy resource exploration industries and the resulting decrease in exploration activity. For example, at the present time, domestic oil and gas exploration activity is at its lowest level since 1943. Oil and natural gas provide approximately 75 per cent of our energy requirements. Since these two resources provide the bulk of our energy requirements, my remarks in this statement will be directed primarily toward those resources.

The decline in exploration activity is, to a large degree, a direct result of policies emanating from Washington. Governmental policy has been negative during the past several years. An example of this negative attitude was the reaction of some members of the Executive Branch and the Congress to the recent 8 per cent increase in the price of domestically produced crude oil. This increase did not even offset the additional tax burdens placed upon the oil industry by the Tax Reform Act of 1969. Nor did this small increase nearly offset the increased exploration and producing costs which have risen as a result of inflation. These are the facts. Yet, the price increase was roundly criticized in Washington.

The end result of the discouraging economic and tax policies emanating from Washington has been a significant and alarming decrease in our exploration activity. This, in turn, has led to a decrease in our proven domestic reserves of oil and natural gas. In short, because of this decrease in exploration for new reserves of oil and gas, we have been consuming our proven reserves faster than we have been adding to them.

Recently we have realized the need to create comprehensive national energy policies, designed to insure adequate exploration, development, utilization and conservation of our limited, yet abundant, reserves of energy resources. Heretofore, we thought mostly in terms of individual resources.

For example, we set different regulating policies for all four resources. These resources have been regulated at different levels and by different departments of government. Ignored were the basic inter-relationships of these resources.

Let us examine one illustration of this important inter-relationship. At various levels of government, laws have been passed which greatly restrict emissions of sulphur particles into the air. Sulphur particles are emitted by the consumption of certain types of fossil fuels. Generally, these banned fuels were high-sulphur coal and fuel oil. The laws were passed to achieve a desirable and necessary result—clean air. They were passed, however, before adequate investigations were conducted to ascertain the availability of sources of fuel which could meet the strict anti-pollution requirements.

I would like to pursue further this example of the inter-relationship of energy resources to highlight the results of uncoordinated and sometimes conflicting government policies. After the laws were passed, the users of high-sulphur fuels naturally sought supplies of alternative fuels. A typical user, so affected, attempted to secure supplies of natural gas as a replacement for the banned fuel. Natural gas was chosen first because it pollutes the air least of all fuels. However, our producing reserves of natural gas have been dwindling over the past few years.

The primary cause of the diminishing supplies of natural gas has been, in my opinion, the short-sighted price setting policies of the Federal Power Commission. These policies sought to keep the price of natural gas low as an aid to consumers. However, because of the unrealistically low price of natural gas, the economic incentives to explore for new reserves were lacking. Thus, exploration for new reserves of natural gas has been declining steadily since the Federal Power Commission began to regulate the price of natural gas in 1954.

As a consequence of the demand created by new anti-pollution standards, the small amount of uncommitted producing reserves of natural gas were quickly contracted for. This left remaining a substantial amount of unsatisfied demand for other types of low-sulphur fuels.

Many users sought supplies of low-sulphur residual fuel oil. However, low cost imports had driven most domestic producers out of the market. Thus, there was virtually no excess domestic supply of this fuel to be found.

Logically, the affected user then sought supplies of low-sulphur residual fuel oil in the international markets. Here he found a convergence of peculiar, disconnected factors,

which resulted in an extremely tight supply of fuel oil from foreign sources. Some of these factors included the closing of the Suez Canal in 1967, the shutting of the Trans-Arabian Pipeline for eight months in 1970, reduced production allowables imposed by Libya on producers in Libya, and a shortage of oil tankers to transport petroleum around the Cape of Good Hope.

Frustrated in their effort to locate other, more desirable fuels, the users sought domestic supplies of the least desirable alternative fuel—low-sulphur coal. In this case, the development of known deposits of low-sulphur coal had decreased over the past several years. This decreased mine development was due mainly to the expectations of the mine owners that increasing portions of future electric power generation would be fueled by fissionable materials. However, the nuclear power generating industry has encountered technical and environmental difficulties which have resulted in relatively few electric power generators being converted from coal to fissionable material. Nevertheless, long-term investment in the development of the coal mines had been forestalled or abandoned in anticipation of the coming nuclear electric power generation era.

Because some users have been unable to contract for adequate supplies of fuel, many of us have experienced the resulting effects of these shortages. By now, we are all acquainted with brown-outs and even black-outs. These disturbing results will almost certainly increase in frequency, intensity and duration as our demand for energy increases and our supplies of energy resources continue to remain in short supply.

We have experienced mild power reductions this past winter. These energy shortages could have been much worse. We must not be lulled into a feeling of security just because we have managed to get through this past winter without severe power disruptions. We have been extremely fortunate. We have luckily experienced a mild winter; we had a small excess oil producing capacity which could be converted into fuel oil; and we called upon our good neighbor to the north, Canada, who had some excess oil and gas producing capacity and could sell to us increased amounts of oil and natural gas.

But we must not continue to trust to our luck and our neighbors. We must begin to formulate coordinated comprehensive policies which will result in our being able to supply the bulk of our own energy needs.

I have cited the many problems wrought by the single and laudable decision to clean up the air. This simple decision set off a chain of events still being felt. Involved have been various levels and departments of government—state and national. Yet these agencies of government have reacted without having a coherent and unified plan based upon carefully formulated policies. And this has been only one recent example of the disjointed and conflicting consequences resulting from a lack of such policies. There are many other such examples of the havoc wrought through conflicting policies.

So, having recognized the lack of a comprehensive energy policy and the concomitant serious results which have followed, it should be evident that the formulation of such policies must be of the highest priority.

We have experienced energy shortages intermittently for several months. We have examined and recognized that the causes of the shortages of energy resources are mainly due to a lack of coherent national energy policies. Yet, we still have not even begun to formulate such policies.

I deplore the drift into a more and more serious energy situation. We must not simply slide into an era of catastrophic power shortages. To do so would be to jeopadrize the security and safety of the American people.

Instead, we must act now to formulate comprehensive, coherent energy resource policies. Only by doing so will this country be assured of secure and adequate supplies of energy resources.

S. Res. 45 would authorize an in-depth investigation of our energy situation. Based upon this investigation the Senate Interior Committee would recommend national energy policies legislation. I urge the Committee to do so.

THE DREAM OF THE LITHUANIANS—FREEDOM

Mr. McINTYRE Mr. President, as our Nation draws closer to the celebration of its own 200th birthday, it is only proper that we should consider the fate of another nation whose independence day must each year be celebrated in less happy surroundings.

This is the 53d anniversary of the independence of Lithuania, a nation whose self-determination is for the moment over-shadowed by the specter of Soviet occupation.

Mr. President, it is the dream of peoples across the world to determine their own destiny, free from the tyranny of outside interference. Sadly, this is not true today for the people of Lithuania, for ever since World War II the freedom of these people has been checked by the brutal domination of the Soviet Government.

This small nation's proud history dates back as far as 1251, with the establishment of the Kingdom of Lithuania, leading to a proud day in 1918 when that nation fully came of age, declaring its status as a fully independent, sovereign state among the nations of the world community.

Mr. President, this sovereignty was duly recognized by the Soviet Union, which at that time renounced all sovereign rights and claims over the Lithuanian people and territory. But in 1940 an era of occupation began in which the Lithuanians became a subjugated, dominated, totally controlled colony of Soviet Russia. This resulted in complete control of the political and and economic spheres of Lithuanian life. It meant rule by force, alien domination, systematic depopulation of the original inhabitants and extensive settlement by nationals of the ruling country, economic exploitation, and an attempt to impose a Russian sense of culture and spiritual values.

Mr. President, this ruthless attempt to hold in bondage a whole nation continues to this day, most recently brought to light in the unfortunate incident involving the Soviets and a Lithuanian sailor named Simas Kudirka.

Mr. President, it is altogether fitting that we should join in commemorating the anniversary of Lithuanian independence, but the courage and dedication of the people of that nation demand that we do more than declare our admiration for that courageous spirit.

Mr. President, more than words are called for here. That is why I am proud to join the distinguished Senators from Pennsylvania in urging the President of the United States, the Secretary of State and the U.S. Ambassador to the United Nations to take the following actions:

First. To initiate action in the United Nations to implement the declaration on granting of independence to colonial countries and peoples in reference to Lithuania by restoration of her independence.

Second. And to strongly urge the U.S. Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests so that never again will this country be faced with such tragedies as its handling of the case of Simas Kudirka.

Finally, Mr. President, let us all vow to learn from the wonderful spirit of the people of Lithuania, whose devotion to the ideals of freedom and independence has remained throughout so many years of Soviet domination.

CRIME-FIGHTING SUCCESS

Mr. GOLDWATER. Mr. President, controversy concerning the Nixon administration's revenue-sharing proposals has too often turned on personality and partisanship. It is helpful to have concrete examples of the Federal-State-municipal partnership advocated by the President.

The National Observer for March 8 contains an excellent article by Jude Wanniski on the workings of the Law Enforcement Assistance Administration—LEAA—in the Boston and New England area.

Mr. Wanniski reports that last month, for the first time, city and State police chiefs from the six New England States met to plan combined efforts against organized crime. Last year, again for the first time, Massachusetts Superior Court judges met with State penal institution officials. The judges explained their sentencing practices, the officials their rehabilitation programs. Says the article:

As a result, the judges changed some of their sentencing practices.

This is the type of planning effort encouraged and supported by Federal funds:

It's a novel Federal-State partnership, one the Nixon Administration holds up as an example of how government can work better. In fact, it is the model for the Administration's "special" revenue-sharing plans, through which Federal funds would go to local governments for broad purposes, such as education, manpower training, and urban development.

According to Joseph Rosetti, LEAA regional director, initial difficulties have been overcome, and State and local officials are finding it easier both to cooperate and to decide on the more basic needs of areawide law enforcement. Judges, traditionally operating their courts in independent fashion, have begun to see the benefits of improving administration.

I note that Mr. Rosetti does not adopt the patronizing manner toward his State counterparts which has been so much a part of the Federal bureaucracy in the past:

The people in the state agencies are as good as those that any Federal agency can gather.

And even in the worst states, they're a lot better off making their own decisions than with the Feds telling them what to do.

Mr. President, I recommend this article to all Senators. It is indeed instructive.

I ask unanimous consent that it be printed in the RECORD.

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

NIXON MEN CALL CRIME-FIGHTING PARTNERSHIP "REAL SUCCESS STORY"

(By Jude Wanniski)

City and state police chiefs from the six New England states met last month in an office in the Boston suburbs. They closed themselves in a room with coffee and sandwiches, and spent most of a day planning a combined effort to combat organized crime. It was their first such meeting.

The Superior Court judges of Massachusetts spent a day and a half in a motel near Boston last year, meeting informally with officials of the state's penal institutions. The judges explained why they sentence as they do; the corrections people discussed their rehabilitation programs, and the kind of criminals who seem to benefit from them. As a result, the judges changed some of their sentencing practices. It was an extraordinary session. These men had never met before.

Six young men and women, who are technically police personnel, work out of a Boston office in getting to know, personally, student and black militant leaders around the state. This "crisis management team" may provide authorities with a direct line of communication with these groups, and an early-warning system, in a crisis. It's a new concept in police work.

These projects are only a few that have either been designed or approved in an office here at 80 Boylston St., the quarters of the Governors Committee on Law Enforcement and Criminal Justice. There is an office like it in each of the 50 state capitals, each basically performing the same tasks toward the same ultimate goal: to reduce crime through reform and modernization of the most stolid institutions of American society, the police, the courts, the places of correction.

"SUCCESS STORY"

Arnold Rosenfeld, who directs the Massachusetts committee, will have $9,424,000 in Federal money to spend this year toward this goal, almost double the $4,900,000 he doled out in 1970. The money comes from the Justice Department's Law Enforcement Assistance Administration (LEAA), which this year will provide more than $350,000,000 to the 50 state planning agencies for "action programs."

It's a novel Federal-state partnership, one the Nixon Administration holds up as an example of how government can work better. In fact, it is the model for the Administration's "special" revenue-sharing plans, through which Federal funds would go to local governments for broad purposes, such as education, manpower training, and urban development. Mr. Nixon last week asked Congress to give states even more discretionary power over these crime funds. He also asked the current requirement that the states and cities "match" the Federal contribution with their own funds be dropped.

The idea behind the partnership is one that is central to Mr. Nixon's design for domestic reform, especially revenue sharing. It rests on the assumption that the Federal Government is the most efficient unit for raising money, but local governments are more capable of dispensing services.

Theoretically in the LEAA arrangement, the Federal Government provides the money, with only the loosest of rules on where it should go; state and local governments decide their own priorities and then take responsibility for spending the money wisely. Hard bargaining takes place among the LEAA, Mr. Rosenfeld's committee, and the cities and towns of Massachusetts before any funds are dished out. But the essence of the idea remains: The state, not the Federal Government, has the biggest say.

"By the state getting the staff, the money, and authority," says Mr. Rosenfeld, "we can actually go out and over a period of years move things. We prod, suggest, stimulate, encourage, and make demands on the institutions. And now that they're getting Federal funds, they're [local officials] willing to do it."

His committee, he says, attempts to spend its bag of Federal money to produce a maximum of long-range reform. The state's judges are being badgered into accepting money for court-management studies—which almost always recommend that the judges give up some of their power in the interest of efficiency. Correction officials are being nudged toward reform, putting more resources into halfway houses and rehabilitation, less emphasis on penitentiaries. "Eventually, we expect only 10 percent of all prisoners—the most incorrigible—will be in maximum-security institutions," he says.

In addition to the regional organized-crime center, police chiefs are being drawn into common communication systems. Last year, through state-LEAA grants, 106 cities and towns in Massachusetts were linked to the state police information system.

As a related project, regional strike forces are forming, enabling smaller communities to share specialists, for example, to break a wide-ranging burglary ring. Regional training centers are also in operation, from riot control to police administration.

STRIKING A BARGAIN

Though the planning agency prefers to pin point its limited resources into activities that will permanently improve the system, this is not always possible. A police chief whose budget is frozen and whose fleet of patrol cars averages 60,000 miles on their odometers will not be overjoyed at finding there is money for a human-relations training course, but none for squad cars. A judge would rather have manpower than a court-management study.

It's up to the state planners to strike a bargain. "If we won't acknowledge what they think are their basic needs," says one man on Mr. Rosenfeld's staff, "they won't even deal with us." A LEAA official in the Boston regional office says this bargaining takes place in most states. "The state agencies," he explains, "put out some of their money like a lump of sugar, like bait, for the police chiefs and the judges. The chief will get some of the squad cars he says he has to have. The judge will get a piece of equipment he wants for his courtroom. But at the same time they'll go along with the planners in trying out some reforms they have in mind."

There's not much money for "sugar," though. Unless Mr. Rosenfeld and his counterparts in other states dole their allotments judiciously, this year's $350,000,000 would be quickly chewed up in police salaries, squad cars, and buildings. Indeed, the LEAA has been sharply criticized in Congress for permitting some states to dish out the lion's share of their allotments on police hardware. The LEAA has also been rapped, primarily by the League of Cities, for permitting some state agencies to spread the money thinly, giving a few dollars to every village constabulary for a walkie-talkie instead of concentrating the resources in the urban high-crime areas.

JUDICIAL "FIEFDOMS"

There will be less of this in the future, says Richard Velde, one of LEAA's directors in Washington. State planners are becoming more hard-nosed and professional in handing out funds. Courts and corrections people are becoming more adroit in competing for funds. "As more funds become available, as more professionalization builds up in the law-enforcement community, a lot of old barriers will erode away," he believes. "This has to be gradual. We can't just go in and bust up the system. Mostly, it takes persuasion."

Mr. Rosenfeld echoes these observations. "We wanted a balanced program, but often only the police would come in with reasonable ideas on what to do with the funds. Courts or corrections couldn't tell us what they needed or wanted." The courts, he says, are the most difficult to deal with in trying to bring about reforms. "They're run autocratically, as independent fiefdoms." Mr. Velde says this is true nationally. "Judges aren't accustomed to thinking in terms of management and efficiency. They're even less accustomed to sitting down to fill out and justify a request for funds."

Joseph Rosetti, the LEAA regional director for New England, New York, and New Jersey, thinks that after two years of pulling and hauling these problems are receding. More money is going into urban high-crime areas; Boston, for example, has 11 per cent of the state's population and this year will get 30 per cent of the "action" money. And courts and corrections are getting increasingly larger shares of the pie. The problem now, he says, is more basic. "The states have developed a capacity to plan and to move money out. Now we're ready to see whether they can evaluate and monitor the money that goes out."

He is sure they can. "The people in the state agencies are as good as those that any Federal agency can gather. And even in the worst states, they're a lot better off making their own decisions than with the Feds telling them what to do."

The Federal-state arrangement hasn't proven itself quite to the degree Mr. Rosetti suggests. There have already been charges of misuse of some LEAA funds in Alabama and Florida, where LEAA officials are now working to straighten out the programs. For this reason, the Nixon Administration last week decided to continue requiring that all states continue to submit detailed reports on how the Federal money is spent. The Administration insists that states have more incentive to see that funds are not misused since they now have full accountability for them. This sounds right. With the usual Federal program, where Washington provides the money and the method and the local officials provide the administration, responsibility for misfeasance becomes difficult to fix. Each government blames the other.

William Powers, commissioner of the Massachusetts state police, the first up-from-the-ranks commissioner in the state's history, has become a true believer in the LEAA-state partnership. "It's providing, for the first time, the enormous opportunity for the police service to go beyond the absolute minimal, marginal posture. We're getting the resources to have people stand back from the day-to-day fight to look at where we've been and where we're going."

This may be true enough and it probably is. But Congress will likely want a little more for its money before it pronounces this a success story. The objective, after all, is to reduce crime, something this novel Federal-state partnership has not yet been able to demonstrate.

SENATOR HARTKE ASKS INCREASE IN PRICE SUPPORTS FOR DAIRY PRODUCTS

Mr. HARTKE. Mr. President, a recent bulletin issued by the Department of Agriculture noted with deserved pride

the speed with which the Department has acted in the last several months to support hog prices. The same bulletin stated that, although the dairy industry could be seriously damaged by the ever-increasing import levels, the Department had done little to assist the dairy farmer.

While the Agriculture Department has begun to buy pork for school lunch programs and the Department of Defense has more than tripled its pork purchases, little or no cheese has been purchased for school lunch programs this school year and the administration apparently is intent upon killing the special milk program in the budget for fiscal year 1972.

The dairy farmer is suffering because of the lack of concern of the Nixon administration. But there is something which can be done to assist these farmers immediately.

First, the Department of Agriculture can begin to buy cheese on the open market for use in school lunch programs. The Secretary has the authority to do so and he should not delay any longer before taking action.

Second, the special milk program must be continued next year. This program benefits not only farmers but also thousands and thousands of schoolchildren.

Third, the price support level for milk should be raised to 90 percent next month. Once again, the Secretary of Agriculture already has the authority to do this.

Fourth, in light of the serious injury which is being caused dairy farmers by imports of dairy products, I believe that action must be taken to find a way to hold down such imports.

Mr. President, the dairy farmers of the United States need our help. I urge Senators to join me with their support.

FIFTY YEARS OF CONSTRUCTIVE SERVICE—THE MANCHESTER KIWANIS CLUB

Mr. McINTYRE. Mr. President, it gives me a great deal of pleasure to share with my colleagues the news that the Manchester Kiwanis Club has recently celebrated its 50th anniversary. This fine service organization—which contributes so much each year to New Hampshire's largest city—was founded on February 14, 1921.

The spirit of the Manchester Kiwanis has always been one of service, and theirs is a long tradition of working with city and State officials, as well as with private groups, to translate their concerns into constructive action. As a Kiwanis member in Laconia, N.H., I have always admired the Manchester group.

Mr. President, the Manchester Kiwanis have long been identified with their traditional project—assistance for the Manchester Girl's Club—and just a few years ago this interest led them to raise enough money to build a fine, spacious auditorium for the club.

There have been other worthwhile projects, too. For several years the Kiwanis have sponsored scholarships for girls in the Manchester area who are entering schools aimed at a career in nursing. They have also provided scholarships which have allowed some of the city's less fortunate youngsters to attend YMCA summer camps. The Kiwanis have also sponsored prizes for students at the State Industrial School in Manchester, working with young boys who have gotten in some trouble with the law, and seeing to it that they have a second chance in life.

In addition to this, the Kiwanis have been involved in fund raising for the Salvation Army, have worked to organize assistance for senior citizens, and have worked to inform themselves and others on such pressing social concerns as the abuse of drugs and the problems of pollution.

Mr. President, I commend this fine group on their record and wish them the very best on the occasion of their 50th anniversary. The Manchester Kiwanis Club is truly a service club in the fullest sense of that word.

PRIZE-WINNING ESSAY BY TIM COUGHLIN, BOISE, IDAHO

Mr. JORDAN of Idaho. Mr. President, one of the great values of the American public school system has been its fostering of discussions on democracy, liberty, individual responsibilities, and the obligations of government. This open analysis has helped keep the Government close to its people by helping them be aware of what they can expect from their Government. For some students, however, there also is a resulting feeling of frustration directed at the Government's slow response to pressures for change. Those pressures for change have increased in recent years, in part from the greater number of young people in the past decade and in part from the disillusionment of the Vietnam war, the confusion of opinions on all topics and the general state of affairs around the world. The young people caught up in the whirlwind of cries for change have little time to realize that equally trying times have existed before. Frequently, too little time is allowed from the cries for change to consider that there are many elements of the Government worth working to preserve.

Each year, under the auspices of the Veterans of Foreign Wars "Voice of Democracy" contest, thousands of high school students are given the initiative to ponder the side of the coin opposite that of change. Their topic this year was "Freedom Our Heritage." The young man who won the State of Idaho contest compared that heritage with a ship's log:

It reminds us of where the ship has gone and how the men who sailed before us got her through other storms and shoals and kept the ship free.

Like any ship, she is not steered by the hand at the wheel alone. A single lonely man, free in his courage and defiance, pulling a sheetline, can alter the course of the ship, and of history. His actions can be called mutiny and treason, but he is in his own right and he is free.

In his freedom, that one man can guide the ship on to clearer waters.

The author is Tim Coughlin, a student of Bishop Kelly High School in Boise. I ask unanimous consent that his speech be printed in the RECORD.

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

FREEDOM OUR HERITAGE

(By Tim Coughlin)

Webster's dictionary defines freedom as the absence of necessity, coercion, or constraint in choice of action.

That same dictionary defines heritage as something transmitted or acquired from a predecessor.

In these two words is summarized the better part of American history. In nearly everything that can be read of our past, you can tie these words in and apply them.

Over the years, you might say, a pattern has emerged, almost a basic blueprint for a free man. Every person that we admire in history had the following qualities:

First, he had the integrity and courage to follow what he knew was right, to defend his decisions when necessary, and the plain ordinary guts that took all the hard knocks that came his way.

Second, he had a responsibility. He placed his beliefs and ideals first, and himself a poor second. He was self-reliant enough to do it alone if need be, to cross a continent to farm or to cross the senate floor to vote with the opposition. We could see freedom as liberty, not license.

Finally, he needed an awareness of the era in which he was living, of what was going on around him, which could tell him when it was time to sit and when it was time to stand.

And so indeed we have a heritage, but a bit different from what we often picture. To many of us, heritage is something down in the park, that we take the kids to see on Saturday afternoon.

All the old forts, ships, planes, and so on are to remind us that in each of these old relics was a man or men who was free. Free, not by being told that he was born into a democracy, but free by thinking, being, doing, and sometimes suffering for what he believed in.

To these men, freedom was not something of the past but of the present. Not something passive, but something active and real.

Because they fought and won and remained free, we honor the men and the place. One word describes these battles that made and kept us free—dissent.

"The Congressman from Illinois voted for the resolution of the Congressman from Massachusetts, declaring that the war had been unnecessarily and unconstitutionally begun by the President."

Shades of the Cooper-Church amendment to end the war? Hardly. The date was December 22, 1847, the war was in Mexico, and the congressman's name: Abraham Lincoln.

In the continent of Europe in the fifteen and sixteen hundreds, the religious beliefs of the people were determined by the rulers of the state. Those who believed differently could either face persecution or leave.

Those who left became our pilgrims and puritans. They dissented, they had the integrity, the responsibility, and the awareness to act, and they began our nation.

The last example is that of Edmund G. Ross, a Republican Senator from Kansas. Ross cast the not guilty vote that acquitted President Andrew Johnson at impeachment trial in 1868. By courage and adherence to his beliefs, Ross dug his political grave and saved our form of government.

Each of these people demonstrated the qualities I mentioned. Each, in his actions, was not only greater but also more free in his position than those around him.

Dissent then, whether it be on campus mall or senate floor is the heartbeat of freedom.

Violent dissent though, is a sad mistake. It changes an open ear and mind to a closed, clenched fist.

The Boston Massacre and Kent State both look interesting in the history books, but they are complete dead ends.

Perhaps the heritage of those before us is like a ship's log: It reminds us of where the ship has gone and how the men who sailed the ship before us got her through other storms and shoals and kept the ship free.

Like any ship, she is not steered by the hand at the wheel alone. A single lonely man, free in his courage and defiance, pulling a sheetline, can alter the course of the ship, and of history. His actions can be called mutiny and treason, but he is in his own right and he is free.

In his freedom, that one man can guide the ship on to clearer waters.

THE POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, since its inception, the United Nations has been concerned with the political rights of women. The establishment of the Commission on the Status of Women as a functional commission of the Economic and Social Council, and the Preamble of the United Nations Charter are examples of this concern.

The General Assembly, in December of 1946, adopted a resolution noting that not all states had granted women political rights equal to those enjoyed by men and recommended that such states take steps to do so.

In Bogota, in May 1948, the Inter-American Convention on the Granting of Political Rights to Women was signed. At the time, the Commission on the Status of Women recommended to the Secretary General of the United Nations that similar conventions be proposed to assist countries which had not granted women equal political rights. A subsequent report of the Commission noted that as of 1950, 20 nations still had not granted women equal political rights. As a result, the Commission on the Status of Women began to prepare a draft convention on the political rights of women which was submitted to the Economic and Social Council and finally to the General Assembly. The convention was adopted by the General Assembly in December 1952 and opened for signature in March 1953. As of today, 68 nations have signed the Convention on the Political Rights for Women.

The convention entitles women to vote in all elections; to be eligible to run for all publicly elected bodies established by national law; and to be entitled to hold public office and exercise all public functions established by national law on equal terms with men and without discrimination.

The struggle in the United States for women's suffrage began early in our history. The colony of New Jersey granted suffrage to women in pre-Revolutionary days. Unfortunately, even this small step in the political rights of women was lost before the colonies gained independence.

The struggle for women's suffrage was born in the 1840's, aided by the growing participation of American women in many areas of American life. Wyoming gained distinction by being the first State to grant its women the right to vote in 1890. By 1914, the number of States which had granted suffrage to women had grown to 12. The State of Montana sent the first woman to serve in the House of Representatives in 1916. After lying dormant in Congress for 41 years, the proposal for women's suffrage, introduced by Susan Anthony in 1869, was ratified on August 26, 1920, as the 19th amendment.

Unfortunately, our national respect for the political rights of women has not been equaled internationally. The United States has failed for 18 years to ratify the Convention on the Political Rights for Women. I fail to see any reason why this measure should not be wholeheartedly embraced by the United States. Our inaction is no longer tolerable. I urge this convention's speedy approval.

NEW HAMPSHIRE TV NETWORK PLAYS INCREASING ROLE IN EDUCATION

Mr. McINTYRE. Mr. President, television must accept criticism when it performs below a standard of quality which the public expects of it.

But, if we are to criticize TV we must be equally ready to praise it when it performs with excellence and contributes in a major way to the community.

The five-station New Hampshire network which began as a single station operation in 1959 has now advanced to offering, among other programs, 33 educational courses covering 25 hours of weekly television lessons in literature, science, social studies, music, art, and a variety of other subjects to the schools of New Hampshire and Maine.

These programs provide teachers with educational resources that would not be otherwise available to them. This is an enormous contribution to the education of the area.

Mr. President, I want this story told; therefore, I ask unanimous consent that an article from New Hampshire Echoes of Concord, N.H., setting forth this accomplishment of the New Hampshire Network, be printed in the RECORD.

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

SCHOOL OF THE AIR: TELEVISION LESSONS VIA THE NEW HAMPSHIRE NETWORK

(By Patricia Merrill)

When school bells ring in New Hampshire, more than 110,000 children in Kindergarten through Grade 12 gather around television sets sometime during each week for special lessons supplementing their classroom experience.

Sixth graders investigate the physical and chemical properties of air, atoms and molecules; high school students visit ocean depths in a study of underwater ecology; primary grade classes explore the wonders of the mind and body.

Since 1959, Channel 11—now the five-station New Hampshire Network—has been offering New Hampshire and southern Maine students valuable enrichment and instruction.

According to William A. Brady, NHN instructional services director, a total of 33 courses is being offered this year by the New Hampshire School of the Air. The most extensive curriculum in NHN history includes 25 hours of weekly television lessons in literature, science, social studies, music, art and a variety of other subjects.

In telecasting these programs, the NHN provides teachers with many educational resources that would otherwise be unavailable to them. As a member of the Eastern Educational Network, the NHN draws upon production talents and teaching skills of 25 member stations throughout Eastern United States. Further, it utilizes the services of national distribution agencies such as the Great Plains National Instructional Library in Nebraska, the Midwest Program on Airborne Television Instruction in Indiana and National Instructional Television, also in Indiana.

Accessibility to national instructional television resources in cities such as New York, Boston and Washington, enables the NHN to select the best programming for its school schedule. In this way, the NHN's own production energies can be concentrated on the preparation of courses designed to meet specialized needs such as "The Curious World," encouraging fourth and fifth graders to learn the processes by which scientific data is obtained, and "Looks At Books," a modern literature series for kindergarten and first grade.

Ideally, students are encouraged to look *for* something, not just *at* the television lesson. The classroom teacher who prepares her class for the television experience, encouraging student participation and involvement with meaningful and imaginative follow-up activity, makes the best use of this rich and flexible teaching resource. Study guides—distributed free this year to all enrolled schools—describe the content of each lesson in a series and list related activities.

Schools enrolled in the New Hampshire School of the Air pay a fee of one dollar per pupil through Grade 8 and 50 cents per pupil, Grades 9–12, based on total school enrollment. The cost to an individual school system of duplicating the New Hampshire Network's total contribution to the curriculum of local school systems would be prohibitive.

New courses this year include "The Playground" to help children discover music concepts and develop an interest in music; "Let's See America," a series of visual field trips to historic and unique American landmarks such as Strawberry Banke, the Saugus Iron Works and the United Nations; "Children of the World," dealing with the customs, problems and life styles of people in other countries; and "A Matter of Fiction" an all-color series designed to encourage leisure reading among junior high students.

"A Look At Us" encourages high school students to consider issues which affect them deeply, providing a deeper insight into their own feelings and attitudes and a better understanding of the attitudes and feelings of others.

While certain grade levels are suggested for each course, "out of grade" use is widely encouraged. For example, third grade programs have been viewed by special education classes in junior high, and a portion of a junior high series has been used by a fifth grade class.

One of the new programs, "The Curious World," was produced by the New Hampshire Network under a grant-in-aid from Sanders Associates. The six program series for grades 4–5 features television teacher Kelvin Dalton (of "Science in Your Classroom").

All Instructional Service program decisions and selections are made by a curriculum committee of teachers and administrators from public and parochial schools throughout the state.

Each school year the NHN Instructional Service Department sends questionnaires to the teachers to determine which courses are most widely used and to obtain their reactions to the quality of the television lessons.

This year a new factor was added to the selection process with the establishment of a Preview Week. An entire week of daytime broadcasting in November was set aside, enabling teachers and students to view sample lessons of series being considered for the 1971–72 schedule. The reactions to these sample lessons were then sent to the NHN for compilation and analysis.

Brady points out that one of the advantages of instruction by television is that the lessons can be viewed at home as well as in school. "Children who are absent because of illness can keep up with some of their class activities," he explains. "All parents can keep informed of what their children are learning, and can share in their children's learning experiences."

A survey conducted last year revealed that well over a million student-hours of viewing were logged by the children in New Hampshire's public and parochial schools during the 1969–70 school year.

"Since the activation of the state Network," says Brady, "We are reaching students in virtually every section of the state. While we are still interested in increasing the numbers of students using our programs, our concern this year is with quality—with helping classroom teachers make the most effective use of television lessons. To that end, Brady has conducted a series of television utilization workshops for teachers in Woodsville, Claremont, Groveton, North Conway, Berlin and Littleton.

The NHN is currently conducting field strength readings in the northeast portion of the state to determine the locations of several translators, low power repeaters, used to fill in the most heavily populated limited reception areas. The first translator (Channel 70) is being built in North Conway to improve reception in Conway, North Conway and parts of Jackson.

Students are not the only ones who have been benefiting from television lessons. More than 2,500 elementary teachers in New Hampshire during the last four years have enrolled in three credit courses produced by the New Hampshire Network in cooperation with the University of New Hampshire.

"Art in Teaching," "Science in Your Classroom," and "Teaching Elementary School Reading" were designed to help elementary teachers develop creative art and science programs and to examine factors affecting reading, group and individual diagnosis, focusing on the needs of the individual child.

The three courses, which combined a study of recent methods of instruction with the development of skill in using special materials in the classroom, emphasized that techniques are a means to an end, not an end in themselves.

An estimated 78,000 school children were reached as a direct result of these courses which consisted of 15 television lessons combined with follow-up classroom workshops in regional centers located throughout the state.

Outside the classroom, the NHN provides 15 hours a week of top children's programming, largely adult oriented, combines public affairs, performance, confrontation, documentaries and adult instruction Sunday through Friday, offering a wide range of programs for viewers of all interests.

The New Hampshire Network is supported by state funds, schools enrolled in instructional services, the New Hampshire Public Broadcasting Council (representatives from 23 educational institutions forming the NHN's governing body) and gifts and contributions from business, industry, groups and individuals.

In its 11 years of telecasting, Public Television in New Hampshire has grown from a single station to a five-station network, a statewide service meeting educational needs, providing local public affairs coverage and bringing quality television into the homes of New Hampshire viewers.

UNEMPLOYMENT OF AEROSPACE TECHNICIANS AND ENGINEERS

Mr. DOLE. Mr. President, on Wednesday, March 3, 1971, Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower addressed the conference on employment problems of scientists and engineers in the aerospace and defense industries. In his speech he estimated that defense cutbacks have resulted in the unemployment of 50,000 to 65,000 engineers, scientists, and technicians who formerly worked in defense and aerospace jobs. He also stated that current employment opportunities fall far short of the total needed to absorb these displaced workers.

Mr. President, this problem is very serious in several areas of our country including Wichita, Kans. In March of 1970, President Nixon established the Inter-Agency Economic Adjustment Committee to assist communities adversely affected by defense cutbacks. I have asked that committee to assist local leaders in Wichita in developing a strategy for economic development.

But, Mr. President, more must be done to put those aerospace technicians and engineers back to work. On February 28, 1971, the Subcommittee on Economic Development of the Senate Public Works Committee, on which I serve, held hearings in Wichita, Kans., to determine the extent of the problem and possible legislative solutions. The witnesses appearing before our subcommittee included skilled laborers, aerospace technicians, and engineers, who repeatedly expressed a willingness to work and if necessary to retrain so they could do so.

Assistant Secretary Lovell has clearly defined this problem. I would commend this statement to the attention of all Senators and ask unanimous consent that it be printed in the RECORD.

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

REMARKS BY MALCOLM R. LOVELL, JR., ASSISTANT SECRETARY OF LABOR FOR MANPOWER BEFORE THE CONFERENCE ON EMPLOYMENT PROBLEMS OF SCIENTISTS AND ENGINEERS IN THE AEROSPACE AND DEFENSE INDUSTRIES

The Labor Department's Manpower Administration has been called upon to help the American worker in a variety of situations, in a variety of emergencies, in a variety of ways since it was established eight years ago.

Its nine major programs for training, for work experience, or classroom instruction have been molded in many ways to help the Nation's jobless or underemployed gain the skills and knowledge needed to win a worthwhile job. While the economy was constantly improving and there was a continued growth in job opportunities, these programs met with continuing success.

In the past two years, however, sharp reductions in defense and aerospace spending curtailed employment in these fields. Although this has happened in the past, the large numbers of unemployed engineers, scientists and technicians today has been regarded as a phenomenon on the national scene, a visible domestic problem which, despite preventive efforts by a variety of Federal agencies, is assuming major proportions in the industry.

The unemployment rate for engineers increased from less than one percent in November 1969 to more than 2.5 percent in November 1970. This was during a period when the unemployment rate for the Nation as a whole increased from 3.5 to 5.8 percent.

Our best estimates are that these cutbacks have resulted in unemployment for 50,000 to 65,000 engineers, scientists and technicians who formerly worked in defense and aerospace jobs.

In order to find out where these people were and how they were being affected, we conducted a special survey of engineer, scientist and technician unemployment in 24 cities hard hit by defense and aerospace layoffs.

For the most part, the survey indicated that employment reductions in these fields have had a serious impact on only a limited number of locations. A large share of the problem with respect to displaced defense and aerospace engineers appears to be centered in about 12 areas: Seattle, Los Angeles and Orange Counties in California, Long Island, N.Y., Wichita, Cape Kennedy, Huntsville, St. Louis, Boston, Atlanta, Philadelphia, and Dallas. Overall unemployment was not severe in some of these areas.

The occupations with the largest numbers of unemployed, the survey showed, were aeronautical engineers, aeronautical draftsmen, electrical engineers, tool designers, mechanical draftsmen, industrial engineers, mathematicians and programmers.

Demand for such professional and technical workers suggests that current employment opportunities is far short of the total needed to absorb the presently displaced worker. It is significant, however, that during the month of January, 1971, the State Employment Security agencies throughout the Nation received 5,000 job orders in scientific and engineering occupations from employers from every State in the Union except Alaska and Montana. On January 31, 1971, there were 5,023 openings *unfilled*. There were 75 different scientific, engineering and technical occupations in these unfilled openings ranging from aeronautical engineers and aircraft designer to structural draftsmen and tool designer to system programs mathematician and thermodynamics engineers.

The fact still remains, however, that vast numbers of engineers are unemployed today. Contacts with Federal agencies responsible for such activities as pollution control, highways, health services and housing—as well as the Council of State Governments and the National League of Cities, U.S. Conference of Mayors—suggested that there are sizable unfilled needs for engineering, technical and scientific personnel for these programs.

The key problem here, however, is how to translate the unmet needs of State and local governments into an actual hiring program. Such an eventuality would require sizable additional funds not now available to the Federal agencies concerned, or to State and local governments.

It is interesting to note that many of the aerospace engineers are called that because of their work experience rather than education. It is estimated that about 60 percent of this group have degrees in civil, mechanical or electrical engineering. Engineers with such backgrounds could fit into such programs as highway safety, urban renewal, construction, water control engineering—most of you know better than I where they could fit.

We have found, however, that the willingness to retrain appears to be directly proportional to the length of unemployment. The principal barrier appears to be the problem of salary readjustments. Training allow-

ances now available under MDTA, for instance, are no where near enough to meet the heavy financial obligations many of these people have.

The Department of Labor's Manpower Administration has taken a number of significant steps to help in this situation. It became fairly clear last year that the highly specialized background of these people created a solid obstacle in finding jobs for them outside of their chosen field. Events proved that the first judgment was not nearly as discouraging as it first appeared.

The American Institute of Aeronautics and Astronautics came to us last year with the result of a highly successful workshop they had conducted in Los Angeles for jobless aerospace engineers.

The concept was simple: to show engineers how their education has relevance in occupational fields other than those labeled strictly engineering, and suddenly a whole new area of job opportunities becomes available.

These men, most of whom had rarely had the need to apply for a job in the past—from their college graduation days they were usually approached with a variety of good offers, first were shown the simple mechanics of selling themselves. Then they were shown how to dissect their educational background so that, for instance, the mathematics they knew, the data processing they understood, and the many disciplines in the field of physics they knew could be applied to many other occupations still in need of highly educated and trained workers.

When the AIAA told us about this, we agreed to set up similar workshops with Labor Department funds in five cities. And, shortly thereafter expanded the number of cities to 34. These workshops, consisting of three evening sessions a week apart, have thus far provided perspective and guidance to more than 6,000 professionals who have participated. The AIAA is currently compiling some placement statistics for us.

While this idea seemed an excellent approach to one aspect of the problem, it was obvious again that a jobless group of persons, whether they are called engineers or ditch-diggers or sewing machine operators, are faceless and difficult to reach unless there is a common meeting ground, a market place, let us say.

We created such a market place when we joined with the National Society of Professional Engineers and the California Human Resources Development agency in providing a national registry for scientists and engineers. This national registry, or central clearing house, brings together the applications of jobless engineers and employers with job openings.

An engineer seeking work in Wichita or Boston or Los Angeles goes to his local State Employment Service office and fills out a special form with his vital statistics and job qualifications. The local ES office transmits this information by teletype to the national registry located in Sacramento, California.

Employers seeking engineers or scientists or technicians or workers with similar qualifications, request the registry to refer qualified people to their firms.

As of mid-February, nearly 2,900 applications were received from unemployed engineers and scientists, and more than 700 referrals have been made to employers. The Registry geared up in mid-January and the word has not reached many employers or unemployed engineers yet.

Quite obviously, we have a long way to go in this endeavor. But I want to emphasize that there will be little success unless everyone steps in and helps get the message to employers.

Tied in closely with the National Registry is the Manpower Administration's expanding system of Job Banks, a system that President Nixon enthusiastically endorsed in his first month in the White House.

We have improved information on alternative job opportunities now being provided in more than 60 areas through the Job Bank program, operated by the Labor Department and affiliated State employment services. These Job Banks provide daily computerized listings of local job opportunities enabling speedier links between the jobless and a job opening. Teletypes of all job orders received from employers for engineers, scientists and technicians at the Job Banks and other ES offices will be sent to the National Registry for listing as soon as a national hookup is completed.

By the first of July we expect to cover 111 major metropolitan areas with these Job Banks.

At the same time the Labor Department is improving its area recruitment system, a nationwide program providing a mechanism to exchange labor supply and demand information between States and areas. This system is more useful to engineers and scientists willing to relocate.

Willingness is an important word in the lexicon of the unemployed professional man today. He must be willing to move around the Nation where the jobs may be. He must be willing to face periods of financial strain until the proper opening arrives. He must be willing to lower his standard of living until that moment when he is once again settled in a productive job of his choice and is once again the master of his fate.

While he is in this jobless state, the Labor Department has been assisting him to some degree through the unemployment compensation program available in every State. With the 1970 amendments to the Unemployment Insurance legislation, an additional 13 weeks of compensation will be made available under these amendments this year.

While broad-scale efforts are being made, a few localized efforts to help engineers and scientists bear exposition.

At the University of California Irvine campus, 34 middle-aged and unemployed aerospace engineers are enrolled in the Nation's first university-sponsored program to re-school them for new occupations. With Labor Department funds the engineers are being prepared in the relatively new field of environment engineering in an 11-month course.

Similarly, at the University of Tennessee Space Institute at Tullahoma, the Institute and the Labor Department have joined forces to help 50 unemployed engineers from the Tullahoma and Huntsville areas learn about jobs in environmental control work.

The Virginia Employment Commission sent 900 potential employers a computer printout listing his education, skills and other pertinent recruitment information concerning their State's unemployment professionals. The VEC has hired, on a temporary basis, some of the unemployed engineers and scientists, at a modest salary, as an example for private employers to follow.

The Labor Department is currently involved in hiring several hundred professional workers as safety inspectors to staff the new safety bureau created by the Congress. Many of the inspectors are being selected from among unemployed engineers and scientists.

Training of scientists and engineers under the Manpower Development and Training Act has mostly taken place in California—a center of aerospace and defense industries. Proposals have been funded for a total cost of $5,182,708 to provide training for an estimated 3,653 persons. About 40 percent of these individuals are professional engineers or scientists.

The training embraces a wide variety of occupations, including those in bio-medical, technical marketing, and environmental engineering fields.

The much larger on-the-job training program provides funds for distribution to local community action agencies who are actively developing OJT projects. This is a continuing ongoing process.

The Department of Housing and Urban Development is seeking out ways of hiring more of these displaced professionals for HUD's Urban Renewal and Model Cities programs.

In Boston, we have opened a special total service center, operated by the State Division of Employment Security with the cooperation of the Associated Industries of Massachusetts. This center opened on January 26 and the reports are that the response from many among the 10,000 unemployed scientists and engineers in the area has been enthusiastic. The *Boston Herald Traveler* conducted a month-long free help-wanted ad campaign for the unemployed and several thousand unemployed engineers and technicians found work, many outside their field, through this service. The new center is providing services ranging from job application writing, to advice on how to meet mortgage payments or bank loans, and to relate their background to other jobs which could easily use their fundamental education.

The Labor Department has some further plans to help in this problem.

In the 10 hardest hit areas, we are exploring the possibility of further refining the self-help methods and approaches now being used by such organizations as Talent Plus and Experience Unlimited. We are asking State agencies to hire two or three unemployed engineers or scientists to set up and operate Job Information Centers for displaced engineers. This staff can then coordinate the employment and financial counseling, resume preparation, job development, and placement efforts of the volunteer groups in these areas.

Greater stress will be placed on job development efforts, especially in high placement potential areas. These efforts will cover both the private and public sectors, and will involve circularization of appropriate industry and trade associations. As part of this promotional effort, specific information will be developed on the characteristics—education, occupational discipline, experience, etc.—of the unemployed engineers and scientists.

The Labor Department is developing a legislative proposal which would include measures to facilitate the mobility of persons displaced from previous jobs due to changes in national priorities. This legislation is patterned after the Trade Expansion Act of 1962 and would include such benefits as readjustment allowances, relocation payments, and counseling and training services. While the proposed legislation is not exclusively related to the aerospace defense unemployment problem, it could be an important tool in this area to close the gaps in existing categorical legislation.

Let me point out at this juncture that we realize how difficult and frustrating the loss of jobs can be and how discouraging it is to work in industries that are buffeted by the rise and fall in economic vagaries. I firmly believe, however, that the consortium of innovate programs advanced by President Nixon, such as general revenue and manpower revenue sharing, welfare reform, and the construction of the SST, will not only bring the economy back quickly but, in the process, create jobs.

That should be good news for the highly educated scientists and engineers without a job today. That should be good news for the poorly educated disadvantaged worker today, too.

One of the major lacks among the highly educated worker is, ironically, the same lack that afflicts the poor and uneducated: where can you go to get the right facts and the proper advice.

Providing engineers and scientists with solid information about job opportunities, job requirements, job locations, and job trends—where the action is—is the most important thing that we can do for them in the long run. Because, in the final analysis, these are educated and intelligent men who can take care of themselves once they have the facts to work with.

To help in this problem, the Labor Department, through the employment security offices and its own regional staffs, will assist local efforts by employers and engineering societies by assembling current lists of employers in the area by size and type of industry; provide technical assistance in developing survey formats for locally directed demand analyses, and collating and analyzing the data.

Disseminating good, useful data about the labor market is, obviously, an important step. Local employment security offices in the nine cities hardest hit by the current cutbacks will be augmented by staff to enable them to increase their job development and information efforts.

The present drop in demand for professional engineers is a painful, sobering reality—especially to the engineer who is personally affected.

But I have every confidence that the drop in demand is only temporary.

This Nation is going to need engineers and lots of them in the coming months and years. Right now we are, and have been, suffering from the inevitable process of adjusting to shifting priorities. When these upheavals in our national policies have settled down, and our future course is more clearly charted, engineers will be needed in numbers that will exceed the supply, I am sure.

The kinds of engineers, and the kinds of *jobs* engineers will work in, may be quite different in the coming decade, however.

The Department's Bureau of Labor Statistics forecasts, for example, that industry will need 87,000 additional electrical engineers, 63,000 more architects and structural engineers, 62,000 more mechanical engineers, 23,000 aeronautical engineers, 22,000 civil engineers, and more. The fields in which they will be needed include, in order of demand: computers and other electrical equipment; architectural services, machinery design, aircraft research and manufacture, construction, scientific instruments, chemical engineering, and finally, ordnance.

The total number of engineers employed in the U.S. will increase from about one million at present to about 1.5 million by 1980. That means an average of 50,000 new engineers will be needed each year to fill the growth needs alone. Still more will be needed to fill in the ranks of engineers who retire, or otherwise leave the field.

This is a picture of strong demand for the skilled abilities of professional engineers. They are urgently needed in our daily work of transportation, manufacturing, communications and education. And now more than ever the country needs the talents of engineers for the new crises of pollution, poverty, diseases, and crime.

A PRAYER FOR NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, at a recent service on Quinquagesima Sunday, the Sunday before Lent, the Washington Cathedral honored my State of New Hampshire.

The Very Reverend Dean Francis B. Sayre, Jr., who was celebrant for the service, offered a "Prayer for New Hampshire."

I believe this prayer captures so much of the spiritual values of New Hampshire that I ask unanimous consent that it be printed in the RECORD.

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

A PRAYER FOR NEW HAMPSHIRE

(By the Very Reverend Francis B. Sayre, Jr.)

O God, how hast Thou favored Thy children who are given to perceive Thy splendor upon the wooded terrain of New Hampshire! For hemlock and spruce and sweet maple dancing down the valleys; for granite uplifted, unmoved, eternal; for myriad lakes like eyes in the forest where shines the image of the lively sky; for the silent peace of snow, the cool verdure of summer, and autumn's gorgeous praise: Accept our thanksgiving for Thy abounding glory. May our lives too reflect Thy grace: As free as a deer upon the mountain, yet humble enough to seek Thy way and no other. So shall we dwell with Thee and one another, taking the place in Nature's harmony which Thou hast appointed to be our blessing; through Jesus Christ our Lord. Amen.

THE WORSENING OUTLOOK FOR THE CITY'S LANDMARKS IN THE NATION'S CAPITAL

Mr. HARTKE. Mr. President, the Washington Post, on February 27, published a letter to the editor entitled "The Worsening Outlook for the City's Architectural Landmarks," which noted that the "combined forces of subway, Pennsylvania Avenue plan, and downtown renewal are sure to pose a major threat to landmarks within the boundaries of the main commercial and municipal sectors of Northwest."

The article cited the recent proposal of architect Wolf Von Eckhardt to preserve the old post office as "a prime example of a new mood afoot among designers and architects who are interested in incorporating valuable 'period piece' buildings into existing renewal projects."

It concluded with a call to action:

Now is the time for influential planning, civic and business leaders in this city to understand, and reconcile themselves to the urgent need to spare these and other structures that are significantly indispensable both from an aesthetic and an historical point of view. With so little of D.C.'s proud architectural past remaining to be observed by future generations, the least these most worthy survivors deserve is a more promising fate than the grim oblivion that they now appear destined for.

Mr. President, recently I received from Daniel Price, of the Occidental Restaurant, a list of historic landmarks in the Nation's Capital which are threatened by urban renewal and the Pennsylvania Avenue plan. This list includes:

Willard Hotel, Washington Hotel, National Theatre, Occidental Restaurant, Tariff Commission Building, Chinatown, National Press Building, Rhodes Tavern, Matthew Brady Studio, Old Ebbit Grill, Reeves Bakery, Kann's Store, Street facade, 700 block of 7th Street, northwest, National Bank of Washington, St. Patrick's Church, Greater New Hope Baptist Church, Mary Surratt House, St. Mary's Catholic Church.

I am informed by Mr. Price that this list was obtained from a study entitled "Downtown Urban Renewal Area Landmarks," published in 1970 by the National Capital Planning Commission and the District of Columbia Redevelopment Land Agency, and from plans for such federally financed programs as urban renewal, the subway, the freeway program, and the Pennsylvania Avenue plan.

In his message to Congress on February 8, 1971, President Nixon declared:

America's cities, from Boston and Washington to Charlestown, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the bulldozer. Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed . . . (and) there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

In the face of that clear statement of concern, it is rather ironic that the President has permitted plans to destroy many of the historic buildings of the Nation's Capital to continue without abatement. It is even more ironic that we are spending Federal tax dollars for this destruction.

It was equally disturbing to read an editorial in the July 1, 1970, Washington Post which indicated that the historic Willard Hotel has been kept dark for more than 2 years while the General Services Administration negotiates a swap with the Willard's owner for a potentially valuable 17 acres of land in Arlington. This transaction raises the possibility that plans to destroy historic buildings in Washington may result in significant financial rewards for speculators.

In light of these developments, it was somewhat reassuring to read an article in the February 19, 1971, Evening Star which stated:

Under prodding from Capitol Hill, key officials of the Nixon Administration and the District's business community are moving toward agreement on a scaled-down plan for redevelopment of Pennsylvania Avenue.

They also concluded the redevelopment plan should stress the renovation of existing structures wherever possible, with a minimum displacement of stores and businesses.

If the news of this new attitude is accurate, the future for Capital landmarks appears brighter. At the same time, every person who takes pride in this Nation's past as represented in its architecture would breathe easier if the President would use his powers as Chief Executive to preserve historic landmarks in the Nation's Capital.

Mr. President, we, as a nation, must be concerned with preserving and protecting our historic landmarks, not only those of great national significance, but the landmarks which make one city distinct from another. It would be a disaster to destroy the landmarks in Washington, D.C., and replace them with new buildings of little character.

A STATUS REPORT ON CHEMICAL AND BIOLOGICAL WARFARE

Mr. McINTYRE. Mr. President, for the last 2 years, as chairman of the Research and Development Subcommittee of the Committee on Armed Services, I have devoted considerable time and

effort to the chemical and biological warfare program conducted by the Department of Defense.

I have just received from the White House a report on the current status of much of this program. For the information of the Senate, Mr. President, I ask unanimous consent that this report be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 3, 1971.

HON. THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR TOM: There have been some Congressional inquiries and press speculation regarding the implementation of the President's decisions, as announced on November 25, 1969 and on February 14, 1970, to renounce biological and toxins warfare and to confine our programs to strictly defined defensive purposes. While it naturally takes time to work out the full implementation of such a major policy change, several fundamental steps have already been taken, which the President would like you to know about.

At the time of his decisions, the President requested the Defense Department to make recommendations for the safe disposal of existing stocks. Defense's plan required consultations with and the concurrence of several governmental agencies including, for example, the Council on Environmental Quality, the Surgeon General, and the President's Office of Science and Technology. On December 18, 1970, the Defense Department announced the final approval of its plan for the destruction of all stocks of biological and toxin agents and associated munitions.

The disposal operation is scheduled to begin at Pine Bluff (Arkansas), Rocky Mountain Arsenal (Colorado), Fort Detrick (Maryland) and Beale Air Force Base (California) in early 1971 as soon as necessary coordination with other interested Federal, State and local agencies is completed. All stocks will be destroyed on site. It is expected that the operation will take about 12 months at a cost of approximately $12.0 million. Needless to say, the overriding guideline for the plan is absolute adherence to strict safety and control procedures.

The matter of possible non-defense uses for biological facilities has been the subject of extensive review. On January 27, 1971, the President announced that a new, major project to investigate the health effects of a variety of chemicals (e.g., pesticides, food additives and therapeutic drugs) will be established in the biological facilities at Pine Bluff Arsenal. The Food and Drug Administration (FDA) will occupy the facilities as the Army vacates them, and it is expected that FDA will take over the entire biological facility in FY 1973. After the destruction of the stocks, the facility will be completely open for public inspection and international visitors.

While the future of the biological facilities at Fort Detrick is still under review, this too will be an open facility, after the stocks there have been destroyed, with no classified biological research programs. There are no plans in process or anticipated to relocate 190 military personnel and 250 civilians for the defensive biological program to the Deseret Test Center in Utah. Moreover, after the stocks of biological agents have been destroyed and with the possible exception of the purely medical and unclassified program of the Army Surgeon General, the existence of a group even close to such size is not anticipated in the entire defensive biological program.

The objective of the biological program will of course be protection against possible biological attack. As the President recently reiterated in his message to the opening session of the Conference of the Committee on Disarmament in Geneva, we are at the same time seeking to gain international agreement to have other countries limit their biological programs as we have done. Great Britain, Canada and Yugoslavia have announced national programs similar to ours. Our defensive measures program will be strictly defined and confined to areas such as medical research on diagnosis, therapy and immunization, research on detection and warning systems and defensive equipment, and intelligence-related vulnerability analyses. The only area of research where any classification is foreseen at the present time is that of research on warning and detection systems. Intelligence-related activities and analyses will, of course, also continue to be classified. The nature and scope of the research program for defensive purposes only continue to be periodically reviewed on an interagency basis.

With warm regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

FEDERAL BUDGET FOR FISCAL YEAR 1972

Mr. FULBRIGHT. Mr. President, in President Nixon's announcement of his proposed Federal budget for fiscal year 1972, much was made of the point that only 34 cents of every dollar would go for military expenditures, with 42 cents going for human resources.

However, a close examination of the budget—and it is presented in such a manner that it is very difficult to get a true picture—shows that this claim is highly misleading. Nonetheless, many people seem to have accepted the President's statement without any serious effort to determine the actual facts.

I was, therefore, very much pleased to see an article on the budget in the March 5 issue of Commonweal magazine which does get beneath the surface and give a true picture of how the President actually proposes to spend our money.

Mr. Richard du Boff, associate professor in the Department of Economics at Bryn Mawr College, in Pennsylvania, correctly points out in the article that the military expenditures actually account for more than 60 percent of Federal spending.

A hard look at the budget reveals little serious change in priorities. Military spending, despite the supposed "winding down" of the war, is going up.

Mr. President, I think that Mr. Du Boff has written a most significant article. I ask unanimous consent that it be printed in the RECORD.

I also ask unanimous consent that a recent newsletter sent to my constituents be printed in the RECORD.

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

[From Commonweal, XCIII, Mar. 5, 1971]

NIXON'S SECRET PLAN: THE BUDGET

("Far from being a dry accounting of bookkeepers, a nation's budget is full of moral implications; it tells what a society cares about and what it does not care about; it tells what its values are." Senator J. W. Fulbright, August 8, 1967.)

(By Richard du Boff)

Richard Nixon's budget for fiscal year 1972 (beginning this July 1) was delivered to press and public on January 29. Among the "highlights" presented in merciful summary of the huge document (it weighs over six pounds) was this one: "Even with this increase [of $1.5 billion], defense spending will drop from 36 percent of total spending in 1971 to 34 percent in 1972. Outlays for human resource programs, continuing to rise as a share of the total, will be 42 percent of total spending in 1972."

The statement is grossly misleading. In fact, so far as federal money appropriations—real political choices—are concerned, military and war spending accounts for more than 60 percent, human resource expenditures 31 percent—a ratio of two-to-one, and this by conservative estimate. Nixon's aim is transparent: to understate Pentagon profligacy and puff up all items remotely connected with human well-being, the cities, the environment, and any other area supposed to be benefiting from "redirection of our national priorities."

To understand how the President is accomplishing this, you'll need a dash of recent history, a short review to illustrate how the present federal budget is, like so many other things, a product of "bi-partisan" policy—cooperative trickery in this instance.

Until fiscal 1969 the government's budget was presented in *administrative* form. The old administrative budget, which has apparently been phased out altogether, was a financial record of only federally-owned funds. Such funds may be distinguished from trust and deposit funds held by the government for some specified and continuing purpose (or for some person). *Receipts* in administrative budget terms, then, would be total federal revenues less transfers to trust funds, certain intra-governmental transactions (interfunds), and refunds. Administrative *expenditures* would be those payable from Congressional appropriations and borrowing.

Back in 1967 the Johnson Administration, dissatisfied with this budgetary concept for several reasons—some valid from an economist's viewpoint, as I'll concede shortly—recommended adoption of a "unified budget," which was put into effect starting two years ago. The unified budget is the old administrative budget *plus* trust funds; it's a kind of consolidated cash account. It includes revenues and outlays from social security and retirement trust funds and highway trust funds. True, it does give a more complete picture of federal activities than the administrative budget, particularly because it reflects the impact of aggregate government spending on the level of economic activity. But it gives a badly distorted picture of the budget-making process and the political priorities this process so faithfully reflects. To arrive at an understanding of basic political choices, an interested observer would spend much more time examining year-by-year appropriations and discretionary expenditures than the comparatively viscous financial flows of trust funds whose net intake or outflow depends on past accumulations and present demands largely unrelated to current Congressional (and pressure group) politics.

Whatever the original rationale behind the "unified budget," it has been a godsend for Pentagon propagandists. What they have done is to include trust fund flows—moneys for which the government is a caretaker—in the unified budget and then to lump all trust fund payments in with "human resource" spending. Through this kind of accounting, human resource outlays are vastly overstated, military spending understated. The budget "highlight" quoted above is a perfect example of this propaganda in action.

Reconstituting the old administrative

budget for fiscal 1972 conveys an impression quite different from Nixon's "highlight." The unified 1972 budget cites total receipts as $217.6 billion and outlays as $229.2 billion. If we deduct from both of these figures trust fund flows (income and outgo), administrative receipts become $160.0 billion, administrative outlays $168.5. On the basis of these revised receipt and outlay figures, let us do some recalculating of percentages:

1. Total defense spending is carried at $77.5 billion. Alone, this represents 48.4 percent of administrative receipts, 46.0 percent of administrative outlays—already well above the 34 percent figure used by Nixon.

2. "International affairs and finance" and "space research and technology" are allocated $4.0 and $3.2 billion respectively. Let us assume, understating the true amounts in all likelihood, that half of this $7.2 billion is closely related to the military (foreign aid and military assistance, probably intelligence too, are the major items). Adding $3.6 billion to the $77.5 billion for defense, we now account for 50.7 percent of administrative receipts, 48.1 percent of outlays.

3. "I can remember," I. F. Stone wrote two years ago, "when a feature of the annual federal budget presentation was a chart showing how much was absorbed by past, present and future wars. This added military expenditures, veterans' benefits and interest charges, the last item because past wars are the real reason for the public debt. These three items in the 1970 budget total more than $106 billion and will take more than 70 percent of the general revenues." Let us repeat this operation, but more conservatively than Stone, by assuming that two-thirds of both the $10.6 billion for "veterans' benefits and services" and $19.7 billion "debt interest" are attributable to past and present wars. Added to the $77.5 billion defense budget, this new total constitutes 63.3 percent of administrative receipts, 60.1 percent of outlays.

4. Finally, let us combine steps 2 and 3. Here we shall add up the $77.5 billion for defense, half of international affairs and finance, and two-thirds of veterans benefits and debt service. This grand total of current and past military spending represents 65.5 percent of administrative income, 62.2 percent of expenditures.

In all probability, these military totals are still understated. My four-step calculations exclude some of the defense-related activities of the Atomic Energy Commission and the Selective Service System (the latter has been included in nondefense "human resource" expenditures, believe it or not), as well as hidden military enterprises that we discover bit-by-bit, like the $100 million per year of military aid dsguised as "food for peace." It will be no surprise, moreover, if the $77.5 billion defense total itself creeps up over the next 18 months or proves to be a harbinger of bigger and better days ahead for the Pentagon. In the 1972 budget the Pentagon, according to *Business Week* (Jan. 30), "receives favorable treatment . . . Pay increases . . . will reverse the downward drift in military spending . . . More significant for the ailing defense industry, however, is the fact that new obligational authority is programmed to rise by $6 billion, portending a sharp increase in the spending of future years. New authority for research and development contracts is scheduled to jump $900 million. And there is an added $3.3 billion slated for new Navy vessels." Still more has been thrown in for missile modernization, North American Rockwell's B–1 bomber, and Polaris submarine replacement.

Thus, as I said at the outset, at least 60 percent of our real political budget goes to the military. It might be objected that some of these defense-oriented expenditures are as presently uncontrollable as social security trust funds: veterans' benefits and interest on the national debt do have some of the same cumulative and irreversible features. The point, however, is that they scarcely deserve to be associated with "human resources" or with the "nondefense" sector as political choice. If we put together our own estimate of genuine human resource appropriations summing agriculture, natural resources, commerce and transportation, community development and housing, education and manpower, and health, we come up with some $50 billion—roughly 30 to 31 percent of the administrative budget. This is surely generous; the transportation appropriation, for instance, covers $235 million for the SST. Thus $50 billion would be shaved down drastically if human resource spending were defined in terms of the desperate concerns now at the center of the "priorities" debate—urban redevelopment, housing, public transportation, job training, medical and health care, consumer protection, antipollution measures.

II

The other principal feature of the fiscal 1972 budget is, of course, "revenue sharing." To begin with, this too, on close inspection, turns out to be another case of false and deceptive advertising. The $5 billion of general revenue sharing proposed by Nixon becomes $3.75 billion in the budget. But the chief effect of revenue sharing in this budget, as I see it, is to reinforce the efforts to downplay the Pentagon's iron grip on our national resources.

Not that this is the sole argument against revenue sharing. Some other strong doubts have been expressed by, among others, Professor Amitai Etzioni in his *New York Times* editorial column of January 30. (He believes revenue sharing would put more funds into the coffers of government units characterized by greater corruption, less operating efficiency and worse bureaucratic snarls.) But no reason is more persuasive than the fact that, given the current political climate in the United States, revenue sharing will serve to *reduce* pressures to cut back on Pentagon spending. It will furnish the illusion of "redirecting priorities" with none of its substance, and it must be assumed that Nixon and his advisers are very well aware of this consequence. Complementing it is the general lack of inclination on the part of the state and local government officials to relate their own current financial crises to the forces making for decay of American society as a whole.

One prime example is New York's Governor Nelson Rockefeller, perhaps the most outspoken champion of revenue sharing. On a number of occasions Gov. Rockefeller has declared, accurately, that citizens of his state pay in some $23 to $24 billion in taxes to the federal government and get back less than $3 billion in federal programs. What he has consistently neglected to say is that the bulk of the difference goes to the military. The omission is understandable.

Over the past two decades Rockefeller himself has been one of the most ardent advocates of ever higher levels of military spending. He's been one of the oldest hawks in the U.S. cold war aviary. Yet, in the latest strong brief that he made for revenue sharing, before the Joint Economic Committee in Washington on January 29, the Governor again skirted his obvious political contradiction, pleading "insufficient knowledge to discuss military expenditures." It's a performance we can expect to see repeated, maybe even more awkwardly by local officials of areas with large military installations. Midst the upsurge of discussion about revenue sharing in recent months only one governor, to my knowledge, has linked the fiscal woes of his state to the voracious appetite of the Pentagon—Wisconsin's Patrick Lucey. How many others, aside from perhaps Shapp of Pennsylvania and Gilligan of Ohio, who have yet to be heard on this subject, are likely to follow Lucey's example?

The lesson, I'm afraid, is too clear. Military spending is so deeply embedded in our political and economic life that even imminent state-government disaster and urban collapse can make but feeble waves against it. In spite of all the criticism leveled at the Pentagon since 1969, despite Vietnam, the F–111, the C5–A and other gigantic cost overruns, despite the Fitzgerald case and the ABM debate, the Pentagon goes rolling on. It has successfully weathered a storm of bad publicity, it has fended off a more hostile press. At present it seems to be invulnerable to attack—which means that, through its interlocks with every sector of American life, it possesses an inner force not shared by other government bureaucracies or programs. Its growth is plainly something other than a series of mistakes or "overreaction to the Soviet threat." Nor can it be explained by absent-minded bureaucratic "disjointed incrementalism," a theory also invoked by some to account for the way we slipped into the Vietnam abomination, "a step at a time." That theory fails to explain how the whole Pentagon juggernaut got started—and it cannot answer why "incremental" increases are so open-ended for the Pentagon and not for urban, health, education, housing, poverty, transport (will it work for "Railpax"?), even the space program.

At this stage of the game it may not be out of line to conclude that the normal political mechanisms of our society are proving to be incapable of bringing about any substantial cuts in the military budget, let alone disarmament.

THE FEDERAL BUDGET FOR FISCAL YEAR 1972

(By BILL FULBRIGHT)

President Nixon has proposed a $229.2 billion budget for fiscal 1972, an increase of $29 billion over the budget he proposed for 1971, and about $16.4 billion more than the current estimated expenditure for fiscal 1971. With the government spending at the rate of $628 million a day, in just eight days this would be as much as the *total* personal income for *every* Arkansas citizen last year.

Mr. Nixon's budget is based on the concept of the "full employment budget", the theory that when the economy is sluggish the Federal Government should spend not what it expects to collect in revenue, but what it would collect if business were brisk and unemployemnt much lower.

Revenue sharing, which would initially return $5 billion in federal revenues to state and local governments with little restrictions on its use, is a major part of the President's plan. I have strong reservations about this proposal, although I will not attempt a detailed analysis here. This matter is going to be carefully considered by Congressional Committees.

The President has estimated 1972 revenues at $217.6 billion, which would leave a deficit of $11.6 billion for the year. This estimated deficit is, however, based on a highly optimistic economic forecast. Some leading economists predict that the deficit will be closer to $20 or $30 billion. We have now learned that the estimated deficit for the current year is $18.6 billion, second largest since World War II, although a year ago the President predicted a $1.3 billion surplus.

Of course the budget is extremely complex and is presented in such a manner that it is difficult to get a true picture of how much money is being spent and received. Under the current "unified budget", which replaced the traditional "administrative budget" in fiscal 1969, the surplus from trust funds (so-

cial security, etc.) is counted against the deficit. Thus, only a change in bookkeeping procedures keeps the President's estimated 1972 deficit at $11.6 billion instead of $23.1 billion.

Much is made of the point that "only" 34 cents of every dollar will go for military expenditures. However, this is very misleading, because $64 billion of the $229 billion budget comes from trust funds—primarily social security and medicare. (Trust funds receipts will actually amount to $75.5 billion.) This money is already committed; it is simply being held in trust by the Government and cannot be spent for general purposes. Therefore, that portion of the budget which can be controlled is $153.7 billion and the estimated outlay of "federal funds" is $176.8 billion. (That's where the $23.1 billion deficit comes in.)

The $153.7 billion in federal receipts will come from individual ($93.7 billion) and corporate ($36.7 billion) income taxes, excise taxes ($11 billion), estate and gift taxes ($5 billion) and other duties and taxes.

Despite many promises to the contrary, the military budget of $77.5 billion is up $4 billion from the original 1971 estimate. It accounts for more than half of what the Government will spend from tax receipts and about 43 per cent of the outlay of "federal funds". *This is nearly 1000 times as much as the entire budget for the State of Arkansas.*

Allocations for other major functions

[In billions]

International Affairs/finance	$4.0
Agriculture/rural development	5.8
Commerce/transportation	10.9
Community development/housing	4.5
Veterans benefits/services	10.6
Public assistance/social services	11.7
Interest	19.7
Education/manpower	8.8
Space	3.2
Natural resources	4.2
General government	5.0
Health—includes Medicare	16.0

In President Nixon's budget "pie", he shows the biggest slice—42 per cent—going to "human resources". However, the majority of what are described as funds for human resources are in the category of "income security", most of which is for social security and retirement programs. Further, more than half the "health" funds are from the Medicare trust fund.

If you add the veterans' benefits—which I certainly support—and the national debt—essentially a war-related cost—to the military budget, the spending for these purposes totals $107.8 billion. There are many other military-related expenditures under other categories. For example, $658 million has been requested for additional supporting assistance, primarily to Vietnam and Cambodia. This is just a drop in the bucket of the tens of billions we've spent in Indochina. However, the $658 million is three times as much as the *total* expenditure on elementary and secondary education in Arkansas last year.

Within the proposed military budget is another $1.28 billion for the anti-ballistic missile system (ABM), which has already cost about $3.7 billion and could cost another $10–20 billion. The undersea long-range missile system (ULMS) is budgeted for $110 million and would probably cost at least $7–10 billion more eventually. Another $2.4 billion will go for various other missile systems. In many cases this is "seed" money and a much larger bill will come due in years ahead. Navy shipbuilding and conversion programs are budgeted for $3.3 billion, which is more than the total assets of all Arkansas banks ($3.1 billion). Also in the President's budget is $281 million for the ill-advised supersonic transport (SST) subsidy, which I will once again oppose.

Contrast the huge amounts for these projects with only $61 million for rural and $170 million for urban water and sewer grants; or $114 million for air pollution control; or $1.3 billion for higher education; $196 million for the national park service; or $290 million for constructing health facilities.

Roughly, the federal dollar (excluding social security and medicare) would be spent this way Under President Nixon's budget:

Military, Veterans, Interest on National Debt. Supporting Assistance and Space, 62 cents; Education, Health, Manpower, Public Assistance, 15 cents Agriculture/Rural Development, Natural Resources, Commerce/Transportation, Community Development and Housing, 14 cents; and Other, 9 cents.

A hard look at the budget reveals little serious change in priorities. Military spending, despite the supposed "winding down" of the war, is going up. Most of the reordering of priorities which has occurred has been the result of Congress' efforts, although the President has vetoed some bills which would have helped achieve that purpose. I will continue my efforts to bring about reductions in military spending and non-essential or low-priority programs and to provide funds for programs needed to improve the quality of life in Arkansas and the nation.

CONTROLLED THERMONUCLEAR FUSION FOR GENERATION OF ELECTRIC POWER

Mr. BAKER. Mr. President, this morning's editions of the Washington Post contain an article describing a successful preliminary testing at the Los Alamos Scientific Laboratory of a process that may well lead, at some time in the future, to the use of controlled thermonuclear fusion for the commercial generation of electrical power.

I commend the Washington Post for putting the article on page one. Although there is sporadic attention given by the press to this Nation's power crisis—usually generated by some fairly spectacular blackout or brownout—I continued to be literally haunted by the fact few people seem to be aware of the dimensions of the problem.

Energy is without question the most fundamental element of the world economy. Without energy the maintenance and expansion of human access to necessary goods and services would be unthinkable.

Amid talk by well-intended idealists of the so-called "zero growth" concept, the overwhelming majority of the human beings on this planet continue to lead lives of grinding poverty. Life for most men in most parts of the world is, as Thomas Hobbes once so compellingly described it, "poor, nasty, brutish, and short."

The remainder of this century will be dominated by continuing dissatisfaction among third world peoples as instantaneous communication reveals to the have-nots what the haves have. That nation which is first able to export a cheap source of clean, abundant electrical energy will have in its hands a diplomatic tool of preeminent significance.

I am reminded somewhat, although the scale is incomparable, of the great error made by the United States in withdrawing its support of Gamel Abdel Nasser's Aswan Dam. The Great High Dam, which will revolutionize the economy of a desert nation long at the mercy of the vagaries of the Nile, has given the Soviet Union a major claim on the loyalties of Egypt.

Should the Soviet Union maintain and widen the lead that it now has in the development of controlled thermonuclear fusion, and were she able, at some time in the future, to provide third world nations with this limitless source of cheap electrical power, it would be something less than a negligible advantage.

Although I am encouraged by the reports from Los Alamos and from the Oak Ridge National Laboratory where similar work on CTR is being done, I am by no means satisfied by the level of the U.S. effort in its civilian reactor program. Although CTR holds out the greatest known promise as an ultimate energy source, it is unlikely that it will be commercially available for a rather considerable number of years. There are other highly promising reactor concepts much closer to practical application, principally the breeder reactor, which literally creates more fuel than it consumes.

Unfortunately, the Nation's breeder program has suffered from two major flaws. First, it has been greatly underfunded. Second, it has been far too narrow in scope, restricting itself largely to the development of the fast breeder, employing the uranium-plutonium cycle, while virtually ignoring the thermal breeder, which employs the thorium-uranium cycle and has several advantages over the fast breeder, not the least of which have to do with safety.

In any event, I intend to have more to say during the course of this Congress on the development of new sources of electrical energy. For the moment, I ask unanimous consent that an article by Thomas O'Toole and a March 1 press release from the Oak Ridge National Laboratory be printed in the RECORD.

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

TEST OF H-MACHINE OPENS DOOR TO PLENTIFUL, "CLEAN" ELECTRICITY

(By Thomas O'Toole)

American scientists yesterday successfully activated a large experimental device to safely contain the energy of the hydrogen bomb in a major step toward abundant and pollution-free electricity.

The first successful demonstration of a test machine called Scyllac came at the Los Alamos Scientific Laboratory at Los Alamos, N.M., when scientists were able to repeatedly enclose an electrified form of hydrogen gas that had been heated to temperatures of more than 15,000 degrees Fahrenheit.

While yesterday's experiment did not produce power or demonstrate nuclear fusion as an energy source, it was hailed as a milestone in the worldwide drive by scientists to harness the power of fusion for mankind's benefit.

"We got a beautiful rosy pink glow every time we ionized the gas," said Fred Ribe, Scyllac group leader at Los Alamos and one of the world's foremost fusion experts. "This doesn't mean we're going to put Consolidated Edison out of business tomorrow, but it does mean we're on the right road to fusion."

The United States has spent almost $500 million and close to 20 years on the road to

fusion, but it has rarely been the right road. For years, the machines built to contain enough gas at a high enough temperature to release the energy of fusion either failed to contain the gas or failed to achieve the desired temperatures.

"It was like some unknown law of nature was telling us we couldn't do it," said Dr. Robert Hirsch, deputy director of the Atomic Energy Commission's controlled thermonuclear fusion program. "All our experience was telling us that the plasmas were more clever than we were."

The plasmas Dr. Hirsch spoke of are the same gases that were giving off rosy pink glows in the Scyllac at Los Alamos yesterday. The first large-scale device anywhere in the world to safely contain plasma gas, the Scyllac is a $10 million machine that has been five years in the planning stage, more than two years in construction and almost seven months in testing.

"We're still firing off plasmas," Ribe said at 6 o'clock last night, more than six hours after the Scyllac was first turned on. "We've fired off hundreds so far, and not once have we seen anything but a completely successful containment of the gas."

While the scientists at Los Alamos yesterday made and contained their first plasmas, they must achieve several more milestones before reaching the longed-for goal of thermonuclear fusion.

What the Los Alamos scientists did yesterday was to fill an arc-shaped aluminum tube with deuterium gas, about a thousand trillion particles of gas per cubic centimeter. Next, they "shocked" the gas with huge amounts of power, enough to electrify the gas and create a magnetic field around the gas to pinch it down and hold it in.

It's this "pinch-and-hold" operation that has been the most critical in the past, and yesterday the Scyllac was able to squeeze the gas enough to raise its temperature to 15,000 degrees and hold the gas in pulses of as long as 30 microseconds apiece.

While 30 microseconds (30 millionths of a second) sounds like a very short time, it is almost long enough for a plasma to sustain a fusion reaction. Plasmas need only three things to reach fusion. They must be dense enough and hot enough for a period of about 250 microseconds.

The plasma in the Scyllac yesterday was dense enough, but it wasn't nearly hot enough. A temperature of 15,000 degrees is just a start. The plasma must reach a temperature of more than 50 million degrees to achieve fusion.

"We feel we're on our way," Ribe said yesterday. "We feel we've hurdled one of our toughest hurdles containg the plasma, since we've demonstrated with much smaller machines than the Scyllac that we can reach the desired temperatures."

Ribe believes that the Scyllac will be ready to produce plasmas as hot as 30 million degrees inside a month and even hotter plasmas in two months. When that's done, the present Scyllac machine will be increased to three times its present size and the goal of pure fusion will be attempted.

Scientists believe that goal is worthwhile, if only because power from fusion is the cheapest, most abundant and cleanest source of power anywhere on the horizon today.

The most likely fuel for a fusion-powered reactor is the deuterium used yesterday in the Scyllac, an isotope of hydrogen that is easily and plentifully separated from seawater.

While fusion power is a cousin of atomic fission power, it is a far cleaner and safer power source. To begin with, it won't have the troublesome waste heat discharge that atomic power plants have. Secondly it would produce a fraction of the radioactive by-products that an atomic plant does.

Finally, a fusion plant contains less than one second's worth of fuel at any instant and could not run away from itself. Even assuming disaster—a war, an earthquake or a collision of some kind—a fusion plant would be thousands of times safer than an atomic power plant.

OAK RIDGE NATIONAL LABORATORY SCIENTISTS TESTING NEW EXPERIMENTAL FUSION MACHINE

Scientists at Oak Ridge National Laboratory are testing a new experimental machine they hope will be a major step toward controlled thermonuclear, or fusion, power to produce electricity.

Called the ORMAK, the device is patterned after some machines developed in the Soviet Union which were called tokamaks. Both the Russian and the ORNL machines contain a donut-shaped electromagnetic field chamber in which the experiments are conducted.

Herman Postma, director of the Thermonuclear Division, said results of current tests will not be fully assessed for several months. Successful results with the ORMAK could pave the way toward design of a second machine capable of proving that it is scientifically feasible to control fusion power, the source of energy of the sun and stars.

The principle of fusion involves the heating of tritium and deuterium, both of which are isotopes of hydrogen and can be derived in virtually inexhaustible amounts from our oceans and rocks. By means of pulsed electrical energy, these two isotopes would be heated to the hundreds of millions of degrees. This would cause the electrons to separate from the atomic nuclei (ions). The nuclei, or ions, would then fuse and give off tremendous amounts of heat which could be used to produce electrical power by conventional methods.

The two big advantages in fusion power would be the cheap and inexhaustible supply of fuel and the fact that very little radioactive waste would be given off.

Ordinarily, the heating would cause the ions to disperse in many directions, but because the donut-shaped chamber in which they are placed is surrounded by a magnetic field, the ions and electrons travel round and round the field. When heated to the ironized stage, the material is called plasma by scientists.

Scientists have long dreamed of controling the fusion reaction and harnessing its tremendous power. The process of fusion is the opposite of that involved in nuclear fission, or splitting of atoms, which occurs in nuclear reactors now in use.

The ORNL machine was given the name ORMAK because the first two letters, "OR," stand for Oak Ridge, and the last three letters, "MAK," are the same as the last three letters of the Russian word, tokamak, which means "large current." The Russians named their machines tokamaks because of the large current which flows around the donut-shaped magnetic field.

The ORMAK has a larger volume than the Russian tokamaks and ORNL researchers hope it will be twice as effective. They hope to double the greatest success of the Russians, which was to contain the plasmas within the magnetic field at temperatures of five million degrees centigrade.

More than 100 ORNL and Y-12 Plant craftsmen labored round the clock for three months to complete the ORMAK by Jan. 1. Tests were then begun and are still in progress. Significant improvements were made on the project after an investigative trip to Moscow in October 1969 by Mike Roberts and John Clarke, Thermonuclear Division researchers.

Design of the ORMAK was begun in July 1969, but underwent a major change in August 1970 after Group Leader George Kelley predicted improved results from his calculations.

Oak Ridge National Laboratory, one of the nation's largest research laboratories, is operated by Union Carbide Corporation for the U.S. Atomic Energy Commission.

VIETNAM AND WESTERN EUROPE

Mr. FULBRIGHT. Mr. President, Mr. Stanley Hoffman, chairman of the West European studies at Harvard University, has written a most perceptive article entitled "Vietnam and Western Europe." His discussion of the attitudes of three of the more experienced nations, friendly to this country, is very revealing. I particularly invite the attention of Senators to the paragraphs concerning the French attitude toward the war in Vietnam. I ask unanimous consent that the article be printed in the RECORD.

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

GROWING DOUBTS ABOUT AMERICAN RELIABILITY—VIETNAM AND WESTERN EUROPE

(By Stanley Hoffmann)

American policy makers, in the Nixon as well as in the Johnson Administration, have said repeatedly that any negotiated settlement of the Vietnam war which would establish a coalition government, or any other outcome tantamount to an outright abandonment of South Vietnam to the Communists (such as a precipitate withdrawal of all American forces) would be interpreted by our allies as a betrayal of US commitments. Despite years of involvement and tens of thousands of American dead, having thus sacrificed one of its allies, the United States could no longer be trusted and the America's network of alliance would snap. Do our European partners see the war in the light presented by Washington? Let us examine the three main European powers: England, West Germany, and France, two of which have a long and deep experience of Southeast Asian affairs, and one of which has made dependence on the American alliance the cornerstone of its postwar policy.

The public statements of British governments—the Wilson cabinet and now Mr. Heath's cabinet—have always been "understanding" and often approving of American policies. No British government has yet repudiated the line set by Churchill during World War II: the role Great Britain can still play in the world is that of an influential ally and adviser of the United States. Only by acting as a loyal supporter could England expect both to get her own vital interests acknowledged and protected by the US and to succeed in influencing the global course of American foreign policy. Even though in two instances at least vital English interests were disregarded by the United States (at the time of Suez and in the Skybolt affair), even though it is hard to prove that English advice has had a significant impact on American statecraft, there has as yet been no "agonizing reappraisal" of a policy that has allowed Britain to develop a nuclear force with American help, to pass on her interests in the Eastern Mediterranean to the United States, and to flatter herself with the belief that various summit meetings took place thanks to her efforts.

Britain's own interest in a non-Communist Southeast Asia—an interest which she successfully protected during years of guerrilla fighting in Malaya—also explains why American arguments against a hasty retreat from Vietnam or against a settlement along the lines laid down by Hanoi have often found an echo in England. For many years, *The Economist* managed the feat of producing polished and reasonable versions of American stands which their American de-

fenders in the government, in Congress, or in the academic world, more often than not had made appear absurd. Concerned with the stability of fragile countries—Malaysia, Thailand, Indonesia, Burma—and with the survival of Singapore, the British governments, along with many former colonial administrators, military and foreign policy experts, have sympathized with the American determination to save South Vietnam from Communist conquest. No nation that had once supported Munich is quite immune to the domino theory afterwards—even if the Munich analogy is misleading and the domino theory dubious.

Nevertheless, British support has always been qualified. American policy has had two faces—a tough (and real) one, a soft (and vague) one. War was being waged with hideous means but the purpose was said to be a negotiated settlement. Britain has on the whole downplayed the horrors and upgraded the positive by picking up all references to peace and compromise. The first Indochina war ended in 1954, in Geneva, largely thanks to Sir Anthony Eden's efforts. British governments have always hoped that the Geneva precedent could be repeated, and that once negotiations began between the belligerents the huge gap between Hanoi's demands and America's preference for a South Vietnam in which the NLF would accept a minority status would somehow be reduced. The Wilson government patiently tried to get such negotiations started, and welcomed the bombing halts of 1968.

It has since become apparent that the gap has not narrowed, Britain's embarrassment has become more acute. On the one hand, there is still a feeling that public criticism and proddings would do no good—and it is not in the style of British policy. Moreover, the Heath cabinet is committed to slowing down the final retreat from East of Suez; a determination to remain minimally present in Southeast Asia which would hardly be comparable with a sudden shift against America's Vietnam policy. On the other hand, three factors tend to make British officials and elites privately very critical of this policy. First, there is the obvious and shocking impact of Vietnam on American domestic and foreign affairs; the sense that the obstinate pursuit of a valuable but limited interest has been allowed to jeopardize far more important concerns, such as domestic harmony, or the need for a more far-sighted East Asian policy and for a coherent Middle Eastern policy. Secondly, there is the unpopularity of the Vietnam war to many of the British, especially the youth. Third, there is the new priority of entry into Europe—and the realization that above and beyond the purely economic aspects of the Common Market, there is in the European enterprise a political ambition: that of allowing Western Europe to speak, gradually, with one voice in matters of defense and diplomacy. The British elites know that Britain's chance of admission will remain small if Britain speaks in the same language as Washington, on these matters.

One could sum up Britain's position at present as follows. There continues to be much sympathy for the American objective—a non-Communist South Vietnam. But there is increasing doubt that the quest for this goal is worth the effort. "Vietnamization" was approved because it seemed a step toward extrication, because British counterinsurgency experts (like Sir Robert Thompson, so highly appreciated in Washington) were convinced that the very scope of America's massive involvement doomed the enterprise of isolating and destroying the guerrilla, and because one could hope that negotiation would result. With the Paris talks stalled, and the memory of Cambodia—the awareness that as long as the war lasts, it risks getting larger—there is growing desire for a new effort to close the gap in Paris. For the only alternative is continuing American entrapment, which the British deem disastrous. They may agree with Mr. Nixon that a hasty "bug-out" would be shameful and damaging; they do not agree that his own past policy constitutes the sole alternative to such a debacle. And they certainly do not see in Vietnam a test of America's will and alliances everywhere.

The Federal German Republic, in contrast with France and Britain, and like Italy, has had no worldwide foreign policy since 1945: its political and strategic interests (I am not referring to its industrial and commercial ones) are concentrated in Europe. Moreover, unlike Italy, West Germany's whole existence has been dominated by an international issue—the "German question." It was under the auspices of the Western Allies that the Federal Republic was established, and Bonn has sought both its security and the restoration of its sovereignty in a close alliance with the United States.

Chancellor Erhard and his foreign minister, Schröder, were determined not to let anything or anyone interfere with the priority given to the American alliance and to NATO; hence their opposition to de Gaulle, who had partially seduced Adenauer. Bonn's Founding Father had had frequent misgivings about the wisdom of Washington (especially in the Kennedy years), and little regard for England. De Gaulle's vision of a "European Europe" had appealed to him. Erhard rejected it; he and Schröder wanted England in the Common Market, so as to make it more like a free-trade area, and so as to strengthen Europe's bonds with the United States. At the same time, the United States, eager to isolate de Gaulle, courted West Germany. Bonn was determined to hold America's hand, so as to be sure that America would always hold its own hand should there be trouble with the Russians or their satellites, and so as to avoid what had happened in 1961 at the time of the Berlin Wall. Consequently, Bonn endorsed American actions in Vietnam, and its officials often stated that Vietnam was the proof of American determination to carry on its commitments: Saigon and Berlin were two links in the free world's chain under American protection.

Ironically, what de Gaulle could not do was achieved by Mr. McNamara. It was largely his pressure on Bonn, over the issue of German financial contributions to the cost of American troops in Europe, which brought down the Erhard cabinet and resulted in a subtle change of German policy. In this second phase, from the end of 1966 to mid-1969, the so-called Grand Coalition Cabinet of Chancellor Kiesinger, with Willy Brandt as foreign minister, cautiously shifted priorities in two areas. In Western Europe, there was a new attempt at cooperation with France—not so much as to endanger NATO, yet carried out even though de Gaulle had taken France out of the military structure of the Atlantic Alliance. In Eastern Europe, there was an "opening to the East," an attempt at reconciliation with Poland and Czechoslovakia, a policy of "peaceful engagement" which no longer made of reunification a prerequisite of detente. To be sure, this policy had Washington's blessing. But Washington had hoped to pursue it along with (if not ahead of) Bonn, and soon discovered that Vietnam was thwarting such hopes—partly because of the East Europeans' coldness to American overtures in the years of American bombing of North Vietnam, partly because Vietnam diverted most of Washington's energies. The West Germans, however, persisted (with very mixed results).

The new German policy assumed that the threat from the East was no longer so overwhelming as to bury diplomacy under strategy, that security through NATO could now be reconciled with active detente in the East, and that the "situation of strength" established by NATO was in itself, despite years of mythology, incapable of guaranteeing either reunification or a rapprochement with Eastern Europe that might lead to reunification some day. This policy shift was due in large part to a feeling induced by Vietnam. The United States was still the main anchor, but its involvement in the Far East was seen as lessening its effectiveness in Europe. Under those circumstances, it was up to the Europeans to pursue their own interests. While de Gaulle and the West Germans remained separated by their respective positions on NATO and on British entry, in those years they got closer together through a shared sense of relative American irrelevance. Even if theoretically, America's stand in Saigon showed up the value of all U.S. commitments, practically America's entrapment meant an American absence from Europe's politics. When the Soviets invaded Chechoslovakia—partly in angry reply to Bonn's new line—Washington's absence, indeed its silence, were noted and resented in Bonn. The West German Ambassador still refrained from criticizing policy in Washington. But praise stopped.

The third phase began with the new cabinet of Chancellor Brandt, in September 1969. The Christian-Democrats, America's most constant supporters, were now in opposition. Brandt's loyalty to NATO has of course been made plain; security remains an imperative of any West German cabinet. But the new government has made spectacular moves in two directions less pleasing to Washington. There has been, at the conference of The Hague in Dec. 1969, a relance of West European cooperation, largely initiated by Brandt. In exchange for the lifting of their veto against Britain, the French obtained the promise and the performance of various agreements (notably in agriculture), all of which tend to make of the Common Market a more coherent and powerful economic competitor of the US. In Eastern Europe, the new West German policy has been aimed not only at resuming the effort of reconciliation with Poland, but at reaching agreements with East Germany (hitherto ignored or approached with great diffidence and with the Soviet Union (recognized, as de Gaulle had argued, as the real key to the East European scene). Although Washington has approved of the general direction, there have been serious misgivings about the speed, the implications and the possible effects of Brandt's Ostpolitik. This deliberate assertion of West German initiative is based on something more than the somewhat regretful realization of America's temporary incapacity due to Vietnam. Now, there is a widespread feeling that, while the US can still be counted as the ultimate protector in case of a major European crisis, the domestic and international impact of Vietnam has actually weakened the role of the US in European affairs in ways that could be harmful for its allies. It is because of the backlash from Vietnam that American troop reductions in Europe are deemed likely, thus obliging the West Europeans (and primarily the West Germans, most exposed) either to raise the levels—and costs—of their own defenses, or to accept a unilateral and uncompensated weakening of NATO. Thus, it is imperative for the West Europeans to develop their own policies and for the West Germans to establish with their Eastern neighbors good and active relations, even if this effort deprives NATO, in effect, of any role in the detente.

Strange as it may seem, Brandt's forceful policy can be seen as a belated West German variety of Gaullism—if the Americans are stupid enough to muddle their priorities, it

is up to the Europeans, singly and together, to look after themselves. It used to be the West Europeans who feared that the U.S. in its effort at reaching an accommodation with the USSR, would recognize formally the divisions of Europe. It is now the U.S. which fears that the Bonn-Moscow agreement acknowledging the *status quo* could jeopardize the Western victors' rights in Berlin! Of course, there is nothing inherently or necessarily wrong about the *Ostpolitik*. But because of Vietnam, it takes place exactly in that context of American eclipse which de Gaulle had called for, and, in turn, the conditions and consequences of that eclipse make it easier for the Russians to extract as the price for detente that explicit recognition of their East European *imporium* which has been their aim ever since the end of World War II (and which de Gaulle had wanted to avoid). Should Washington talk out too strongly to Bonn, Bonn's reply would all too obviously be: given your own passivity on the diplomatic scene, and your own lassitude with the burdens of NATO—two by-products of Vietnam—what other choice did we have?

The French position has been clear-cut and unchanging. Never was the American argument about the indivisible credibility of U.S. pledges accepted in Paris. With a long and somewhat cold. or cynical, view of alliance history, the French believe that whether a nation carries out or reneges on a pledge is determined by its own assessment of its vital interests. A retreat from Vietnam would not undermine America's commitment to Europe, as long as the defense of Europe is deemed essential in Washington. On the other hand, the actual way in which this commitment would be carried out has always seemed uncertain to the French (much to Washington's annoyance)—not because of the impact of Vietnam, but because, even earlier, the end of America's monopoly in the nuclear field, and the coming of the era in which each super-power can annihilate the other, have undermined the U.S. guarantee to Europe.

French criticisms have often been dismissed as *Schadenfreude:* where the French had failed, the Americans simply couldn't (or shouldn't) succeed; isn't it funny to see the Americans bogged down, after all the advice they had given the French on getting out of Algeria? Actually, there has been very little gloating. The politicians of the far Right, former settlers emigrated from North Africa, who had been most vociferously opposed to France's decolonization, and most indignantly chauvinistic about American anticolonialism, have been the only forces sympathetic to America's anti-Communist stand in Vietnam. French criticisms have also been dismissed either as a continuation of that left-wing, often fellow-travelling anti-Americanism so prevalent in the intelligentsia, with its inclination to interpret every American move as part of an imperialist design, or else as a convenient ploy used by de Gaulle in his devious battle for French grandeur against "Anglo-Saxons." It is true that the war in Vietnam has been a godsend both for anti-American intelligentsia and for de Gaulle's grand design. But there is much more to the French position.

The French regime, by contrast with British or German cabinets, never deplored Vietnam because the war inhibited American diplomacy or strategy in other parts of the world. De Gaulle, in his struggle against "the two hegemonies," was most eager to see America's shadow across the world shortened (although he never wished American forces out of Europe in the present phase of world affairs). While Pompidou has given up much of de Gaulle's militancy (already curbed by the General after the troubles of May 1969), he too shows no desire for greater American activism in Europe. The French position is based on a continuing and intimate awareness of the political realities of Indochina. French contacts with North Vietnam have been encouraged by the Fifth Republic, and the men (like Jean Sainteny) with the longest experience in dealing with Hanoi have also tried to be of help, persistently and discreetly, in making negotiations between Washington and Hanoi possible. Until the fall of Sihanouk, French influence in Cambodia was very strong, and in Phnompenh as well as in Paris the French established relations with members of the NLF. They also had good relations with the beleaguered head of the Laotian government, Prince Souvana Phouma. While their critique of the American war effort and de Gaulle's foreign policy statements resulted in a deterioration of France's position in South Vietnam, especially in the Thieu-Ky era, there remained in South Vietnam a sizable French community.

The French do not deny the force of American arguments about the domino effect of a Communist takeover of South Vietnam (and now Cambodia) on the rest of Southeast Asia, or about the prospects of a bloodbath in Saigon, or about the absence of any visible sympathy for the NLF among many South Vietnamese. What the French remain deeply skeptical about, is Washington's capacity to impose the political solution preferred by the U.S. If there were a good chance for a stable largely self-sustaining and reasonably peaceful non-Communist South, the French would have no grounds for opposing such an outcome. But they doubt that this chance exists. They point to the determination of North Vietnam and the Vietcong to keep fighting as long as necessary. North Korea, to use a misleading parallel often invoked in Washington's wishful thinking, simply did not have this determination in the early 1950s. It is buttressed by the still considerable military resources of Hanoi—a factor that distinguishes this particular war from the two guerrilla wars often cited as hopeful precedents because they were lost by the Communists: Greece and Malaya. The North Vietnamese and Vietcong confidence in outlasting those whom they consider as merely the last in a long series of foreign invaders has impressed and convinced the French.

The French do not believe, moreover, that the Saigon regime (in contrast with South Korea's for instance) has the capacity to rule effectively without a massive American presence. It is essentially a military dictatorship, imposed on the South Vietnamese from the top. The lack of a popular base in the cities and in the villages, the arbitrary and brutal nature of the rule, and its frequent corruption, are such as to allow the Vietcong infrastructure to persist. Whatever the military effectiveness of the Saigon regime in the present phase (when the Vietcong and North Vietnamese are relatively inactive, either in order to recoup past losses or in order not to disrupt American withdrawals), politically the NLF remains the only effective organized and nationalist force in the South. The French—unlike many Americans—see in the Indochina War essentially a political contest: the control of the cities by the Americans and their allies is less significant than the opportunities given to the Communists to recruit soldiers and supporters, especially in the countryside, and sympathizers among the urban refugees and victims of inflation and disruption. In this respect the French do not see Cambodia as an American success but as a move that has resulted in an American obligation to support two politically fragile regimes instead of one.

Consequently, the French see only two possibilities. One is, almost literally, perpetual war, to keep the Communists from extending their control, which the French expect them to enlarge as American withdrawals continue. The French do not believe that Saigon could carry the burden alone. In the absence of a political solution, there would have to be a continued American involvement, certainly in the form of massive air support and probably a sizable body of ground soldiers and advisers. The other possibility is a negotiated settlement—but here the French position is drastically different from that of the Nixon Administration. They did not believe that the earlier American call for free, supervised elections in South Vietnam would be acceptable to the other side; in a country such as South Vietnam, after years of war and centuries of undemocratic rule, elections are won by whoever runs them. The French also do not believe that Hanoi and the NLF will ever accept the "Finnish solution" often hoped for in Washington and suggested by Mr. Nixon on October 7, 1970, a permanent minority status. They do not believe that the vague scheme once suggested by Henry Kissinger—a deal negotiated by Saigon and the NLF, to restore gradually a political process in the South, thus leaving each side with a chance to prevail at the end—will appeal to Hanoi and the Vietcong, as long as the Thieu-Ky regime rules Saigon. For Hanoi had precisely accepted such an open-ended formula in the Geneva agreements of 1954, and found itself on the losing side because of American support for Diem. Nor do the French believe that the other side—whose main asset is its capacity to fight—would consider a cease-fire before the basic underlying issues of the war are resolved.

As the French see it, the stake of the war is the political control of Indochina To keep Laos, Cambodia and South Vietnam out of Communist hands, there is only one way—continuing war, a harrowing prospect, since "victory" would require the elimination of North Vietnam (a move whose international consequences have intimidated both the Johnson and Nixon Administrations), while the maintenance of the North Vietnamese sanctuary on the one hand, and the horrors inflicted by the war on the population of the South on the other, insure the perpetuation of the "other side's" forces and appeals. To keep the war going favorably, so to speak, requires enough of an American involvement to guarantee that all the evil effects of the war on American society, on the American economy and political system, and on American foreign policy would continue. A drastic curtailment of American involvement would increase the chances of a Communist takeover in particularly humiliating conditions; that is, through the overthrow of regimes set up and supported for years by US efforts, and without any compensation.

Given those alternative outcomes of a continuing war, the French believe that it is in America's interest to seek a negotiated settlement even though it would have to be on terms U.S. governments have deemed repugnant. The French—with their own experience of negotiations with the Vietminh and with the Algerian FLN—do not agree with American officials on what constitutes humiliation. To the French, a peace settlement, even if it increases the chances for or acknowledges the possibility or even the likelihood of "enemy" control of the stakes, would be less humiliating than a political-military collapse accompanying or following an American withdrawal. For if face is what the U.S., like any major power, is concerned with, such a debacle would make the U.S. look like Pontius Pilate, even though the Administration would argue that the ultimate responsibility, and blame, rested on the "Asian regimes" that fell, and not on the U.S. It is hard to believe that American prestige and the value of American promises would be preserved in the eyes of other non-Communist Asians. And it is also hard to

believe that official rhetoric could sufficiently disguise realities to ward off that right-wing backlash at home which the Administration is said to fear, yet has done so much to provoke by escalating the importance of the stakes disproportionately. On the contrary, according to the French, only a negotiated settlement which draws the inevitable conclusions from the realities of Indochina, and gives up the attempt by the U.S. to gain at the conference table what it has failed to achieve on the battlefield—secure non-Communist control—could grant to the U.S., in exchange for acknowledging this failure, various face-lifting guarantees or delays. (To be sure, the French recognize that the other side too has failed to win on the battlefield, but Raymond Aron's dictum still applies: in a revolutionary war, the rebels win as long as they don't lose, the government side loses if it fails to win).

Contrary to many American officials, the French believe that Hanoi would be willing to save America's face in a settlement that would meet its two major demands—a clear commitment to a total withdrawal of US forces and the demise of the Thieu-Ky regime. The French think that Hanoi understands that such a withdrawal could not be instant, and that Washington could not tolerate the immediate setting up of Communist rule in Saigon, or Phnompenh, or Vientiane. In his speech in the Phnompenh stadium, in September 1966, de Gaulle stressed his conviction that the decisive prerequisite was the American commitment to a complete withdrawal. Pompidou took the same stand last July. The French realize that, in practice, the fate of the Thieu-Ky regime has become, since then, the biggest obstacle, that the US can hardly afford to look as if, in order to extricate itself faster, it did not hesitate to overthrow the very government it has protected and built up for several years; and that the US cannot allow the Vietcong to pick its own partners in a coalition, as the Vietcong peace plan of last September implies. But, on the one hand, the French think that Hanoi and the NLF will never want to deal with a regime that is committed, not to compromise, but to total victory; on the other hand, the French believe that a clear American policy of total withdrawal with a deadline would unfreeze the political situation in Saigon and lead to a change in the government there.

The French realize America's repugnance to force a coalition government on the South Vietnamese. But they believe that a Saigon regime geared to peace could find an accommodation with the NLF, and they remember how, in their own dealings with the Algerians, a similar issue was resolved, not by coalition, but by a temporary regime of "third force" figures acceptable to both sides. Precisely because the French recognize the importance of face for the side that has to give up its earlier goals, and remember the successful pressure put by outside powers (including, then, the two great Communist allies of Hanoi: Russia and China) on North Vietnam in 1954—leading to concessions beyond what the French had hoped for, the French government has called for a new Geneva conference, instead of peace talks in which Washington and Saigon face only Hanoi and the NLF.

In the French view, Vietnamization is less a policy than a smokescreen—and one that risks blinding only the U.S. It postpones the moment of choice, between a settlement along the lines recommended by the French (one in which Hanoi's "demands" are—as Hanoi has suggested—taken as a *basis* for discussion), and a perpetuation of the war. By leaving the Saigon regime with the hope that America's presence will not entirely disappear, Vietnamization prevents any political change in Saigon and gives Saigon a formidable hold on American policy. It exposes the U.S. to more Cambodias, each time one of the areas American policy tries to "save" looks threatened. The French know from their own experience that a postponement of tough decisions which does not alter the essential local realities proves ultimately costly, in lives, in missed opportunities and in worsened terms of settlement. They know that an apparent and celebrated improvement of the military situation is a delusion, if the political substructure remains rotten, if the enemy's main forces remain considerable, if all that is gained, temporarily, on the battlefield, is lost at home, and if locally the war, by itself, prevents the consolidation of one's own side and provides the enemy with the fuel he needs. They know that a carefully bargained settlement, embodying a balanced and coherent design, is more likely to serve America's prestige than either an inconclusive and brutal war, which does not help America's image, or an *"après moi le déluge"* debacle—the two possible outcomes of Vietnamization without a settlement.

Many West Europeans may, in past years, have been hastily critical of American values and institutions—they had "seen the future" and hadn't liked it, but they had no doubt that it worked, and they feared that its very success would overwhelm the old continent. Now, there are serious, often wildly exaggerated doubts about the stability and effectiveness of the American political and social system. That the French shortly after May 1968, the Germans not so long after Nazism, or the British still battling with stagnation, should express such concerns may seem ironic or insulting to Americans—and yet the Europeans' impressions are derived from seeing the US in the mirror which American politicians, news media, students, businessmen, military, veterans, hardhat workers or union officials, offer to the world.

There is a growing worry about America's capacity to wage a national foreign policy. The way in which the Cambodian decision was taken, the rhetoric in which it was blown up, the repercussions it provoked in the nation, were all interpreted as aminous signs. Whereas the Administration used to defend the war as evidence of America's predictability (i.e. reliability), the Cambodian affair, in its conception and in its consequences, could not fail to be seen as a mark of unpredictability—and not of the sort that impresses and intimidates foes. Renewed bombings of the North, of Laos and Cambodia (understandable as a tactic to protect withdrawals, yet risking provocation of the very reescalation they aim at avoiding) and recent moves and pronouncements about US war prisoners have refreshed puzzlement and consternation. At a time when Western Europe worries greatly about the new Balkans—the Middle East—nothing could be more depressing than the evidence of confusion, illusion and oscillation which the latest avatars of Vietnam have so erratically provided.

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

Mr. DOLE. Mr. President, on Friday, March 5, the Senate passed House Joint Resolution 16 to establish a national week of concern for prisoners of war and missing in action. This legislation will provide the basis for a heightened expression of national sentiment for the plight of brave American men of arms who are held captive or are missing in North Vietnam, South Vietnam, Laos, and Cambodia.

As an indication of the deep and abiding involvement of many Americans in this cause, I call to the Senate's attention a recent act of the Kansas Legislature. On March 2, the Kansas House of Representatives and Senate passed resolutions requesting the Governor of the State to declare the week of March 21, 1971, as "Kansas Week of Concern for Prisoners of War/Missing in Action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all.

I believe the concurrent observance of this week of concern is highly appropriate and a significant expression of the concerns and feelings held by all Americans.

Mr. President, I ask unanimous consent that the text of resolutions passed by the Kansas Legislature be printed in the RECORD.

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

HOUSE RESOLUTION No. 1036

(A Resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action.")

Whereas, in 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 1, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

Permit neutral inspections of prisoner of war camps;

Provide identification of all prisoners held;

Release those prisoners who are seriously wounded or ill;

Allow a proper and constant flow of mail to and from the prisoners;

Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exported prisoners of war for propaganda purposes;

All of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the chief clerk of the house transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations.

SENATE RESOLUTION NO. 15

(A Resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressures upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action")

Whereas, In 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

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Allow a proper and constant flow of mail to and from the prisoners;

Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the secretary of the senate transmit duly attested copies of this resolution to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, to the government of North Vietnam and to the Secretary General of the United Nations.

REVENUE SHARING AND THE APPALACHIAN REGIONAL COMMISSION

Mr. TAFT. Mr. President, I am informed by the Treasury Department that special revenue sharing would supplant the Appalachian Regional Commission with the funding of $1 billion in the broad area of rural community development. I believe that it would be a mistake to eliminate the Appalachian program. It has been one the most successful cooperative ventures between the Federal Government and the States, and has been highly effective in developing the Appalachian region. The Appalachian Regional Commission, like the Tennessee Valley Authority, performs vital developmental functions and should similarly be retained in the Revenue Sharing proposal.

The Public Works Committee of the Senate has favorably reported S. 575, authorizing funds for the extension of the Appalachian Regional Commission, including airport safety. This bill provides a 4-year extension of the program authorizing $571 million for nonhighway purposes and $925 million for the Appalachian Highway Program over a 5-year period. I expect that this bill will reach the Senate floor this week and as one of its cosponsors, I am hopeful for its speedy passage.

I am confident that the extension of the Appalachian program can be accomplished so as not to conflict with the broad objectives of President Nixon's revenue sharing and executive reorganization proposals.

The creation of the first regional commission in Appalachia grew out of the concept of a Federal-State partnership with an emphasis on local planning to promote growth in a severely underdeveloped area of our Nation. This concept is consonant with the President's comprehensive program to return Government to the people.

The voice of State and local planners and Governors make the Appalachian program consistent with the broad philosophy of the Nixon administration in strengthening the participation and effectiveness of State and local governments. Rural community development is an important item for America's agenda. I simply do not believe that the dollars which have been earmarked for Appalachia should be taken away from the regional commission. Rural development programs should be funded with other dollars and not by depriving the people in Appalachia.

The Appalachian Regional Commission has constructed highways, roads, schools, health centers, airports, water and sewage treatment plants. These are visible testimony to its effectiveness. I believe that extending the existence of this commission is vital if its achievements are not to be lost to the 70 million people in the 13-State Appalachian region.

For these reasons, I intend to introduce legislation to amend the special revenue-sharing provision for rural community development so that the Appalachian Regional Commission will not be compromised.

ADDRESS BY RITA HAUSER, U.S. REPRESENTATIVE TO U.N. COMMISSION ON HUMAN RIGHTS

Mr. JAVITS. Mr. President, the U.S. representative to the United Nations Commission on Human Rights, Ambassador Rita E. Hauser, spoke before the Triennial International Convention of B'nai B'rith Women in Washington, D.C. on February 14. Mrs. Hauser's is a significant statement on Human Rights.

As a delegate to the 25th session of the United Nations General Assembly, I

worked with Mrs. Hauser in the U.S. delegation, as I have on other occasions. It is of the principles for which she works—human freedom and equal rights—that she so spoke in her address as the first woman keynoter of the International Convention of B'nai B'rith Women.

I ask unanimous consent that Mrs. Hauser's remarks be printed in the RECORD.

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

ADDRESS BY MRS. RITA E. HAUSER, U.S. REPRESENTATIVE, TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Honorable delegates and your distinguished guests: It is a privilege to Keynote this Triennial International Convention of B'nai B'rith Women, in attendance from many countries.

You have honored me personally by inviting me to open this great Convention. Others who have preceded me in years past included major national leaders, and I am grateful that you place me in their company. I confess to a special pleasure in being the first woman Keynoter of your Conventions. Your newspaper, called "Women's World," continually tells the story of the better world women help to make, and I cannot but be pleased when the contributions of women are recognized and praised.

To be truthful, since girlhood I have believed it is a women's world. I had a wonderful teacher who inspired me to become a lawyer. When I doubted of my destiny, she frequently repeated the tale of the suffragette who was arrested. As she went off in the paddy-wagon, her co-marchers feared for her well-being. The arrested suffragette assured them: "Don't worry about me. I'll pray to God and He will help me."

This view was somewhat shaken recently, I confess. I was in the hospital feeling awful and depressed. A nurse, robust and healthy and full of life, told me not to worry. "Believe in God, and, besides" she said "He's the only man you can believe in.

I wish, in turn, to honor you, a strong and vocal part of B'nai B'rith. Your leaders and your general membership are always on hand as a source of support and commitment to the concepts of human freedom and dignity in which I believe deeply and which I labor for as American Representative to the United Nations Commission on Human Rights. B'nai B'rith stands out as a pivotal force among the many organizations seeking peaceful means to oppose oppression and to promote the human aspirations of all peoples.

During the last year, which marked the 25th birthday of the United Nations, the world had occasion to pause and reflect on the human conditions in the face of incredible political, economic and technical changes since the end of the holocaust of World War II.

Many leaders who spoke sounded a pessimistic note, for the scope and intensity of current conflicts and deep-seated malaise are indeed profound. Yet others found cause for cheer and measured optimism as the world moves into this latter third of a millennium. By taking a long-range view, not by going back as far as the year 1000, but perhaps back to 1914 when the contours of today's world began to take shape, they could see, as I do, reasons to support the proposition that humanity has prospered this past quarter-century and that concern for the individual is greater than ever.

I state the obvious in saying that science, in all its domains but especially in medicine, has virtually eliminated the great scourges of human life recorded since the dawn of history: plague, disease, continual famine, high infant mortality, crippling and blindness caused by infection, to cite but a few. In 1914, many died in this country of influenza, typhoid or polio, just as many never went to school, and many more rarely ate a nourishing meal.

Almost every government today is committed to bettering the life of its people; human happiness is a daily concern of rulers of nations. Not every country has fully succeeded in meeting all its goals, including the United States, but no country has totally failed. The network of international organizations and agencies which work for the betterment of man bears testimony of an age in which human suffering is no longer met by official indifference.

As the physical dimensions of life have vastly altered since 1914, man's view of himself in society has also radically changed. The humanist view reigns supreme in the law and the published policies of all countries, that man is a free and independent person, and that he is entitled to be treated with respect consonant with the dignity that is the birthright of all humanity. But, here, too, not every nation has totally succeeded in translating these principles into reality, and this includes our own country, but likewise no nation today can ignore them with impunity. The Universal Declaratoin of Human Rights, adopted in 1948 by the members of the United Nations, and invoked more often since than any other document but the Charter itself, is as much a hallmark of our times as the elimination of smallpox. Men and women everywhere are moved to incredible acts of bravery and genius by the basic tenet of the Declaration: that every human being enjoys fundamental rights of freedom, liberty and equality no matter the political system under which he or she lives.

In the last few months, the world witnessed an extraordinary exhibit of concern for the fate of the Basque Separatists and the Leningrad defendants who stool trial in Spain and in the Soviet Union respectively. The facts underlying the crimes in question, the conduct and nature of the trials and the harsh sentences were followed closely. The countries involved clearly realized they were not free to ignore this world interest and concern, that they, too, were of a time in history when brutal repression of human liberty would not long be tolerated by their own citizens or by others. In both instances, death sentences were commuted and the Soviets, to date, have not gone forward with other previously announced trials.

In the Leningrad trial, it was of great interest to note that the defendants were not accused of skyjacking, but of attempting to flee abroad without permission, which in the USSR is punishable as treason. They argued, in mitigation of the crime, that had they been free to exercise the human right of all people to emigrate from one's country, a right enunciated in the Universal Declaration, they would not have been driven to desperate means.

It is just this point, it seems to me, that demarcates that part of the world dedicated to free expression of dissent and peaceful, lawful pressure for change, from those countries where liberty of thought and opinion is permitted only at the suffrage of the authorities. There is no excuse for recourse to violence in a country such as ours when every avenue for protest, dissent, disagreement and lawful challenge to authority is open and where the electorate freely chooses its leadership in a spirited campaign marked by exchange of almost every possible point of view.

Contrast this freedom with the extraordinary struggle of various Soviet intellectuals to pursue personal and professional thought free of the need of official permission and official control. All who cherish liberty are watching the fortunes of a small non-governmental Committee on Human Rights created last November 4 by Andrei Sakharov, the brilliant Soviet physicist, who played a major part in creating the Soviet hydrogen bomb. In the mid-sixties, he began his battle to resist the return of Stalinism to Soviet life. In 1968, he wrote a magnificent essay, circulated unofficially in typescript, which dealt with the real Soviet problems of anti-Semitism, national repression and threats to intellectual freedom. And in March 1970, joined by two distinguished colleagues, he addressed a public appeal to the Kremlin for freedom of information and public debate. He helped win the release on June 17 of Professor Medvedev, a prominent biologist, who had been placed in a mental institution by the authorities reportedly for his outspoken manuscripts exposing abuses of Soviet science under Stalin and the harm wrought by present-day Soviet controls on travel and exchange of information.

The Human Rights Committee Sakharov created is revolutionary for the Soviet Union, for non-governmental organizations are so rare as to be non-existent. Its members may be only those who do not belong to the Communist Party or official agencies, and its first recruit was the great writer, Aleksandr Solzhenitsyn, who declined going to Stockholm to receive his Nobel Prize for literature on the expressed fear that if he left home, his government would not permit him to come back.

All who believe in human freedom wish this tiny Committee well. Should it flourish, the prospect for world peace and security will grow in direct proportion to its success.

As man quests for his freedom, despite the risks, he also asserts his claim for equality of treatment. Indeed, the thrust for equality of nations, of races, of peoples, is the hallmark of this century. It is a bold battle, won in large part and unfinished in others. I have no doubt that the battle will continue unabated, as the underlying thrust for equality has a tremendous power. After all, it was the push to eliminate colonialism—and to gain self-determination—that ended the great French and English Empires which, to many people in 1914, looked as immutable as the setting of the sun each day.

America has forever changed in the wake of the drive for equal rights for all of our people. Discriminatory practices commonly accepted say, in 1945, are intolerable to us in 1971. Each generation coming of age digests that much more of the changes made and to be made to ensure equal treatment and equal opportunity for all Americans. The same is true everywhere in the world.

And everywhere in the world today, women, as a group of people, are also coming actively to seek equal treatment and equal opportunity. We all know that in some parts of the world women are still bartered and sold as chattel, or hidden away from public view, or forbidden to proffer an opinion or disagree in any measure with father, husband and then son. Education is not available to women in far too many parts of the world, even the basics of reading and writing, and certainly not higher education. We learn, for example, that 88% of Arab women are illiterate, and that the average age of marriage of these women is 14. To know these facts helps to understand the fervor of the 24 year old Palestinian guerrilla, Leila Khaled, who hijacked one airplane and was thwarted when attempting a second hijack. Miss Khaled said on arrest that her two great goals in life were the liberation of Palestine and the liberation of Arab women. Can anyone here doubt, ironic as it may be, that the experience and role of Israeli women have surely influenced the thinking and attitudes of younger Palestinian women.

In virtually every less-developed country, where the influence of technology is just coming to be felt, women are in a true state of revolution when compared to their mothers or grandmothers. They view themselves

as part of the dynamic for positive change in their country, to spurn responsibility and contribution is, to them, antisocial.

I believe a feminine revolution, different in quality but equally real, is also underway in the United States. It is not of loud and often silly street demonstrations that I speak, for most seem to me to be counter-productive to any change or simply irrelevant. Rather, I am referring to the growing view of American women of all walks of life and all ages, that women are entitled to equal pay, equal consideration for employment and job promotion, equal education opportunities, and, above all, equal participation in the centers of power of American life. That equality is not yet a fact of life in America—or in most any other country. But the preconditions for reaching equality are there, and, I am convinced, persistent, responsible and intelligent persuasion will result in its rapid accomplishment.

The Nixon Administration, of which I am a part, is keenly aware of the inequities women still face. And it has responded with commitment and interest, taking practical steps of far-reaching importance. For example, for the first time since enactment of the Civil Rights Act of 1964, which prohibited sex discrimination in employment, the Justice Department filed suit against a major company and a major union to terminate various practices which greatly restricted job opportunities for women factory workers. The case was settled by a decree which alters these practices. The Justice Department also supported Supreme Court review of a case which deals with the refusal of a corporate employer to hire mothers of pre-school age children; the Court just ruled that in the absence of evidence showing such women to be less efficient, the employer could not continue its practice. The Administration supported bills to give husbands and children of Federally employed women the same death and other benefits that widows of Federally employed men now get, thereby recognizing that in families where husband and wife both work, both are contributors to the family standard of living and that the wife is not just earning "pin money". Executive Order 11246 has been frequently invoked by this Administration to attack discriminatory hiring in universities, and, as a result, many major educational institutions are now revising their hiring policies and opening the door to women for top positions.

It is heartening, too, to note the changes being made by business and industry to end sex discrimination. Many companies and unions are providing child-care centers for working mothers; several child care bills in the Congress call for child-care facility funding and most authorities predict these centers will soon be as much a part of American life as they are of French, German or Scandinavian life. Maternity leave with pay is also on the near horizon.

I believe the men of this country, who today almost exclusively are the legislators, governors and industry leaders, recognize the realities of unequal treatment of women and of the special problems of mothers who work. Women may have to delineate the details of the problems and demonstrate more concerted interest before change will fully come about. But I am confident that the women of America, who have cared greatly about many social issues and concertedly took far reaching steps to better things, will use the same good sense and good judgment in fighting for the changes that matter directly to them, as women, and that they will be as successful as they are true to their heritage. After all, women, almost alone, brought about the first great civil rights victory in our country, other than abolition of slavery, and one which was over 70 years in the making. They gained the right to vote by forceful but peaceful demonstrations, by diligence and, above all, by intelligent persuasion.

Just recently I addressed a state-wide gathering in Arizona called to celebrate fifty years of women's suffrage. One elderly woman, in a wheelchair but very spry indeed, held me fascinated as she told me the story of her fight, as the only woman in the State Legislature at the time, to get Arizona to adopt the 19th Amendment to the United States Constitution. And she then stated: "Now that I've had my golden anniversary, I can die happy."

Can any of us here under 70 really imagine a time in America when women not only did not have the right to vote, but when learned and respected leaders predicted that female suffrage would wreck the family and society as well as bring unmitigated evil in its wake? We know that the contrary is true: female suffrage elevated political discourse and the commitment to decent and good government. No politician today ignores the woman's vote, not only because women vote consistently and intelligently, but because they hold elected officials to a high standard of performance. Women represent a conscience vote, a command for honesty, integrity and responsibility in government. You here tonight are a striking illustration of the power of women put to use for good and great deeds.

B'nai B'rith women, as a fellow woman, united in common purpose with you, I salute you on the opening of your convention and wish you well.

LAW AND JUSTICE

Mr. CRANSTON. Mr. President, safety of person and safety of property are two absolute elements of civilization. Any society that does not secure these values for its people cannot survive.

Law and social justice are two sides of the same coin. You cannot have justice without law. And though you may have order through repression, you cannot have meaningful law and order in a democracy without justice for all.

As we try to understand the underlying causes of crime, we must reaffirm that neither individual crime nor group riot, nor civil disturbance, nor denial of others' rights shall be tolerated.

Americans have the right to walk the streets day or night in peace and confidence. Americans have the right to drive the freeways, to attend meetings, to speak their minds in peace and confidence, without fear of intimidation or molestation.

At the very time when we are most in need of good police protection and of attracting intelligent police officers, the policeman's life is made a burden and his very reason for existence is being challenged by the anarchists in the streets.

The problem that many police face is that they are being asked to do a very large job which they are not adequately manned, trained, equipped, financed, or prepared to do. And when the task is larger than the capacity, we know that the result is frustration, low morale, and sometimes excessive use of force.

It is the size of the task and the recommitment of adequate resources that we must concentrate on.

What especially will help the police is a program of police betterment—better organized, better equipped, better charged with their duties, better financed, better respected to do a better job.

Last year I introduced a program to help accomplish these goals. This multipronged program provides Federal funds for:

Establishing fellowship fund over the next 3 years that will enable 3,000 policemen and deputies to undergo full-time college training in law enforcement.

Expanding development and distribution of improved police radio communications systems.

Modernizing the equipment of small-sized police departments at lower cost.

Aiding communities that are chronic victims of civil disorder.

Improving public education in narcotics especially in elementary and high schools.

Authorizing $5 million in a cash program to speed research and testing of nonlethal weapons and police protective equipment—marking the first time that specific sums will have been earmarked for these purposes.

Strengthening police-community relations programs.

I developed these proposals after conducting a survey of all the police chiefs, sheriffs, and district attorneys in California asking them what congressional action would most help them in their war against crime.

The task of providing adequate law enforcement and alleviating the conditions which breed crime is going to be an expensive business. But the cost of crime in human and economic terms demands our immediate attention. I shall continue to direct my own efforts and attention toward these goals, as well as to the task of giving our police the training and tools they need to do their work.

LETTER BY JERRY VOORHIS ON SOUTHEAST ASIAN WAR

Mr. CRANSTON. Mr. President, a man who once served with great distinction in the House of Representatives, Jerry Voorhis, now once again living in California, has written a letter to many of us about the Southeast Asian war. I ask unanimous consent that it be printed in the RECORD.

The letter is a thoughtful one from a thoughtful man. I do not agree with all his conclusions; I believe the best way out of our tragic involvement in that conflict is to enact the Vietnam Disengagement Act of 1971. Simply that, without further complications. However, Jerry's thoughts are always creative and constructive, and I urge that they be considered with care.

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

JANUARY 1971.

DEAR ALAN: Please forgive the fact that this letter is mimeographed. The reason is that I am sending it to a considerable number of members of Congress who, like yourself, I am sure are as deeply concerned as I over the Southeast Asian war.

This letter from an ordinary but deeply concerned citizen of the United States is sent to you because I feel sure that you are as sensitive as I to the stark tragedy in which we are involved in Southeast Asia. And, of course, with even more reason. I understand the burden you carry, for I was

once for ten years a member of the House myself.

It is difficult for an average citizen to understand why our government cannot grasp, and act upon, certain evident facts.

First of these is that no government in any nation, or part of a nation, can expect to win the genuine allegiance of its own people if it owes its existence in power to the support of a foreign army on its soil. Especially if that foreign army is of a very different race and culture, and if it comes from a nation manifold times as powerful as the one being occupied. And especially again if the government of the occupied country is a corrupt one. It is, therefore, impossible for our avowed objectives to be gained as long as either the present government rules in Saigon or our troops are there shoring it up.

Second, it is altogether evident that the Communist powers, big and little, know very well that they have the United States in precisely the position in which they would like to keep us. Namely, the position of day-by-day engaging in, or inducing others to engage in, the mass destruction of the lives and the environment of small countries on the other side of the globe. The Communist powers know full well what this is costing us in lives of our men, in untold expenditure of resources, above all in the besmirching of the good name of our nation around the entire Earth. Every day this war lasts means a gain for Communism and a loss for the very cause and values our country is supposed to be trying to protect.

If, therefore, we are to be extricated from this tragic situation, we shall have to do it for ourselves; and we need expect no great amount of help from "the other side" in doing so.

Third, the very nature of this war, fought on both sides in large part by mass attacks upon whole civilian populations, is inevitably causing a deep hatred of our country and of the soldiers who bear its burdens on the part of the people of all Southeast Asia. It is exposing, too, our own men to moral dangers of whose extent we are only now beginning to become aware. And one wonders how long it will be before there are mass uprisings against Americans in *South* Vietnam. What will our forces do then? Put it down by bombing Saigon?

It is an immoral war, and to expect anything but gross immorality to result from it is to be incredibly naive. The trial of Lieutenant Calley is an attempt to make one minor officer bear the guilt which rests, in fact, upon every officer and official above Calley who ever ordered the bombing of a village and ultimately upon every single American who has permitted this carnage to go on without protest. Have we completely forgotten the Nurnberg trials and the lofty principles enumerated there?

Fourth, neither North Vietnam nor the Viet Cong can be bombed into submission. This was tried and failed. To resume it, as the President has threatened to do would only result in deepening the determination of the North to resist and increase the support given it by Russia and China. A military victory is impossible short of decimating the entire population of all Vietnam, Laos, and that tragic little country of Cambodia. Yet we do not appear to have given up the idea of military victory.

The people of the villages of Cambodia were living peaceful existences until the invasion of their country by order of the President and by forces of both the United States and South Vietnam. The traditional hatred between Cambodians and Vietnamese is a matter of historical record. Yet, here again by our action we have created a situation where a military dictatorship in Cambodia depends for its precarious existence upon the support of two hated foreign armies—American in the skies and Vietnamese on the ground. And the once peaceful and undisturbed people of Cambodian villages are subjected to death from the skies, to fighting in their fields, and to the battling of foreign armies on their soil.

Is this the way to convert people to the ideals for which our country is supposed to stand? It is, I venture to say, far more likely to convert them to Communism despite the cruelties of which "the other side" is guilty.

The threat of President Nixon to resume bombing of the North is evidence of his own fears that "Vietnamization" will not work. What that policy boils down to is that the United States proposes to keep the war going full blast, not only in Vietnam but also in Cambodia and Laos, but without the further killing of our own men. This naturally enough would bring blessed relief to American homes. But it will not be of any great help to those of Southeast Asia! And can anyone doubt that as soon as they think enough Americans have been withdrawn the North Vietnamese will launch a major attack? And what do we do then? We already have the Administration's answer. It is to start all over again with bombing of the North, thus hardening its determination to fight to the bitter end. Suppose, as is almost certain judging from past experience, that the bombing is not effective in putting a stop to the North's offensive. What then?

A reversal of the withdrawal policy would seem the only probable result. Meanwhile, it seems to me that our prisoners of war held by North Vietnam are being used as pawns in a game for the political advantage of the Administration. It is clear enough that those prisoners will be released when the war ends and not till then. The abortive, if courageous, attempts to "rescue" some of them may have been calculated to gain political support for the Administration. But its only result so far as the prisoners of war are concerned will be the possibility of reprisals against them and the certainty that they will be held under far more stringent confinement and control. I think this despicable. I also have at least a suspicion that the Administration is playing on the emotions of the American people with this prisoner of war issue in order to prepare the people for an escalation of the war, if events do not turn out as the Administration hopes.

Were South Vietnam a united nation and were its government one that could command the spontaneous allegiance of its people—were it not instead a government that must use the most repressive measures to keep itself in power—then the situation might be different.

But that is not the case.

We are, I submit, confronted by two alternatives. One is to prepare for involvement of men and treasure in Southeast Asia for an indefinite length of time. The other is to seek a peace now on almost any terms that can be negotiated. The incalculable losses from the first course, in loss of lives, in depletion of resources, in preventing effective attack on our problems at home, and in deepening the sense of guilt and moral deterioration within our own country makes the second alternative the only practical or decent one from the point of view of our nation—not to mention the war-torn population of Southeast Asia.

What then must the United States do?

First, agree to a definite date for withdrawal of *all* U.S. forces, not only ground combat forces, but air forces, logistic forces, the CIA, advisers—everyone. In short, to follow General MacArthur's admonition, though belatedly, and not to engage in any war on the Asian continent.

Second, to agree to an interim government in South Vietnam that would not include Thieu or Ky but would include all significant elements in that beleaguered country.

Third, to agree to abide by the results of internationally supervised elections to determine the future government of South Vietnam, and probably of Cambodia as well. This would surely be in accord with our professed objective of self-determination.

It is, I believe, probable that on such a basis a peace could be concluded.

And I am sure our government ought to try.

Sincerely,

JERRY VOORHIS,
A concerned citizen.

FORTY THOUSAND DOLLARS PER MINUTE

Mr. GOLDWATER. Mr. President, astronomical figures related to Government fiscal affairs have long since ceased to surprise me. During my tenure of service in the U.S. Senate our national debt limit has been raised many times to accommodate ever higher Federal expenditures.

Even so, I was brought up short recently by some statistics which show that the Nation now spends $40,000 every minute to defray the intertst on our national debt. Put another way the cost of maintaining our national debt takes 12 cents out of every tax dollar collected from the American people. The yearly cost comes to a staggering total of $20.8 billion. Think of that—$20.8 billion for interest alone on our national debt.

Mr. President, I am indebted for these figures to my son, Representative BARRY GOLDWATER, JR., of California. He listed them in a speech on March 6 to the National Automatic Laundry and Cleaning Council in Anaheim, Calif. Because of their importance at a time when Congress has just voted to increase our national debt by another $30 billion, I ask unanimous consent that the speech by Representative GOLDWATER be printed in the RECORD.

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

SPEECH BY REPRESENTATIVE GOLDWATER

$40,000 per minute!

Twelve cents out of every tax dollar you pay!

Just try to guess what costs Americans $40,000 a minute! What costs the staggering total of $20.8 billion a year!

The interest alone on our national debt costs us this unbelievable sum.

And just the other day, the Congress voted to increase our national debt by another $30 billion.

Even more frightening, the Congress voted to remove the 4½ percent interest ceiling on long-term Government bonds. This means that you, the tax-payers, will be forced to pay even more than $40,000 per minute next year, since the interest on our debt will be even higher.

Where will it all stop?

We are going to spend ourselves to financial destruction!

We are going to destroy the free enterprise system. It will smother in the vast pillow of Government spending.

My friends—Let's ask ourselves—what is the traditional American formula for progress?

It is the adoption of basic policies by the

Federal Government that will maximize private effort in achieving national goals.

But the Federal Government has not adopted such policies.

It has fallen into the "Washington syndrome."'

That's the simple-minded theory that problems just disappear when the Federal Government throws enough money and statute books at them through new Government programs.

From 1960 to 1968, the number of Federal domestic grant programs jumped from 45 to 435—almost a thousand percent increase.

What has this meant for you, as individuals and as businessmen?

It has meant that the Federal Government has become your chief competitor—for money, for business, for employees.

It has meant that you are so hemmed in by regulations that you are probably breaking the law at least once a day without even realizing it.

It has meant that you are being taxed out of your very existence.

It has meant that you must stand by helplessly and watch the very principles of free enterprise that made this country great be thrown out the window!

It is time to call a halt to this whole mess. It is time to puncture the great swollen balloon of bureaucracy, let out all the hot air, and get down to business.

President Nixon has attempted to do just this thing, through his three-point economic and executive program.

I would like to discuss the meaning of this program today. It has been misrepresented, shunted aside by the democrats, and ignored.

Yet the President's proposals appear to be the only logical course to get this nation back on the right track again.

Let's look at what he wants to do.

First, President Nixon wants to get the economy back on an even keel again.

I am going to be realistic with you.

Obviously this tremendous task cannot be accomplished overnight. It took eight years of government overspending to bring the economy to the inflationary point it's at today.

The President's initial attempt to correct the situation by cutting spending showed the weakness of this inflationary balloon—one session of belt-tightening and it rapidly collapsed. Unfortunately, as we all know, this had severe results for business.

So a different approach had to be tried.

The President has chosen a more gradualistic approach. We have grown too soft as a nation to take our medicine straight.

So the administration is going to phase down government spending, while at the same time applying maximum stimulation to the private sector.

The monies derived from this economic expansion will gradually be used to balance the budget and pay on our national debt.

Unfortunately, to establish this fiscal pattern requires additional deficit spending for a short while. We must get a little further into debt—in order to get out of debt.

But the long-range goal represents a significant change in Federal policy—a return to the emphasis on the *private* sector.

At long last the true foundation of the American economy and the American spirit of progress—free enterprise business operations—is being given its rightful role.

It is up to you to fill this role—otherwise we will turn back, under *democratic* leadership, down the long road to socialism. And the eventual death of free enterprise as we have known it.

In order to cut Government spending without damaging the economy, the President has made the most original and useful proposal of our generation. *Revenue-sharing.*

The President proposes to eliminate a large number of those 435 grant-in-aid programs I mentioned before and take the money and give it directly back to the cities and States—*no strings attached.*

As businessmen you all know what this implies.

We have long known that a horrendously large percentage of funds appropriated never got to where they would do any good. This has been the true enemy of the "new frontier" programs.

Where have these monies gone?

On bureaucracy.

On new buildings, machines, personnel to administer the programs.

On unnecesary junkets by program administrators.

On "regional offices" which are supposed to bring the programs closer to the people, but which actually just perpetuate the chain of bureaucracy on the local level.

Why not, the President is asking, *eliminate the middleman*?

Why not give the money to the people and agencies that really *need* it, and that have been doing the *real* work of administion all along?

Why not *eliminate* the matching-grant requirement that has forced cities and States to overspend to keep up with the Federal Government?

Why not let cities and States set their *own* priorities, rather than being forced to obey *big brother in Washington.*

This is the true meaning of "power to the people."

It's *your* money.

Under revenue-sharing, *you* will have a direct voice on how it is spent.

You elect your local and State officials.

You can contact these men directly without difficulty.

You can express your displeasure with waste and inefficiency immediately and strongly.

No more seas of red tape in far-off Washington.

No more dictates from above.

More value for your tax dollar.

Why, you ask, doesn't the government simply phase out these programs immediately and let us keep our tax dollars at home?

I think you know. I think you, more than anyone else, realize the vast extent to which big brother has undermined the fabric of our society. Dependency on the handout from Washington has become a way of life.

If we cut out all of these programs now, a chaos would result that would make the depression look like a picnic.

Revenue-sharing is an intermediate step.

It provides for tremendous savings at the Federal level.

It puts the burden on State and local government to shape up and resume its rightful role in the governing of America.

It requires a clear development of priorities by the *people,* not by bureaucrats.

It sets the stage for eventual withdrawal of the Federal Government altogether.

As we all know to our sorrow, the Federal Government is the most efficient extractor of tax dollars in human history.

Too many of those dollars have stayed in Washington in the past. Now we want to give them directly back.

When the states and municipalities has established themselves again as strong and viable entities with the support of the people, we will turn over this last function to them.

We will leave your tax dollars *where they belong. With you.* With your local and State governments. Where you can keep an eye on them and spend them for *your* needs.

Revenue-sharing is essential if we are to get back on the right track again. We must turn away from the road to socialism, and get back on the road to federalism—the creative partnership between human enterprise, good government, and the efficiencies of scale.

Let your representatives know you *favor* revenue-sharing.

Otherwise, the Democrats will *kill* it, and the alternatives are too horrible to think about.

Wilbur Mills, chairman of the House Ways and Means Committee, has already come out *against* revenue-sharing. He plans to *ignore* the President's proposals.

What is *his* alternative?

He wants to *"federalize" welfare!*

Can you imagine what this would mean to the taxpayer?

Sure, you would get relief from your local taxes!

But imagine what would happen to your Federal taxes!

In 1961, total spending for welfare programs was almost $4 billion.

In 1970, total spending had climbed to $13 billion.

By *1972,* if welfare keeps increasing, this figure will have jumped to $20 billion.

By 1980, welfare could amount to *half* the Federal budget!

The only thing that is keeping welfare under *any* sort of control now is the willingness of such leaders as Governor Reagan to clamp a tight rein on the abuses.

Turn welfare over to the Federal bureaucracy and our big government now will look like *nothing* in five years.

The Government handout will become the most common feature of American life.

We will become a two-class Nation—the social workers and the welfare families.

Let's keep out of welfare altogether. Let's turn the money back to State and local governments, and let them set the standards for welfare.

Only those close to the problem can determine the true meaning of need.

We don't want to deprive children, old people, and handicapped people of assistance.

But we do want to establish a decent residency requirement and a proper standard of need.

We can only do this if we relocate the power of Government from Washington back to the States.

Revenue-sharing will spur this relocation.

Revenue-sharing is our last chance to start governing ourselves again.

I have spoken of the President's program to stimulate private enterprise, and to get maximum benefit from Federal tax dollars. Now I would like to turn to the third point in Mr. Nixon's proposal to revitalize America and free it from the crushing burden of Government.

I am speaking, of course, of Executive reorganization.

There are two ways of paring away a bureaucracy.

One is to take away its functions.

This is what revenue-sharing will do. It will eliminate a large number of administrative functions from the Government. Or, more plainly, all those "bosses" and "supervisors" and "program administrators" will be kicked out because there won't be any need for them any more.

The second way of reducing a bureaucracy is to make it efficient—to streamline it.

Before the creation of the Environmental Protection Agency, there were twenty-six competing and overlapping agencies in the field of environment. Some of them were doing more to harm the environment than to save it.

By creating a single agency under unified direction from the top, great efficiency, large savings, and a unified policy were created.

Now President Nixon wants to carry this savings and efficiency throughout Government. The first target will be the cabinet departments.

It seems like every interest group in America has their own department. The farmers have Agriculture. The unions have Labor. Businessmen have Commerce. The social reformers have HEW and HUD.

But who speaks for America as a whole? Who speaks for the American people?

The President.

Only the President can rise above individual interests and speak for the American people.

And even his statements get lost in the bureaucratic maze. Even the cherished traditions of the American people are ignored.

Let me just give you the most recent and terrible example.

Because of bureaucratic buckpassing, hemming and hawing, and just plain ignorance, the men of the U.S. Coast Guard cutter *Vigilante* were forced to stand helplessly to one side while Russians beat up and dragged away a Lithuanian seaman who wanted to seek asylum in the United States.

Why?

Well, the Coast Guard had a nice little "you scratch my back and I'll scratch yours" arrangement with the Russians. In exchange for the Russians staying out of certain waters, the Coast Guard let them do pretty much as they pleased elsewhere. And the top brass didn't want to upset the applecart.

The State Department was no better. It was too afraid of offending the Russians to even remember the significance of the Statue of Liberty.

And, of course, no one thought to tell the President until it was all over and America had another black mark on her slate.

Now President Nixon wants to eliminate the competition, the rivalry, the duplication, the buckpassing.

Instead of departments just caring about their own special interests, we would have four new departments based on national interests.

Human resources.

Natural resources.

Community development.

Economic development.

Take special note of this last. A cabinet department on economic development.

Think what a tremendous tool this would be for the preservation and promotion of our free enterprise system.

The very name is indicative of a national goal which has too long been left to fend for itself.

Economic development.

Economic development has been the source of America's greatness.

Economic development has produced our major technological and social advances.

Economic development has created the nearest thing to a classless society in history.

Economic development has fed, clothed, and housed 200 million people at a level unprecedented in human endeavor.

Economic development is the keynote for America's future.

Let us give a full measure of support for the President's program to reform the government and promote economic progress.

Let us stand united behind a positive program for America—a program with visible, worthwhile, and attainable goals.

Let us resume our rightful place as rulers of our own lives, maintainers of our own freedom. Let us once more enjoy the fruits of our labor.

SENATOR RICHARD B. RUSSELL

Mr. ANDERSON. Mr. President, if ever a man epitomized the finest traditions of the U.S. Senate, it was Richard B. Russell. It is our great loss that Senator Russell is no longer with us, but his accomplishments and his manner of conducting himself—always correct and fair and courteous, even courtly—shall remain a part of this Chamber for years to come.

He came here as a young man decades ago, learned quickly and worked hard, and worked himself into a position of preeminent authority and prestige. For years, he was a major national spokesman on security and defense matters as chairman of the Committee on Armed Services. Later, as chairman of the Committee on Appropriations, he watched over the Federal budget with an alertness that pleased every taxpayer. And, of course, he served as the Senate's distinguished President pro tempore.

Senator Russell did not attain such power and prestige merely by seniority, although his regular reelection with great majorities illustrated his great political popularity and success. Richard Russell was not content to sit passively and allow power to accrue to him by the passage of years. Instead, he acted vigorously to put into effect programs and policies he originated or supported, and to stymie those he opposed. That great vigor and stamina, combined with shrewdness and sagacity which confounded and amazed all of us much of the time, meant he was a man to be reckoned with on all great issues to come before this Chamber.

Senator Russell understood the Senate and its folkways of power because he worked at it, because he took nothing for granted, and because he possessed a formidable intelligence. He was able to accomplish so much and to command such respect because he always treated his colleagues with courtesy and decency, even if they were the newest of Members and even if they opposed him on the issues.

We were good friends through the years, even though we often were on opposite sides politically. He will be missed and he will be remembered.

REORDERING AMERICA'S PRIORITIES

Mr. ALLOTT. Mr. President, one of the finest achievements of the Nixon administration to date has been the reordering of America's priorities, a reordering which is reflected in the fact that under the shaping influence of President Nixon, the portion of the budget allotted to human resources has become larger than the portion allotted to military spending.

But still we hear the chant that more must be done to "reorder" our priorities. The incantation of this is especially persistent in New York City, where the mayor frequently tells the Nation about his passionate commitment to a new set of priorities.

Mr. President, the front page of the March 3 edition of the New York Times cast an interesting light on the manner in which the mayor implements his passion in his own city.

The front page of that issue contained three stories which were juxtaposed in a most interesting way.

The first story carried the headline "City Betting Unit Was Lent $800,000 in Welfare Funds." The story reported that the city's offtrack betting corporation, which is not thriving, received a large loan from the city's welfare agency which, if we are to believe the mayor, is not thriving and needs Federal help.

The second story on that interesting front page carried this headline: "School Board Orders End To Hiring of Substitutes." The first two paragraphs of the story tell a sad story:

The board of education took emergency steps yesterday to meet its $40 million budget deficit, including ordering an immediate halt in the hiring of 10,000 to 11,000 substitute teachers who are employed daily to fill in for absent teachers.

The board also directed that plans be prepared for the laying off of 6,500 other school employees, mainly teachers, on March 15 and that all those affected should be "placed on notice."

Mr. President, the third interesting headline on page one of the Times that day was this: "City To Buy Yankee Stadium in Move To Keep Two Teams." It seems that $24 million will be found for the benefit of the New York Yankees and the New York Giants.

The mayor is very eloquent and active in reminding us that we reveal our priorities by our dispersal of dollars. Using the mayor's own criteria, I would guess that the schoolchildren of New York rank somewhere below the horse players and the sports fans in the current ordering of New York City's priorities.

Mr. President, in the belief that we can better understand the advice we are getting from the mayor of New York if we understand the actions his administration takes, I ask unanimous consent that the three above-mentioned articles be printed in the RECORD.

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

[From the New York Times, Mar. 3, 1971]

SCHOOL BOARD ORDERS END TO HIRING OF SUBSTITUTES — 10,000 AFFECTED — 6,500 OTHERS, MOSTLY TEACHERS TO BE LAID OFF MARCH 15 TO MEET DEFICIT OF $40 MILLION

(By Leonard Buder)

The Board of Education took emergency steps yesterday to meet its $40-million budget deficit, including ordering an immediate halt in the hiring of 10,000 to 11,000 substitute teachers who are employed daily to fill in for absent teachers.

The board also directed that plans be prepared for the layoff of 6,500 other school employes, mainly teachers, on March 15 and that all those affected should be "placed on notice."

"This is an agonizing directive to issue but we must comply with the law," said Murry Bergtraum, president of the board. "We hope and pray that sufficient funds will be found that the decision and processes that we must set in motion may be reversed."

Albert Shanker, president of the United Federation of Teachers, called the board's action "intolerable" and declared: "If these cuts are carried out by the board it would reduce the school system to shambles."

He added that he had summoned a meeting of union officers for today "to discuss appropriate action." He would not elaborate.

Dr. Aaron Slotkin, a spokesman for the Council of Supervisors and Administrators, said the cuts in school services and programs would create a "chaotic" situation.

"If teachers or supervisors get the ax, it's the children who will suffer," he said.

The board's action was announced a few hours after Governor Rockefeller and Mayor Lindsay had declared that they could provide no additional funds for the city school system, in which 1.1 million pupils are enrolled.

Mr. Bergtraum said the Board of Educa-

tion had directed Dr. Harvey B. Scribner, the school Chancellor, to take the following actions "if sufficient funds are not made available":

Order an "immediate cessation" in the employment of day-to-day substitute teachers.

"Immediately freeze" all repair and maintenance funds, except for emergencies.

"Suspend immediately" the issuance of reducd-fare transportation passes to all children in kindergarten through second grade who live less than half a mile from school and all pupils in the third-through-eighth grades who live less than a mile from school. This will affect 77,000 pupils.

Direct the city's 31 decentralized community school districts to prepare and submit plans to reduce all personnel service expenditures by 8 per cent, effective at "the close of business" on March 15. The local districts have jurisdiction over all elementary, intermediate and junior high schools and the layoffs would affect about 4,000 teachers, supervisors and clerical employes.

Direct also the Office of High Schools to make and submit plans for an 8 per cent reduction in personnel costs, effective March 15. This would affect 1,500 school employes.

Reduce the headquarters and central administration staff to bring about a 20 per cent reduction in personnel costs, effective March 15. This would affect 1,000 employes.

Suspend all after-school activities such as community, youth and adult programs supported by tax-levy funds and reduce by 10 per cent the cost of eve ing academic high schools, trade schools and "fundamental" adult classes in citizenship and English.

EMPLOYEES LISTED

The city system has 65,000 teachers, 4,000 supervisors, about 15,000 school aides and teacher assistants, and tens of thousands of supporting personnel.

A Board of Education spokesman said the "immediate" actions would take effect in a day or so, as soon as the notices are received by officials in the school districts.

Last Sunday, at a meeting with officials of the central Board of Education, opposition was expressed by representatives of community boards, school unions and parent groups to any reduction in school services and programs.

They announced the formation of a coalition to seek needed school funds from government sources. A meeting of the coalition was set for today.

"DRASTIC DISLOCATION"

School officials said they could not immediately predict the precise impact of the personnel reductions on the pupils, but Mr. Bergtraum said the reductions would cause a "drastic dislocation."

The first effects will come when the schools halt the hiring of day-to-day substitutes.

Pupils whose teachers are absent will have to be divided among other classes, in most instances. The current contract between the central board and the teachers' union gives principals the authority to assign teachers on their preparation or free periods to take over uncovered classes. But teachers cannot be asked to do this for more than two 45-minute preparation periods each term without receiving extra compensation.

The lack of day-to-day substitutes could thus force schools to shuffle 250,000 or more pupils each day.

The March 15 layoffs also would probably hit substitute teachers hardest. These are the "regular" substitutes, who were called in during the first 15 days of the fall term last September and given permanent assignments for the school year, which ends June 30.

The contract requires that regular substitutes be given 10 days notice of the termination of their services. This is why the central board asked district officials and others to place on notice those who face dismissal March 15.

The layoff of regular substitutes or other classroom teachers would result in a further shuffling of pupils. The contract stipulates maximum class sizes, but while some schools have classes that are below the limit, many others do not.

METHOD UNCLEAR

There was no definite word yesterday on how central or local officials would lay off regularly licensed teachers—if this should become necessary—or supervisors. Another big question is the fate of headquarters employes, some of whom are teachers and supervisors drawn from school posts for special assignments.

Earlier in the day, Governor Rockefeller said in Albany there was "no chance" the state could come up with the funds the system needed, and he declared that efforts to obtain help should be focused "in the right direction—to where the money is—to Washington."

And a little later, Mayor Lindsay said the Board of Education's plight was "unfortunate, regrettable and very painful for everyone involved." But he said the city was currently facing a $300 million budget deficit of its own and a projected $1 billion deficit in the new fiscal year beginning July 1.

Mr. Shanker disclosed that the Board of Education had proposed on Sunday—as one of several alternatives—that teachers and other school employes voluntarily take a cut in salary to stave off a reduction in jobs and services. Mandated pay cuts would violate the board's contract with the unions.

Mr. Bergstraum confirmed the board proposal and said it was quickly rejected by Mr. Shanker; and also by Walter J. Degnan, president of the Council of Supervisors and Administrators; Victor H. Gotbaum, executive director of District Council 37 of the State, County and Municipal Employes Union.

CITY TO BUY YANKEE STADIUM IN MOVE TO KEEP TWO TEAMS

(By Edward Ranzal)

In a move to keep the New York Yankees baseball team and the Football Giants here, Mayor Lindsay announced yesterday that the city planned to buy and modernize the 48-year-old Yankee Stadium, then lease it to the baseball club.

Asked at a City Hall news conference how he could justify committing $24-million in city funds for the plans in the face of a critical money shortage, the Mayor stressed that the money would not be taken from his hard-pressed expense budget, which provides for wages and operations.

Instead, he explained, 25 per cent of the funds would come from the capital budget for public construction that is financed by borrowing. The 75 per cent remaining would be raised outside the city's mandated debt limit by floating anticipation notes to be redeemed from proceeds from parking, concessions and leases.

"It will be a strain on the budget," the Mayor said, "but we are committed to it and we need to do it."

After acquiring the property through purchase or condemnation, the Mayor said, the city would lease the ball park to the Yankees on the same terms it leases city-owned Shea Stadium to the New York Mets.

The stadium, which has bulged with 70,000 baseball fans and has attracted 100,000 to religious rites, would be renovated by the Yankees, with the city ultimately footing the bill. The stadium's seating capacity is expected to be increased slightly.

The announcement of the plan was the culmination of nine months of negotiations by the Mayor to keep the Yankees and Football Giants here. It was greeted enthusiastically by Bronx legislators and Michael Burke, president of the New York Yankees.

Mr. Burke said the Yankees would certainly stay in the city "if things work out." He acknowledged that the ball club had stopped talking and negotiating with New Jersey officials who had been trying to move the team across the river.

A spokesman for Gov. William T. Cahill said that New Jersey would continue its efforts to attract the teams until "notified by officials of the major league teams that they no longer have any interest in moving."

Councilman Mario Merola, chairman of the Council's Finance Committee, said that after acquiring the property the city would probably operate the stadium at an annual loss of $300,000, the same for Shea Stadium.

However, he interjected quickly, the loss would be more than made up in terms of out-of-towners visiting the stadium, staying at hotels and motels and spending money here.

The stadium, at 161st Street and River Avenue, the Bronx, is owned by Rice University and the land is owned by the Knights of Columbus.

The Yankees lease the property, pay maintenance costs and local taxes as well as fixed annual rentals. They sublet the stadium to the Football Giants.

As the first step in the plan, legislation was introduced yesterday before the legislature in Albany to permit the city to acquire the property as a public place, lease it to the Yankees and permit them to renovate the proposed city property.

The entire property is assessed at a total of $5-million. City officials believe that it could be bought for not too much more. The remainder of the money in the fund would go toward new parking facilities and renovating the structure, often referred to as "the house that Ruth built."

The city has already announced plans for buying an abandoned rail yard five blocks from the stadium, then leasing it to a private concern for parking facilities for 800 cars. In addition, the city, in redeveloping the Bronx Terminal Market, will provide for additional parking spaces.

IMPROVEMENTS ARE LISTED

The Mayor also outlined the following improvements in the area:

Arrangements to improve traffic flow by adding additional patrolmen and a new radio communication unit to coordinate traffic in the area before and after a game.

New signs directing traffic to and from the stadium. The IND 161st Street subway station has been repainted and refurbished and renamed 161st Street-Yankee Stadium Subway Station.

Powerful lighting has been installed in the streets surrounding the stadium.

New benches, malls and colorful allweather arcades will be installed in the area. Also, plans for mini-trains to take fans to and from parking areas to the stadium are being investigated.

In renovating the ball park, Mr. Burke said that an engineering firm had reported the feasibility of moving steel columns that blocked a fan's view to the rear of the stadium and further recommending that escalators be installed to replace steep ramps.

To expedite the renovation, with the approval of the legislature, the Yankees would undertake and pay for the work, with the city returning the money afterward.

CITY BETTING UNIT WAS LENT $800,000 IN WELFARE FUNDS—$2.8-MILLION AUTHORIZED—UNPUBLISHED ARRANGEMENT TOUCHES OFF AN UPROAR

(By Maurice Carroll)

An unpublicized $2.8-million loan authorization from the city's welfare agency to the floundering Offtrack Betting Corporation

was disclosed yesterday, touching off an uproar at a City Hall hearing.

"It's illegal—it's a violation of the law, a violation of the Charter!" Councilman Mario Merola thundered at Jule M. Sugarman, the Human Resources Administrator.

The loan authorization, approved without notification to the Board of Estimate or the City Council—which have the authority to pass on normal budget transfers between agencies—was arranged by an assistant budget director and a Deputy Mayor, both members of the Offtrack Betting Corporation's board.

$800,000 ACTUALLY BORROWED

The betting corporation has actually borrowed $800,000, repayable in six months at 4.25 per cent annual interest. Of this, it has spent $250,000.

"May this Council assume that money appropriated for the assistance of the poor might very well have gone to pay salaries of O.T.B. officials?" Demanded Councilman Bertram R. Gelfand.

"It's very possible," Mr. Sugarman conceded.

After Mr. Merola, the Council's finance chairman, opened the subject at a hearing on the Mayor's 1971-72 capital budget, word spread and other Councilmen, hurried to the hearing room on the second floor of City Hall.

The loan, it was disclosed, came from a $37-million capital budget account for manpower training, one of the responsibilities of the Human Resources Administration.

ASKED TO EXPLAIN LOAN

Councilman Edward L. Sadowsky had started by raising a question about the manpower training program. It cost $6,500 for each trainee, he said, he called that "incredible."

Then Mr. Merola took up the questioning with a reference to an item at the bottom of page 184 of the Mayor's proposed capital budget about the repayment of a loan. He asked Mr. Sugarman to explain it.

* * * * *

Grand Central Terminal and Pennsylvania Station in Manhattan; 1614 East 16th Street, at Kings Highway, Brooklyn; 107-40 Queens Boulevard, Rego Park, Queens and 375 East 149th Street, near Melrose Avenue, in the Bronx.

Initial betting will be on races at Roosevelt Raceway, the Westbury, L.I., harness track that opens tonight, and Aqueduct, the thoroughbred track in South Ozone Park, Queens, which opens its 1971 season next Monday afternoon.

Mr. Samuels said that his agency hoped to open five more offices in April, and beginning in May, 10 more a month.

"We should have 90 offices open by the end of the year," he added. "About 40 to 45 per cent will be in Manhattan, because the state lottery has shown that most betting is done where people work."

Mr. Samuels said both the offtrack offices and the race tracks themselves would have more patrons if the results of the day's races could be shown every night on television.

"We have had discussions with the Federal Communications Commission relative to having race results reported regularly on both radio and television," he said. "The FCC has been sympathetic so far."

Mr. Samuels said that because the computers that will send the bets from the betting offices to the tracks have not yet been installed at the tracks, the wagering will be phoned in for a while. Clerks will then record the bets manually in the track betting machines. Bets will be sent in an hour before post time for each race.

Mr. Samuels said lawyers for his agency had prepared and submitted to Deputy Mayor Richard R. Aurelio a memorandum on a proposed amendment to the State Constitution that would permit the offtrack corporation to take bets on other sports and on numbers. He said legal betting on all other sport and on the numbers would cut into the illegal gambling revenues of organized crime.

Mr. Samuels discussed methods by which he hoped his corporation would compete with the numbers racket through small-wager, high-odds bets on the exact 1-2-3 order of finish of a designated race at Roosevelt Raceway.

He said the corporation has asked permission of Mayor Lindsay to use some of the money raised by the game—called the Triple by the raceway—to support day-care centers and other community programs. He said he felt the Mayor would approve.

Mr. Samuels said also that the corporation was considering using "mobile betting stations" in some areas where the numbers are popular. He said these stations, most likely in trailers, would provide the same function as regular city betting offices.

REPRESENTATIVE MILLS' VIEWS ON REVENUE SHARING

Mr. BAKER. Mr. President, there are few men, if any, for whom I have a higher regard than the distinguished chairman of the Committee on Ways and Means of the House of Representatives. Mr. MILLS enjoys an unparalleled reputation, magnificently earned during years of the most extraordinary legislative accomplishments. His devotion to the people of his district in Arkansas and to the people of this Nation is above question and has been repeatedly demonstrated. He is a public servant of the very highest caliber, and I wish there were more of them.

It is well known that Mr. MILLS is vigorously opposed to President Nixon's general revenue sharing proposal, embodied in S. 680, which I and 37 other Senators introduced on February 9. The opposition of Mr. MILLS, to whose committee the companion bill has been referred in the House, is a very considerable factor in the whole revenue sharing picture and is perhaps the principal cloud on the horizon of the proposal's prospects.

The long years of Mr. MILLS' experience in fiscal matters demand that his views on any such matter be given the most careful attention. It was thus with great interest that I read an interview with Congressman MILLS which appears in the current issue of U.S. News & World Report.

I am familiar, of course, with the argument made by some against revenue sharing to the effect that the Federal Government, which raises the revenue, should retain the full responsibility for how it is spent, that this is an obligation of the Government to the taxpayers who provide the revenue. This is a philosophical argument of some consequence, and I myself would not favor returning all Federal revenues to the State and local governments. There are some areas of national interest where a strong and precise Federal role in the expenditure of funds is both necessary and efficient. Under the President's proposal of general and special revenue sharing, Federal program aid to States and cities would comprise a flexible mix of three kinds of aid: General revenue sharing, with no strings attached, special revenue sharing or block grants, funds to be spent within six broad areas of national concern, and the continuation of many categorical grant-in-aid programs where the Federal Government retains strict control over the expenditure of the funds.

What I found quite unusual about certain of Mr. MILLS' remarks in this interview was his seeming objection to general revenue sharing on the grounds that it might eventually prove to be the vehicle for an expansion of Federal control over the internal affairs of a State and its local governments. He suggests, rather ominously, that the Federal Government might eventually say to the States: "There are certain things we would like for you to do to your judiciary—your legislature . . . to any State program you may want to name—in order for us to continue giving you this largesse out of the Federal Treasury." Thus Mr. MILLS seems to be saying that general revenue sharing would further intrude the Federal presence into State and local affairs.

I suppose that anything can happen in this world. We may eventually repeal the Constitution and install a king in this country.

But let us look objectively at this rather fanciful suggestion. The most obvious thing to be said about it is that such a future attachment of nefarious conditions to revenue sharing would have to be imposed by the national legislature, which is theoretically made up of persons elected freely by the people of the United States. Congress could, today, impose by public law any condition it wished upon the various States of the Union, provided that such a law was within the constitutional powers of Congress. The powers of the Congress to impose odious requirements on the expenditure of Federal funds would in no way be expanded by the enactment of general revenue sharing. On the contrary, enactment of the proposal would mark the first time in the history of public finance that the Federal Government had actually relaxed its minute control over the expenditure of a small portion of its revenues.

The Congressman may very well have in his arsenal a number of weighty and considerable reasons why revenue sharing should not be enacted. But I am not persuaded that this specter is one of them.

A somewhat related criticism is that advanced by those who contemptuously speak of revenue sharing as "debt sharing," referring, of course, to the fact that the public debt is approaching $400 billion. These critics assert that there are no revenues to share. As our distinguished former colleague from Delaware, Senator Williams, was fond of saying, we have nearly $400 billion less than no money at all.

Far be it from me to embrace the idea of an enormous public debt. I wish there were no public debt at all. But to assert that the question of revenue sharing is in some way associated with the public debt issue is sheer sophistry. Precisely the same argument could be made against any Federal expenditure, whether for sewage treatment facilities, flights to

the moon, or, and I hesitate, Federal assumption of welfare costs. In each instance we are technically spending money "that we do not have."

The most fundamental basis for revenue sharing is the belief on the part of its supporters that the State and local governments should be permitted to share in a small but fixed fractional part of federally collected revenues, not in a fixed fractional part of the net profits from government operations. Such a sharing will strengthen and revitalize State and local governments and tend to thwart the future development of greater centralism. I do not believe that the distinguished chairman of the Committee on Ways and Means or any of the other critics of the proposal have successfully refuted these basic arguments in support of revenue sharing.

One other comment of the Chairman's caught my eye, and I am even hopeful enough to find some encouragement in it. As is well known, Mr. MILLS has been discussing as an alternative to revenue sharing a gradual Federal assumption of all State and local welfare costs. Even though the distinguished ranking minority member of the committee, Mr. BYRNES, appears to prefer some sort of tax credit approach to either welfare takeover or revenue sharing, it is the welfare proposal that has drawn the lion's share of attention.

A number of statistical studies have revealed that only 11 of the 50 States would receive greater fiscal relief from a Federal assumption of welfare costs than they would from the enactment of the President's revenue sharing proposal. Conversely, 39 States would receive less under such a welfare scheme.

In his recent interview, Mr. MILLS is quoted as having said that:

> We could say to the states that, in order to get the government into welfare, they would have to pass on half of what they save to the cities and counties.

Mr. MILLS is not the sort of man to make such a remark off the top of his head, and I intend to read into it everything that I can. There are two things about the remark that are of particular interest. First, it seems to imply that the powerful Federal Government might actually use the assumption of welfare costs as a vehicle to impose certain conditions on State governments. But this cannot be a fair interpretation of what Mr. MILLS meant, because we have just learned how treacherous he finds such an act on the part of the Federal Government. Why, if the prospect of the Federal Government using revenue sharing as a vehicle for enforcing its own ideas on the States is such anathema to Mr. MILLS, surely he would not propose using the welfare system for such a purpose.

The second thing about this remark that interests me is the fact that he is describing something suspiciously similar to the pass-through requirement of the President's general revenue sharing proposal, which would require that roughly half of each State's allocation be passed through directly to cities and counties. If Mr. MILLS is endorsing section 501 of S. 680, it is a most welcome endorsement. Although it remains true that, under Mr. MILLS' welfare savings pass-through proposal, the cities and counties of 39 States would receive less fiscal relief than they would under the President's proposal, at least they would get something, and that is a step in the right direction.

Mr. President, I am confident that the will of the 77 percent of the American people reported by George Gallup to favor revenue sharing will not be frustrated by the Congress. Although objections to the proposal can be effectively argued, there is no doubt in my own mind that the overwhelming assets of the proposal greatly outweigh whatever tenuous liabilities it might contain.

THE UNILATERAL JAPANESE RESTRAINT ON TEXTILE EXPORTS TO THE UNITED STATES

Mr. MONDALE. Mr. President, I am extremely encouraged by the news that the Textile Federation of Japan has agreed to voluntarily limit their textile exports to the United States over the next 3 years.

The negotiations to seek a formal signed agreement by the two nations proved to be frustrating and disappointing to all concerned, and I feel that the Japanese have acted both wisely and courageously in coming up with a unilateral voluntary agreement.

I am hopeful that this agreement can provide the basis for similar agreements on the part of other textile exporting nations.

I know that our own textile industry has been extremely concerned over the recent increases in imported textiles, I know, too, that they have been seeking controls on the most favorable terms to our own domestic industry, and have held out the hope that the Congress would enact quotas.

But I would hope that our industry, and our administration, will look carefully at this Japanese agreement in light of our overall trade problems and the promise this agreement provides for resolving the most difficult question of all—the need for restraining imports without precipitating a trade war and retaliation against our exports.

I believe that this action does hold the key toward providing relief to our own industry without the threat of a disastrous international trade war which would inevitably result from the imposition of legislated quotas in violation of the GATT.

I think we have now seen an act of statesmanship on the part of the Japanese. I hope it can be met with similar conciliation on the part of our own industry and our administration, and that we can now turn toward positive, responsive, and responsible trade legislation to the benefit of American labor and industry.

SENATOR RICHARD BREVARD RUSSELL

Mr. HRUSKA. Mr. President, the Nation will long grieve the loss of the great Senator from Georgia, Richard Brevard Russell. His unfortunate death has removed not only a good and true friend but also an inspirational and dedicated leader whose equal will not soon be seen again in this body.

He gave to the Nation 38 years of devoted and exemplary service. Throughout that time his performance measured up to the highest ideals of the U.S. Senate, in the finest tradition of Webster, Clay, and Calhoun. He brought to the body thinking that was ahead of his time.

It is noteworthy that well over half of Dick Russell's life was spent in this body. The only man who served longer was Senator Carl Hayden.

Senator Russell's remarkable record of tenure provides ample evidence of his character as seen by those who know him best—the residents of his beloved native State of Georgia. In all his election campaigns, he had only one serious challenge.

Sometimes in its enthusiasm for its subject, the press understandably falls victim to exaggeration. But its erstwhile description of Senator Russell as the most powerful man in the Senate was never an understatement. None of us who knew him and worked with him would question his dominance.

What might not have been generally understood by the public which did not know him personally, however, was the reason for his power in this body. They did not have the good fortune of enjoying his charity and compassion, his sincerity and willingness to accept responsibility, and the deep personal sense of honor which guided all his actions.

Dick Russell's courtly manner and his straightforward approach to all his dealings were more than tools of the trade which helped him to rise rapidly to a position of leadership. They were such ingrained qualities of the man that any other type of behavior for him would have been impossible.

He was a statesman in the truest sense of the word. He was a man born to serve his people. His record of public service is one of the most remarkable and inspiring in our Nation's history.

He paid a fierce allegiance to the Senate as an institution and the necessity for it to function by rule and precedent. He knew so well that departure from those rules and precedents would erode and destroy the usefulness and high position of the body.

Elected to the Georgia House of Representatives 1 year after his graduation from law school, he became speaker of the house 6 years later. In another 4 years, he became the youngest Governor in the history of the State. Then he came to the U.S. Senate, for which he had been destined.

The omnipotent Creator who has watched over the Nation throughout its history has been fit to give each generation a cadre of dedicated and inspired leaders, to guide our destiny and to protect us from evil. Richard Russell served that role for the past 38 years. He will be sorely missed, but his memory will be cherished by generations to come as one of the men who has led the country on its path to glory.

ARDMORE, OKLA.—ALL-AMERICA CITY

Mr. BELLMON. Mr. President, a singular honor has been bestowed upon the city of Ardmore, Okla. This city of 20,881 industrious citizens in southern Oklahoma is one of 11 winners of the All-America Cities Awards contest. This annual competition, now in its 23d year, is cosponsored by the National Municipal League and Look magazine to give recognition and encouragement to citizen action.

In citing Ardmore as an All-American City, the distinguished jury of citizens and government experts had this to say about its achievements:

An oil-production center, Ardmore shut down two all-black schools to integrate Negroes, Indians and whites. A citywide Human Relations Council pulled people together to solve racial problems in employment, education and public events. This enthusiasm also powered Operation Pride, a cleanup and sanitation program, and helped double the number of beds in the general hospital.

The current issue of Look magazine includes an excellent article detailing some of the activities that brought Ardmore this well-deserved national recognition.

Mr. President, I ask unanimous consent that the article, entitled "A Small City Tackles Problems of Jobs, School, the Races," be printed in the RECORD.

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

A SMALL CITY TACKLES PROBLEMS OF JOBS, SCHOOL, THE RACES

This lovely city was mired—deep. The gush of money and fun of oil-boom days leveled off after World War I. Apathy infected Ardmore. For decades, the small, quiet town slept, and the word "change" to many natives was a threat. Blacks (about 11 percent of the community), Indians (about 15 percent, mainly Chickasaw and Choctaw) and whites maintained estranged camps. The economy slumped. Prosperity seemed to be something that was happening to other communities. When U.S. and state integration efforts began, the word went out to East Ardmore, where the blacks live: "If things get out of hand here, there will be no more jobs for Negroes." Ardmore, some said, was hopeless.

Imperceptibly, whites nurturing visions began to stir. The city, 100 miles equidistant from Oklahoma City to the north and Dallas to the south, needed a new hospital. "You'll never do it," some warned. But more than 1,600 people pitched in to contribute $1.4 million to match Federal money for Memorial Hospital. (Built in 1955, it has since doubled in capacity, and two more hospitals have been built.)

Residents had twice defeated bond issues intended to improve water supply and sewage disposal. Then, in 1968, a $5 million bond issue was voted by an unprecedented 17–1 margin. Public education was the difference this time.

Ardmore went hunting for payroll dollars. A base long vacated by the Air Force and since turned over to the city became an industrial park and home for some 2,000 new manufacturing jobs. A $75 million Uniroyal plant opened there last fall and will employ, at capacity, another 1,300.

New local industry demanded skilled local people. Ardmore raised $600,000 in 30 days ($100,000 of it in small contributions) as its share of matching funds for a trade school for teen-agers and adults. Four years old, it is already being expanded.

Integration followed. Blacks and Indians joined the white school system in September, 1969, without major incident. Part of the credit went to a weekly series of interracial community meetings, "Let's Talk," that had begun a year earlier. Planned as a defusing confrontation, it handled fears before they erupted. It has been so successful that it meets now once a month. Integration in the work community has kept pace. A minorities job effort began to place blacks in all-white firms. The blacks stuck.

"We are," said one native, "beginning to understand and to cope."

JOE FRAZIER, WORLD HEAVYWEIGHT CHAMPION

Mr. HOLLINGS. Mr. President, "It's not the size of the man in the fight, but the size of the fight in the man" the old saying goes, and it was never more true than last night at Madison Square Garden. Physical size was arrayed against Joe Frazier, but the statistics of size fell victim to the force of will. Experience was arrayed against Joe Frazier, but the experience of the past fell victim to the determination of the present. Those of us who witnessed this greatest sports spectacle saw history in the making. His opponent brought into the ring a record without defeat and a boxing renown of almost legendary proportions, but it was nowhere near enough to stave off the determination of Joe Frazier. Now we have an undisputed world heavyweight champion, and judging from the clout he showed last night, he is going to be around for a while. He joins a select company of greats—Jack Dempsey, Gene Tunney, Joe Louis, and Rocky Marciano—as the holder of that most impressive sports title of all, world heavyweight champ.

South Carolinians know Joe Frazier well. He is from Beaufort, where he was born 27 years ago. We have followed his career from Olympic heavyweight champion to world champion. We knew long ago of the fire and determination within him which burned to be No. 1. And few of us doubted that he would one day make it. In doing so, he has fulfilled our hopes. More importantly, he has fulfilled his own fond hopes.

South Carolinians know yet another side of Joe Frazier. They know him as a man who has brought not just fame to his home, but service to his community. In the gym of the Parris Island Marine Base, he put on benefit exhibition matches to raise money for day-care centers, where mothers could bring their small children while they went out to work. There, also the children could be fed a nourishing breakfast and a hot lunch. They remember that he brought his singing group in to raise funds for a community health center. The community remembers the man, but the man also remembers the community.

I join my fellow South Carolinians, and all Americans, in saluting the champ. I wish him a long and successful career. Knowing his determination, I believe his career will be just that.

THE DEPARTMENT OF DEFENSE REPORT OF MARCH 9, 1971, ON THE DEFENSE PROGRAM FOR FISCAL YEAR 1970

Mr. THURMOND. Mr. President, the Secretary of Defense, the Honorable Melvin R. Laird, has forwarded his report to Congress on fiscal year 1972–76 defense program and the 1972 Defense budget. This report has vital information concerning the threat to our national security and the minimum necessary U.S. forces to deter any Soviet and Chinese aggressive ambitions.

This report has a very significant portion devoted to nuclear and conventional forces for deterrence. In view of the ever-increasing Soviet threat, I am not convinced the weapons and systems being programed for the 1972–76 time frame are sufficient to maintain a superiority over the U.S.S.R. which our Nation must achieve. Nevertheless, I urge my distinguished colleagues and the American people to acquaint themselves with the threat and our Nation's needs for security. I suggest that pages 75 through 110 which are devoted to critically needed systems be carefully reviewed by my colleagues.

Mr. President, I ask unanimous consent for pages 75 through 110 of the report to be printed in the RECORD.

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

REPORT BY SECRETARY OF DEFENSE MELVIN R. LAIRD

C. THEATER NUCLEAR FORCES FOR DETERRENCE

President's Foreign Policy Report to Congress 1970 and 1971: "The nuclear capability of our strategic and theater nuclear forces serves as a deterrent to full-scale Soviet attack on NATO Europe or Chinese attack on our Asian allies."

In considering theater nuclear war, i.e., enemy use of nuclear weapons overseas without a direct attack on the U.S., we must recognize both the utility of all weapons systems in contributing to deterrence including the capabilities of our allies, and the limitations that influence the use of systems designed for one level of warfare in another level.

Considering first the utility of strategic nuclear weapons in deterring theater nuclear war, it is clear that the existence of these forces can create uncertainty in the minds of nuclear-armed potential enemies, about how we would respond to their use of theater nuclear weapons; e.g., whether we would confine ourselves to a response in kind or would escalate further. Thus, for example, uncertainty about U.S. use of strategic nuclear weapons in ratallation if the Soviets use nuclear weapons against NATO can contribute to the deterrence of theater nuclear warfare in Europe. But, with the rough equality of U.S. and Soviet strategic capabilities, reliance on strategic weapons alone is not sufficient.

By the same token, but even more so, our theater and tactical nuclear weapons add to the realism of deterrence of theater conventional wars in Europe and Asia; the Soviets and Chinese Communists cannot be sure that major conventional aggression would not be met with the tactical use of nuclear weapons.

On the other hand, a realistic Free World strategy calls for the planning of forces which are sufficient to cope with each level of potential conflict at that level. Therefore,

we must plan our theater nuclear weapon posture and relate it to our conventional posture in such a way that we have a realistic option in the theater without having to rely solely on strategic nuclear weapons. In other words, we plan to maintain tactical nuclear capabilities that contribute to realistic deterrence while allowing for maximum flexibility of response in every major contingency we plan for should deterrence fail.

We are currently evaluating the long-term structure of our theater and tactical nuclear programs. In the near-term, we will continue to rely on current capabilities, including theater assets, tactical aircraft, missiles, rockets, field artillery, and atomic demolition munitions. However, research and development and weapon improvement programs are planned in this area, to insure that our weapons and the associated command and control systems have both adequate capability and continue to emphasize minimum chance of accident. With such programs, we believe that we can retain or improve the essential contribution our theater nuclear forces make to our deterrent posture.

D. THEATER CONVENTIONAL FORCES FOR DETERRENCE

President's Foreign Policy Report to Congress, February 25, 1971: "The primary role of our general purpose forces is to deter and, if necessary, cope with external aggression. If aggression occurs, the use of our forces will be determined by our interests, the needs of our allies, and their defense capabilities, which we are seeking to improve. It is clear, however, that the Soviet Union's strong and balanced conventional capability enables it to project its military power to areas heretofore beyond its reach. This requires us to maintain balanced and mobile ground, sea and air forces capable of meeting challenges to our worldwide interests."

A basic planning approach used to determine the approximate size of our theater general purpose forces involves estimating the capabilities of various alternative forces in several situations that could arise in the future.

We plan our general purpose forces in peacetime to be adequate for simultaneously meeting together with our allies a major Communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a minor contingency elsewhere. In planning our capabilities, we maintain the full range of air, sea, and ground forces needed to meet our planning goals.

The situation which is most demanding, of course, is in NATO. Our general purpose theater force requirements are largely determined by planning for U.S. and allied conventional forces, which, after a period of warning and of mobilization will be able to defend NATO Europe against a conventional Warsaw Pact attack. We and our allies also must insure our ability to sustain our deployed forces and those of our allies through control of the air and sea lanes.

With regard to U.S. force capabilities in Asia, we do not plan for the long term to maintain separate large U.S. ground combat forces specifically oriented just to this theater, but we do intend to maintain strong air, naval and support capabilities. If a large land war involving the United States should occur in Asia, we would, of course, be prepared to mobilize, and would initially use our non-NATO-committed forces as well as portions of those forces based in the U.S. and earmarked for NATO, if required and feasible, and with emphasis on our air and naval capabilities. In the future, we expect the emphasis in Asia more and more to be placed on U.S. support to our allies who themselves provide the required manpower.

Let me now turn to a brief discussion of the planned FY 1972 U.S. general purpose forces, basic deployment capabilities and potential allied contributions in case of conflict.

1. The Planned FY 1972 General Purpose Forces:

Table 9 includes a summary of our active General Purpose and Mobility Forces for FY 1972 and compares them to the forces in selected prior years.

(a) Army and Marine Corps Ground Forces:

By the end of FY 1971, the active Army force structure will consist of 13⅔ active division equivalents. The Marine Corps will have three active divisions and three active wings. The reserve land forces will include eight National Guard and one Marine Corps Reserve division, and 21 separate Army Reserve brigades. The above forces combine to form total U.S. General Purpose Land Forces of 25⅔ division force equivalents at the end of FY 1971, compared to 29⅓ at the end of FY 1970.

By the end of FY 1971, we will have completed most of the planned reduction in major land forces. The remaining reduction planned is a decrease in division totals of ⅓ division from the end FY 1971 levels. The end FY 1972 Army force structure will consist of 13⅓ active divisions. Mainly because of reductions in support and overhead manpower in FY 1972, the Army will be able to reduce its total active manpower from 1,107,000 to 942,000 during the fiscal year.

A determination of overall land force needs and the role of U.S. and allied forces within that total must include consideration of the following basic facts:

1. By any reasonable measure of economic capabilities and manpower, the United States and its allies in combination have adequate resources to provide for realistic deterrence of both conventional and nuclear wars.

2. The deterrent value of U.S. and local forces varies considerably over the spectrum of possible conflict situations. Local forces may have greater value than U.S. forces in many cases, particularly in meeting smaller conventional threats.

3. Military manpower is more costly for the U.S. than for any of our allies, and the differential probably will grow as we move toward an all-volunteer force.

These realities have led us to conclude that adjustments should be made in the balance of U.S. and allied contributions to our combined capabilities to better use the advantages of each country as we move toward more self-reliant allied capabilities. In some cases, our allies can and should improve the capabilities of their forces without U.S. assistance. However, other allies lack the material resources to match the manpower assets available to them, and thus cannot make their maximum potential contribution without outside assistance.

As we continue with implementing our new strategy, we may find it desirable to make modifications in both the size and composition of our future land combat and support forces. But for the present, we have decided that the FY 1972 planned forces discussed above—a total of 25⅓ active and reserve DFE's—are a realistic planning base for the future, as we proceed with modernization programs for these forces.

(b) Tactical Aircraft Forces:

Based on our assessment of force requirements and allied capabilities, we have decided to continue the reduction in Air Force active fighter and attack forces during FY 1972. We now expect to reduce active fighter and attack aircraft to about 2,170 by the end of FY 1972. The number of Air Force squadrons is expected to decrease from 74 at the end of FY 1971 to 68 at the end of FY 1972. The total number of wings will remain at 21 throughout FY 1972, but the number of squadrons will be reduced as a result of wing/squadron reorganizations associated with redeployment from Southeast Asia.

We also plan to continue reducing our sea-based tactical aircraft forces from the 12 attack carrier wings (CVWs) maintained in FY 1971, to 11 CVWs with a total of about 1,300 active fighter and attack aircraft by the end of FY 1972. We also plan to maintain about 550 Marine Corps fighter and attack aircraft, also capable of operating from carriers. These Marine Corps aircraft will make up three Marine aircraft wings (MAW), each of which will continue to be closely associated with a Marine division, operating within the concept of the air/ground team.

The Reserve tactical aircraft programs, which also form an important part of our total assets, are discussed separately in a following section.

Our tactical air forces have an ability to carry out a variety of fighter and attack missions. Attack missions can be best categorized by their proximity to friendly ground forces. Close air support missions are flown against targets close to our troops and directly support them. Interdiction missions are flown against enemy forces maneuvering behind their front lines, enemy's lines of communication, airbases and the command and support elements and storage and production facilities in the rear areas of each enemy field army. Tactical air forces provide highly mobile firepower which can be concentrated quickly to counter the aggressor's inherent advantage of being able to mass forces where he chooses to attack. As its mission carries it deeper into enemy territory, the demands on an aircraft change. For example, the ability to loiter on station for long periods becomes less important and the ability to penetrate sophisticated air defenses becomes more important.

For our attack capabilities to be effective, our tactical air forces also must be able to gain the air superiority needed to permit air support of our forces. Furthermore, aided by surface-to-air missiles and anti-aircraft artillery, these same fighters protect our forces from enemy air attack. The fighter mission places particular demands on an aircraft's ability to detect targets and to maneuver in combat.

To ensure adequate tactical air forces, military planners must strike the right compromises in both design and numbers of aircraft while organizing and supporting them correctly. Aircraft designs must reflect not only the various missions, but also the conditions under which they must be accomplished. In principle, optimum aircraft could be built in appropriate numbers for each mission. However, in fact, when and where a new aircraft will have to operate and what missions it will have to accomplish in what weather are unpredictable. Therefore, we have built multi-mission aircraft which are designed primarily for one mission, but can also accomplish several other missions. For example, the F-4 Phantom is now the principal air superiority fighter of both the Air Force, the Navy and Marine Corps. However, it is also capable of carrying out attack missions, although not as well as, say, the A7 which is primarily an attack aircraft.

Similarly we must strike compromises if we are to have forces that have the right balance of mission capability and enough flexibility to be able to meet less likely, but nonetheless important, demands.

The issues involved in force planning are further complicated by the need to make the best use of assets already on hand and to compensate for the varying capabilities of our friends and allies to contribute to their own defense in the air as well as on land. For example, while our NATO allies together have versatile tactical air forces about as large as our own tactical air forces, our Asian allies generally have small air forces containing relatively few kinds of aircraft. In addition, the levels of training and support of many of the allied air forces may need improvement. Our technically advanced allies are surely able to provide fully capable air

forces, but some others can maintain credible air forces only with U.S. assistance. To the latter end, we have begun the International Fighter Aircraft Program, so that our allies can have a fighter which will be simple but able to match the threat over friendly or contested territory. Yet, even with the United States assistance, some of our friends and allies lack the technological base to support air forces. In sum, the limits of burden sharing are more restrictive when we speak of tactical air forces than land forces and will vary from country to country.

As we proceed with our planning, we are continuing to examine the many conflicting demands for our tactical aircraft, and the relationship of these forces to those of our allies. Each mission and theater presents its own unique and demanding circumstances; in the future we may be able to increase further our overall military flexibility by designing different parts of our forces for different likely conflict areas or situations. If our investigations indicate that we could achieve significantly more flexible tactical air forces in the future, we would want to gradually reorient our forces over the 1973–77 period.

In the meantime, the Air Force, Navy and Marine Corps are pursuing essential modernization programs designed to enhance the flexibility and capability of our present tactical air forces. We believe that the active and reserve force strengths we are planning, when coupled with both this modernization and the capabilities of our allies in this area, represent a realistic baseline program for the future.

(c) Naval Ships and ASW Forces:

By the end of FY 1972, we expect that Naval Ship and ASW Forces, after the reductions of the past few years, will approximate a baseline force for future planning. These forces will include 16 aircraft carriers, including both CVA and CVS, 93 nuclear and conventional attack submarines, and some 227 fleet air defense and ASW escorts. In addition, the FY 1972 forces include land-based ASW patrol and carrier-based ASW squadrons, amphibious ships to lift the assault echelons of slightly less than 1⅓ Marine Amphibious Forces and about 155 logistics and support ships. In future years, as some existing old ships and aircraft are phased out and new ones are introduced, modifications to these force levels will reflect some further small reductions in total force levels.

Our naval forces form an essential part of our assets for realistic deterrence across a broad spectrum of possible conflicts. Since the United States has been and remains a maritime nation, a strong navy is essential.

However, in planning our forces, we must consider the capabilities of our friends and allies to share the burden of defense at sea, as well as on land and in the air. Allied naval forces possess much more capability in some areas than in others. For example, we cannot anticipate that our allies will be able to make a major contribution in large attack aircraft carriers similar to those that the U.S. possesses in the foreseeable future. But in escort ships, our friends and allies around the world possess a greater number than we do. While the capability of this combined escort-ship force is difficult to measure, due in part to the fact that many are obsolescent, we feel it is substantial. Therefore, it is one of our goals for the 1970's that our Atlantic and Pacific allies should provide a major contribution to protecting the convoys that in war would be carrying material for their sustenance.

Another area in which our friends and allies should be able to make a substantial contribution is the provision of land-based anti-submarine warfare (ASW) aircraft to patrol the seas within range of their shores. Our allies now have about as many such aircraft active as we have, but again their capabilities are uncertain. We believe that a reasonable goal for the late 1970's is for nearly all of these allied aircraft to have capabilities comparable to our current P-3 A/B aircraft.

Our allies' naval forces also contain some modern, conventionally powered submarines (SS) in addition to a few nuclear attack submarines (SSN). They should be able to bear the burden of carrying out many of these missions for which conventional submarines are suitable. On the other hand, we do not foresee a time when a major part of the total need for nuclear attack submarines can be met by any free nation other than the United States. Thus, it is clear that allied capabilities will figure more prominently in our plans for escort ship and conventional submarine forces than in our plans for carriers and nuclear attack submarines.

Our long-range goal is to provide a strong, modern and effective navy. The naval modernization programs which I will disucuss in later pages are essential for meeting this goal.

2. Deployment Capabilities of FY 1972 Forces, and Potential Allied Capabilities:

Capabilities of the planned FY 1972 U.S. forces for possible deployment to meet theater-level conflicts in Europe or Asia are discussed in the following pages. These capabilities should, of course, be considered as illustrative rather than actual plans for meeting any specific contingency or conflict. They do not reflect current deployment, but represent a surge capability for meeting a conflict situation in a specific theater.

In the European theater, for example, we have deployed and immediately ready to fight, an Army combat force of 4⅓ divisions. With adequate lift, this force could be immediately augmented by redeployment of the U.S. dual-based units and subsequently, by substantial additional augmentation.

Our NATO allies, at the outset of a war in Europe, would have available in the Central Region a total of some 20 divisions. These forces could subsequently be increased.

Turning to the tactical airpower we normally have deployed in the European area, there are some 31 squadrons (about 600 fighter and attack aircraft). This level could be increased substantially as reinforcements, including both active and reserve aircraft, arrived from the U.S. The total number available would include the deployment of a number of aircraft carriers and their tactical aircraft for the primary task of protecting the essential sea lines of communications and for the support of land forces if required. At the same time, allied fighter and attack aircraft could be increased from the number originally available.

Naval forces also would be heavily involved worldwide in the event of a war with the Soviet Union. Other than the additional attack carriers available to augment those already involved, other Naval forces that could be deployed worldwide would include surface combatants and escorts, ASW aircraft and attack submarines.

Our NATO allies also possess significant naval capabilities, but their forces are much more capable in some areas than in others. They have, for example, a large number of escort ships, land-based ASW aircraft and attack submarines (almost all of them conventionally powered). Their carrier capabilities (attack and ASW) and their nuclear attack submarine forces are, however, quite limited.

The deployments which could be made to Asia provide another illustration of U.S. capabilities—though obviously not simultaneous with a deployment in support of NATO. U.S. land combat forces could, for example, be increased substantially above peacetime deployment levels. This assumes, of course, that adequate air and sea lift would be available and that we would maintain our Europe-deployed force. The number of tactical aircraft wings initially deployed could be increased as forces from the U.S. were deployed to the theater. Under our revised strategy and the Nixon Doctrine, we would be increasingly striving to keep employment of our own ground combat forces to a minimum while keeping open the option to provide local ground combat forces with the required air, sea, and logistics support.

Our Asian friends and allies also have substantial capabilities to bring forces to bear in the event of conflict. For example, in the case of a conflict on the Korean peninsula, South Korea would initially have available almost 600,000 men, over 200 fighter and attack aircraft, and several more divisions within a short time. And the Republic of China could, in the event of an attack on Taiwan, employ some 600,000 men, within a short mobilization period. In addition, the Chinese would have a substantial number of fighter and attack aircraft available for support.

However, we must recognize two important considerations which impact on our planning in this area. First, strengthening of allied forces with increased military assistance and through their own improvement programs will not be achieved immediately. A case in point is our long-range program worked out with South Korea for the improvement and modernization of their armed forces. Similarly, appropriate restructuring of our own forces with the objective of complementing allied capabilities more effectively also takes time. Thus, we believe it is essential to maintain appropriate U.S. strength as we move toward a greater sharing of the defense burden with our friends and allies.

Maintaining strong U.S. active forces with rapid deployment capability, and responsive Reserve forces, are both important factors in providing a realistic deterrent posture for the future. However, other factors relating to U.S. forces can be equally as important. I am referring to the presence which our forward force deployments provide in various areas of the world. This factor is particularly important in Europe. U.S. contributions to the defense of Western Europe have been given broad support by the Congress and by the people of the U.S. since World War II. The steadfastness of this commitment is particularly manifested by our forces stationed in Europe.

I mentioned earlier the fact that we have deployed in the European theater at the present time an Army combat force of 4⅓ divisions. In addition, many of our other military assets are firmly committed to NATO. The total assets available to NATO today are substantial and they must be kept so. As the President noted in his Foreign Policy Report last month:

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 percent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found Alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us. It links European defense to a common strategy and to the nuclear power of the United States."

The FY 1972 Budget provides for the maintenance of our current force in Europe consistent with the President's pledge last December that:

"Given a similar approach by the other Allies the United States would maintain and improve its own forces in Europe and would not reduce them except in the context of reciprocal East-West action."

Other deployed forces also contribute to stability and deterrence. In this context naval forces are particularly important. For example, last fall the presence of our 6th

Fleet in the Eastern Mediterranean during the Jordanian crisis served as a reminder that outside intervention carried great risks.

The modernization programs which I will discuss next will enable us to sustain and improve our present capabilities.

Other funding in the FY 1972 Budget will help improve the readiness of our existing forces. The Services should be able to discuss these improvements in more detail when they appear before the Committee.

3. Modernization of U.S. Combat Forces in FY 1972:

Forces that can be deployed or used for actual combat must be properly equipped and in a high state of readiness if they are to be an effective deterrent.

Today, the operational readiness of the Army's active forces is lower than we would like. This has been brought about by the severe personnel imbalances stemming from the one-year tour in Vietnam and by the heavy procurement requirements that were needed for Vietnam—both to support our own Army units there and to help equip South Vietnamese units. Army Forces outside Vietnam simply have not been supported as well as have those in Vietnam.

There are some encouraging signs, however. The Army has been able to begin delivery of several new weapons systems to its forces outside Vietnam, and its FY 1972 budget request provides for continuing this effort. The Chaparral/Vulcan air defense system, the TOW anti-tank missile system, and the Sheridan armored reconnaissance vehicle are all being issued to Army units in Europe. The M–16 rifle has been issued to most active Army troops, and deliveries to the Reserve Components have begun. Other modern equipment is being issued to the Reserve Components in increasing quantities as well. Of particular importance is the growing number of modern helicopters included in these deliveries.

Our tactical air forces also need to be improved and modernized if they are to be successful in the future environment in which they must be prepared to operate. Although the operational readiness of these forces today is at a high level (owing in part to their extensive role in the Vietnam conflict) there are a number of areas where we believe the increased capabilities of a modernized force will be required. For example, the F–4 represents technology which dates back to the mid 1950's. These aircraft will not be able to cope with projected air threats of the late 1970's or early 1980's. The new F–14 and F–15 fighters are designed to provide the capability we will need. With respect to close air support, we currently have a number of aircraft which can perform this mission. Nevertheless, there is a need for relatively low-cost aircraft specifically designed to provide a specialized close air support role in the future.

There are, of course, other areas where our tactical aircraft inventories should be modernized, and they will be covered in subsequent sections relating to their missions.

As you know, our naval forces are also in need of modernization. Last year, I advised the Congress that if additional money were made available in the FY 1971 Budget, shipbuilding would have first priority. The $3,329 million shipbuilding program contained in the FY 1972 Budget is $739 million above the FY 1971 program and $1.6 billion above the 1966–1970 five-year average for ship construction, and reflects our intention to proceed with a vigorous modernization program for the Navy.

We also plan to accelerate modernization of our own active and reserve land-based combat forces, particularly with regard to capabilities required for NATO. This modernization effort is in our view even more important with the reduced size of our land forces.

Let me now turn to a discussion of the major modernization programs we are planning for FY 1972. A summary of these programs is shown on the following pages. Although programs are grouped by primary mission, as I mentioned earlier many of the systems have inherent capabilities that permit multi-mission utilization. Table 10 provides a summary of major procurement.

SELECTED GENERAL PURPOSE AND MOBILITY FORCES MODERNIZATION AND IMPROVEMENT PROGRAMS

	Fiscal year 1971 actual funding (millions)	Fiscal year 1972 proposed funding (millions)
Ground combat capabilities:		
Continued development and advanced production engineering for main battle tank (XM–803)	$77	$87
Continued procurement and modification of M–60 tank	92	87
Procurement and testing of Tow and Dragon anti-tank missiles	131	103
Procurement of Lance missile	31	84
Procurement of army helicopters	145	35
Continued development and advance production engineering for Cheyenne helicopter	18	13
Close air support:		
Development of A–X close support aircraft	28	47
Procurement of AV–8A close support aircraft for Marine Corps	86	110
Development and initial procurement of Maverick air-to-ground missile	31	87
Air superiority and air defense:		
Continued procurement of F–4 Air Force fighter aircraft	78	143
Continued development of F–15 air superiority fighter	348	415
Procurement and continued development of F–14 multi-mission fighter	995	1,034
Procurement of Phoenix missiles	92	104
Procurement of improved Hawk and Chaparral/Vulcan surface-to-air missile systems	106	108
Continued development of a new surface-to-air missile system, SAM–D	83	116
Interdiction, reconnaissance, and other combat aircraft:		
Continued procurement of A–7 Air Force attack aircraft	256	208
Financing of F–111 over-target costs and performance testing (includes 24 A/C in fiscal year 1971)	666	190
Procurement of A–6E and A–7E attack aircraft	272	192
Continued development and procurement of EA–6B electronic warfare aircraft and E–2C fleet early warning aircraft	300	554
Procurement of RF–4C reconnaissance aircraft	40	44
Sea-control and naval projection of power forces:		
Additional funding for CVAN 68 and 69		164
Continued procurement of the P–3C land-based ASW aircraft	166	328
Development and initial procurement of S–3A carrier-based ASW aircraft	288	580
Procurement of high-speed nuclear attack submarines (5 fiscal year 1972; 4 fiscal year 1971)	662	881
Continued development and limited procurement of MK–48 torpedo	167	182
Procurement of ASW destroyers (7 fiscal year 1972; 6 fiscal year 1971)	481	599
1 nuclear-powered guided missile frigate (DLGN–38)	211	209
Completion of funding and program adjustment, DLGN–38-class ships		49
Continued development of AEGIS ship air defense system	72	100
Development of Condor and Harpoon long-range, standoff missiles	42	56
LHA program (termination of program at 5 ships in fiscal year 1972)	13	10
Procurement of Marine Corps:		
Amphibious assault vehicles	41	61
Helicopters	18	21
Procurement of logistic and support ships		354
Mobility forces:		
Funding for unbudgeted prior year costs and implementation of the scientific advisory board recommendation for the C–5A aircraft	621	383

A. GROUND COMBAT CAPABILITY

XM803 Tank. In connection with our land forces, the Army's tank program today is focused primarily on the continued development of its new main battle tank, the XM803. As I reported to you last year, the joint effort to develop a single tank with the Federal Republic of Germany has been terminated. Since then, the Army's efforts have been directed toward developing the austere version—the XM803—with the goal of reducing the average unit production cost to about $600,000 in FY 1970 dollars. The program will be reviewed as the development and testing progress and we intend to authorize production only when we are sure the development is complete and the cost acceptable.

The resulting tank would still have all of the essential characteristics which will enable it to counter the tanks which the Soviets are capable of producing and are likely to field in the 1980's: a 152 mm gun capable of firing a new high velocity armor-piercing round and launching the Shillelagh anti-tank missile, as well as spaced armor, low silhouette, passive night vision, and fire-on-the-move capability. But some of the less critical features have been either eliminated or modified to save money. We are requesting $87 million in FY 1972 to continue development and Advanced Production Engineering for the XM803, which will include procurement of second generation pilot hardware, testing of components, and development of training devices. The Secretary of the Army will be prepared to discuss the details of scheduling and proposed funding for the XM803.

M60 Tank. To continue improvement and retrofit of the M60-series tanks, $46 million is included in the FY 1972 Budget. Of this, $13.3 million will be used for a modest product improvement program to upgrade the M60 and M60A1 tanks, which are the Army's standard tanks today. These improvements are to give the M60-series tanks better performance and longer life. The remainder is to apply corrective modifications to 210 of the M60A1E2 tanks which the Army has procured in previous years. The M60A1E2 is essentially an M60 tank with a modified turret and armament system which allows it to fire both conventional ammunition and the Shillelagh antitank missile. Fixes for the technical difficulties in turret stabilization, which slowed this retrofit program, have been identified. The Army assures me that the testing of these fixes is proceeding satisfactorily.

In addition, the Army plans to continue its procurement of M60A1 tank vehicles. The FY 1972 Budget includes $41 million to procure 90 M60A1 tanks and 60 Bridge Launcher Chassis. This procurement, together with the M60A1E2 modification program discussed above, will keep production at the minimum sustaining rate.

Tow and Dragon. To complement its tank capability, the Army is moving ahead with procurement of its new anti-tank missile systems for the infantry—Tow and Dragon—for which we are requesting $103 million in FY 1972. The Tow is the heavy anti-tank weapon used by infantry battalions.

Last year the Army reevaluated a proposal to use the Shillelagh missile instead of Tow in the infantry ground mode, in response to strong Congressional interest in this possibility. The Army's findings were that Shillelagh offered no technical or operational advantages over the Tow, and this action would not promise any significant cost savings. Furthermore, adaptation of Shillelagh would delay equipping of NATO-oriented units with a new anti-tank system by three or four years. For this reason, we decided last year to continue Tow procurement. At the present time, we are well into a multi-year procurement program for this system; in FY 1972 we plan to continue buying the Tow at the minimum sustaining rate. Meanwhile, the Army has sufficient prior year funds to equip its forces in Germany and some of its forces here in the United States with the Tow launcher and a partial supply of missiles. The Dragon is the lighter

weight anti-tank system, designed to be handcarried by our most forward ground combat elements. It, too, is destined primarily for our European-based forces. The Dragon goes into initial production in FY 1972, and funds for the first year's increment are included in our current budget request. The budget also includes $4 million to begin Advance Production Engineering (APE) for equipping Cobra helicopters to carry the Tow missile.

We believe that our attack helicopter programs also will significantly improve our anti-armor capability.

Lance. Procurement of the Lance missile system is planned for FY 1972 and $84 million is included for this purpose. This system will replace the Honest John and Sergeant system, both of which are approaching the end of their useful life. Lance will have a primary nuclear as well as a conventional warhead capability, and with greater mobility and quicker reaction time, will provide our ground forces in Europe with considerably increased survivable firepower. In addition, these improved characteristics will allow the Army to replace Honest John and Sergeant battalions with Lance on a better than one-for-one ratio that will produce significant savings in manpower.

OH–58A. The major Army aircraft procurement planned in FY 1972 is 400 OH–58A light observation helicopters, to replace obsolete OH–13 and OH–23 helicopters. These modern helicopters will provide battlefield commanders a significantly greater capability for reconnaissance, target acquisition, and command and control. We have included $35 million for OH–58A procurement for the final year of a multi-year contract.

UH–1. No FY 1972 funds are included for procurement of the larger UH–1 "Huey" helicopters for the Army, although deliveries will continue through the period.

Advanced Attack Helicopter. The FY 1972 Budget contains funds for continued development of the CHEYENNE advanced attack helicopter. It is a far better weapons system than the COBRA, and offers the sort of major technological improvement that the Army needs to implement its air mobility concept. We have included $13 million in the budget for CHEYENNE advanced production engineering.

B. CLOSE AIR SUPPORT

Our combat experience in Vietnam has again underlined the importance of close air support for ground forces. In addition, our new concepts of air mobile warfare have led us to conclude that both organically assigned attack helicopter gunships providing direct suppressive fire support and heavier support in depth from attack aircraft do contribute to this role.

We are proposing in the FY 1972 Budget to continue development of both the A–X and attack helicopters because we believe they complement each other, through overlapping zones of coverage and diverse operating modes. At the present time, we believe that a mix of fixed wing aircraft and helicopters permits a variety of operation and deployment possibilities, a factor that may become increasingly important in the future. However, in view of the continued interest of the Congress in this area, we have established a working group to evaluate the close air support issue. Their evaluation will be complete before a production decision is made on either the CHEYENNE or the A–X.

A–X. We have included $47 million in the budget to continue development of the A–X, an Air Force program designed to provide a modern aircraft to meet the heavier close air support mission. A–X procurement could begin in FY 1974. The A–X design will be chosen using a competitive prototype program, in which a "fly off" will be held between the two designs to determine which aircraft will be developed. In this way, we hope to continue to move away from production based on paper studies and toward a "fly before buy" policy.

Although the A–X design emphasizes close air support of our troops, this aircraft also will have the capability to carry out interdiction missions behind enemy lines, and armed escort, reconnaissance and search operations. The A–X will increase our anti-tank capability, thereby providing greater support for our ground forces.

HARRIER. Since the Marine Corps operates as a closely integrated air/ground team, the AV–8A HARRIER weapon system is particularly suited to provide high performance V/STOL air support. The FY 1972 Budget includes $110 million to purchase in the United Kingdom an additional 30 AV–8As. The HARRIER is a proven aircraft that has been operational with the Royal Air Force (RAF) for two years. Currently, several HARRIERs are undergoing trials and initial squadrons are being formed in the U.S. The RAF and U.S. experience already acquired indicates that the HARRIER will prove to be an effective and valuable system.

MAVERICK. The MAVERICK is another program that is of importance in providing increased capabilities for support of troops on the battlefield. MAVERICK is a tactical air-to-ground missile for use by our current F–4 and A–7 aircraft against targets such as tanks, armored vehicles, artillery and field fortifications. It has automatic television homing guidance, that should enable it to achieve a high probability of killing its target. Testing of this missile has progressed satisfactorily and we intend to begin procuring it in FY 1972 for equipping the tactical forces. We are requesting $87 million for this program in FY 1972.

C. AIR SUPERIORITY AND AIR DEFENSE

F–4. Near term modernization of aircraft for this role is planned through continued F–4 procurement. The budget includes $143 million to buy 36 F–4 aircraft in FY 1972 for the Air Force. However, the number of active F–4s will remain at about 1,400, with older aircraft being transferred to the reserves as new ones are delivered to modernize this force.

F–15. We are concerned, however, that the F–4 may not be able to cope with future threats to air superiority, and hence, are developing an all new fighter, the F–15, in order to fulfill our future requirements. We expect the F–15 to possess a significant advantage in maneuverability over future enemy fighter threats, and have a higher overall system capability. It will be armed with short and medium range missiles, as well as a cannon. The F–15 will become our first-line air superiority fighter in the post-1975 time period. The budget includes $415 million to continue this development. We expect to begin F–15 procurement in FY 1973, and by FY 1976 to start replacing F–4 squadrons with F–15 squadrons in the active forces.

F–14. To modernize our fighter oriented naval air forces, we plan to replace F–4 aircraft in the active forces with F–14's in the mid-1970's. The budget contains $228 million for continued R&D and $806 million to procure 48 F–14 aircraft in FY 1972, as compared to 26 procured in FY 1971. As I noted last year, this increase in production rate is contingent on its performance in test flights. While we believe the F–14 is an important development, the contract was let in early 1969 and does not have some of the features we now believe necessary for good management control. Also, the crash of the first development aircraft has delayed somewhat the development program. We are reassessing the situation and may wish to modify the program, but as yet no modification program has been approved. The budget also includes $104 million to procure PHOENIX missiles for use on F–14 aircraft. The Navy will discuss the entire F–14 program in more detail.

CHAPARRAL/VULCAN. Modernization is also planned for the ground components which contribute to the air superiority-air defense role. The Chaparral/Vulcan system is currently being deployed. This missile/gun combination helps fill a void in the forward air defense of deployed ground forces. At the same time, the Army is planning additional procurement of Improved Hawk missiles, to provide a better defense against electronic countermeasures and multiple aircraft strikes. Procurement funds of $108 million for another increment of each of these systems are in the FY 1972 budget request.

SAM–D. The SAM–D air defense system continues in advanced development, and good progress is being made. This system is being developed to cope with the anticipated air threat of the 1980's—a threat which neither the present Nike Hercules nor Hawk can counter. We are requesting $116 million in FY 1972 funds to continue the basic SAM–D development program.

D. INTERDICTION, RECONNAISSANCE, AND OTHER COMBAT AIRCRAFT

A–7D. Interdiction missions are flown against enemy forces maneuvering behind their front lines, and against the command and support elements in the rear areas of each enemy field army. We presently have a variety of aircraft, including the F–100, F–105, F–4, A–6, A–7, and F–111, which are capable of performing interdiction missions. In the near term, A–7 and F–111 aircraft will replace F–100 and F–105 aircraft to modernize this part of the Air Force. We expect to procure 97 A–7Ds in FY 1972, for which $208 million is included in the budget. This order will complete our planned procurement of A–7Ds and provide for a force of three A–7 wings in the Air Force.

F–111. We currently plan that the number of tactical F–111 wings in the force will increase to four by the end of FY 1972, our planned force level for these aircraft. The F–111 should provide a significant increase in interdiction capability by virtue of its ability to operate at night or during adverse weather and fly deep into enemy territory.

The Budget includes $190 million for additional development, initial spares, and for payment of prior-year costs needed to complete the F–111 procurement program. The Air Force has tested the F–111 aircraft, and believes that the aircraft now in the force will perform satisfactorily. There are, however, Mark II Avionics System difficulties in the "D" model. The resolution of these difficulties is now being worked out with the contractor, and the Air Force will be prepared to discuss the details, including both funding aspects and program adjustments. No F–111 procurement is planned beyond FY 1971 but funds are needed to pay for aircraft procured in previous years.

A–6E/A–7E. The A–6 and A–7 aircraft are the Navy's principal all-weather and visual air-to-ground attack aircraft. The latest series, the A–6E and A–7E, are expected to provide increased performance over earlier versions through improved avionics systems. Therefore, we have concluded that A–6E and A–7E production should continue in order to modernize our sea-based attack aircraft forces. For this purpose, the budget contains $192 million to purchase 12 A–6E and 24 A–7E aircraft in FY 1972.

E–2C/EA–6B. The budget includes $554 million for continued development of the E–2C airborne early warning and EA–6B electronics countermeasure aircraft and procurement of 11 E–2Cs and 19 EA–6Bs.

RF–4C. To continue modernization of its tactical reconnaissance capability, the Air Force is procuring 12 RF–4C tactical reconnaissance aircraft in the FY 1972 Budget, for

which $44 million is requested. This aircraft is equipped with multiple sensors, which will permit it to perform all-weather reconnaissance.

E. SEA CONTROL AND NAVAL PROJECTION OF POWER FORCES

Aircraft Carriers. At the end of FY 1972 the aircraft carrier force will consist of the nuclear-powered ENTERPRISE, eight FORRESTAL-class, three MIDWAY-class, and four older carriers. The NIMITZ and EISENHOWER nuclear carriers have been funded and will replace the two oldest carriers in FY 1974 and 1975. The Navy now estimates that these ships will cost $594 million and $616 million, respectively, for a total cost of $164 million above the Navy's previous cost estimates. This amount has been included in the FY 1972 Budget. Navy witnesses will, of course, be prepared to discuss in detail the reasons for these and other increased cost estimates for ship construction included in the FY 1972 Budget.

In 1978, our carrier forces will average twenty years in age with the oldest ship 33 years. At that time, the nuclear-powered carriers NIMITZ and EISENHOWER will have joined the ENTERPRISE in the fleet. I am convinced that our responsibilities in the Atlantic, the Pacific, the Mediterranean and other ocean areas will require construction of an additional nuclear powered carrier for the Navy to insure adequate attack carrier capabilities for the 1980's and beyond. The Navy is currently assessing the need for funding to keep the industrial base open with selected long lead time items in FY 1972. If preservation of the industrial base should be at issue, or if significant savings would be realized, I will seek funds for long lead time procurement for CVAN–70 in FY 1972 through reprogramming actions or budget amendments, within our overall request. This will enable us to keep the option open to authorize the next carrier in FY 1973 or FY 1974.

Patrol and ASW Aircraft. Land-based ASW aircraft are our primary means to search broad ocean areas. To increase our capability in this area, we are pursuing a continuing program to buy P–3C aircraft to modernize the active forces and transfer earlier model P–3s to the reserve forces.

In FY 1972 we plan to buy 36 P–3C aircraft at a cost of $328 million. The P–3C contains ASW equipment similar to that of the S–3A. As they are replaced in the active forces, older P–3A/B aircraft will be transferred to the Naval Reserve to increase its effectiveness.

Sea-based ASW aircraft are also needed to maintain the flexibility to meet contingencies which might occur out of range of available land bases and to conduct persistent and concentrated air ASW operations around naval forces and convoys at sea. In order to improve ASW capability, our sea-based ASW aircraft are also being modernized. We are requesting $207 million in FY 1972 for completion of most of the S–3A aircraft development program.

We also propose to procure the first 13 production aircraft in FY 1972 if flight testing shows that the aircraft is ready for production. We have included $373 million in the FY 1972 Budget for that purpose. If the procurement decisions are made on schedule, the first two S–3A squadrons would be operational in the mid-1970's.

Submarines. Important changes in submarine technology have taken place in both the United States and the Soviet Union in the last ten years, and have compounded the uncertainties inherent in our judgments of our needs for SSNs. However, because of the unique ASW capabilities of submarines and their effectiveness in other missions as well, we believe we should pursue a vigorous SSN construction program in the near term. Therefore, we have included $881 million in the FY 1972 Budget for procurement of five new "high speed" 688-class SSNs, and for long lead time procurement funding for submarines to be started in FY 1973.

The MK–48 torpedo program is of major importance to the effectiveness of U.S. submarines. Because of early development problems, the Navy began a parallel competitive torpedo development in 1965. There are now three versions of the torpedo, the MK–48–0, which is primarily an ASW weapon; the independently developed dual-purpose MK–48–1, and the dual purpose MK–48–2, the successor to the MK–48–0. The Navy plans to continue competitive development, test and evaluation until the summer of 1971, when one of the dual-purpose versions will be chosen. The total of $182 million included in the FY 1972 Budget will essentially complete the development program and provide for initial procurement of an operational inventory. Future procurement plans will depend on the version selected for full production.

Fleet Air Defense and ASW Escorts. Much of the escort ship force is old. For example, 82 ships in the planned FY 1972 force are of World War II construction. Therefore, an extensive ship construction program is in progress to modernize this force. The forty-six 1052-class destroyer escorts previously authorized are entering the fleet; a multi-year contract for 30 DD–963-class ships has been let; and two DLGN–36-class ships (the CALIFORNIA and SOUTH CAROLINA) are under construction.

Furthermore, we propose to fund a third DLGN–38-class ship in FY 1972. This is in addition to the two ships of this class funded in FY 1970 and FY 1971.

The delivery of the DLGN–38 is now scheduled for the mid-1970's with the next four ships scheduled to be delivered by the late 1970's. The Navy now estimates that the follow-on DLGN–38-class ship included in the FY 1972 Budget will cost $240 million, and we are requesting $195 million to complete its funding plus $14 million for long lead time items for DLGN–41. We are also including $49 million for DLGN–38 program escalation and cost growth adjustment.

The Navy's current estimate of the total cost for the DD–963 program is about $2.7 billion. We have included $599 million in the FY 72 Budget to fund the next seven ships. The first ship of this class is currently scheduled to be delivered in FY 1975, with delivery of all 30 ships scheduled to be completed in FY 1978.

In total, the Budget contains about $914 million of ship construction funds to modernize this force.

The FY 1972 Budget includes $100 million to continue development of the AEGIS surface-to-air missile system, which we expect will increase our ability to defend naval forces and shipping at sea against missile attacks. The Navy's current plan is to complete the technical evaluation of this system in the mid-1970s. Also included in the budget request is $56 million to continue developing the CONDOR and HARPOON long-range standoff missile systems.

Amphibious Lift. Eleven new ships will be delivered in FY 1972 and 13 older amphibious assault ships will be retired. This, with the exception of helicopter decks equates to a capability to lift the assault echelons of slightly less than one and one-third Marine Amphibious Forces. This will permit a division-sized assault in one area while maintaining the ability to land a smaller air/ground team elsewhere. These forces will be sufficient to continue current deployments of amphibious forces in the Western Pacific and Mediterranean.

By FY 1975 all but one unit of the amphibious ship force will consist of post-World War II vessels. Sixty-five will be capable of sustained 20-knot transits. Five new general purpose assault ships (LHAs) have been funded through FY 1971 and will be delivered to the fleet between FY 1974 and FY 1975. We now believe that only five LHAs are needed. The FY 1972 Budget includes $110 million to terminate the multi-year contract, which was originally for nine LHAs, and to reduce the program to the five LHAs required in the assault ship mix for the current lift capability.

Further improvement in amphibious capability in FY 1972 will be provided by procurement of 450 more LVTP–7s (assault amphibian vehicles) for which $61 million is requested, and 24 more twin-engine UH–IN helicopters, with $21 million requested in the FY 1972 Budget for this program.

Logistics and Support Ships. The age of our logistics and support fleet remains an important matter of concern for the long term. Therefore, the FY 1972 Budget includes funds for construction of one new oiler, two submarine tenders, and three ocean-going rescue and salvage ships at a cost of $354 million.

4. Modernization of Mobility and Lift Forces

A. STRATEGIC AIRLIFT

We believe that as presently programmed, our strategic airlift will provide adequate resources to meet the spectrum of deploment requirements through the late 1970's. We expect about 65 C–5A (four squadrons) and 275 C–141 (13 squadrons) aircraft to be active by the end of FY 1972. Another 15 C–5As will be added in FY 1973 to round out our military strategic airlift forces. In a rapid deployment, we also rely on the approximately 330 commercial aircraft in the Civil Reserve Air Fleet (CRAF) to move troops and a portion of the worldwide resupply requirements.

The FY 1972 Budget includes $383 million to support the C–5A program, of which $357 million is for procurement. The remainder is for additional development work implementing recommendations made to the Secretary of the Air Force by the Air Force Scientific Advisory Board, based on its comprehensive review of the C–5A development.

Secretary Packard has informed the Committee of our plan for resolving the C–5A contractual disputes with the Lockheed Aircraft Corporation in order to insure that the production program of 81 aircraft can be completed. He will discuss that plan with you in detail before the reformed contract is executed and before the FY 1971 "contingency fund" of $200 million is obligated for expenditure.

B. TACTICAL AIRLIFT

In FY 1972, we will complete the phasing of the C–130A/B aircraft from the active to the reserve forces. Our active tactical airlift force will consist of sixteen C–130E squadrons, one ski-equipped C–130 squadron, and four STOL (C–7/C–123) squadrons. Twelve more C–130E's are included in the budget at a cost of $41 million. The STOL portion of the force has been reduced significantly by the transfer of six squadrons to the Vietnamese Air Force. We anticipate rebuilding the STOL force (starting in FY 1973) and we are now in the process of determining the appropriate replacement aircraft.

C. SEALIFT

The United States and its allies have substantial sealift assets. However, we face serious sealift problems in executing the rapid deployment concept required under our national strategy in the early stages of a contingency. The only immediate capability available to DoD is the Military Sealift Command Control Fleet. The recently enacted Merchant Marine Act of 1970 will provide additional sealift resources for use during national emergencies. However, we cannot rely solely on commercial shipping assets to meet our deployment needs early in a contin-

gency for several reasons. First, even with Presidential requisitioning, marshalling commercial ships dispersed on the worldwide trade routes consumes valuable time. If DoD has suitable vessels under its control, they can be repositioned during strategic warning periods, prior to national mobilization, in order to be immediately available to deploy forces to limit a developing crisis. Such ships will be controlled so as to facilitate repositioning upon receipt of warning.

A second reason why we cannot rely exclusively on commercial ships is that too few of them have the capability to move the heavy, outsize unit equipment of our combat and combat support forces. The commercial trend is toward containerships and other specialized ship types. Containerships, which now comprise 35% of the U.S. commercial general cargo sealift capability, are projected to increase their percentage to 55% by 1975. Such specialized vessels can carry resupply cargoes, but are of little use in the early stages of a crisis when unit equipment must be rapidly deployed to a contingency. By contrast, the commercial break bulk fleet, which can lift most unit equipment, is projected to decrease from 224 C–5–S–75a equivalents in FY 1971 to 167 in 1975.

The delay associated with activating vessels from the National Defense Reserve Fleet (NDRF) prevents these resources from meeting the shortcomings of the active fleet. The first vessels from the NDRF would not begin to become available for use in a deployment until approximately 30 days after mobilization, and thus could not be used in the early critical periods of a rapid deployment. Moreover, since virtually all of these vessels were built during World War II, their value in the event of an emergency is increasingly questionable. Because of this, these ships are gradually being disposed of and will be phased out in the next five or so years.

DoD's current shipping assets are quite limited. In the mid-1970's without acquisition of new assets, the DoD-controlled strategic sealift force will be limited to three roll-on/roll-off vessels. In light of this fact and the shortcomings of the commercial fleet, we are attempting to obtain ten Multi-Purpose Cargo Ships (MPS). These vessels are specially designed to be compatible with unit equipment, and they are considered necessary for rapid deployment in the event of a contingency. Recognizing the desirability of eliminating government competition with commercial interests, we propose to acquire these assets under long-term chartering arrangements from commercial shipping operators. The MPS's will be privately built to Defense design specifications with the DoD charter contract serving as the necessary guarantee to induce commercial interest in the program. There would be no government expenditure of funds until the vessels are in the active fleet. At that time, the government would make annual charter hire payments, as is done for other time-chartered vessels. DoD is also hopeful of obtaining nine shallow-draft tankers, which are not available commercially, under the same build and charter arrangment.

5. Modernization of the Reserve Components

An important aspect of our Total Force approach to providing the forces that might be needed in the event of major conflict is increased reliance on Reserve and National Guard forces. This requires that we place greater emphasis on the readiness of reserve component forces. To improve reserve readiness, we must recognize the importance of two interrelated factors, manning levels and the availability of equipment.

Manning levels will represent a continuing problem as we move toward an all-volunteer force. Currently they are in line with the minimum strengths set by the Congress for the Selected Reserves, except for some slippage in Navy Reserve strength which the Navy is now seeking to correct. It is apparent, however, that the downward trend in draft calls will have an effect on reserve manning, which can be seen from the fact that waiting lists for entrance into some Reserve units are declining. Our efforts in FY 1972 will be primarily oriented toward enhancing participation in the Reserve and Guard through improvements in their procedures and administration. It should be noted, however, that the recent general pay raise for active duty military personnel also accrues to Reserve and Guard personnel, which will provide some help in maintaining Reserve component strengths. In any case, it must be anticipated that, as we draw closer to FY 1973, there will be a need for real and visible incentives to encourage young men and women to join or remain in the Reserve components.

While manning levels are more of a future problem related to an all-volunteer force, equipment levels are a current and serious problem for Reserve component readiness. We must ensure that the Reserve component units are provided equipment in sufficient quantity, and in combat-serviceable condition, to be effective fighting forces upon mobilization. Operational readiness also requires that equipment be combined with realistic, timely drill periods and training. Improved equipping levels will greatly enhance our ability to train personnel, and thus provide a basis for major increases in combat readiness. The overall situation in the Reserve components today is that equipment availability and quality limit combat readiness to levels below those imposed by manpower limitations.

One of the major obstacles to improving reserve readiness in the past was that, for the most part, it was very difficult to determine exactly what happened to the funds allocated to the Reserve and Guard for operations and maintenance (O&M) or procurement. The Army and Air National Guard have separate appropriations for O&M (except depot maintenance), but not for procurement, and all of the O&M and procurement funds for the Reserves were merged within the active force appropriations.

We decided initially to deal with this situation by having the Military Departments establish separate Guard and Reserve budget accounts, within the appropriation accounts, for those funds which perviously had been included with active force appropriations. Beginning with the FY 1971 Budget, this was done for the O&M appropriations, but line item budgeting for procurement was not established. Much of the equipment provided to Guard and Reserve units is combat serviceable ("fall out") equipment released from active forces. The principle of line item identification of funding to rehabilitate "fall out" equipment has been used in the FY 1972 O&M accounts, but a different approach is now being taken with procurement of new equipment. Instead of separating the procurement funds, the Services are establishing formal procedures to schedule the allocation of specific quantities of new equipment between the Reserve components and the active forces. This system should be fully implemented by FY 1973.

Let me now discuss some of the specific details of our program to modernize Reserve forces with more and better equipment.

a. Army Reserves/Army National Guard

Reductions in the level of combat in Southeast Asia and consequent reductions in the size of the active Army are making it possible to replace some of the outmoded or unserviceable equipment now in the hands of the Army National Guard and Army Reserve with first-line combat equipment. Progress is being made in increasing equipping levels, but much more is still needed. It is estimated that at the end of 1970 the Army Reserve components had on hand about $1.6 billion worth of combat sreviceable equipment, as against mobilization requirements of about $6.1 billion, and, within that amount, training requirements of $3.8 billion in equipment. In the FY 1965–69 period the equipment inventory actually declined slightly. FY 1970 was the first year of our new initiative to improve Reserve equipping, and about $300 million of serviceable equipment was issued to Reserve component units in that year. We estimate that between $450 and $600 million in equipment will be provided in FY 1971, and at least $500 million more in FY 1972.

About $200 million of the FY 1972 total of $500 million will come from equipment in depot stocks that is in need of repair. The FY 1972 Budget includes $50 million to rehabilitate this equipment. These depot stocks are an important potential source of equipment for the Reserve forces. Because of shortages of funds, however, it was largely untapped in FY 1970 and 1971. We hope to obtain up to $1 billion in equipment from this source for the Reserve forces in the FY 1972–1974 period.

One specific indication of progress in equipping levels is that ten brigades are earmarked in our plans for early deployment in the event of a major contingency, and they are expected to have 80% of their full equipment allowances by the end of 1971. The 80% level is the amount authorized for training purposes prior to mobilization (the balance of their full equipment allowance would be maintained in depot stocks earmarked for their use in the event of mobilization). Achieving the 80% equipping level will be a major step forward for these units. It will contribute to completion of the training and preparations they need to attain the desired state of readiness.

An example of improvement in the types and quantities of equipment now being issued to Army Reserve and Guard units is that the first M–60 tanks are arriving this year. About 120 M–60s are being provided in FY 1971 and over 150 more in FY 1972. Rifles represent another important item, and 300,000 M–16 and M–14s are being issued this fiscal year—considerably more than was anticipated a year ago. The Army Reserve component aviation units are receiving the first deliveries of UH–1 helicopters, and the Army is programing heavy lift helicopters for the Reserves. In summary, we have made real progress in raising the equipment level in the Army Reserve and Army National Guard and in supplying them several types of modern equipment but we recognize that much more still needs to be done.

In addition to improving Army Reserve and National Guard equipment, we are also trying to improve their readiness with various types of association between Reserve component units and active Army forces. The objective is to enable the Reserve component unit to train with the active unit and to become familiar with the latter's equipment and methods of operation. The Reserve component unit will still need its full complement of combat serviceable equipment, but the Reserve/Active association will permit personnel to become familiar with newer and more up-to-date types of equipment that are not yet available to the Reserve component unit.

One approach is actually to integrate the Reserve component unit with the active unit. In the program now being evaluated, a number of Guard and Reserve battalions are assigned to round out two NATO-oriented divisions, and would deploy as units of those divisions. We are also examining the possibility of integrating an entire Reserve brigade with the training exercises and deployment plans of an active division.

In addition to these efforts, we are also

pursuing more limited forms of association. Units which have achieved company level readiness in Army training tests (i.e., their training and equipment is up to the level needed to function as a unit in combat) may then participate in active Army exercises in order to measure their capabilities against those of active units. Moreover, the Continental Army Command has implemented a program in which company-size Reserve component units conduct training with Army units at nearby active installations. The Army Materiel Command is pursuing a similar program for Reserve component combat service support units.

B. AIR FORCE RESERVE/AIR NATIONAL GUARD

The Air Force Reserve and Air National Guard include some of our most capable and ready forces. Units of the AFR and ANG are engaged daily in air defense, air refueling, and airlift missions in support of the active forces, and many of them are capable of rapid response in the event of need. The major problem they face involves the quality of the aircraft and equipment they are operating. They need to replace obsolete aircraft such as the F–84, C–119, and C–124 with newer and more capable F–4s, F–105s and C–130s. While the primary need is for better aircraft, we are also considering the adoption or extension of certain concepts for improving AFR/ANG utilization and effectiveness. These include giving tactical and fighter interceptor units dual mission assignments, relying even more on ANG units for continental air defense, and expanding use of the associate unit concept which has proved quite successful in the airlift forces.

Fighter and Attack Forces. Turning to the specifics of modernization, the ANG fighter/attack forces are currently scheduled to receive from the active forces a considerable number of better aircraft in the FY 1972–1976 period, including F–4, F–105, and F–100 aircraft to replace older models such as F–84s and F–104s. With the phaseout of obsolete aircraft and re-equipping of some squadrons, plus units being converted from other missions, the ANG will achieve a significant increase in capability. Under current plans, the fighter forces at the end of FY 1972 will have six squadrons of F–105s, one of F–104s, and one of F–4s. The attack forces will include 18 F–100 squadrons and two A–37 units. In the years after FY 1972, the number of fighter squadrons is not currently scheduled to increase, but the capabilities of this force will be further expanded as F–105s and F–4s become available from the active forces to replace F–100s and F–104s.

Reconnaissance and Special Operations Forces. The Air National Guard tactical reconnaissance force will also receive better aircraft in FY 1971 and 1972. The units equipped with RB–57 and RF–84 aircraft will be converted to RF–4 and RF–101 aircraft, and the ANG will maintain a force of 4 RF–4 and 7 RF–101 squadrons for the next several years.

In the Air Force Reserve, Special Operations Force (SOF) units will be modernized and tactical air control units converted to the SOF mission as A–37 aircraft become available from the active forces. The AFR plans to form four A–37 squadrons in FY 1971 and 1972.

Air Defense. Modernization of the Air National Guard air defense forces is continuing in FY 1971 as the last three squadrons of F–101 aircraft are released from the active forces. With these aircraft the ANG will then have a total of 6 F–101 and 10 F–102 squadrons. The current plan is to maintain this force for the next several years until F–106 aircraft become available from the active forces. We are, however, considering the possibility of assigning this force greater responsibility for performance of the continental air defense mission.

Airlift Forces. The AFR and ANG airlift forces are being modernized as C–119s and many of the C–124's are replaced with C–130A and B aircraft. In FY 1972 we will have 18 Air Force Reserve and 11 Air National Guard units equipped with C–130 aircraft, giving us a very capable Reserve tactical airlift capability. We will also complete formation of a 13th and final C–141 reserve associate unit and the first two C–5A reserve associate units by the end of FY 1972. The associate unit program has worked quite well, and we now plan to form two more C–5 units in FY 1973. This will mean that for each active C–141 and C–5 squadron there will be an AFR associate unit which could augment its capabilities if needed.

C. NAVY AND MARINE CORPS RESERVE

Fighter and Attack Forces. During the past two years the Navy Reserve attack carrier air squadrons have been reorganized, and their aircraft upgraded. Prior to that time these units did not have combat serviceable aircraft, and they could contribute in a combat situation only by augmenting active forces with filler personnel. The Navy Reserve's fighter and attack squadrons, together with supporting units, have now been equipped with combat serviceable aircraft and organized into 2 attack carrier air wings. These squadrons are now being upgraded to combat deployable status.

The carrier air wings will continue to modernize their aircraft with the introduction of later model and type aircraft in FY 1971 and 1972. One more F–8 squadron will be formed, and three A–4 squadrons will be equipped with A–7s. In addition, as F–4s become available they will replace F–8s in the reserve inventory. The Navy now expects to convert four F–8 squadrons to F–4 aircraft by the mid-1970's.

Marine Corps Reserve air units have also been upgraded in the past year. The Reserve has received combat serviceable A–4Cs to replace obsolete older model A–4s and older model F–8s have also been modernized. During the past year the Reserve Aircraft Wing has received 18 CH–46 helicopters and should receive an additional 18 by the end of this fiscal year. In addition, by the end of FY 1972, the Marine Reserve Aircraft Wing is expected to have received its full complement of 24 CH–53s and 12 UH–1 helicopters.

ASW and Surface Forces. The Reserve ASW aircraft units have also been reorganized and upgraded to combat deployable status, in the same way as was done with the attack carrier air wings. The carrier-based ASW squadrons have been re-equipped with serviceable aircraft and organized into two groups. A training carrier is being used to train and qualify them as deployable units.

The Navy Reserve's land-based ASW patrol squadrons are also being upgraded and provided with more capable aircraft. The ten P–2 squadrons are being re-equipped with serviceable, later model P–2s, and in FY 1971, two new squadrons are being formed with more capable P–3A aircraft released from the active forces. As the active force is modernized with new P–3C aircraft, more of the P–3As will be transferred to the Reserves to replace P–2s.

Some improvements are also being made in naval reserve surface ships, which consist primarily of destroyer types and minesweepers. As we all know, the Navy's active fleet escort force is old and in great need of modernization, but the reductions in recent years have meant that the Reserve could obtain some more capable, albeit old, destroyers. By the end of FY 1973 all of the current destroyers will have been replaced by ships which have been at least partially modernized. In addition, the Navy's decision to cancel its modernization program for ocean minesweepers (MSO) will permit some of these ships to be transferred to the Reserve. Four MSOs will be provided in FY 1972, and more may be available subsequently.

E. SUBTHEATER AND LOCALIZED PROGRAMS FOR DETERRENCE

"No President can guarantee that future conflicts will never involve American personnel—but in some theaters the threshold of involvement will be raised and in some instances involvement will be much more unlikely."

(President's Foreign Policy Report to Congress, February 25, 1971)

We must face the prospect that conflicts running from localized insurgency or guerrilla warfare to the type of conventional attack which North Korea itself could mount against South Korea will continue to threaten the security of our friends and allies through the 1970's. We have chosen to discuss such potential conflict separately from large-scale conflict directly involving the Soviet Union and the Warsaw Pact, or the Chinese Peoples' Republic. Such a distinction between theater and sub-theater conflict may be considered artificial by some, particularly in the case of an intense localized conflict such as the war in Southeast Asia. It is important, however, because under the Nixon Doctrine, as exemplified by the Vietnamization Program, we believe that our allies can and must increasingly bear the primary burden for planning to cope with sub-theater and localized conflicts.

However, as we move in this direction under President Nixon's Strategy for Peace, there may be situations where only U.S. capabilities would provide the flexibility of action which may be necessary in the future. Earlier, I noted the U.S. forces which could be deployed in FY 1972 to respond to intense conflict in Korea. Let me now turn to another type of possible response—U.S. forces which could be made available for minor contingencies in a short period of time.

1. U.S. Capabilities for Quick Response.

In some situations, timeliness of response or presence could be a much more important consideration than the maximum force that could be deployed in, say, 60 or 90 days.

Depending on the circumstances and area, the quick response forces could be drawn from the forward-deployed Fleet Marine Forces in the Atlantic, Pacific, and Mediterranean, 82d Airborne Division in the U.S., a brigade of the 25th Infantry Division in Hawaii, or the 8th Infantry Division in Europe. In addition, other ready brigades or battalions are available to theatre commanders. Backing up these forces are the Marine division/wing teams on both the east and west coasts and one brigade on Hawaii, with its integral air support. All are ready to deploy on a few hours or days notice using available lift. Other tactical aircraft could be provided from the forward-deployed aircraft carriers and Air Force squadrons, or from U.S. based aircraft carriers or tactical air squadrons that can deploy very rapidly.

The ability of naval forces to operate at sea near potential trouble spots also provides a special capability for response and flexible presence. Deployments of the Sixth and Seventh Fleets include not only the aircraft carriers and the amphibious assault capabilities already mentioned, but also a large number of escort ships and patrol aircraft. In addition, the current nucleus of small combatant craft (Fast Patrol Boats, Medium and Light SEAL Support Craft, etc.), provides a basis for creating a coastal and river patrol force should circumstances again warrant such a force.

Although the rapid deployment capabilities of U.S. forces are substantial, our goal is to minimize the need for such deployments in the future—by helping our allies to build their own military capabilities against localized aggression into self-reliant capabilities. As we proceed in this direction, we will also be considering modifications to our own forces, modifications which will enhance their complementary role, rather than a supplanting role.

Security Assistance

On a national basis, security assistance can be viewed from slightly different perspectives, depending on the area and type of assistance involved. For example, with regard to Western Europe and the Mediterranean area, our strong commitment to NATO requires that our security assistance planning be closely integrated with overall NATO plans for future forces. In general, security assistance requirements are to help those less capable countries fulfill their role in NATO defense plans, as well as to provide an element of stability in the eastern Mediterranean in the face of increased Soviet activity in the region.

As I noted in my report last year, foreign military sales provide a means to help more developed recipient countries, who can support financially a larger share of their own security burden, but do not have sufficient or modern material available in country. Thus, in the general European area, where national economies are generally stronger, most of our assistance takes the form of cash and credit sales. This situation does not exist in Asia, however, and in that area, grant aid is generally emphasized.

In the Pacific and Asia, just as in Europe, our assistance programs must also be planned in consonance with our own force programs, but in a different sense. As we proceed with Vietnamization and implementing the Nixon Doctrine, we seek to replace some of our past military presence with stronger local capabilities, rather than just improving indigenous forces which complement our own retained capabilities.

Many people are not aware of the magnitude of U.S. military force reductions in the entire Asian area. In the past 2 years we have announced plans to withdraw and reduce authorized military strength in Asia by approximately 325,000. Besides the troop redeployments from Vietnam, this figure includes reductions in Japan, Okinawa, Thailand, the Philippines, and Korea. U.S. military presence in this area is going down, not up. It is being replaced by improved capabilities of nations in this area, both through their own efforts and through the assistance which we are providing them.

In Vietnam, as I noted earlier when discussing Vietnamization, the RVNAF is picking up the burden which we had assumed during our buildup. Because we are actively engaged in conflict in this area, and our planning and operations are integrated, funding military assistance through the Defense Budget is both sensible and proper.

In Korea, where the Koreans are also assuming more responsibilities, we are proceeding at a different pace and using different means for assistance. In this situation, we hope, with the cooperation of the Congress, to fund the Korean force modernization through the grant aid program over the next several years.

Limited fund availability in the past has prevented our allocating to Korea much more than the funds necessary for support of the operations and maintenance costs of its forces in being. We have been unable to make an adequate investment in the replacement of obsolescent equipment, and this has impeded the development of maximum combat effectiveness.

The $150 million requested and provided in the foreign aid supplemental legislation last fall marks an important step toward effective implementation of the Nixon Doctrine in Korea. It will begin a tailored force modernization for South Korean armed forces. This modernization program, which was developed in detailed planning with the Koreans, will strengthen their forces so that we may proceed with the planned reduction of U.S. troops without weakening the defense posture essential to deter North Korean aggression.

Although the amounts involved for Korean Armed Forces modernization are admittedly substantial, they will be more than offset by the savings which will result from the current planned reduction of U.S. forces. Total net savings—that is, U.S. withdrawal and deactivation savings minus incremental Korean modernization costs—could amount to about $450 million over a five-year period. This is not only good economy but, even more important, a long stride in the direction of a key goal of the Nixon Doctrine—that of greater sharing of the defense burden with our allies.

We would hope to structure our security assistance funding to contribute to regional security arrangements. While few countries by themselves can develop a self-defense capability against the full range of possible threats, several working in concert can present a united front to deter aggression. Although every country has a legitimate right to be prepared to defend itself, a careful balance must be struck between dollars spent for defense and dollars spent to improve economic conditions. Regional arrangements can avoid expensive redundancy in defense procurement, especially in costly air and naval weapons systems.

As the President noted last month, the Japanese have announced plans for continuing qualitative improvements in their self-defense forces, thereby enabling them to provide for substantially all of their conventional defense requirements.

Of course, such changes in the forces of our friends and allies cannot take place overnight, and just as is the case for the long leadtimes required to develop new defense weapons systems, there is leadtime associated with a shifting of the burdens of security. And as the President so emphatically pointed out in his Foreign Policy Report, the method is crucial. Developing additional capability does take time. In certain instances such as in Cambodia, where the need is urgent and the types of material required are obvious, we can provide a much quicker response. Small arms and ammunition to equip friends who are involved in conflict can be accomplished relatively quickly, but long-range programs to develop appropriate local capabilities require detailed planning and consultation, because much more than just the strict military aspects must be considered. We have taken steps to improve this planning process by beginning to develop integrated country program-budgets.

In the interim, it is essential that our friends and allies understand that the United States will live up to its commitments and continue to support them. Thus, as we proceed to implement the Nixon Doctrine, both timing and balance are critical concerns. We must maintain our strength as a complement to the growing regional strength of our friends and allies in Asia and use this strength if necessary to assist them in their efforts to provide for their own security until such time as they reach self-sufficiency.

U.S. RELATIONS WITH CHILE

Mr. ALLOTT. Mr. President, we are now in a period of decision in our relations with Chile. The crucial impending decisions are going to be made by the Chilean Government, and they will leave a lasting impression on relations between our two nations.

Today, I want to direct the attention of the Senate to the question of Chile's proposed confiscation of American copper company assets.

When another nation makes such hostile moves against American firms, too many Americans complacently view the matter as strictly a problem for the affected companies. Even if the companies were the only American entities affected, that would still be no justification for complacency. All Americans have a stake in the health of American industry.

But the important point is that Americans can be injured in two other ways when a foreign nation takes actions detrimental to the welfare of American enterprises.

First, American taxpayers have made an investment in some overseas operations of American firms. If these firms are confiscated, the American taxpayers' investment is confiscated.

Second, the reason American policy has invested tax revenues in the task of helping industrialize underdeveloped nations like Chile is that we believe it is both prudent and morally important for us to lend a helping hand to nations embarking on economic development.

Let me explain how these two factors are involved in the question of Chile's proposed moves against American copper companies.

Since 1946 the U.S. Government has extended over $1.7 billion in aid to Chile. Of this amount, nearly $1 billion in loans is still outstanding. Moreover, the United States in recent years has also insured against expropriation and war risk over $350 million in private loans by American investors, just for copper expansion alone. Thousands of new jobs have been created in Chile through these and earlier American investments.

But now, the new Chilean government of President Salvador Allende proposes to confiscate all American copper company assets in Chile, along with several other American companies. The mines themselves are to be seized with no pretense of repayment. The alleged compensation for the other facilities and equipment is theoretical only and has no substance. It would involve payment in 30 year Chilean bonds at 3 percent interest. But Chile currently has a 30 percent per year rate of inflation, and there is nothing to indicate that the policies of the Allende government will improve the situation. This means that the proposed restitution for confiscation will be nugatory for mines and plants and all other facilities.

The U.S. taxpayers will lose along with the companies through such a violation of international due process. They will lose $350 million of insured loans, extended to expand copper production by American companies in Chile. There is only $54 million available in the reserves of the Overseas Private Investment Corporation, our Federal lending and insuring agency.

Thus the American taxpayers are going to get stuck with a bill of an added $300 million to pay for this planned violation by the Chilean government both of international law and of solemn contracts.

On February 22 the Washington Daily News published a thoughtful editorial on the problem of protecting foreign investments.

Mr. President, so that all Senators can ponder the important questions involved in Chile's proposals, I ask unanimous consent that the editorial be printed in the RECORD.

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

PROTECTING FOREIGN INVESTMENTS

Most people, if they think at all about Chile's threat to confiscate U.S.-owned copper mines, tend to view the matter as between a foreign country and rich companies and their stockholders.

Sen. Jacob K. Javits, R-N.Y., has performed a service by reminding that another set of toes can get tramped on in the process—those of American taxpayers.

Three copper companies—Anaconda, Kennecott and Cerro—have about $700 million invested in Chilean mines, some of the largest and richest in the world. There is no question that they will be nationalized. President Salvador Allende, a Marxist, was elected on such a platform. The question is whether he will pay compensation or stage a confiscatory takeover.

If the companies don't get proper compensation, which is quite possible, something called the Overseas Private Investment Corporation is in trouble. It's a little known Federal agency, set up to encourage private investment in developing countries. It has sold the copper companies about $350 million in insurance against expropriation.

The O.P.I.C., however, has reserves of only $54 million. Thus, if the Chilean situation turns sour, the U.S. Congress—another way of saying all of us taxpayers—will have to put up more millions to save the insurance agency from default.

In fiscal 1970 alone, O.P.I.C. issued more than $1.4 billion in insurance on U.S. overseas investments. This suggests that the taxpayer can be hurt by the spreading habit of confiscating American property. It could lead to an unpleasant new game—they seize, we pay.

Recently, Sen. Javits correctly pointed out that expropriations in Chile would not only hit U.S. interests. They would also harm Chile's economy and frighten off needed private investment elsewhere in Latin America

The senator urges setting up an international body to assure fair treatment of foreign capital—"a G.A.T.T. for investment." His reference was to the 80-nation General Agreement on Tariffs and Trade, which enforces a code of good behavior in international trade.

A similar body for foreign investment could "mitigate trends toward destructive economic irrationalism," Sen. Javits contends.

We wonder if his idea is getting the attention it deserves in the White House.

TRIBUTE TO ARTHUR B. RIVERS

Mr. THURMOND. Mr. President, no man lives so well as he who lives for others.

The death of Arthur B. Rivers of Columbia, S.C., ended a life that had been dedicated to the welfare of the citizens of our State.

Mr. Rivers served for 28 years as director of the South Carolina Department of Public Welfare. He had already served as administrator of the Chesterfield County Emergency Relief Administration, and as assistant procurement officer for the U.S. Treasury. This outstanding career covers nearly half a century.

A graduate of Wofford College, Mr. Rivers served as a member of the State house of representatives and as mayor of Mount Croghan, S.C.

His honors were numerous. From President Truman, Mr. Rivers received the Certificate of Merit and the Selective Service Medal. In 1968, 2 years before his retirement, he received an award from the State rehabilitation association for his work in behalf of the handicapped.

He was included in the 1964 edition of "International Who's Who," in the South and Southwest, and was selected for "South Carolina Lives," in 1962.

In 1961, his alma mater, Wofford College, conferred upon him the honorary L.H.D. degree.

Mr. President, our State mourns the passing of this great man.

Several newspapers have paid tribute to Mr. Rivers, including articles which appeared in the February 8 issue of the State, Columbia, S.C., the Columbia Record, Columbia, S.C., and the February 9 issue of the Spartanburg Herald, Spartanburg, S.C.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

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

[From The State, Columbia (S.C.), Feb. 8, 1971]

ARTHUR RIVERS DIES AT 72 IN COLUMBIA

Arthur B. Rivers, former director of the South Carolina Department of Public Welfare, died Sunday in his home at 106 S. Saluda Ave. in Columbia. He was 72.

A native of Mt. Croghan in Chesterfield County, Rivers became director of the department in 1942 and retired in 1970.

Rivers, who was graduated from Wofford College in 1919, served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U.S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

Rivers, who was succeeded as welfare director by former Columbia pastor R. Archie Ellis, was conferred the honorary degree of L.H.D. by Wofford College in 1961.

Rivers was selected in 1964 for inclusion in the International Who's Who in the South and Southwest and also was included in "South Carolina Lives" in 1962.

He was a Mason and a member of the Columbia Lions Club.

Surviving are his widow, Mrs. Ida Maie Stafford Rivers; a son, Col. Robert Stafford Rivers of Washington, D.C.; a sister, Mrs. J. Sidney McNeill of Ninety Six; and four brothers, J. Ottis Rivers and Elbert E. Rivers of Mt. Croghan, S. Graydon Rivers of Chesterfield and H. Iredell Rivers of Cheraw.

Funeral services will be Tuesday at 2 p.m. in Washington Street United Methodist Church conducted by the Rev. E. Wannamaker Hardin. Burial will be in Greenlawn Memorial Park.

Pallbearers will be William E. Rivers, Cadet Harry Rivers, Dr. William R. Laney, Charles O. Rivers, Bruce Kewling and Wade S. Dunbar.

The family suggests that those who wish make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

[From the Columbia Record (S.C.), Feb. 8, 1971]

ARTHUR RIVERS SERVICES SET

Funeral services for Arthur B. Rivers will be held at 2 p.m. tomorrow in Washington Street United Methodist Church, conducted by the Rev. E. Wannamaker Hardin. Burial will be in Greenlawn Memorial Park.

Pallbearers will be William E. Rivers, Cadet Harry Rivers, Dr. William R. Lancy, Charles O. Rivers, Bruce Kewling and Wade S. Dunbar.

The family suggests that those who wish make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

Mr. Rivers, former director of the South Carolina Department of Public Welfare, died Saturday night at his home at 106 S. Saluda avenue in Columbia. He was 72.

He was the son of the late William Alfred and Mary Roxanna Burch Rivers. He received his A.B. degree from Wofford College, Class of 1919; L.H.D. degree from Wofford College in 1961. While at Wofford, he was a member of Pi Kappa Phi and the Panhellenic Society.

Mr. Rivers was a member of Washington Street United Methodist Church.

A native of Mt. Croghan in Chesterfield county, Mr. Rivers became director of the department in 1942 and retired in 1970.

Mr. Rivers, who was graduated from Wofford College in 1919, served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U. S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, merchant and planter, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

Mr. Rivers, who was succeeded as welfare director by former Columbia pastor R. Archie Ellis, was conferred the honorary degree of L.H.D. by Wofford College in 1951.

Dr. R. Archie Ellis, director of the State Welfare Department, commented on River's death, saying, "South Carolina has lost one of the most faithful and dedicated public officials that I know anything about.

"For 27 years, he gave of himself to the people of South Carolina, especially to the poor people of South Carolina."

He said it would be in the future when South Carolina comes to recognize the "enormous debt" owned to Rivers for "his unselfish and self-giving service to our state."

He was selected in 1954 for inclusion in the International Who's Who in the South and Southwest and also was included in "South Carolina Lives" in 1962.

He was a Mason and a member of the Columbia Lions Club.

Surviving are his wife, Mrs. Ida Maie Stafford Rivers; a son, Col. Robert Stafford Rivers of Washington, D.C.; a sister, Mrs. J. Sidney McNeill of Ninety Six; and four brothers, J. Otis Rivers and Elbert E. Rivers of Mt. Croghan, S. Graydon Rivers of Chesterfield and H. Iredell Rivers of Cheraw.

[From the Spartanburg Herald (S.C.) Feb. 9, 1971]

FUNERAL SERVICES SET FOR ARTHUR B. RIVERS

COLUMBIA.—Funeral services for Arthur B. Rivers, 72, former director of the South

Carolina Department of Public Welfare, will be Tuesday at 2 p.m. at Washington Street United Methodist Church. Burial will be in Greenlawn Memorial Park.

He died Sunday at his home, 106 S. Saluda Avenue.

A native of Mt. Croghan in Chesterfield County, Rivers became director of the welfare department in 1942 and retired in 1970.

He was a graduate of Wofford College and served as administrator of the Chesterfield County Emergency Relief Administration from 1923–35, going from there to the U.S. Treasury as assistant procurement officer until 1942.

A former member of the State House of Representatives, he also served as mayor of Mt. Croghan and as a member of the Chesterfield County Board of Education.

President Truman and Selective Service Director Gen. Lewis B. Hershey conferred the certificate of Merit and Selective Service Medal on Rivers in 1940. He also received an award in 1968 from the State Rehabilitation Association for work on behalf of the handicapped.

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The family suggests that those who wish may make memorials to the Arthur B. Rivers Scholarship Fund at Wofford College.—Dunbar Funeral Home.

FOREIGN DIRECT INVESTMENT CONTROL PROGRAM

Mr. TUNNEY. Mr. President, recently a study has come to my attention which contributes significantly to the continuing debate on the effectiveness and validity of the foreign direct investment control program. This has been a subject of concern to me for years.

This analysis of a strategy for the U.S. balance-of-payments policy has been prepared by Gottfried Haberler, the Galen Stone professor of international trade at Harvard University and Thomas D. Willett, associate professor of Economics at Cornell University. I recommend the study to the attention of my colleagues as I believe that it raises several significant questions which merit consideration and review by the Members of this body.

Mr. President, I ask unanimous consent that the entire study be printed in the RECORD.

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

A STRATEGY FOR U.S. BALANCE OF PAYMENTS POLICY—RECENT CHANGES IN THE U.S. BALANCE OF PAYMENTS AND THE INTERNATIONAL POSITION OF THE DOLLAR

(By Gottfried Haberler and Thomas D. Willett)

INTRODUCTION

During the last three years, remarkable, and indeed somewhat paradoxical changes have taken place in the U.S. balance of payments and the international position of the dollar. It will be recalled that in 1958–60, after several years of small deficits, the U.S. balance of payments suddenly developed a deficit which was then generally regarded to be of alarming magnitude—$3.4, $3.9, and $3.9 billion in 1958, 1959, and 1960 respectively (measured on the liquidity basis). The Eisenhower administration took drastic anti-inflationary measures which prepared the ground for a remarkable period of stable prices lasting until 1965. During these years of price stability the balance of payments improved greatly. The overall deficit (liquidity definition) fell from $3.9 billion in 1959 to $2.8 in 1964 and $1.3 in 1965. Perhaps even more important, the surplus on goods and services rose from $0.3 billion in 1959 to $8.6 billion in 1964.

The new wave of inflation starting in 1965 led to a progressive deterioration of the balance of payments which again reached alarming proportions in the fourth quarter of 1967—annual rate of $6.9 billion (liquidity definition). Huge speculation in gold, heavy pressure on the dollar, and rapid decline of the U.S. gold stock (from $13.08 billion in the third quarter of 1967 to $10.7 billion in the first quarter, 1968) prompted the Johnson administration to take drastic measures of control and to propose even more extreme steps. These proposals included an unprecedented tax on tourists abroad and generalized border taxes on imports, a program which, if carried out, would almost certainly have led to full-fledged exchange control. Fortunately, Congress refused to go along with these two measures, but severe restrictions on capital exports were imposed by executive order based on "the authority vested in the President" by Congress as part of the Trading with the Enemy Act of 1917.[1]

Gold speculation continued throughout the first quarter of 1968. Then, in April 1968, the international gold pool through which the central banks of the leading industrial countries (except France which had withdrawn) had been feeding the speculators—with the U.S. contributing the major share—was abolished and the two-tier gold market established. Since then, there has existed an uncontrolled private gold market in which the price of gold is free to fluctuate under the influence of the changing pattern of demand and supply. National and international monetary authorities, on the other hand, have continued to trade gold among themselves at the official par of $35 per ounce.

Later in 1968 the situation unexpectedly improved. Huge amounts of foreign capital flowed into the U.S. For the first time in ten years, the U.S. balance of payments showed a small surplus of $0.2 billion on the liquidity basis and a much greater surplus on the "official reserve transaction" basis.[2] Foreign capital was attracted by high interest rates and the stock market boom. Moreover, the student-worker rebellion in France of May/June 1968, which almost toppled the de Gaulle regime and produced a veritable wage explosion, plus the occupation of Czechoslovakia by Russian troops, scared many investors and enhanced the comparative safety of the dollar. But while the overall balance improved, the traditional trade surplus—which had risen to almost $7 billion in 1964—all but vanished. It was clear that the improvement in the overall balance could not last. For the richest country in the world to be importing capital on a large scale was clearly an unnatural and temporary phenomenon. The expected deterioration in the balance occurred with a vengeance in 1969. In that year the deficit reached a record level of $7 billion (liquidity definition) and for 1970, according to preliminary figures, the deficit still was about $4 billion—although the trade balance substantially improved because, as a consequence of the recession in the U.S. imports into the U.S. rose less than in former years.

It is surprising, indeed paradoxical, that the large deficits of 1969 and 1970 have caused not even a ripple in foreign exchange markets for the dollar and have not disturbed the calm of U.S. policymakers, while a much smaller deficit in 1967 produced a run on the dollar and propelled the administration into frantic activity. There were several exchange crises in 1968 and 1969 affecting, for example, sterling and the French franc, which were devalued, and the German mark, which was revalued. But confidence in the dollar remained unscathed. What is the explanation?

REASONS FOR THE STRENGTH OF THE DOLLAR

There are several reasons for the strength of the dollar. Through the termination of the gold pool in 1968 and the surprising success of the two-tier gold market, the U.S. dollar has been effectively shielded from private gold speculation. Also the establishment of Special Drawing Rights (SDRs), by sharply reducing the chance of a change in the gold price, has greatly discouraged gold speculation. There has been, furthermore, a sharp decline in foreign *official* dollar balances held by foreign central banks as part of their international reserve—a decline from $15.6 billion at the end of 1967 to $10 billion at the end of 1969. When foreign capital flowed into the U.S. from their central banks whose dollar balances thus were drawn down. This was reflected in the fact that in contrast to the great deficit in the U.S. balance of payments according to the liquidity definition, the balance on the so-called official settlement basis showed a substantial surplus in 1969 ($2.7 billion). The decline in their dollar balances mollified foreign central bankers although they must have realized all along that when the private capital flow to the U.S. receded from the high levels of 1968 and early 1969, as it would have to do, foreign official dollar holdings would go up again.

Indeed, in 1970, the official settlement developed a huge deficit ($11.5 billion the first quarter, $7 billion the second quarter) and official liquid dollar holdings abroad reached a record level ($17.8 billion as of September 1970). This change has been noted with uneasiness among foreign bankers. But it has not produced an atmosphere of crisis as did the large deficits of 1967/68.

Another technical matter might be mentioned at this point. Recent rapid and pronounced changes in the balance of payments, especially the often sharply contrasting movements in the deficit as measured on the so-called "liquidity basis" and "the official reserve transactions basis," have created fresh doubts concerning the proper definition and measure of deficit and surplus. In fact, it is now fairly generally agreed that the formerly widely-accepted liquidity measure of deficit is no longer applicable (if it ever was). We shall not discuss in detail the intricate problem of the proper definition of balance-of-payments surplus and deficit for a country whose currency is used all over the world as an official international reserve medium and as a vehicle for private transactions and investment.[3] At this point it is enough to say that the liquidity definition has become obsolete and that the official reserve transactions definition, if not quite satisfactory, is certainly a much more significant measure.

DOLLAR STANDARD AND DE FACTO INCONVERTIBILITY OF THE DOLLAR

The factors mentioned so far, important though they are, do not fully explain the surprising strength of the dollar in the face of a large deficit in the balance of payments (on either of the two official definitions). More

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important, we believe, are changes in the outlook and attitudes of policymakers, both in the U.S. and abroad, which have taken place in recent years. To put it bluntly, it is now fairly generally realized that in a sense the world is on the dollar standard and that the dollar is de facto inconvertible into gold, at least for large sums. That is to say, foreign central banks cannot convert large sums of dollars into gold for the purpose of changing the composition of their reserves, as France did under de Gaulle in the 1960s.

The dollar remains, of course, fully convertible into foreign exchange for private holders at home and abroad, except that the capital export restrictions can be regarded as an infringement of the principle of unlimited convertibility as far as American residents are concerned. But these restrictions do not apply to foreigners. Despite its de facto inconvertibility into gold, the dollar remains fully usable as an international reserve medium and intervention currency. Foreign central banks can use their dollars to finance a deficit vis-à-vis the U.S. They can also use their dollars to buy other currencies, because the dollar is used by most foreign central banks as international reserves along with gold and by practically all central banks as "intervention currency." In other words, foreign central banks discharge their obligation under the International Monetary Fund charter to maintain the par value of their currency (within the allowable margin of 1 percent on each side of parity) by buying and selling dollars in the market in exchange for their own currency rather than by buying and selling gold. The U.S. alone has availed itself of the option offered by the IMF charter (Article IV, Section 4(b)) to maintain the par value of the dollar by buying and selling gold rather than by buying and selling foreign currencies.[4] But this does not alter the de facto inconvertibility of the dollar into gold for large sums. No doubt, "small" amounts of gold are still available, especially for purposes other than to change a nation's reserve composition (à la de Gaulle).

What is "large" and what is "small"? Of course, no precise figure can be given. But if we look at the size of the U.S. gold stock in relation to U.S. liquid "liabilities to foreign institutions," we find that since 1960 the gold stock has declined from $17.8 billion to $11.5 billion,[5] while liabilities have increased from $11 billion to $16.6 billion. There simply is not enough gold to permit large-scale withdrawals because, once the process is started, it could easily snowball into unmanageable proportions. Large conversion of officially held dollars into gold would, in all probability, provoke massive switches of privately held dollars into official balances. These conclusions are strengthened if we add that total liquid liabilities, to official as well as nonofficial foreign financial institutions, have grown from $21 billion in 1960 to $44 billion in October 1970.[6] Privately held dollar balances are, of course, not directly convertible into gold. But it is known that the figures for private dollar balances contain some official balances and, as recent experience has again shown, there can occur at any moment large switches from private to official holdings.

Alarming conclusions have been drawn from this apparent disproportion between the U.S. gold reserve and liquid liabilities: The gold exchange or dollar exchange standard, as the postwar international monetary system has come to be called, is inherently unstable, many claim. The growing discrepancy between the U.S. gold reserve and the superstructure of foreign held dollar balances, it is said, will inevitably undermine confidence in the dollar and lead to a crisis. Economists at opposite ends of the spectrum, Jacques Rueff and Robert Triffin, agree on the instability of the present system. Their prescriptions for remedy are, of course, different. Rueff wants to go back to the gold standard (after doubling or tripling the price of gold); Triffin wants to go forward by making the IMF a real world central bank, a lender of last resort with broad money-creating power.

For some time the international monetary system appeared indeed to be moving in the direction of a crisis as foreseen by the Cassandras on the right and on the left. But since the near crisis late in 1967 and early in 1968, the system evidently has gained in stability.[7]

What is the reason? Paradoxically it has been the growing disproportion between the U.S. gold stock and liquid foreign liabilities that has strengthened the stability of the system by making it increasingly clear that the dollar is de facto inconvertible and that the world has to live with the dollar. Let us quote Dr. Edwin Stopper, president of the Swiss National Bank. In a speech in May 1970 he pointed out that "for the past months things have been astonishingly quiet in the monetary field." He listed a number of facts that contributed to the calm. The first and evidently the most important was "the progressing acceptance of a *de facto* dollar standard after the replacement of the Gold Pool by the Two-Tier-System and the voluntary restraint exercised by the central banks in respect of conversions into gold."[8] True, Dr. Stopper speaks of "voluntary" restraint and hints that the posture of restraint could be changed at any time, for example, if inflation in the U.S. were not brought under control.

We shall return later to the problem of "balance-of-payments discipline." But the broad fact is that the "voluntary" restraint is really imposed by the logic of the situation. Nobody wants to rock the boat and provoke a serious crisis. Since the number of large dollar holders who could jeopardize the stability of the system is small, the resulting group equilibrium can be quite stable.

In the background is the ultimate, officially unmentioned, but undoubtedly well understood sanction of the equilibrium, namely, the fact that the U.S. could at any time make the dollar formally inconvertible into gold. Such a step would not even require an act of Congress.

A few academic experts have asked that this step be taken forthwith. And some have recommended that the existing gold stock should be offered for sale at the same time, thus turning the back on gold once and for all and probably bringing about its demonetization. Others would keep the gold stock intact for any future emergency.

There would be merit in these recommendations, if the only alternatives were either a painful contraction with a lot of unemployment or the imposition of severe controls on trade and payments. We shall show, however, that these are by no means inescapable alternatives, except perhaps if the U.S. inflation gets much worse than it is. It is therefore not necessary in our opinion to take the extreme step of declaring the dollar officially inconvertible into gold. De facto inconvertibility (for large sums) and the de facto dollar standard is probably sufficient. Realization that inconvertibility could be declared at any time, and that this step probably would be taken if there were large gold conversions, should be enough to ensure "voluntary restraint."

The situation was different at an earlier stage of the evolution of the dollar exchange standard. When the gold stock covered a large proportion of liquid liabilities, it was reasonable for foreign countries to assume that they would be free at any time to change the composition of their international reserve by converting dollars into gold. The growing disproportion between liquid liabilities and the gold stock has made it clear to everyone that large conversions of dollars into gold are no longer possible. The point of no return has been definitely passed.

FOOTNOTES

[1] Section 5(b) of the act of October 6, 1917. For details of balance-of-payments developments and policies until 1968 see *U.S. Balance of Payments Policies and International Monetary Reform: A Critical Analysis* by Gottfried Haberler and Thomas D. Willett (Washington: American Enterprise Institute, 1968).

[2] The official balance-of-payments statistics compiled by the Department of Commerce presents two alternative measures of deficit and surplus, the "liquidity" concept and the "official transactions" or "official settlement" concept. The liquidity concept is defined as "changes in liquid liabilities to foreign official holders, other foreign holders, and changes in official reserve assets consisting of gold, Special Drawing Rights, convertible currencies, and the U.S. gold tranche position in the IMF." The official settlement concept is defined as "changes in liquid and nonliquid liabilities to foreign official holders and changes in official reserve assets consisting of gold, Special Drawing Rights, convertible currencies, and the U.S. gold tranche position in the IMF." The official settlement definition was proposed in 1965 by a committee under the chairmanship of E. M. Bernstein. Figures for the official settlement balance are available from 1960. In earlier years, the liquidity measure was generally used.

The major difference between the two definitions is that the liquidity concept takes into account the change in U.S. liquid liabilities to all foreigners, while the official transactions or official settlement concept considers only changes in U.S. liquid liabilities to foreign official agencies.

In its recently published annual report for 1970, the Council of Economic Advisers adds two additional measures for gauging the position of the balance of payments: the "Balance on Current Accounts" and the "Balance on Current and Long-Term Capital Accounts." The latter is often called the "basic balance" and was used by the Department of Commerce until it was replaced by the liquidity definition.

[3] For recent discussions, see Charles P. Kindleberger, "Measuring Equilibrium in the Balance of Payments," *Journal of Political Economy*, November-December 1969; Raymond F. Mikesell, *The U.S. Balance of Payments and the International Role of the Dollar* (Washington: American Enterprise Institute, 1970); and Thomas D. Willett, "Measuring the U.S. Balance of Payments Position," Harvard Institute of Economic Research, Discussion Paper, 1971.

[4] In recent years the U.S. too has engaged in foreign exchange transactions and holds a fraction of its international reserves in the form of "convertible currencies" ($0.8 billion compared with a gold stock of $11.5 billion as of October 1970).

[5] To the gold stock could be added U.S. holdings of convertible currencies, its reserve position in the IMF and its Special Drawing Rights. As of October 1970, "total reserve assets" were $15.12 billion. Further adjustment in the figures of liquid assets and liabilities could be made, but the overall position and conclusions would not be changed by such refinements.

[6] All figures are taken from the *Federal Reserve Bulletin*. Stock figures relate to the end of the period mentioned.

[7] For a theoretical analysis of the stability problem, see Lawrence H. Officer and Thomas D. Willett "Reserve-Asset Preferences and the Confidence Problem," *The Quarterly Journal of Economics*, November 1969; and the same authors, "The Interaction of Adjustment and Gold Conversion Policies in a

Reserve Currency System," *Western Economic Journal*, March 1970. They show that the system never was so unstable as the pessimists say.

[8] "Elements of Stability and Instability in the Monetary Field," remarks made on May 18, 1970 at the Monetary Conference of the American Bankers Association, Hot Springs, Virginia (mimeographed).

A STRATEGY FOR U.S. BALANCE OF PAYMENTS POLICY, AMERICAN OPTIONS AND FOREIGN RESPONSE

GENERAL PRINCIPLES

We distinguish between (a) policies and measures designed to provide means for the *financing* of deficits and (b) policies and measures for the purpose of *eliminating* deficits and surpluses (disequilibria). The former pertain to the *liquidity* problem, the latter to the *adjustment* problem. To the former group belong, on the national and bilateral level, the holding of uncovered dollars by foreign central banks as international reserves, the swap agreements with foreign central banks, the placing of "Roosa bonds" and bilateral standby credits with foreign central banks and the like. On the international level, there is the creation of SDRs and, earlier, the GAB (General Agreement to Borrow) between the central banks of the group of ten.

It is now generally recognized that the adjustment problem is more fundamental and more intractable than the liquidity problem. The smoother and quicker the adjustment, the less international liquidity is needed. If the mechanism of adjustment were to work very slowly or not at all, the need for liquidity would become unmanageably large.

If the world were formally and irrevocably on the dollar standard, there would be no liquidity problem for the U.S. Any need for liquidity that might arise would be automatically satisfied by the accumulation of dollar balances in foreign central banks, if other countries were prepared routinely to accumulate dollar balances without limit.[1] In that case the U.S. would not have any adjustment problem either, because any deficit would be automatically financed.

Clearly there are limits to the amount of dollars that foreign central banks will be prepared to add to their reserves. The limit has, however, not been reached and is not around the corner. That is why we could say (chapter I) that the world is on the dollar standard and the U.S. has no acute or imminent liquidity problem. The U.S. has considerable leeway, but a limit exists somewhere ahead. Therefore, the adjustment of the balance of payments is a matter of great concern also for the U.S.

Balance-of-payments adjustment policies can be classified in three groups: (1) internal monetary and fiscal policies, which are often called "demand management"; (2) exchange rate changes, including par value changes under IMF procedures and the various types of exchange rate flexibility, for example, "wider band" or "crawling peg," that have been proposed in recent years; and (3) the method of "controls." Controls is a portmanteau expression covering a great variety of measures, or a system of measures, designed to influence particular segments or individual items in the balance of payments. Controls can be mild or severe; they can apply to capital movements or current transactions; they range from full-fledged exchange control to the imposition of more or less uniform border taxes on imports plus similar tax refunds on exports, a system which comes close to being equivalent to a change in the exchange rate. Other types of controls are tying of foreign aid, "buy American" policies for government procurement, and similar measures.

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Balance-of-payments adjustment through internal financial management (expansionist or inflationary, contractive or disinflationary monetary and fiscal policies) and through exchange rate changes in one form or another can be characterized as general types of policies working with and through the price mechanism. These are the methods of adjustment that conform to, and are suitable for, our free enterprise system; they minimize interference in the price and market mechanism. Controls, on the other hand, constitute more or less serious deviations from the market system. Depending on the concrete form and degree of severity, they introduce more or less severe distortions and inefficiencies into the economy and foster the growth of an expensive bureaucracy. They, thus, reduce output and growth and are inimical to the free enterprise system. We therefore take it for granted that controls should be avoided. Their cost, degree of wastefulness, and undesirability vary, of course, greatly from type to type.

AMERICAN OPTIONS

With respect to the first type of balance-of-payments adjustment policies, that is, internal financial management, the task of American policy at the present time is, of course, to curb inflation. We take it for granted and feel strongly that inflation should be brought to an end as soon as possible for purely domestic reasons, namely, to eliminate the distortions and inequities which inflation continuously inflicts on the social economy.

At the present time, clearly there exists *no* basic conflict for domestic macroeconomic policies between the directions to be followed to achieve internal and external policy objectives. Both domestic policy objectives—price stability but also long-run stability of output and growth—and the balance of payments require that inflation be brought to an end as soon as possible. But a conflict between the magnitude of policy restraint necessary to achieve external and internal equilibrium may soon arise. Concretely, a situation may develop where it could be argued that for balance-of-payments reasons the anti-inflation policy should be intensified, although such an intensification would create much more unemployment and slack than can be justified on grounds of domestic policy objectives. Many experts feel that this point has already been reached in the U.S. They argue that it is time to relax the anti-inflationary policy because it creates too much unemployment.[2] And they assume that even with the lowest rate on inflation—say 3 or 3.5 percent a year—that in their opinion could be achieved without creating too much unemployment, the balance of payments would be in large deficit. Professor Paul Samuelson and others seem to take this position when they assert that the dollar is definitely overvalued.

We doubt whether the dollar is really overvalued, at least to any substantial degree, in the sense that the deficit in the balance of payments would be uncomfortably large, even if the rate of inflation were reduced from its present level to a level that would be acceptable from the domestic standpoint. But the recent policy of more rapid re-expansion which seems to be gathering momentum may change the picture in the near future and bring about a dilemma situation in which requirements of internal and external equilibrium conflict.

Be that as it may, we feel strongly that whenever a serious dilemma or conflict between the requirements of external and internal equilibrium arises, domestic policy objectives should take precedence over balance-of-payments considerations. To be specific, in order to stop inflation, it is practically always necessary to accept a temporary rise in unemployment and a temporary slowdown of real growth. What we argue is that for balance-of-payments reasons, the U.S. should not accept more unemployment and more retardation of growth than may be necessary on domestic grounds to bring the price level under control. We are convinced that this rule, if fully thought through and correctly understood, is not only good for the U.S. but is also in the interest of other countries and of the rest of the world. There is, after all, general agreement that a serious depression or recession in the U.S. would not be in the interest of our trading partners, and the structure of the U.S. economy with a relatively low GNP percentage of imports implies that a substantial dose of internal deflation and unemployment might be required to remove even a moderate external imbalance via domestic demand management.[3]

To explain the reasons for these statements, we turn now to the *second* type of balance-of-payments adjustment policies, namely, changes of exchange rates, par value changes under the IMF rules, or some sort of exchange flexibility.

In discussing these policies, we start from the proposition now widely accepted that, because of the special position of the dollar as the world's foremost international reserve currency, the official intervention and private transactions currency and the large absolute size of U.S. exports and imports, it is extremely unlikely that the U.S. could successfully devalue the dollar vis-a-vis other currencies, by unilateral action, even if it wanted to; and, for the same reasons, it cannot unilaterally let the dollar float.[4] If the U.S. changed the par value of the dollar (in terms of gold), practically all countries of the world (with the exception of probably not more than two or three important ones) would also depreciate their currencies (in terms of gold), because only very few countries would be prepared to expose themselves to the intensified competition from American industries that would result from an appreciation of their currencies in terms of the dollar.[5] Thus the exchange value of the dollar (in terms of other currencies, as distinguished from its gold value) would remain substantially unchanged. Similarly, if the U.S. tried to let the dollar float, most other countries, again with very few exceptions, would continue to peg their currencies to the dollar.[6]

The implications of this situation are far-reaching. Whenever there exists a conflict between domestic and external policy objectives, other countries can escape the dilemma by depreciating or appreciating their currency or by letting it float up or down, whatever the situation requires. To the U.S. this option is effectively denied. This is often regarded as a severe handicap for the U.S. which may, it is said, require and justify adoption of measures in the *third* category—controls, capital export restrictions, or even import quotas.

We shall show that, in reality, the special position of the dollar and the impossibility of depreciating the dollar need not constitute any handicap and does not justify the imposition of controls, provided the U.S. does not allow balance-of-payments considerations to deflect it from the pursuit of internal macro-economic policies that are needed for the achievement of domestic policy objectives. Suppose a conflict between external and internal equilibrium arises: that is to say, suppose that restoration of equilibrium in the balance of payments requires a more energetic anti-inflation policy through monetary or fiscal measures than can be justified on domestic grounds in view of the fact that such measures would create an unacceptable volume of unemployment. How should the U.S. deal in that case with the external disequilibrium, the balance-of-payments deficit? The answer to that question is that the U.S. should leave it to the countries whose balances of payments show the surpluses corresponding to its deficit—to the surplus countries—to choose one of several

options. And, as we show below, all the options they have, assuming moderately rational behavior on their part, should be acceptable to the United States.

OPTIONS OF FOREIGN SURPLUS COUNTRIES

Foreign surplus countries can choose any one, or any combination, of four possible responses: (1) they can finance the American deficit by accumulating more dollars; (2) they can appreciate their currencies (or let them float as Canada did again last May); (3) they can pursue a more expansionary internal monetary policy, thereby eliminating their surpluses and the U.S. deficit; or (4) they can reduce import tariffs or other import restrictions (or export subsidies, if they have them). Let us give an example of option (4): In November 1968, instead of appreciating the DM, Germany reduced border taxes on imports and tax refunds (subsidies) on exports by four percentage points. This constituted an implicit appreciation of the DM. Later, in October 1969, when the DM was explicitly appreciated by 9.4 percent, the border tax and export subsidy were raised again by four percentage points. Thus the effective appreciation of the DM (as of October 1969) was substantially less than 9.4 percent. But compared with October 1968 (before the border tax adjustment of November 1968), the appreciation of the DM was, of course, 9.4 percent.

We assert that each of these four responses on the part of foreign surplus countries should be perfectly acceptable from the American point of view. Clearly a policy of the surplus countries which tends to reduce their surpluses and the American deficit would be very welcome, be it a reduction of trade barriers, an appreciation of the surplus country's currency (although it constitutes a depreciation of the dollar in terms of the other currency), or an internal monetary expansion (inflation) in the surplus country. From the American as well as from the world standpoint, a reduction of trade barriers would be the best response; but for obvious reasons one cannot hope that this approach will be widely adopted.

We argue that the surplus countries' first option, further accumulation of dollar balances, is also acceptable from the American standpoint, provided U.S. domestic monetary and fiscal policies are guided solely by internal policy objectives—in other words provided the U.S. tolerates no more unemployment and slack than may be needed to curb inflation. The opinion is, however, widely held that an increase in U.S. liquid liabilities to foreigners may be dangerous and damaging for two reasons.

The first is that it may endanger the U.S. liquidity position. What would happen if, for any reason, there developed a run on the dollar and dollars were thrown on the market? The answer is simple and has already been given: Private individuals cannot convert dollars into gold. They can only sell them to foreign central banks which are, under present arrangements, residual buyers for dollars. Since the dollar is de facto inconvertible into gold also for central banks, these banks could get rid of their dollars only by pursuing an expansionary monetary policy or by accepting an open or disguised appreciation of their currency. So we come back to the other three options, which clearly are acceptable for the U.S.

The second reason why an indefinite financing of a deficit by accumulation of dollar balances is said to be unacceptable can be formulated as follows: A balance-of-payments deficit implies that U.S. imports are larger and/or U.S. exports smaller than they otherwise would be. Other countries caught in such a squeeze could devaluate their currency. The U.S. has to wait until the surplus countries act in any of these ways mentioned. Until they do—or if they do not—the U.S. suffers slack and unemployment. Therefore the U.S. should impose import restrictions or subsidize exports in one form or another.[7]

There would be some validity to this argument, if American domestic monetary and fiscal policy were *not* guided solely by domestic policy objectives—in other words, if the U.S. tolerated more unemployment and slack than might be needed to curb inflation, namely, the unemployment created by the shortfall of exports and increase of imports implied by the deficit. This formulation makes it clear that the argument does not hold, if internal monetary and fiscal policy (management of aggregate demand) is properly geared to domestic policy objectives.

Our analysis will perhaps be criticized on the ground that it is unreasonable to assume that monetary and fiscal policy can be so finely tuned that it irons out every dip in aggregate demand which is in excess of what must be tolerated to satisfy domestic policy objectives.

It is, of course, quite true that there are a hundred reasons—balance-of-payments changes being one of them—why there will often be slips in monetary and fiscal policies resulting in deviations of the actual level of unemployment from the target level, whatever the latter may be. But let us keep a sense of proportion. Those dips in aggregate demand that can be attributed to balance-of-payments changes are, in reality, quite small compared not only with GNP but with the annual changes in GNP, up or down, which occur as a result of the hundred other causes. Surely if there were a "gradual liquidation of American industrial potential" (to quote Professor Gottlieb) monetary and fiscal policy would cope with it.[8]

To summarize the results of our analysis in this section, surplus countries have four options: They can go on accumulating dollar balances, they can pursue an expansionary monetary policy, they can appreciate their currency or let it float, or they can reduce trade barriers. All of these options are acceptable from the American standpoint, including the first. A possible fifth option—namely, controls—is discussed in the next section of this chapter.

REACTIONS OF FOREIGN SURPLUS COUNTRIES

Spokesmen for foreign surplus countries, both official and private, do not always take kindly to the advice that it is up to them to respond to an American deficit in any of the four ways mentioned. They often resent the suggestion that they should appreciate their currency if they do not want to accumulate more dollars or to inflate or reduce their trade barriers. A pet phrase has been that appreciation of the surplus countries' currencies instead of depreciation of the deficit country's currency (i.e., of the dollar) would be tantamount to imposing a painful cure on the healthy rather than on the sick. Why the cure should be painful is not clear. At any rate, the reaction seems to be based on the picture of a highly inflationary reserve currency country imposing inflation on the rest of the world.

If this were a true picture of the present world monetary scene, if the U.S. had much more inflation than many others and if, as a consequence, the U.S. deficit were very large and were matched by (unwanted) surpluses of a large number of other countries—in such a situation, it would indeed be possible to make a case for demanding that the dollar should be depreciated in one form or another rather than that scores of other currencies be appreciated.

Obviously, however, this is not the situation which we find today. In reality, there is only a very small number of countries that have less inflation than the U.S. and, as a consequence, have a large unwanted dollar accumulation. The great majority of countries spontaneously match or even surpass the U.S. rate of inflation.[9] To put it in other words, if the dollar were devalued (in terms of gold), the vast majority of currencies would follow the dollar and only very few, two or three important currencies in the West (and presumably the Russian ruble), would keep their par value in gold unchanged and would appreciate in terms of the dollar. From the American standpoint, it really does not matter much how the change in exchange rates that may be needed is brought about—whether by depreciation of the dollar in terms of gold or by appreciation in terms of gold of two or three currencies of surplus countries. But given the fact that the dollar is the reserve currency of the world, the foremost private transactions and investment currency, that the dollar is used all over the world (including the Communist countries) as the unit of account in innumerable private and official transactions, contracts, and financial and commodity arrangements—given this fact, from the world standpoint, it would be easier and less disruptive, economically, administratively, and psychologically, to appreciate two or three surplus currencies than to depreciate the dollar along with its vast retinue of other currencies.

There is still another reason why a devaluation of the dollar in terms of gold would be very awkward: It would imply a general rise in the price of gold. A change in the gold price by a few percent would surely give great encouragement to gold speculation, without making any contribution to the solution of the liquidity problem.[10] It will be observed that the reason why the gold value of the dollar should not be changed is that such a change would violate the interests of the world as a whole. No specific or exclusive American interests are involved.

Irrespective of what spokesmen for the surplus countries say and how unhappy they may be or pretend to be, it is difficult to see what else they could do but adopt one, or a combination of some, of the four responses mentioned above—that is, accumulate dollars, appreciate their currency, inflate, or reduce trade barriers. It is sometimes suggested that they have still another, fifth option—namely, to impose controls—and that they are likely to do just that. But if the word "controls" is used in its usual meaning of import restrictions, this reaction would make no sense, because the use of such controls would make a bad situation worse; it would increase still more the foreign countries' surpluses and the U.S. deficit. To be effective the controls would have to be negative, so to speak, restraining exports and stimulating imports. Countries usually do not like that kind of control. At any rate, that kind of control would amount to a messy, inefficient, and wasteful substitute for the appreciation [11] of the surplus countries' currencies and would constitute a violation of the letter and the spirit of the IMF charter.

A type of control that the IMF charter permits is restrictions of capital movements. For example, surplus countries could forbid or restrict U.S. direct investments in their territories. We believe that it would not be in their well-considered interest to restrict American direct investment, at any rate, not on balance-of-payments grounds. But it is obviously up to them to make that decision. It has been suggested that surplus countries could try to separate the market for "current account dollars" from the market for "investment dollars." This policy was pursued for a while by Switzerland in the years immediately following World War II. Dollars for current account purposes were kept at the official parity by pegging operations conducted by the Swiss National Bank. So-called "finance dollars" (resulting from and applicable to capital flows and certain services)

Footnotes at end of article.

were traded in an uncontrolled (or mildly controlled) market at a discount. After the war, when international trade and transactions were at an extremely low level, this system could be tolerated for a while despite its inefficiencies. At present, with the enormous volume of transactions on current and capital account and mass travel in all directions, it would require a formidable bureaucracy to administer such a system—to separate current from capital transactions, to prevent capital transactions from masquerading as current transactions. It would come very close to full-fledged exchange control, would not serve any useful purpose and would at any rate amount to a partial devaluation of the dollar and partial appreciation of the foreign currency in question.[12]

Although the inflation in the U.S. in the last few years has created uneasiness and concern about the future of the dollar among the large foreign dollar holders confidence in the dollar is substantially unimpaired. Unless inflation goes on unchecked or accelerates, confidence in the dollar will be preserved. But it may be useful to consider briefly what would happen, if a serious confidence crisis and a "run on the dollar" should develop.

First, private dollar holders abroad could get rid of their dollar holdings only by selling dollars directly or indirectly to foreign central banks. Second, in the absence of the possibility of conversion into gold, foreign central banks could reduce their dollar balances[13] only by allowing their currency to appreciate, implying a depreciation of the dollar. This could be brought about either openly, by raising the par value of the foreign currency or by letting it float, or in a disguised form, by introducing "negative controls." None of these alternatives looks attractive from the point of view of foreign dollar holders. But there is no other way out.[14]

SUMMARY OF CONCLUSIONS

We have argued that American balance-of-payments policy should be "passive." An "active" balance-of-payments policy would use either measures of control (in the broad sense defined earlier) or changes in the exchange value of the dollar. The first of these approaches is inefficient, wasteful, and undesirable; the second is, under present institutional arrangements which make the dollar the world's reserve and intervention currency, unavailable to the U.S. We have pointed out that this policy of "passivity" with respect to the balance of payments is no handicap for U.S. general economic management, provided that American monetary, financial, and other policies are exclusively guided by internal policy objectives (high level of employment, growth, price stability, or whatever they are).

A passive attitude towards the balance of payments can be described as a "policy of benign neglect." It should be observed, however, that neglect of the balance of payments does *not* imply neglect of either the interests of the U.S. or of those of our trading partners. Nor does it imply lack of interest in the organization and functioning of the international monetary system. To be more specific, under present arrangements and policies, the U.S. cannot unilaterally change the exchange value of the dollar or let the dollar float. However, this does not mean that the U.S. is not interested in reforms of the international monetary system that would permit greater flexibility of exchange rates—directly and explicitly for currencies other than the dollar, but indirectly and implicitly for the dollar.

The subject of such reforms of the international monetary system is taken up in the following chapter.

FOOTNOTES

[1] Other countries would still have a liquidity problem unless the U.S. reciprocated and accepted foreign balances as part of its international reserve. U.S. officials have indicated they would be willing to follow such a practice, at least to some extent, in case the U.S. should run a persistent surplus.

[2] It is not necessary for our purposes to discuss the controversial question of whether the adoption of an incomes policy would do any good. If it were possible by means of an incomes policy to improve the inflationary situation marginally—more than that is not expected, even by the policy's supporters—the effect on the balance of payments too would be only marginal.

[3] How much unemployment constitutes a recession and how much price stability should be traded for how much unemployment, if there is such a trade-off, is a question on which views may differ, both inside the U.S. and between the U.S. and foreign countries.

[4] It is not unimportant to observe that three or four years ago this situation was well understood by only a few.

[5] Admittedly, many countries complain that they have to "import inflation" from the U.S. But when the chips are down, the foreign critics are extremely reluctant to accept the logical implication of their complaints, that is, to let their currency appreciate. There have been only three cases of currency appreciation in the whole postwar period (Germany in 1963 and 1969 and the Netherlands in 1963). But there were literally dozens of depreciations against the dollar.

Complaint about imported inflation combined with a refusal to appreciate amounts to wanting to have one's cake and eat it too. However, the situation would probably change if the inflation in the U.S. got out of hand. More on this later.

[6] It could be argued that the outcome of a change in the gold value of the dollar would be different if it were the result of international negotiations rather than of a surprise decision by the U.S. government. In the former case, it might be said, more countries would be willing *not* to follow the American example and accept an appreciation of their currency.

This may be so, but it is extremely doubtful that an internationally agreed realignment of many exchange rates is feasible. Negotiations could not be kept entirely secret and would thus give rise to very disturbing speculation.

[7] Arguments like this abound in the popular discussions, but is not easy to find clear formulations. One of the rare, explicit and straightforward statements is contained in a letter to the *New York Times*, October 18, 1970, by Professor Manuel Gottlieb.

We quote: "Many economists . . . would agree that present exchange rates significantly overvalue the dollar, especially when allowance is made for American capital outflow and governmental transfers. . . . The proper remedy for an overvalued exchange rate is exchange-rate adjustment ('Devaluation') and not import restrictions. . . . Under present institutional arrangements, our exchange rates can only be changed by decisions of our trading competitors who choose to 'revalue' ('Appreciate') their currencies or to let their currencies 'float.' I cannot watch the gradual liquidation of American industrial potential on the vain hope that foreign monetary authorities will be sensitive to our needs and capacities and will establish exchange rates that would permit competitive terms of trade at full employment. . . . Rather than that, I go for the 'quota' bill with all of its imperfections."

[8] Especially if it is "gradual." It goes without saying that not every fall in exports or rise in imports or change in the trade balance has something to do with the balance of payments. For example, from 1964 to 1969, the trade balance fell from $6.8 billion to $0.7 billion and unemployment did not go up but down—from 5.2 percent to 3.5 percent of the labor force.

It would be very difficult indeed to measure the amount of unemployment or slack (lost output) that is attributable to changes in the balance of payments or balance of trade. Fortunately, policymakers need no such measure to determine the thrust of monetary and fiscal policy that the situation requires.

[9] If there are surplus countries that have *more* inflation than the U.S., it does not affect our argument. A country with more inflation than the U.S. may have a surplus either because it has recently devalued its currency or because its exports are low-priced (compared with its general price level) or otherwise are in strong demand. France, after her devaluations in 1958 and 1969, illustrates the first possibility, Japan the second.

[10] Those economists who recommend a rise in the gold price in order to increase international liquidity rightly speak of doubling or tripling the price of gold. A small rise of 10 percent or so would do no good.

[11] It should be observed that what we call "negative" controls (export restrictions and import subsidies imposed by surplus countries) are just as inefficient, wasteful, and undesirable as the ordinary controls imposed by deficit countries. Removal of existing trade barriers is, of course, a different matter. It is desirable, although it too can be regarded as a currency appreciation in disguise.

[12] Surplus countries, such as Germany and Switzerland, have tried tax measures and the prohibition of interest payments on bank deposits of foreigners to reduce short-term capital inflow without much success in the longer run.

[13] An objection to our argument might be that they could simply refuse to add to their dollar holdings without trying to reduce their balances. But that does not change the situation. If they refuse to buy dollars which are offered for sale, their currency will appreciate in terms of dollars (and in terms of all currencies that still are pegged to the dollar).

[14] It has been suggested that the first reaction of the surplus countries would be to block further allocations of SDRs, and French officials who were reluctant to go along with the SDR creation in the first place have already voiced their opposition to further SDR allocations so long as the U.S. deficit is large. This may be a disappointment for other countries. However, for the U.S., the threat is hollow. If our assessment of the general position of the dollar is correct, it would simply mean that official dollar balances abroad would accumulate faster. It would in no way change the four options available to the surplus countries—accumulate dollars, inflate, appreciate, or reduce trade barriers.

A STRATEGY FOR U.S. BALANCE OF PAYMENTS POLICY—REFORM OF THE INTERNATIONAL MONETARY SYSTEM

CREATION OF SPECIAL DRAWING RIGHTS

For many years, international monetary reform has been a topic of endless academic discussion, numerous official and unofficial conferences, and bursts of lengthy and intense negotiations on the highest level of governments. The major recent development has been the creation and "activation," by common consent of the member countries of the IMF, of a new form of international reserves, the Special Drawing Rights (SDRs). It was an unprecedented achievement of international cooperation—in fact, the first peacetime example of an international agreement to change a major feature of the international monetary system. (The Bretton Woods Charter was negotiated during the war.) We do not wish to denigrate the historic importance of that event. Nor would we argue that the creation of SDRs was in itself a harmful act. If nothing else, this action appears to have had, as already mentioned, a very use-

ful side effect in discouraging gold speculation by greatly reducing the speculators' estimate of the probability of an increase in the official gold price.

But the scheme also has its dangers and drawbacks. Our major quarrel with SDRs concerns the opportunity cost of their creation. Years of intensive international investigation and negotiation, employing a lot of the time of scores of high-powered experts and negotiators, went into working towards the solution of the liquidity problem and so diverted attention and scarce (intellectual) resources from the search for a solution of the much more basic and difficult problem of adjustment.

Maybe the sharp and widely accepted distinction between the three problems of confidence, liquidity, and adjustment, while very useful for analyzing the working of the international monetary system, has misled policymakers into thinking that the three problems were of roughly equal importance and could be successfully solved one at a time.

The liquidity problem was chosen first, perhaps, largely because the chances of reaching international agreement in that area looked most promising.[1] To be sure, the connection between liquidity and adjustment has not gone unnoticed. In fact, the amended Articles of Agreement of the IMF which contain the provisions for SDRs state the connection explicitly: "The attainment of a better balance of payments equilibrium, as well as the likelihood of a better working of the adjustment mechanism" are mentioned as conditions to be taken "into account" when the first decision is made to allocate SDRs.[2] The first decision to allocate SDRs was taken in 1969. Although things were quiet on the dollar front in that year, it is not easy to understand what evidence justified the required "collective judgment" that the adjustment mechanism was likely to "work better" in the future. Nor do the events since that year give much ground for optimism.

But be that as it may, now we have the activated SDRs. The intellectual resources which went into their creation cannot be retrieved and diverted. Why cry over spilt milk?

Unfortunately there is a danger that some of the opportunity cost of SDRs creation will continue in the future. The management of the SDRs may not become routine for some time and may continue to absorb much expert work. Furthermore, the "link" between SDRs and development assistance which is being pushed energetically by less developed countries, by international organizations and by many influential academic and official spokesmen in the industrial countries is likely to complicate things further. Under the proposed "link" scheme, a fraction of the SDRs which are allocated to the developed countries would be ceded, via some of the international lending institutions (such as the International Development Association), to less developed countries and the industrial countries would have to "buy" them back from those countries in exchange for real resources. If such a plan were adopted, there would be continuous pressure exerted by the less developed countries and the various international institutions which specialize in development assistance to increase the portion of SDRs that is channelled through the "link." Pressure from one side will inevitably induce counter pressure from the other. An inkling of what may be in store was provided by the report[3] that a movement was under way to organize the less developed countries in the International Monetary Fund for the purpose of voting against any reform of the fund's Articles of Agreement, such as the various proposals to introduce greater flexibility of exchange rates, unless such a reform is coupled with the "link." It should be kept in mind that certain changes in the Articles of Agreement can be effectively blocked by 16 percent of the voting power in the IMF.[4]

The recently published IMB study, *The Role of Exchange Rates in the Adjustment of International Payments*,[5] is evidence that official attention has finally turned in the direction of adjustment—although belatedly and, as far as flexibility of exchange rates is concerned, grudgingly and hesitatingly.

A brief analysis of some implications of the present system, under a regime of rigidly fixed exchange rates, with or without further large SDR allocations, will show how important it is that progress is made soon in introducing some flexibility into the exchange rate structure.

SOME IMPLICATIONS FOR THE PRESENT INTERNATIONAL MONETARY SYSTEM OF FIXED EXCHANGE RATES

A very important consequence of the present system of fixed exchanges with the dollar at its center is that the rate of inflation in all countries that peg their currency to the dollar is approximately determined by the rate of inflation in the U.S. Any country that keeps its currency fully convertible into dollars at a fixed exchange rate will, in the medium and long run, be forced to have approximately the same degree of inflation as the U.S., whatever it is—positive, negative, or zero. This proposition is not generally understood and, if expressed bluntly, will be rejected by many. It is nevertheless a fairly obvious consequence of well-known facts, requiring only few qualifications which detract little from its importance.

Let us explain carefully what it means and what it does not mean. Any country is, of course, free to inflate more than the U.S. and many make use of this license. But any country inflating much more than the U.S. will be forced to devalue its currency. There are three qualifications: First, by accumulating and "sterilizing" dollar balances, a country can slightly postpone or slow down the required price adjustment. But, like any policy that goes against the grain of economic equilibrium, it is a costly struggle and likely to be progressively hampered by speculation. The second qualification is a spurious one: Up to a point a country can use controls (import restrictions, export subsidies, et cetera) to avoid depreciation. But, as is well known, such controls are just a devaluation in disguise, and a wasteful and inefficient disguise at that. The greater the price disparity and the resulting disequilibrium, the more stringent the required controls. Experience has shown a hundred times that the wastes and inefficiencies soon become intolerable, so that open devaluation has to be substituted for the disguise.

The third qualification is that if the degree of inflation is measured by the cost-of-living index (or some other broadly based index, such as the GNP deflator), there need not be perfect parallelism in the movement of these indices in diffrent countries. As mentioned earlier, it sometimes happens that a country's export prices deviate significantly from its general price level, and these deviations may be in opposite direction in different countries. For example, in the U.S., export prices have often risen somewhat faster than the general price level while in Japan the opposite has been the case.[6] This has enabled Japan to have a little more inflation than the U.S. has and still enjoy a balance-of-payments surplus.

It is, however, true that large and persistent deviations in price levels are impossible with fixed exchanges and convertible currencies because, under modern conditions, there are innumerable actual and potential export and import commodities which serve to hold the discrepancies in price levels between countries to moderate proportions in the medium and long run.

Countries that wish to inflate less than the U.S. will develop a balance-of-payments surplus and will see their price levels rise unless they prefer to let their currencies appreciate. Again the three qualifications mentioned above apply, with the difference that the controls serving as a substitute for the appreciation of the currency will have to be negative, i.e., import-stimulating and export-restricting. And as we pointed out earlier, negative controls are not popular.

It will be asked why the price connection should be asymmetrical. We said inflation in the U.S. determines the pace of inflation abroad. Is there no causal force running in the opposite direction?

The answer is that the relationship is indeed asymmetrical. This follows from the special position of the dollar, from the fact that U.S. internal monetary and fiscal policies which determine the rate of inflation in the U.S. have become almost completely independent of the state of the balance of payments, and from the fact that the feedback from the deficit or surplus in the balance of payments to the U.S. economy is negligible because of the small size of U.S. exports and imports relative to the volume of GNP. As explained earlier, if there were an appreciable feedback—for example, if a balance-of-payments deficit becomes a serious drag on the economy—monetary and fiscal policy, geared as it is to domestic policy objectives, would counteract it.

Earlier we recommended that in case of a conflict in the requirements for monetary and fiscal policy between internal and external equilibrium, domestic policy objectives should take precedence over balance-of-payments requirements. In other words the U.S. should pursue a passive balance-of-payments policy, a policy of "benign neglect" of the balance of payments. (Let it be repeated that "neglect" of the balance of payments does in no way imply neglect to U.S. interests or of the interests of our trading partners.) Now we state it as a fact that such a passive policy is actually being pushed. We believe that this is a correct description of the present situation whereas it would not have described the situation ten years ago. Gradually during the 1960s, the grip of the balance of payments on monetary and fiscal policy has been loosened and by now it is practically gone. Concern with the balance of payments is still there but it expresses itself rather in terms of the policy of controls, primarily capital export controls. First controls were introduced and tightened, and now there is reluctance to loosen and abolish them although some clearly have become redundant.

FOREIGN REACTIONS

When we speak of foreign reactions we mean largely European reaction and reactions of only a very few countries. To repeat, there are only very few countries in the world that do not match or surpass U.S. inflation spontaneously—Germany, Switzerland, perhaps the Netherlands. France has, of course, been in the forefront of the complainers about the U.S. forcing inflation on others—in between her own frequent devaluations.[7]

What the European critics have been complaining of is that the U.S. is not subject to balance-of-payments discipline. That is, of course, precisely correct. (As mentioned above, it was not quite true earlier.) It is a variation of the same theme when they complain that the U.S. uses its de facto exemption from balance-of-payments constraint, or alternatively the special position of the dollar, to finance direct investments abroad ("take over European companies"), for direct investment flows are a component of the capital account of the balance of payments.

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If foreign countries do not like U.S. direct investment, although it serves to close any "technological gap" (that may exist), they can restrict such investment without difficulty. In most countries foreign investment and takeovers are subject to government approval anyway. But the decision on this matter should not be made on balance-of-payments grounds. The U.S. would be well advised to leave this decision to the foreign countries. In fact, however, it has chosen to do much of the unpleasant work for them.

It is time for European as well as American policymakers to face up to the facts. Under fixed exchanges, foreign surplus countries have no choice but to share in the U.S. inflation (or to liberalize trade or impose negative controls unilaterally, both of which amount to a disguised appreciation of the currency). In the very short run they may avoid, or rather postpone, going along with U.S. inflation by accumulating dollars.

What else could they do? In the past they could signal their displeasure by converting dollars into gold. Except for small amounts this is now de facto barred.[8] Some proponents of fixed exchanges fully recognize these implications. Thus Professor Kindleberger has proposed to make them more palatable by placing European or other foreign representatives on the U.S. Federal Reserve Open Market Committee. In other words, he has proposed that U.S. monetary policy should be conducted jointly by all countries that have to share in its consequences. It is not necessary to add that this proposal is not likely to be accepted by U.S. policymakers.

OUTLOOK FOR THE FUTURE

What is the outlook for the future of the dollar exchange standard, still assuming that the system of fixed exchanges is to be maintained? (Highly inflationary countries cannot, of course, maintain fixed exchanges.)

Until recently, inflation in the U.S. has been moderate compared to inflation in other industrial countries, and it surely will remain so by the standards of most less developed countries. If this is the case, the chances are that most surplus countries will grow accustomed to slightly more inflation without much fuss. (The Japanese seem to have made a more or less conscious choice to accept more inflation rather than to appreciate the yen or to sufficiently liberalize trade.) Of course, there will probably always be one or two countries which are really willing and able to have less inflation (or which, through some quirk in international demand, are able to develop a surplus while having more inflation than the U.S.). Such countries will accumulate dollars and will have to make up their minds whether they should or should not let their currency appreciate.

If inflation in the U.S. is less moderate, there will be more dissatisfied surplus countries. There will be complaint and criticism about U.S. policy but the options of the surplus countries—inflation, appreciation (open or disguised), reduction of trade barriers—remain the same. The real danger is that either the surplus countries may adopt negative controls or the U.S. positive controls (tightening of the existing ones). But once the U.S. understands that nobody can force it either to adopt controls or to create more unemployment and slack than it thinks is necessary to achieve the domestic objective of curbing inflation, it will continue its passive balance-of-payments policy and leave it to the others to choose among their options.

But, some will ask, can the dollar not be dethroned from its special position, perhaps by the creation of an attractive substitute in the form of a European or Common Market currency? Would that not be a serious matter for the U.S.? Monetary integration with the declared ultimate goal of a common currency and a unified monetary management (a Federal Reserve System for Europe) has indeed been the subject of intense official investigation and negotiations in the European Economy Community (EEC). According to present plans, it will take ten years to approach the goal. And it may take even longer, especially if Great Britain joins EEC.[9]

Let us assume, however, that a common European currency in a meaningful sense comes into being. Can it replace the dollar as an official international reserve medium or private transactions currency? It will take a long time before we come to that bridge, but let us assume the goal of monetary unification is reached. A unified Europe, by pooling its members' international reserves, could certainly manage with a smaller dollar reserve, and third countries might want to hold part of their reserve in the European currency. But even if this should happen, Europe could not get rid of its dollars without letting the European currency appreciate. For reasons mentioned earlier, the chances are that European countries could think twice before taking that step. But even if they took it, perhaps because the U.S. had too much inflation in which they did not wish to participate, such a step would stimulate U.S. exports, reduce its imports. This would indeed be a burden (transfer of real resources) and would mean an increase in inflationary pressure. Repaying debt is always a burden. Quantitatively the burden would be negligible because the U.S. deficit, even at its worst, is a tiny fraction of GNP.[10]

It is indeed mentioned as one of the advantages and purposes of a common European currency that it then would be easier to depreciate the dollar by appreciating a single European currency. This may be so, but it is also possible or perhaps probable that six governments acting in concert would be even more reluctant to change the status quo than any one of its constituents now is.[11]

But these speculations and worries are largely idle and superfluous, especially from the American standpoint. They divert attention from more pressing dangers. The greatest danger in the area of international monetary relations is that deficit countries, the U.S. as well as others, will resort to controls and will restrict trade, payments, travel, and capital flows, instead of changing their exchange rate. The corresponding danger in the case of surplus countries is less acute, because countries are reluctant to use negative (i.e., import-stimulating and export-discouraging) controls. But appreciation of one's currency is even less popular than depreciation.

It is now almost universally accepted, even by those who are against any general limited or unlimited flexibility of exchange rates, that more frequent use should be made of the possibility under the IMF charter to change exchange rates in case of fundamental disequilibrium. This proposition will be examined more carefully in the following section. Here we only note that it implicitly acknowledges the acute danger of controls. Needless to add that deflation and unemployment would be equally or more destructive. There is, however, this difference: Practically no country would accept *serious* unemployment. The propensity to control is everywhere in the world much stronger than the propensity to deflate.

This brings us, finally, to the question of exchange rate flexibility.

U.S. INTEREST IN EXCHANGE RATE FLEXIBILITY

It is an implication of our analysis that the U.S. has less direct interest in exchange rate flexibility than other western countries, because the U.S. cannot, under present arrangements, let the dollar float or change its exchange value, and because in the U.S., foreign trade is a much smaller fraction of GNP than that in any other Western country. The U.S. interest in flexibility is indirect and derives from the fact that greater flexibility is of great importance for our trading partners and for the international monetary system as a whole. U.S. interest in exchange flexibility is indirect and derived but real nonetheless.

This is not the place to review in detail the whole problem of fixed vs. flexible exchange rates in the abstract.[12] The pracitcal problem is not, of course, whether the existing part value system of fixed exchange rates subject to occasional adjustments, as set up by the Bretton Woods Charter, should be replaced by a system of general flexibility under which every currency in the world would fluctuate freely in terms of every other. No such radical change is feasible, nor is it necessary to achieve a better working of the adjustment mechanism. The elements of a much more modest, although in our opinion potentially quite effective, reform may be sketched as follows: Every country that feels aggrieved because the present system, based on the dollar imposes on it too much inflation or the opposite should be allowed to let its currency float, or to widen its band of permissible deviations of the exchange rate from the par value or to adopt a crawling peg. Persistent deficit countries should be encouraged to pursue a policy of exchange rate flexibility, rather than dissuaded from doing so. The problem of persistent surplus countries is easier to deal with. Probably no more is needed than to make it clear to them what their options are—accumulation of reserves, monetary expansion, appreciation[13] or floating of the currency, or reduction of trade barriers. There can hardly be a doubt that these are, in fact, the only practical choices and that any one of them, or any combination, should be acceptable to the U.S. and other countries.

Some people may ask—are countries not more or less free now to react in any of the ways described? Unfortunately this is not the case. They can inflate or liberalize trade but the sticking point is exchange flexibility.

It is true that as far as highly inflationary less developed countries are concerned, the IMF does not object to exchange rate flexibility. It probably encourages countries such as Brazil or Chile to make frequent changes in exchange rates. In recent years, some of them—Brazil, Chile, and others—have developed a system of flexibility which may be described as the system of "the trotting peg." Under this arrangement, the currency is depreciated at short intervals by small steps. For example, in Brazil the value of the cruzeiro is reduced by something between 1.8 percent to 1.3 percent every four or five weeks. The trotting peg has been a great improvement over the earlier system of the adjustable peg under which these countries waited six months or longer and then devalued with a bang by a large amount.[14]

The reason why the International Monetary Fund has acquiesced in those cases is, no doubt, that under rapid inflation the adjustable peg system, let alone fixed exchanges, soon leads to intolerable consequences.

In the case of the industrial countries where the disadvantages of the present system are not so pronounced, the attitude of the IMF has been much less tolerant. This was clearly revealed in the case of Canada in May 1970 when Canada returned to a floating exchange rate. The move has not hurt anybody and was a great help in Canada's internal management (fight against inflation). Nevertheless, Canada was sternly rebuked for abandoning the adjustable peg and is under constant pressure to restabilize.

The above mentioned IMF report on *The Role of Exchange Rates in the Adjustment of International Payments* evidently reflects the thinking of the fund's executive directors at

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the present time. The report offers a subtle, closely reasoned and well documented analysis of all aspects of exchange rate changes. It is technically of high caliber, as one would expect from a first-rate staff and a prestigious board of directors. But as a policy statement which is supposed to show the way, if not to bold new ventures, then at least to new solutions of old problems which have not responded well to traditional treatment, the report has surprisingly academic flavor. One tends to agree with the conclusion of a thoughtful and penetrating analysis[15] that the report "is on the whole a disappointing document. It suggests no real breakthrough in the direction of a genuine adjustment mechanism based on greater flexibility of exchange rates." The report is largely a defense of the existing par value system and of the adjustable peg, although it freely admits that damage is often done because countries unduly delay exchange rate adjustments beyond the time when it should be clear that a fundamental disequilibrium exists.

The report rejects outright three proposals for greater flexibility: a system of freely fluctuating exchange rates, a substantial widening of the band for permissible exchange rate fluctuations, and the various suggestions to effect parity changes frequently and automatically according to some objective indicators (the crawling peg proposals). Instead of these, it favors a slight widening of the margin of permissible fluctuations. As George Halm points out, it is somewhat surprising, in view of the rejections of any crawling peg, that the report seriously considers the seemingly more radical suggestion that "the Articles of Agreement might be amended to allow members to make changes in their parties without the concurrence of the Fund as long as such changes did not exceed say, 3 percent in any twelve month period nor a cumulation amount of say, 10 percent in any five-year period."[16]

The main thrust of the report is that the par value system may well work quite satisfactorily if countries could be persuaded to make more frequent and prompt use of the provision of the original charter to change their exchange rate in case of "fundamental disequilibrium." But the report does not give much guidance and help to the governments which are admonished to make "prompt adjustment of parities in appropriate cases." Continuing the earlier practice of the IMF, the report refuses to give a clear-cut definition of what is a fundamental disequilibrium, and substitutes for it a long and involved description of various factors and circumstances that should be taken into consideration when a determination is made whether an existing disequilibrium, presumably a balance-of-payments deficit or surplus,[17] is to be considered fundamental or not.

We submit that the greatest weakness of the report is that it does not sufficiently consider the main drawback of the adjustable peg system—that is, comparatively large parity changes at fairly long intervals induce highly disturbing capital flows. Compared with a system of truly fixed rates, as under the old gold standard on the one side, and a crawling or trotting peg on the other side, the adjustable peg system maximizes destabilizing speculation.

To be sure, recent experience with the trotting peg and also with the brief period of managed flexibility of the German mark prior to its formal appreciation in October 1969 suggests that it is not necessary to go all the way to a system of completely unmanaged, freely floating rates in order to reduce or practically eliminate speculation. This gives rise to an important problem. For anyone who rejects as the IMF report does both continuous flexibility, either of the unlimited or crawling variety, and complete rigidity, the crucial question is this: Where does the adjustable peg end and where does flexibility, sufficient to eliminate dangerous speculation, begin? Suppose we arrange alternative changes in exchange rates (depreciations and appreciations) in such an order that the size of the change becomes smaller and the interval between changes shorter. There will then be a threshold value (or threshold zone) somewhere on the scale beyond which speculation ceases to be a problem. It would be extremely important to have an idea approximately where this threshold lies. The report is silent on this central question. There is internal evidence, however, that the authors, when they speak of "prompt parity changes in appropriate circumstances" and warn of undue delays, were thinking of intervals of, let us say, substantially more than a year.

In our opinion, rather more frequent but still fairly large changes in exchange rates[18] would not offer any substantial relief from the problem of large speculative capital movements and might even exacerbate them because of the smaller likelihood of "fixity illusion" (analogous to "money illusion") which has at times been present under the adjustable peg. At just what point a more promptly adjusted adjustable peg would become in effect a discretionary crawling peg it is difficult to say. But in order to produce substantial reduction in speculative pressures resulting from the "one way option" of the adjustable peg, adjustments much more frequently than every couple of years would be needed.[19]

The point has been made many times that disregarding highly inflationary countries, over the years the structure of exchange rates under the Bretton Woods system has become much more rigid than the founding fathers had anticipated. In our opinion this is not due to faulty or negligent management of the system, but is the consequence of the fact or suspicion, well founded in our opinion, that too frequent changes reduce the stability of the adjustable peg system.

These remarks do not pretend to give the full answer to the question posed above of where the adjustable peg ends and managed flexibility begins. But they indicate the type of problem that faces those who reject anything approaching full flexibility but recommend more frequent and "prompt adjustments in appropriate cases" than there were in the past. To repeat, the report is silent on this crucial matter.

We can be confident, however, that the report will not remain the IMF's last word on exchange flexibility. It is a milestone in a continuing process of reappraisal of the basic assumptions of the Bretton Wood system. Let us hope that in due course the crucial issue mentioned above will be faced squarely. This would force a reconsideration of some of the positions taken in the present report. A good deal of new evidence from recent experience in various parts of the world has become available and it sheds light on the question we have emphasized. No organization is in a better position to assemble and interpret the relevant facts than the IMF.

SUMMARY AND CONCLUDING REMARKS

We have argued that of the three areas of international monetary reform—confidence, liquidity, adjustment—the last mentioned is by far the most important and pressing. Problems having to do with confidence are taken care of by the close cooperation of the world's major central banks that has developed and deepened in the postwar period. The problem of liquidity has probably been brought under definite control by the creation of the SDR scheme. The task of improving the balance-of-payments adjustment mechanism remains to be accomplished.

The SDR agreement recognized the paramount importance of the adjustment problem by stipulating that, before the first decision is made to allocate SDR's, "a collective judgment" be reached to the effect that there is a good chance of "a better working of the adjustment mechanism." The first decision to allocate SDRs was made in 1969 and allocations were made on January 1, 1970 and January 1, 1971. Whether adjustment mechanism will in fact work better in the future is still very much in doubt.

The attention of the policymakers in the international monetary area has shifted to the problems of adjustment. The comprehensive IMF report, *The Role of Exchange Rates in the Adjustment of International Payments*, testifies to that shift. In our opinion, the report does not go nearly far enough in the direction of proposing new methods of adjustment through greater flexibility of exchange rates. But at least it is a beginning and it will surely not remain the IMF's last word on that important subject.

The practical problem is not to replace the par value system with a system of generalized flexibility of all currencies. Such a radical change is not only not feasible but also unnecessary to assure a better working of the adjustment mechanism. We presented the elements of a modest scheme, which in our view would be a major step forward.

We have emphasized that the American interest in greater flexibility of exchange rates is indirect, because the U.S. cannot, under present arrangements, change the value of the dollar. But nevertheless it is quite real, because the U.S. shares fully in the world interest in the smooth working of the international monetary system. The U.S. should do all it can to promote changes in the rules that will make it easier for other countries to use exchange flexibility to solve their problems—deficit countries to avoid trade restricting controls and unnecessary unemployment, surplus countries to avoid unwanted inflation and "negative" controls. By solving their own balance-of-payments problems, our trading partners also solve ours.

The special position of the dollar and the small size of U.S. foreign trade in relation to GNP makes it possible for the U.S. to continue its "passive" balance-of-payments policy, even if it takes some time and perhaps another major exchange crisis before anything decisive is done to improve the adjustment mechanism. If the U.S. is able to reduce the rate of inflation to an internally tolerable level, there will probably be very little trouble on the dollar front. But even if it is not so successful with the fight against inflation, the passive balance-of-payments policy should be continued, although in that case policymakers would have to brace themselves for continuing grumbling and criticism. But the basic strength of the dollar is such that, barring really bad inflation or any other unforeseen catastrophe, U.S. policymakers can afford to stand firm and not to change the passive stance of balance-of-payments policy in the face of foreign criticism. The U.S. should realize that nobody can force it either to impose controls or to suffer more unemployment than is needed, in its own judgment, to curb inflation.

U.S. policy should concentrate on promoting domestic economic stability, employment and growth, and should remove rather than continue to tighten barriers to international trade and capital flows. Since 1969 substantial progress has been made in the untying of foreign aid. Much less progress has been made, however, in the area of relaxing and gradually phasing out controls on capital exports. We do not wish to minimize the importance of having at least ended and even reversed a little, the trend which started early in the 1960s of ever increasing use of first voluntary and then mandatory controls and other selective measures designed to

Footnotes at end of article.

"improve" components of the U.S. balance of payments. This change in tendency is an important step forward. But residual fears concerning the U.S. balance of payments have substantially slowed the process of dismantling these measures of the 1960s. There must be considerable doubt about the continued effectiveness of capital controls in terms of improving the balance of payments. Experience has shown many times that controls, unless they become redundant, have a tendencvy to spring leaks as time goes on and have to be continuously tightened if their effectiveness is to be maintained. But even more important, balance-of-payments improvement via the use of controls is not an appropriate objective for a country occupying the United States' unique position in the world economy.

The removal of the remaining controls in the face of a measured U.S. deficit would be a courageous act, for it would cut against conventional wisdom that is still widespread both at home and abroad. But the benefits of final, full recognition of the United States' position in the international monetary system would be enormous.

FOOTNOTES

[1] The "confidence problem" (i.e., the problems that arise when confidence in a currency is lost and a run on the currency develops) would seem to be of decidedly lesser importance in the future. Any such crisis has to be dealt with on an *ad hoc* basis. But experience has shown that the close cooperation that has developed between the monetary authorities of the major countries and that has deepened in the postwar period is capable of handling confidence crises even when they involve major currencies.

[2] Article XXIV, Section 1(b).

[3] The *New York Times*, September 29, 1970, and *The Economist*, September 26, 1970.

[4] See Gottfried Haberler, "The Case Against the Link," *Quarterly Review*, Banca Nazionale del Lavoro, Rome, March 1971.

[5] A report by the executive directors of the International Monetary Fund, Washington, D.C., 1970.

[6] It is not necessary here to go into the reasons for these deviations.

[7] It should be observed that the mere fact that the actual rise in the cost of living in a given country is equal to or a little higher than the rise in the U.S. does not prove by itself that the country in question spontaneously matches or surpasses the U.S. rate of inflation. It could be a case of induced inflation.

However, if prices in a country rise persistently and much faster than in the U.S., one gets the strong suspicion that it is not a case of induced inflation but one of spontaneous inflation. If a country is forced from time to time to devalue against the dollar or to maintain controls, the suspicion is confirmed beyond doubt.

[8] Even if the gold policy were changed, if other countries asked for conversion into gold of large parts of their dollar holdings and the U.S. were prepared to accede to that request, it would be unrealistic to assume that internal monetary and fiscal policies in the U.S. would be changed thereby. It follows that such a change in the gold policy would not relieve other countries from the necessity to follow the U.S. inflation, so long as they maintained full convertibility of their currencies into dollars at a fixed exchange rate.

[9] It is now better understood than it was a few years ago that monetary integration and the creation of a common currency presuppose far-reaching harmonization and coordination of not only monetary but also fiscal, wage, and incomes policies. The EEC countries are still far from that stage. See Gottfried Haberler, "Reflections on the Economies of International Monetary Integration" (forthcoming) and the literature quoted there, especially Wolfgang Kasper and Michael Stahl, "Integration Through Monetary Union—A Skeptical View," *Kieler Diskussionsbeitraege*, Nr. 7, Kiel, September 1970.

[10] It should be observed, assuming as we do that monetary, fiscal, and other macroeconomic policies in the U.S. are solely determined by domestic policy objectives, that the relevant comparison is with GNP. If, on the contrary, the U.S. allowed the balance-of-payments deficit to influence overall economic policies, as was the case in the early sixties, the burden could become much larger than suggested by the GNP percentage.

[11] It is sometimes said that, at present, it is difficult for any single European government to appreciate its currency vis-à-vis the dollar because it would at the same time have to appreciate also vis-à-vis the other European currencies. This is, however, hardly the case—as if, say, the DM were overvalued only in respect to the dollar, and not equally or perhaps more so vis-à-vis some European currencies!

[12] The authors have expressed their views in Haberler and Willett, *op. cit.* See also Gottfried Haberler, *Money in the International Economy*, 2d edition (Cambridge: Harvard University Press, May 1969).

[13] In the case of appreciation of a surplus country's currency, as in the case of depreciation of a deficit country's currency, a flexible approach to the change in the exchange rate is much to be preferred to the rigid, disruptive method of the adjustable peg. Instead of waiting until a huge surplus has been built up under the accompaniment of mounting speculation and then appreciating by a large amount of a bang, it is better to let the currency float up gradually. This was dramatically demonstrated by the German appreciation in September/October 1969. Let us recall the salient events. The appreciation had become an election issue. Before the election, billions of dollars had flowed into Germany. On September 24, four days before the election, the exchange market was closed. On Monday, September 29, the day after the election, the market was reopened with the exchange rate unchanged. In a few hours, huge sums poured into Germany. The market was closed again and the decision was reached to let the mark float. The next morning, Tuesday, September 30, when the market was reopened once again, the exchange value of the mark shot up and—lo and behold—the speculation had practically vanished. It simply became too risky to speculate. Even more interesting, the speculation was not revived, at least not on a substantial scale, a little later when a more or less open debate was conducted in the press on whether the mark should be restabilized at the level of 6, 8, or 10 percent above the former parity.

It is true, in many respects, that the German appreciation was a unique case. To make the appreciation of a currency an election issue is a helluva way to change an exchange rate. But the fact that some flexibility—although it was managed (with flexibility in the direction though not the magnitude of the impending change in the rate predetermined)—was insufficient to stop speculation in its track teaches a lesson of great general importance.

[14] The Brazilian system is well described and analyzed in J. B. Donges "Neue Wege in der Wechselkurspolitik der Entwicklungslaender?—Brasiliens 'Trotting Peg'," *Kieler Diskussionsbeitraege*, Kiel, Nr. 8, October 1970. An English translation of that pamphlet will be published by the American Enterprise Institute later in 1971.

Contrary to a widely held view, speculation has been no problem under the trotting peg, whereas it was a very disrupting feature of the earlier system of the adjustable peg. This teaches a lesson which is applicable also to the industrial countries: If speculative capital flows are no problem in the case of the trotting peg, it follows *a fortiori* that it would not be one under the more favorable conditions of the crawling peg or freely floating rates.

[15] George N. Halm, *The International Monetary Fund and the Flexibility of Exchange Rates*, Princeton Essays in International Finance, 1971.

[16] *Ibid.*, p. 73.

[17] It is not quite clear whether the report regards an actual or anticipated balance-of-payments surplus or deficit as a necessary, though not sufficient, condition of fundamental disequilibrium. It certainly is not a sufficient condition. Maybe the report wishes to speak of fundamental disequilibrium only in dilemma cases when requirements of internal and external equilibrium conflict. If this is a correct interpretation, attention should be given to the strong possibility (a) that the diagnosis of whether a dilemma exists or not may not be easy at all and the views of the country and that of the IMF may well diverge and (b) that a dilemma case can change easily and without notice into a non-dilemma case, and vice-versa. (On these points, see Haberler, *Money in the International Economy, op. cit.*, pp. 14–18).

The balance-of-payments disequilibrium need not be "actual." Suppose a deficit is suppressed by controls or excessive unemployment. Then a policy of de-control or re-expansion would presumably bring about a deficit. Again the diagnosis and interpretation of a concrete situation is likely to be far from clear and unambiguous, especially in its quantitative aspects: How large a deficit is to be expected and how large a depreciation of the currency would be needed to take care of the deficit?

All this highlights the difficulties of operating a par value system with discrete changes in the par value in case of fundamental disequilibrium.

[18] What is "large" has to be determined in reference to the possibility of forestalling speculation by high interest rates. For example, in Brazil it does not pay to speculate on an expected change in the exchange rate (precise data unknown) of 1 percent or 1.3 percent with interest rates running up to 40 percent.

[19] For a detailed analysis of speculation under limited exchange rate flexibility, see Thomas D. Willett, Samuel Z. Katz, and William H. Branson, *Exchange-Rate System, Interest Rates, and Capital Flows*, Princeton Essays in International Finance, No. 78, January 1970.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESOLUTION OF THE HOUSE OF DELEGATES OF WEST VIRGINIA SUPPORTING PRESIDENT NIXON'S STATEMENT CALLING FOR RELEASE OF PRISONERS OF WAR

Mr. BYRD of West Virginia. Mr. President, I have received a copy of House Resolution No. 13 adopted by the West Virginia House of Delegates on February

2, 1971. The resolution supports President Richard M. Nixon's October 7, 1970, statement calling for the immediate and unconditional release of all prisoners of war.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

HOUSE RESOLUTION No. 13

"WHEREAS, 19,094 citizens of West Virginia are presently serving in the armed forces; and

"WHEREAS, The citizens of this state have expressed concern for the prisoners of war and their families; and

"WHEREAS, Overwhelming approval was given by the next-of-kin of the prisoners of war for the attempted rescue at Sontay Prison near Hanoi; and

"WHEREAS, Further support should be given to our fighting men, especially those held captive by North Vietnam; therefore, be it

"Resolved by the House of Delegates:

"That support is hereby extended to President Richard M. Nixon in his attempts to gain the release of American prisoners of war; and, be it

"Further Resolved, That the clerk is hereby directed to forward copies of this resolution to the President of the United States, the Honorable Richard M. Nixon, and each member of the West Virginia congressional delegation."

ORDER PROVIDING FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks by the able Senator from Indiana (Mr. HARTKE), there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 12 o'clock noon.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BELLMON). The Chair, on behalf of the Vice President, in accordance with Public Law 85–874, appoints the Senator from California (Mr. TUNNEY) to the National Cultural Center Board.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

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

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 7—proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the amendments—No. 11—offered by the Senator from Massachusetts (Mr. KENNEDY) to Senate Joint Resolution 7.

Mr. BYRD of West Virginia. I thank the Chair.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HRUSKA. Mr. President, I rise to support the pending measure, Senate Joint Resolution 7 proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. I urge all my colleagues to support this resolution so that it may be submitted to the legislatures of the several States for their consideration.

Last March, almost a year ago, the Senate attached to another measure a provision to lower the voting age in State and national elections by simple statute. At that time I warned that such a course was unconstitutional and that the matter could not be resolved on the basis of legislation alone. The Senate was urged to reject that proposal and to proceed to approve a constitutional amendment for the ratification by three-fourths of the States. It was my position then as it is now that the question of voter qualifications should be left to the States for decision. In its decision on this new law, *Oregon* v. *Mitchell*, the Supreme Court upheld this position. While stating that Congress has the power to set the voting age for presidential and congressional elections, Mr. Justice Black speaking for the High Court struck down the statute as it applied to State and local elections.

The result of this decision is that election nightmares potentially face 47 States in 1972. Without an amendment such as we are considering today, all but the three States which currently permit 18-year-olds to vote may have to hold what, in effect, will be dual elections in November 1972. All voters 18 or older would be permitted to register and vote in national elections, but only those 21 or older—or whatever the minimum age for the particular State happens to be—would be eligible to participate in State and local plebiscites. Leaving aside the obvious question of why an 18-year-old citizen should be permitted to vote for President of the United States but not for city councilman, the prospect of this type of dual system is disturbing. I fear that the result would be utter chaos.

In Nebraska alone, this system would result in about a 30-percent increase in election costs, approximately $300,000—not a big sum, in terms of the sums we consider here from day to day, but for a State with approximately 1,450,000 people and without some of the spectacular forms of wealth which other States are blessed with, it is a great deal of money, almost a third of a million dollars. Of course, it would go on in that way for each election which would follow, without the adoption of the present constitutional amendment.

Secretary of State Allen J. Beermann has indicated that "dual sets of ballots, registration forms, poll books, and abstracts" would have to be maintained for the two types of elections. Across the Nation this requirement might add between $10 and $20 million to the cost of holding elections. States would be hard pressed to find these additional funds at a time when budgets are especially tight. Secretary of State Beermann also believes that it would be necessary "to efficiently separate the younger voters and to include them upon their reaching the State's voting age, 20," which is the present age in my State. Another problem might arise in computing "total votes cast" which is used in Nebraska to compute the number of signatures necessary for certain petitions. The problem would arise in that there would be a different number of votes cast for President and for Governor, respectively.

It is most important that we submit this proposed amendment to the States for ratification promptly. For this amendment to be effective in 1972, 38 State legislatures must give their approval. But time is slipping away for this approval to be achieved during the current legislative session. Nearly 20 will not meet next year unless brought into special session. Thus, time is of the essence.

This Senator has been in favor of permitting our young people to participate in the electoral process for a number of years. It has been his position, however, that that decision should be made by the States themselves in one of two ways. One way is by enacting amendments to their own State constitutions, if that is necessary, or by adopting necessary legislation to achieve that purpose. The second way in which it could be done so that the States would resolve that issue and make the decision would be the method that is submitted in Senate Joint

Resolution 7, which would propose an amendment to the Federal Constitution. In one or the other of these ways, the State would then make the decision.

Just last November, the voters of my State of Nebraska voted to lower the voting age from 21 to 20. I favored that constitutional amendment and I voted for it. In 1968 a proposal to lower the voting age to 19 was on Nebraska ballots. I favored that idea and voted for it, although a majority of my fellow citizens did not. I did so in the belief that the youth of this Nation are intelligent enough to make a significant contribution to this country through the ballot box.

One of the arguments used, of course, is that if they are old enough to fight, they are old enough to vote. I do not know that that has any particular applicability here. A much more solid, substantial, and logical basis would be that they have the intelligence and the know-how and the ability to cast a ballot and do it well—those of them who will do so. It was forecast by many of the witnesses that very likely the total number of 18 to 21 years of age citizens voting would be relatively small to start with, but in due time I would have every confidence that they would respond in bigger numbers. It is therefore a great pleasure for me to support the proposed national amendment, urge its approval in this body, and ask that the various State legislatures ratify it as promptly as possible.

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

Mr. HRUSKA. I yield.

Mr. BYRD of West Virginia. Mr. President, I take just a moment to compliment the able Senator from Nebraska on the statement he has just made. I have joined with him in the past, I think, in taking the position that this matter should be effectuated by way of constitutional amendment rather than by a Federal statute.

Last year, I voted for the amendment lowering the age to 18. I voted for it as as an expression of personal support for the idea. But I voted against the act itself on final passage because I believe that the setting of qualifications of voters is a matter which has been left to the States under the Federal Constitution. Article I, section 2; article II, section 1; and the 17th amendment to the Federal Constitution all make it indubitably clear, in my judgment, that the prerogative of determining the qualifications of voters is a prerogative that is left to the respective States.

It is for that reason—believing as I did that this is a matter which the Federal Government could not legislate and that only the people could determine it under the Constitution—that I voted against the act. But I say again, I voted for the amendment as an expression of my position and as more or less a statement of principle anent the subject of lowering the voting age. I join the Senator today in expressing support, if he will allow me, for this proposal which is before the Senate and which, in my judgment, is the proper way to go about the whole matter.

We will be providing the people of the United States with an opportunity to vote upon a constitutional amendment to lower to 18 the age for voters in State and local elections.

I compliment the Senator.

Mr. HRUSKA. Of course, the bulk of the required majority approved in both bodies is the other way of going about it. There is, needless to say, but I shall say it, the fact that we would have been far ahead had we taken the words of caution to heart and proceeded a lot more providently and a little more deliberately and adopted at that time the resolution we have before us today. By this time, I have an idea that most legislatures that wanted to favor this would have acted. This is March and most legislatures meet in January, but that is water over the dam. We should pay attention to what is before us, rather than commiserate about what could or could not have happened by the adoption of another course of action.

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

Mr. HRUSKA. I yield.

Mr. BYRD of Virginia. I feel that the Senator from Nebraska and the Senator from West Virginia have put this matter in its proper perspective. When the question of lowering the voting age came before the Senate last year, I took the same position as did the Senator from Nebraska and the Senator from West Virginia, that the question of the voting age was a matter to be determined by the citizens of the individual States. Ever since we have had a Union, each State has had the right to make its own decision as to what age would entitle its citizens to vote. As we all know, four States have lowered the voting age—two to 18, one to 20, and one to 19. In the last election, other States lowered the voting age I think that is the appropriate procedure. I was very much opposed to the procedure taken a year ago by the Senate and Congress in attempting to lower the voting age by statute.

As a result of that, as the distinguished and able Senator from Nebraska has just pointed out, this Nation finds itself in the fix it is in today. So I think it is most appropriate that the distinguished Senator from Nebraska should present to the Senate the resolution he has now presented.

Mr. HRUSKA. I thank the Senator from Virginia for his contribution.

Mr. FANNIN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. FANNIN. I join my colleagues from West Virginia and Virginia in commending the very capable and articulate Senator from Nebraska who has so capably placed this issue in its proper perspective before the Senate today.

I, too, felt as I did, as other Senators have expressed it, that this issue should have been settled and should be settled now by a constitutional amendment.

I have always felt that the people of this country at the State level, as provided in the Constitution, have the right to make this decision. Some States have already made that decision, and the result has been beneficial. Thus, I feel that this is the proper method in which to determine this issue. I certainly commend the distinguished Senator from Nebraska for the manner in which he has presented his case.

Mr. HRUSKA. The Senator from Arizona is very generous. We all know that the State legislatures did not have to wait. They do not have to wait today, in order to take action on their own, to permit voters to vote from the age of 18 and up. Any time they wanted to, since the beginning of their entrance into the Union, they could have fashioned it into their Constitution or enacted legislation accordingly, and gone into business along that line.

The fact that they did not, may or may not mean something when this resolution comes before their legislatures to be acted upon. Only the future will tell that.

Mr. FANNIN. I wholeheartedly agree with the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the distinguished Senator from Arizona for his contribution.

GOVERNOR REAGAN SPEAKS ON WELFARE REFORM

Mr. FANNIN. Mr. President, on March 3, Governor Ronald Reagan delivered an extensive message to the California Legislature. The message contained a sweeping 70-point reform for the State's entire welfare system.

These reforms would tighten welfare eligibility and work requirments, to assue that the "truly needy," those with little or no income, would get the bulk of California's welfare benefits.

The Governor's message has aroused widespread interest and considerable debate among those who are concerned with the monumental increase in State welfare costs in recent years and who are equally concerned with the quality of assistance being made available to the many needy and deserving families and individuals covered by State and Federal programs.

Later that day, Governor Reagan addressed the people of California on the subject of his reform proposals in a speech at Town Hall in Los Angeles.

The Governor's statement was a thought-provoking and well-reasoned analysis of the problems and prospects of the welfare system in our most populous State.

I feel that the statement would be especially interesting to Members of Congress as we continue our efforts to reform the Federal role in public assistance programs, and I ask unanimous consent that the March 3 address by Governor Ronald Reagan at Town Hall, Los Angeles, be printed in the RECORD.

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

SPEECH BY GOVERNOR RONALD REAGAN, TOWN HALL, LOS ANGELES, MARCH 3, 1971

Mr. Chairman, Members of Town Hall, Ladies and Gentlemen:

First let me thank you of Town Hall for your thoughtful and timely invitation. I

suspect that you were aware you were providing a forum through which the people of California could be reached. In doing so, you have been of great service because the people of California are confronted by a most serious problem.

In the last few days, I have been asked a number of times if the political honeymoon is over. I am not sure it ever started. On the wedding night someone said something about stepping into the next room to slip into something comfortable—and they never came back.

On January 4, in my inaugural remarks I said that unless we who had been elected to office were willing to completely reform our programs of social welfare, we would have to ask you for a tax increase this and every succeeding year as far as we could see into the future.

What we call California's welfare and health care system is in reality nothing more than a state implementation of federal mandates approaching $3½ billion in cost and leading us into sure bankruptcy unless we have the courage to choose another course before it is too late.

If misery loves company the theme music for the National Governors Conference in Washington last week must have been "Hearts and Flowers." Those states which have breezed along without having to tap all the potential tax sources such as the sales or statewide income tax are now adopting one or the other, or both. In an unprecedented crisis Pennsylvania ran totally out of state funds four days ago.

There was no partisanship at this conference nor in the unanimous endorsement of federal revenue sharing. But the topic dominating all others was welfare and how long government at any level could keep pace with its ever increasing cost. I might add there was great interest in California because we were the only state readying a concrete proposal for welfare reform. Surprising was the general acceptance that added revenues were only temporary expedients and not a permanent answer to the problem.

Certainly this is true in California. The biggest of our welfare programs, Aid to Dependent Children, increased its case load 39 percent last year and its cost 42 percent. Medi-Cal is increasing more than twice as fast as our normal increase in revenues. One out of nine Californians is drawing some form of welfare now and by the end of the next fiscal year, if welfare goes on increasing at the present rate, it will be one out of seven.

Even cutting back legitimate government services and postponing important and needed projects, we face the fact that to continue the present welfare and Medi-Cal programs without change will require $220 million more than we have. To save the state $220 million in welfare means reducing the total costs more than $600 million. We cannot reduce our share without reducing costs at the county and the federal level. Or put another way, if we have to ask the taxpayers for an additional $220 million in state revenue, we force the counties to raise property taxes another hundred million and add roughly $300 million to federal costs. And of course the same citizen pays it all—county, state and federal. Right now, Californians are paying $32 billion in taxes of which more than $20 billion goes to Uncle Sam. That is a tax burden that pro-rates out at $4,152 for every average family of four in California. A choice has to be made. Either we tighten government's belt or we loosen your purse strings and extract even more money than we are now taking. I am unalterably opposed to that latter choice.

Last month I submitted to the legislature a budget which can be balanced without increased taxes if we undertake a total reform of welfare and Medi-Cal. About two hours ago a message outlining this reform was delivered to both chambers of the legislature. I had planned a more personalized delivery of this message but a funny thing happened to me on the way upstairs.

Perhaps it is just as well, for the message is probably the most comprehensive and detailed ever submitted by any governor of this state. It calls for a sweeping 70 point reform of the entire welfare system. Legislation by the Senate and Assembly will be required in some of the proposed changes. Others can be made administratively and we will need the cooperation of the federal government to complete the package. The Social Security Act says that states should be encouraged to experiment with demonstration projects. On this basis, we are requesting the necessary waivers.

If there were no fiscal crisis, we would still have to urge welfare reform on the grounds of common sense. Present regulations are so ambiguous that court decisions have added $441 million to the cost of California welfare since 1967 and if we lose the cases still pending, another $1.8 billion will be added. But an even more compelling reason for reform is one of moral responsibility.

We had a task force of volunteer citizens and our own appointees and staff working on this problem last summer. The counties were doing the same and some of our reform proposals, incidentally, reflect their findings.

Reform is needed not only because welfare is an administrative disaster leading us to bankruptcy, but because it is a tragic failure for those who are destitute and who have nowhere else to turn for the most basic requirements of living. Let me emphasize this latter point because any time changes are proposed in welfare there are those who will raise a cry that we are lacking in compassion for the poor. The very opposite is true. Welfare today is spread so thin it is incapable of properly caring for the truly needy and destitute. It is spread thin in attempting to provide for too many who are not needy but who through loopholes are legally eligible to claim welfare benefits, and too many who are receiving aid illegally because there is just no way to prevent their cheating and because there is a gigantic extravagant administrative overhead bound in endless miles of red tape and born of overlapping and duplicating agencies.

I have heard the repeated statements that welfare fraud is only one or two percent and not really an item of concern—or even something you can do much about. The truth is no one knows. No one in the United States knows how many people are receiving welfare. We all know how many checks are being mailed out but we have no way of knowing how many individuals are getting several checks under different names. We do not know because regulations keep us from checking on an applicant's declaration—we must accept his word as to his need.

Recently in the San Francisco bay area, a group of citizens set out to show how easy it is to get on welfare. Some of them managed to get on as many as four times in one day in a single office. In our neighbor state of Nevada, the governor (who described himself to me as a liberal Democrat), ordered a house to house canvas of welfare recipients. (They have a limited enough population to be able to do this.) This actual head count revealed 22 percent of their welfare recipients are receiving welfare dishonestly. Some time ago a welfare conducted investigation in the District of Columbia turned up less than two percent of fraud—a congressional investigation then found it was 57 percent. Even so, I have to question whether fraud costs as much as the legal kind of cheating we have created by our own well-intentioned effort to provide work incentives. This idea (spawned in Washington) has created a whole new class of affluent poor.

An answer was needed for the individual who sees no reason to work if the dollars for working only replace the dollars he or she can get from welfare. It was decided that a proper incentive would be to supplement earnings by continuing to pay at least a part of the welfare grant. By the time they had finished "thinking of everything", the intended incentive had become a windfall known in the welfare trade as the 30 and a third formula. It goes to work when the recipient gets a job. How much of the welfare grant he keeps is determined by not counting $30 of his earnings as eligible income, nor do you count one-third of the remainder, nor deduction for income tax, union dues, or pension plan. Additional allowance is made for clothing, child care, transportation (and this includes car payments) and finally $25 miscellaneous. There is virtually no ceiling on earnings above which you become ineligible for welfare although we have found it usually does not go much above $1,200 a month. At least one man in California, however, managed to keep his welfare grant plus $16,800 a year in salary. More typical is the case I described in the current issue of "U.S. News and World Report". I gave an example of a California recipient receiving a grant of $339 a month who took a job paying $582 a month. The formula reduced the $582 to $42 countable income and thus the $339 grant was only cut by $29. This individual now has an income of $892 a month—a good portion of it tax free—and is eligible for Medi-Cal and food stamps.

Our task force surveyed those counties which together carry 40 percent of the welfare case load. We learned that working welfare recipients have average earnings of $346 a month. Their grants in aid not counting Medi-Cal (for which they remain eligible) averaged $186. The grants for those with no outside earnings or income are only $21 more or $207 a month. Simple decency suggests reducing the supplemental grant and increasing the $207 so as to provide a more decent living for the totally destitute. Our reform proposes doing this. We will first of all provide better for the truly needy. Admittedly our first requirement in these stringent times must be balancing the budget but even so we can also improve the lot of the poor and as we put our financial house in order do so even more substantially.

Some will accuse me of citing horror stories which they claim are only isolated cases. But they are wrong, Contra Costa County estimates it has 2500 people fully employed and on welfare; 148 of them earn more than $600 a month. Alameda County puts its figure at almost 4000 with 198 earning more than $600.

We can have realistic eligibility procedures to eliminate or at least curtail fraud, a ceiling on earnings above which no welfare payments will be made and a reduction in the grants to those who have outside income. Able-bodied and employable recipients will be required to work or take job training and we will go after those fathers who have deserted their families, contributing nothing to their support. In California they number 250,000. We intend to provide the counties with the financial incentive to solve this problem. Properly pursued it could be used to help the counties offset their welfare expenses.

Strengthening the role of the family is basic to our proposal. It is called: "Meeting the Challenge: a responsible plan for welfare and Medi-Cal reform." Obviously time will not permit the details of the 70 point proposal we have made, but let me summarize the more important changes. First, we think the unemployables who are in fact pensioners, the aged, the disabled and blind should be removed from the welfare structure. The state will assume all administra-

tive and grant payments for these citizens numbering about 600,000. Their payments will be automated similar to the method used in paying Social Security. There is no need for a costly bureaucracy checking to see if the elderly are continuing to get older. With the administrative savings we should eventually be able to increase their pensions so as to give life a little more dignity, pleasure and meaning.

The state would be taking over about $92 million in present county expenses but in another area—"Aid to Families with Dependent Children"—the counties would assume an additional $84 million of cost. So the net effect of these statistics is $8 million in savings to the counties in 1971–72.

Let me say here and now to those who have charged we intend to balance state spending by dumping the load on the counties . . . they are, as usual, talking through their hats. One of the absolute musts in this reform program is that there be no net cost shift to the counties. As a matter of fact, let me repeat what I said earlier, if there is *no* reform, county costs will go up $100 million. With reform this will, of course, be eliminated. The $8 million projected savings next year will grow in future years and could be as much as $47 million in savings to the counties during 1972–73.

With the change of the elderly and disabled to a pension status, welfare will then be dealing with the potentially employable. As of now welfare is as I have described it "at sea without rudder or compass." Just putting ever increasing numbers of people on a dole and providing food and shelter is not a worthwhile goal. These people are not a faceless mass—they are individuals with individual and unique reasons why many have been unable to get into the competitive labor market. Finding and treating with that unique and personal reason will give welfare a purpose and a goal. The goal must be to eliminate, if possible, the need for itself. We must begin to measure our success by how many people we have removed from the rolls each year, not how many we have added. We intend to place the employable welfare recipient under the jurisdiction of the Department of Human Resources Development. This department's total effort is devoted to job hunting and job training. Social workers assigned to this new jurisdiction will be judged not on the basis of how many people they place on welfare, but how many they place in jobs. This entire concept was born of recommendations made by the County Supervisors Association.

California has not been hesitant about job training programs, quite the contrary. The only major government funded program now dealing with welfare job training is "WIN"—the work incentive program. Almost a third of all those who have obtained jobs through "WIN" in the entire nation, have done so in California.

Now we propose going further. The able-bodied employables will be expected to work in a public work force if they are not engaged in a job training program. They will receive the same benefits they are getting now, but will in return work at public assistance jobs which will benefit the community and the state. These will not be boondoggles or meaningless tasks for some punitive reason of "work for the sake of working." Every department of the state has been told to list those things it would do if it had the manpower and the funds. In addition, local government will be asked to provide work which can range from supervising school playgrounds and helping in child care centers, to working in the field of environment. Los Angeles County has already proposed using recipients as school watchmen to prevent vandalism. The program will be permanent but the individuals will be as temporary as we can make them. Every effort will be made to move them from this public work force into jobs in the private sector.

If an individual refuses to take a job when it is available, participate in a job training program or in this interim public work force, he or she will be denied further welfare assistance.

This, very much briefed down, is the direction our welfare reform takes. There are, in addition, changes in eligibility standards, elimination of unnecessary red tape and paperwork, increased auditing of abuses, flat grant computations and prior month budgeting to determine the size of welfare grants.

The goals are simple and straightforward: to increase our assistance to the truly needy; to require those who are able to work to seek work, train for a job or serve their community if asked as a reasonable condition for receiving welfare; and to strengthen family responsibility as the basic element in our society.

Then we propose to reform our health care program, known as Medi-Cal. This program went into operation in the spring of 1966. By spring of 1967 it was in financial trouble and was bogged down administratively with providers of service waiting six months or more for payment. Some of the management snarls have been taken care of but not the problems created by its unlimited benefits plus the caseload explosion in welfare.

The working men and women in California who pay for this program are providing a level of health care for the others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-Cal offers 20 totally free services with no restriction whatsoever on utilization.

In 1967 there were 97 claims of Medi-Cal for every one hundred participants—today there are 141 claims per 100 enrollees. The per capita health care cost per year for the average citizen is $312. The average cost per Medi-Cal recipient was $517 last year. We are proposing legislation to bring Medi-Cal benefits in line with those which the taxpaying citizens can afford.

Instead of a no-limit credit card Medi-Cal will provide a card good for the same amount of health care services the average citizen uses each year. Provision will, of course, be made for the cases of catastrophic illness or accident or emergency. To control overutilization we propose a partial or token payment by every Medi-Cal patient for the services he receives—a dollar for each visit to the doctor or for each drug prescription, etc. The provider would collect this and bill Medi-Cal for the balance.

In North Carolina a test was run on drug prescriptions alone and utilization was reduced by 25 per cent. In England socialized medical program token payment resulted in almost 10 percent reduction when tried.

I know that many will see our proposed welfare reform only as a device to balance the budget and this will lead to charges that we are placing dollars above human beings. To do so is at best the cheapest kind of demagoguery and at worst selfish, irresponsible protection of self interest.

Of course, we seek to balance the budget; the Constitution and common sense require that we do so. What is the alternative? An increase in state taxes which must be accompanied by a corresponding increase in county taxes and further deficit spending at the federal level. And if all of that is done, it must be repeated again and again until the very system collapses.

In the meantime, welfare goes on failing those who need it most, destroying our most precious resource, our people. Finally faced with economic crisis, we will find ourselves no longer able to help those who turn to us because they have no other refuge. Our present fiscal plight is not the reason for welfare reform; it is the excuse. It prompts us to do at last that which has needed doing for a long, long time.

Thirty-six years ago, in the dark days of the Depression, a president of the United States who called on our people to be compassionate warned us at the same time to temper compassion with wisdom. Franklin D. Roosevelt said, "The lessons of history show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentaly destructive to the national fiber. To dole out relief is to administer a narcotic, a subtle destroyer of the human spirit." Was he right? Is there a sickness of spirit spreading over our land?

Last week in Washington, D.C., the "National Welfare Rights Organization," ostensibly formed to protect the interests of the needy, picketed the governor of Nevada for daring to expose those who fraudulently posed as needy in order to rob their fellow citizens. In one of our cities a man with no dependents and earning $800 a month sued to prevent a county from making him contribute $20 a month to the support of his aged mother. In St. Louis an industrial firm ran blockbuster ads in six papers offering the unskilled, jobs at $100 to $150 a week. One hundred forty-one applied, but most weren't seriously looking for work or they didn't like the money. Of the thirty-eight who finally went on the payroll, 27 didn't show up or if they did, quit in the first two days. The company is still advertising.

An unemployed young father in California, finally forced to accept welfare, is urged by the social worker to free himself of debts by declaring personal bankruptcy. His only assets, his household furnishings, are taken to pay his creditors a few cents on the dollar. But this, he is cheerfully told by the welfare worker, makes him eligible for a house full of brand new furniture courtesy of the taxpayers.

Perhaps you saw the Negro mother on the TV news telling of how she was forced into welfare. She had never been on welfare before. She worked from late afternoon until 11 or 12 at night to support her children. Each evening she left the children at home in charge of the oldest. She arrived home from work one night to find a social worker waiting for her. She was told her children were to be taken from her unless she stayed home to care for them. When she asked how she could support them if she didn't go to work, she was told to quit work and go on welfare. Wouldn't it make more sense to provide a baby sitter?

To those who say reform of welfare is impossible or unworkable, I can only say, "not to Californians." Last week we talked to Secretary Elliot Richardson of HEW and were assured of his very real interest and cooperation. We talked to the Finance Committee of the U.S. Senate and obtained their enthusiastic pledge of support in our efforts to make California welfare a pilot program. They asked how many governors would favor what we were trying to do. It was the last day of the conference and we could only contact 27. Twenty-four of them, Democrats and Republicans, signed a letter supporting our major proposals, three took the letter to consult with their congressional delegations, all of them asked for our detailed reform proposals. We are writing the other 23 and have every reason to expect most or all will sign the letter based on their views as expressed at the conference.

I asked for the opportunity to address the joint session of our legislature precisely because of the news coverage that would follow. It is absolutely imperative that the people of California understand what we are trying to accomplish.

Right now the propaganda fires are being stoked by special interest groups determined to resist and kill any effort to change wel-

fare. In the days ahead the legislative committee hearings will be the target for demonstrations and pressure of every kind.

We have had great cooperation from some in the social welfare field who are true professionals and who want order brought out of the present mess. But others, feeling their bureaucratic empires threatened, will challenge every proposal and predict dire results if any part of our plan is adopted. Others will urge total federal takeover as the only solution. This would mean surrendering to those who caused the problem in the first place, and few in federal government want this.

Today we stand at a crossroad. We can continue to talk about welfare, complain about it and watch it grow unchecked while we raise taxes this year and every year thereafter to feed its cancerous growth. Or we can take the steps necessary to control it and reform it so that it will at last have the proud purpose of maximizing human dignity and salvaging the destitute.

This is not a jerrybuilt, hasty answer to a crisis. It is the result of months of work and study. It is perhaps our last chance. Neither Democratic or Republican, it is humanitarian—and it is ready to be tried.

I have addressed this message to the people of California because we need you.

GATT

Mr. FANNIN. Mr. President, today there was an announcement that Japan's textile industry has agreed tentatively to place restrictions on its exports to the United States.

Japanese manufacturers are not proposing any meaningful concessions. Their proposal would fall far short of curing our foreign trade problems.

First of all, the Japanese say they will limit exports only if other nations in the Far East follow their lead.

This makes the announcement so tenuous as to be almost meaningless. Japan is starting to have some of the same trade problems with other nations in the Far East that we have with Japan—that is the exodus of industry to other nations where labor is even cheaper.

Even if Japan should carry through on the proposal to limit textile exports, the proposed controls are totally inadequate in several respects.

They would not control the various types of textile exports to the United States. Therefore, we would have the same bad situation we have in the steel industry. Japanese textile manufacturers could concentrate on certain types of textiles and drive certain manufacturers in the United States out of business.

The proposed voluntary controls by Japan would provide for an unacceptable growth of the Japanese share of the American textile market. This would be at the expense of American workers.

What the Japanese apparently are trying to do is not only head off any quota legislation by Congress, but also guarantee the growth of their imports into the United States.

Most important of all, Mr. President, is the fact that we are talking here about only one industry. Textiles and textile industry jobs are important to the United States, but it is only one industry.

Last week I talked about action which could make the Japanese compete more fairly in television manufacturing. That, also was only one industry.

Mr. President, I would not want to see any so-called "voluntary" controls on Japanese textile imports lull the American people into thinking that our foreign trade dilemma has been solved.

We need legislation that will help promote fair international trade in all industries—not just textiles or television manufacturing. We must have cooperation from the powerful trading nations—Japan and the Common Market countries—in setting up new reciprocal trading agreements.

In the aftermath of World War II, the United States was in a dominant position in the world. We were so strong and so secure that we could well afford to be generous in granting trade advantages to nations struggling to recover from the war.

This boom continued in the 1950's. We actually had a shortage of workers during that decade, so there was little need to worry about competition from foreign industry.

In the 1960's, this Nation trained its sights on the moon and at the same time became bogged down in the jungles of Southeast Asia. Imported goods began flooding our Nation, and doors were closed on traditional and potential markets overseas. Again, however, this was little noticed because of the artificial guns and butter economy of our Nation.

Now, Mr. President, we are beginning to wake up. We are finding that our trade policy is the source of great controversy.

The time has come for a thorough revamping of international trading agreements to foster fair as well as free trade.

The mechanisms for world trade are based on outdated premises of the 1940's. We must reevaluate our position, revise our policy and renegotiate international trade agreements to bring them into line with the realities of the 1970's.

During the 91st Congress the Senate Finance Committee began delving into the problems of foreign trade.

As part of the Trade Act of 1970, the committee requested the executive to do a thorough study of all provisions of the General Agreement on Tariffs and Trade by December 31, 1971.

The committee was disturbed by the number of outstanding problems in the field of international trade as reflected in the following excerpt from the committee print:

> The presently constituted GATT Agreement contains certain provisions that were written in 1947 when the United States had an overwhelmingly dominant position in world trade. Some of these provisions were designed to put dollars into the hands of the then war-torn European countries. In 1947 we had a $10 billion trade surplus, and $25 billion in gold with only $7.6 billion in liquid foreign claims against that gold; in 1970 our trade surplus has virtually disappeared, our gold stock has been reduced to about $11 billion, and foreigners have $42 billion in liquid claims against our remaining gold stock. In the light of the changed international economic conditions since 1947 the committee questions whether these provisions offer the United States full reciprocity in international trade. For example, the GATT permission to rebate "indirect" taxes on exports and to apply border taxes on imports in the case of "indirect" taxes, but to deny comparable treatment for "direct" taxes (such as the U.S. income tax) is an example of lack of balance and reciprocity in the agreement.
>
> In addition, the GATT appears to allow European countries to enter into special commercial arrangements with other countries in violation of the most-favored-nation principle. The GATT fails to adequately deal with the question of agricultural trade.

Mr. President, I think it would now be appropriate to briefly trace the history of our foreign trade policy and our involvement in GATT.

In 1934, Congress approved a law to reverse the trade policy established in the Tariff Act of 1930. This 1934 law was called the Reciprocal Trade Agreements Act, and the basic idea of the program was one of reciprocity. There was no intention to engage in a unilateral tariff disarmament. Under the Trade Agreements Act, tariff reductions were permitted through negotiations and in exchange for tariff reductions by other countries. The negotiations were conducted on a bilateral basis and called for the careful trading of tariff concessions in order that no domestic industry be seriously injured. A number of trade agreements were negotiated and the downward trend in the level of U.S. tariffs had begun.

In the late 1930's, however, other countries continued to engage in tariff discriminations and competitive currency devaluations. A number of countries used trade strictly as a political weapon for their own ends. The world became divided into trade warring blocs. Complete economic warfare became a reality with the growing friendship between the Fascist countries of Germany, Italy, and Japan.

With the beginning of World War II and the entry of this country into that war, efforts to achieve liberalization of international trade were for the most part set aside. Thus, the reciprocal trade agreements program initiated in 1934 had little opportunity to bring the peace which had been promised by its supporters.

The policy embodied in the Reciprocal Trade Agreements Act of 1934 was a wise policy. I feel that the basic idea of reciprocity in our trade relations must continue to be the basis for trade relations with other countries if international trade is to make the contribution that can be made to the economic progress and development of all countries.

The broad principles on which the postwar foreign trade policy of the United States was based received their first official statement in the Atlantic Charter and in article VII of the Mutual Aid Agreement between the United States and the United Kingdom.

On August 14, 1941, the Atlantic Charter was made public, articles IV and V of the Charter declared that the two countries would—

> Endeavor, with due respect for their existing obligations, to further the enjoyment by all states, great or small, victors or vanquished of access, on equal terms, to the trade and raw materials of the world which are needed for their economic prosperity.

And that the two countries—

Desire (d) to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security.

Article VII of the Mutual Aid Agreement provided:

The terms and conditions upon which the United Kingdom receives defense aid from the United States of America and the benefits to be received by the United States of America in return therefore, as finally determined, shall be such as not to burden commerce between the two countries but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations: they shall provide against discrimination in either the United States of America or the United Kingdom against the importation of any product originating in either country; and they shall provide for the formulation of measures for the achievement of these ends.

The final draft of article VII was signed on February 23, 1942. This article was subsequently included in agreements with 13 other governments.

During the years 1942–44 planning for postwar currency stabilization, and for investment for reconstruction and commercial policy received detailed consideration by the U.S. Government.

Agreement was reached on the establishment of an International Monetary Fund and an International Bank for Reconstruction and Development at an international conference held at Bretton Woods, N.H., in 1944.

During these years the U.S. Government had been working on a proposal for an International Trade Organization which culminated in December 1945, in "Proposals for Expansion of World Trade and Employment." These proposals were partly the result of American and British discussions. They were elaborated into a draft charter, "Suggested Charter for an International Trade Organization of the United Nations" in 1946. This charter was amended in successive conferences in London, New York, Geneva, and Havana, the final version of which became known as the Havana Charter.

The ITO never came into being. Nominally all the President did in December 1950, was to withdraw consideration of the charter from Congress. There was no congressional action. Theoretically the charter retained its legal status of an international agreement awaiting ratification. Actually only Liberia ratified the charter unconditionally, Australia ratified the charter conditionally—making its adherence effective upon similar action by Britain and the United States; Sweden ratified conditionally awaiting similar action by the United States. Other nations waited for action by the United States and Britain. In 1951 Secretary of State Dean Acheson testified before a congressional committee that it was his belief that the charter would never be resubmitted to Congress, which has proved to be the case.

The first full-fledged large-scale postwar international trade conference was held in Geneva, Switzerland, in 1947. After 6 months of negotiations the document known as the General Agreement on Tariffs and Trade—GATT—was signed on October 30, 1947. It consisted of two parts, the first an agreement by the countries participating in the conference to a long list of mutual tariff reductions and tariff bindings known as schedules, and the second a protocol of provisional application of the general provisions of the agreement. President Truman proclaimed U.S. acceptance of the protocol and applicability of the new rates effective January 1, 1948. The protocol of provisional application constituted acceptance of the general provisions of the general agreement pending final approval of the charter of the ITO. Thus an interim commission was established whose function it was to administer temporarily the general provisions of the GATT until the ITO came into existence. At that time the interim commission would cease to exist.

Thus, the GATT which, originally, was intended to serve as a stopgap arrangement pending the entry into force of the ITO, has stood alone since 1948 as the only international instrument which lays down rules of conduct for trade.

Although embodying many of the features of the ITO, the GATT is not so comprehensive as the charter. The Department of State has never sent the GATT to Congress for approval. U.S. adherence to GATT as a contracting party under the President's authority is allegedly derived from the Trade Agreements Act.

Technically, the GATT has been described by some as not an organization but rather a trade agreement. As stated above, countries agreeing to its provisions are known as contracting parties rather than members. In all extensions of the Reciprocal Trade Agreements Act until passage of the Trade Expansion Act of 1962 there was a statement that the legislation enacted did not indicate approval or disapproval of the GATT by Congress.

Constitutionality of the GATT has been debated extensively.

The basic congressional delegation of power relied upon by the President in accepting the GATT protocol of provisional application is contained in the Reciprocal Trade Agreements Act as amended and extended for 3 years in 1945. The issue is whether the GATT goes beyond the authority delegated by the statute.

First, the GATT is a multilateral agreement and a question arises whether the above act authorized only bilateral agreements. An examination of the act indicates that it does not explicitly authorize multilateral trade agreements. Thus, we can conclude that there is a problem whether GATT goes beyond the statutory authority because of its multilateral nature.

Second, certain clauses of GATT appear to go beyond the statutory authorizations. If we look only to the explicit language of the statutory delegation, the argument that GATT is within its scope as a "trade agreement" is questionable. If we consider the nature of U.S. trade agreements prior to the 1945 act, and allowing for the multilateral nature of GATT, it is hard to conclude that GATT was not a substantial deviation from the pattern of prior agreements. Thus, we could further state that the general subjects of GATT were not within the contemplation of Congress when it extended its authority to the President to enter "trade agreements."

Third, the administrative provisions of GATT constituted an international organization which, questionably, the President did not have the statutory power to join. Previous U.S. trade agreements had provisicns in them for certain types of administrative functions and early in the history of GATT it was recognized that some of these administrative functions would be necessary to implement GATT. It was planned that the ITO would eventually assume these functions.

In 1947, House and Senate committees held extensive hearings on the proposed ITO and GATT negotiations. Some members of Congress challenged the authority of the President to enter into GATT on the specific ground that he was not authorized to join an international provisional organization. The administration has consistently tried to maintain the fiction that GATT is not an organization. However, GATT has all the essential characteristics of an international organization. Thus, it is highly questionable whether the President had statutory authority to enter GATT.

The proponents of GATT defend our association by simply stating that to disown GATT at this point would seriously disrupt this Nation's foreign policy and perhaps the stability of international economic relations. If we concede the truth of this statement, such concession is scant legal authority to justify our participation in GATT.

Mr. President, in view of the tenuous and tortured analysis justifying our participation in GATT and the failure of the executive to submit the GATT to the Congress either for its advice and consent or for implementing legislation, it appears the time has arrived for a thorough review of the participation by the United States in the GATT.

As I mentioned at the outset, the Finance Committee recognized the many problems in the field of international trade and requested the Executive to do a thorough study of the following provisions:

(1) The most-favored-nation (MFN) principle and the exceptions thereto; their effect of MFN exceptions on intra-regional and extra-regional trade where common markets and free trade areas are concerned;

(2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of "direct" and "indirect" taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;

(3) The adequacy of GATT provisions dealing with agriculture;

(4) The adequacy of the balance of payments exceptions in Article XII of GATT;

(5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;

(6) The GATT provisions on "compensation" and "retaliation".

OTHER IMPORTANT TRADE ISSUES

In addition to the above study of GATT provisions the Committee requests a detailed study by the Executive by December 31, 1971,

of its plans for negotiating the elimination (or reduction) of foreign nontariff barriers including:

(1) The quantitive restrictions that remain in effect in many countries such as Japan;

(2) The common agricultural policy of the EEC;

(3) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered "bounties or grants" within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(4) Discriminatory government procurement policies;

(5) The probably effects of British entry into the Common Market on U.S. trade and balance of payments;

(6) The effect of foreign exchange-rate changes on United States trade and tariff concessions; and

(7) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(8) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(9) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects on U.S. trade and investment patterns and on U.S. labor.

(10) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

Further, Mr. President, the committee requested the Tariff Commission to conduct the following studies:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries.

(3) The Customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972;

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

Mr. President, during the hearings before the Committee on Finance relating to the nomination of the Honorable John B. Connally to be Secretary of the Treasury, Chairman LONG urged Secretary Connally to study a pamphlet prepared by Mr. Bob Best, a member of the Finance Committee staff.

Mr. President, I ask unanimous consent that this publication, which was prepared by the highly competent Finance Committee staff, be printed in the RECORD.

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

THE GENERAL AGREEMENT ON TARIFFS AND TRADE—GATT

INTRODUCTION

The Committee on Finance directed its staff to prepare a memorandum on certain provisions of the General Agreement on Tariffs and Trade which appear to discriminate against U.S. commerce, or which appear to be inadequate guides for the establishment of fair and reciprocal principles for governing the expansion of world trade. This memorandum is not an exhaustive treatment of all the GATT principles. Rather, it attempts to highlight some of the issues raised by the GATT which the staff feels are important.

GATT AND THE INTERNATIONAL TRADE ORGANIZATION

The collapse of international trade in the 1930's and the resulting political and economic effects led some world leaders to conclude that new international economic institutions were essential for international cooperation in international trade and payments matters. The ultimate goals envisaged for such institutions were the prevention of war and the establishment of a just system of economic relations.

During World War II preparations were underway for the establishment of these institutions. The Bretton Woods Conference in 1944 resulted in the emergence of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD). But it was recognized that an international organization to regulate trade was a necessary complement to the IMF and the IBRD.[1] During the war years, the U.S. State Department had prepared a draft charter of an International Trade Organization.[2]

At the first session of the United Nations, the Economic and Social Council resolved that a conference to draft a charter for an ITO should be called. Four conferences were held. The last of these conferences was held in Havana from November 21, 1947 to March 24, 1948.

The ITO never came into being. Many of its provisions were considered too extreme. They would have amounted to a virtual delegation of congressional tariff setting and trade regulating powers under the Constitution to the Executive.

To fill the gap caused by the death of the ITO, many of the clauses in the drafts of the ITO charter were taken and put into a document called the General Agreement on Tariffs and Trade (GATT).

The basic GATT agreement was completed in 1947 but it has never been submitted to the Congress for its study and approval. It is being observed by the United States through a "protocol of provisional application."

The "protocol of provisional application" stated that the eight governments who signed it would undertake "not later than November 15, 1947, to apply provisionally on and after January 1, 1948:

(a) Parts I and III of the General Agreement on Tariffs and Trade, and

(b) Part II of that Agreement to the fullest extent *not inconsistent* with existing legislation."[3]

This protocol is still in effect, although the GATT has been amended a number of times and affected by other protocols, including some that are not in force themselves. Thus, the basic treaty is a complex set of instruments, applying with different rigor to different countries.[4]

In spite of the fact that the GATT has never been specifically approved by the U.S. Congress as a treaty or otherwise, the executive branch trade spokesmen tend to view GATT as "the law." Whenever the Congress contemplates taking any action to protect a domestic interest, the Executive pointedly reminds it of the "international commitments" of the United States.[5] It is not clear however, that the executive branch demands the same respect for adhering to "international commitments" from other signatories of the Agreement as it demands of itself.

For example, Japan has import quotas on 98 commodities without any finding of serious injury; Britain imposed a "surtax" on imports and an "import deposit scheme," in violation of GATT; the Continental Europeans have entered into "special commercial arrangements" on citrus fruits and other products in violation of GATT MFN principles, and its common agricultural policy is significantly more protectionist than the previous individual country restrictions on agricultural imports, another violation of GATT principles. Outside of complaining, the United States has done nothing to demand compensation or to retaliate against these violations of GATT principles.

The GATT was born more than 20 years ago at a time when Europe and Japan were in ruins and the United States completely dominated world trade as well as other matters. In the year in which GATT was negotiated, 1947, the United States had a $10 billion trade surplus. The attitude of many U.S. officials at that time was one of redistributing the wealth. We embarked on an ambitious Marshall plan aid program and later on a technical assistance program. U.S. officials were worried about the so-called "dollar gap" meaning that foreign countries did not have enough dollars to purchase needed imports. It is somewhat understandable that under these circumstances, the GATT would contain certain provisions designed to favor European countries and Japan.

Conditions in 1970 are vastly different from those in 1947. At this point, the GATT should be redrawn to take out the inequitable provisions which effectually discriminate against certain countries, mainly the United States, and to put in new provisions to cope with new conditions in the world economy.

MOST-FAVORED-NATION TREATMENT

Nondiscrimination is intended to be the cardinal principle of GATT. It is embodied in article I. What you give to one you give to all. This principle is aimed at making anathema discriminatory bilateral trade agreements, preferences, and special commercial relationships.

However, the GATT sanctions the departure from unconditional MFN treatment in the case of customs unions and free trade areas (article XXIV), certain exceptions in article XIV, and the existence of certain preferences in article I, paragraph 2. These "exceptions" effectively allow European countries to depart from MFN treatment when it suits their commercial interests.

The United States generally observes the unconditional MFN principle although in recent years the United States has compromised on its rigid adherence to this GATT principle.[6] This is particularly evident in the U.S. request for a GATT waiver on the United States-Canadian automobile pact and the Presidential announcements in favor of a system of special "generalized tariff preferences" for less developed countries.

One of the provisions of article XXIV in defining customs unions was that such formations were required to "facilitate trade between the parties" by eliminating regulations of commerce on "substantially all trade between constituent territories of the union." In fact, however, this was violated in 1952 when the six European nations set up the European Coal and Steel Community to pool resources of coal, steel, iron ore, and scrap

Footnotes at end of article.

in a single market without internal frontier barriers. The GATT considered this project as limited to one sector of the economy and therefore not covered by the provisions relating to customs unions. Nevertheless, in light of the fact that the ECSC would have been agreed to by the six with or without GATT approval, the GATT granted a waiver.

France, West Germany, Italy, Belgium, Luxembourg, and The Netherlands signed in 1958 the Treaty of Rome, establishing the European Economic Community, a common market agreement. The legal question of whether the Rome Treaty is consistent with article XXIV of the GATT has never been settled but is obviously academic. Since the common market of Europe was established in 1958, other important trade blocs have also developed. The outer countries of Europe established the European Free Trade Association in 1959. The countries of South America signed the Montevideo Treaty in 1960, creating the Latin American Free Trade Area (LAFTA), a free trade association among the South American countries. A common market among the Central American countries is in existence and now at Punte del Este agreement has been reached to integrate the Central American Common Market and the Latin American Free Trade Area into a Latin American common market. Japan is currently considering the establishment of a free trade area or common market with Australia and New Zealand (which already have a free trade area between themselves) hoping that it will later include Canada and the United States.

There are also tariff preferences, "reverse preferences", and special commercial arrangements sprouting up all over the world.

In Asia, Australia has unilaterally violated MFN by granting preferences to less developed countries. There is growing sentiment of a Pacific Free Trade Area among Japan, Australia, and New Zealand. The British Commonwealth preference system violates the MFN principle. In short, there are very few countries if any, who observe unconditional MFN treatment, without exceptions.

But, the problem is that the exceptions are growing and threaten to make the MFN principle a mockery. The EEC has special preferences for its 19 former African colonies which in turn give "reverse preferences" to EEC goods. The EEC has concluded or is in the process of negotiating discriminatory commercial arrangements with Greece, Turkey, Israel, Spain, Tunisia, and Morocco. Applications for membership with the community are being considered for Austria, Spain, Ireland, Great Britain, and others. All this involves a massive movement away from MFN.

Tariff preferences are by nature discriminatory, and yet the whole developed world seems to have accepted this as a necessary concession to the demands of the less developed countries. In short, the principle of nondiscrimination is being observed more and more in the breach.

It concerns us to see developing in the world a situation in which more and more trading partners of the United States are being incorporated in regional trade blocs which do not adhere to the unconditional most-favored-nation clause. The United States has eschewed joining a free trade area with North Atlantic countries mainly because of its concern for dividing up the world into competitive regional blocs. But, we have actively supported the participation of other countries in regional trade blocs, which threaten to accomplish the same unwanted result. In addition, as more countries enter into regional trade blocs the U.S. competitive position is bound to suffer from the inherently discriminatory nature of these arrangements. This fact has important ramifications in determining a future U.S. trade policy.

GATT PROVISIONS ON SUBSIDIES AND BORDER TAXES

Another important area in which GATT principles are both inadequate and discriminatory concerns subsidies and border tax adjustments.

In essence, the GATT provisions on subsidies and border taxes have been interpreted to permit the rebate of "indirect taxes" (such as value added or turnover taxes) on exports and the imposition of such taxes on imports, but to deny equivalent treatment for "direct taxes," such as income taxes.

TAX SHIFTING ASSUMPTIONS IN GATT

The entire border tax adjustment theory and practice is based on the assumption that "indirect taxes" are always and wholly shifted forward into the final price of a product and that "direct taxes" are always and wholly shifted backward to the factors of production.

The distinction between direct and indirect taxes on the basis of their presumed difference in incidence, though generally accepted two generations ago, is now widely questioned. All taxes on business are increasingly thought of as costs, with varying effects and differential impacts depending on their form, but in one way or another constituting a cost which must be recovered from customers or those who supply resources if the enterprise is to survive. Indirect taxes, at least in the short run, are partially absorbed by the manufacturer depending upon the degree of competition in his markets, and in the markets for his raw materials. Direct taxes, especially the corporate income tax, are shifted forward to the price of the product sold to consumers to the extent that market conditions allow. Well known economists and fiscal experts brought together in a symposium, organized by the Secretary-General of the Organization for Economic Cooperation and Development, in September 1964, reached the following conclusions, (1) "In practice, indirect taxes are not fully shifted into product prices . . ." and, (2) "Certain direct taxes, and particularly the corporate profits tax, may be partially shifted into product prices: although the degree of shifting may vary from country to country."

Businessmen operate with target rates of return in mind and will pass-on all costs, including taxes, into the price structure of their products to the extent that price elasticity of demand in the market will permit. Thus, modern economic theory suggests that the distinction in the GATT treatment of direct and indirect taxes is an extreme and arbitrary assumption which does not stand the test of economic reality. The Business and Industry Advisory Committee of the OECD (BIAC) in a report on the problem of tax shifting stated: "In a strongly competitive situation the prices obtainable—and hence the degree of tax shifting—are substantially determined by the market itself." In short the GATT on border taxes are not "trade neutral."

Actually, the distinction between "direct" and "indirect" taxes is itself somewhat arbitrary and appears to be based more on prevailing practice than on reason. The distinction is, in fact, not made explicit in the GATT provisions, but flows from interpretations of, and amendments to, various provisions. For example, value added taxes, according to GATT classification are considered to be indirect taxes. However, value added taxes fall on both costs and profits of the producer (value added being defined as the difference between the value of a firm's purchases and sales) and to the extent that they fall on profits how can they be distinguished from a profits tax in effect? Corporate profits taxes are classified by GATT as "direct" falling entirely on the producer. Logically, if corporate taxes were reduced, prices should fall. But to the extent that tax reductions stimulate increased spending and demand, they could stimulate price increases. For example, there is no evidence that corporate tax reductions in 1964, led to price reductions.

History of GATT distinction

The provisions in GATT relevant to border taxes and subsidies, basically articles II, III, and XVI, are drawn from the Havana Charter of the 1940's. These provisions were themselves either a compromise (for example, article XVI) or were adapted from provisions of numerous bilateral trade treaties, including especially the United States-Canada reciprocal trade agreement of the mid-thirties.[7] The lack of precise or concentrated thinking about the border tax problem is illustrated by the absence of explicit definitions of key concepts.[8]

There is no unified section of the GATT which deals exclusively with border taxes and is quite clear that the provisions of GATT which do cover border tax adjustments were not the product of carefully reasoned theory, or of experience molded in the crucible of extensive usage.

When the present GATT language was drawn up more than two decades ago, the question of border taxes did not appear to be a major one. Levels of indirect taxes were much lower. Under these circumstances, overlying simple and sweeping assumptions about tax shifting seemed acceptable, and already existing practices were incorporated in very general terms without searching examination.

Import "equalization" charges

Border tax adjustments on the import side, i.e., import equalization charges, are permitted under Articles II and III of the GATT, but only for "indirect taxes." Article II (Schedules of Concessions) provides that its terms shall not prevent any contracting party from imposing charges "equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article III in respect of the like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part". This exemption of indirect taxes gives a GATT blessing to the European practice of imposing "equalization" charges at the border. Article III (National Treatment of Internal Taxation and Regulation) provides in paragraph 2 thereof that "products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products." This article is apparently being ignored by European countries which impose discriminatory road taxes against larger American cars. Japan and other countries also discriminate against American cars through their tax system.

Export rebates

Article XVI, adopted in 1955 deals with the question of border tax adjustments for exports in the following terms:

The exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued shall not be deemed to be as subsidy.

This Article contains many vague terms which need clarification. For example, what is meant by "borne by the like product when destined for domestic consumption" or "remission of such duties or taxes in amounts not in excess of those which have accrued"? These terms seem to be an attempt to apply the "destination principle" to indirect taxes, but the meaning of indirect taxes itself is not at all clear.[9]

Footnotes at end of article.

In 1960, the contracting parties adopted a Working Party Report which listed a number of practices construed to be subsidies.[10] Among these were the remission of direct taxes or social welfare charges on industrial or commercial enterprises and "the exemption in respect of exported goods, of charges or taxes, other than charges in connection with importation or indirect taxes *levied at one or several stages on the same goods* if sold for internal consumption. The implications of practices listed in (b), (c) and (d) of footnote 10 below were not fully appreciated by the United States. They, in effect permitted the European countries to impose border taxes on imports and rebate indirect taxes on exports in accordance with their value added or cascade turnover taxes.

In the late forties and early fifties it is not surprising that U.S. trade officials were willing to incorporate existing commercial practices on border tax adjustments into the GATT agreement. There were much larger problems in international trade than border tax adjustments, which at that time were low—in the range of 2–4 percent and limited to around one-sixth of the goods traded—and then only in the case of a few nations. The United States and a $10 billion trade surplus in 1947 which must have had an effect on our negotiators' attitudes.

But the failure to appreciate the consequences of excluding the so-called "indirect tax" rebates in 1960 from the general prohibition against export subsidies while including a specific prohibition against rebating "direct taxes", was a major blunder. The United States by that time had run into serious balance of payments difficulties. Western Europe had become a prosperous "third force." Giving away commercial advantages to prosperous Europe for the sake of their own internal tax harmonization objectives was an unwise and costly move, in which vague political objectives out-weighed clear commercial considerations.

BALANCE-OF-PAYMENTS SAFEGUARDS

Balance-of-payments considerations have exerted and will continue to exert a powerful influence on major countries' dispositions to deal with trade matters. Recent history shows that countries will adopt whatever measures they deem necessary to protect their balance of payments irrespective of GATT. The British imposed an import deposit scheme to control imports and prior to that they and the Canadians adopted import surcharges to protect their balance of payments. The French subsidized their exports even beyond what the inequitable GATT rules allow. In developed as well as the less developed countries quantitative restrictions and licensing arrangements are legion.

The GATT recognizes that member countries may have to protect their balance of payments and international reserve positions and to this end Article XII sanctions the use of quantitative restrictions (quotas). Export subsidies or import surcharges are not allowed under GATT rules as balance-of-payments adjustment mechanisms; import quotas are. This rigidity in the GATT flies in the face of other provisions of the GATT which are more flexible. Limiting available options to quotas also is inconsistent with the main emphasis of GATT to eliminate quotas as a trade protective device.

It is also difficult to understand why, if quotas are sanctioned by GATT as a balance of payments safeguard, the United States would be violating either the letter or the spirit of the agreement if it is imposed quotas for balance of payments reasons—a position that has been stated by administration spokesmen. The United States has experienced deficits in its balance of payments in every year since 1950, with two exceptions, and its international reserve position has deteriorated substantially. This would appear to fully justify the application of Article XII quotas for the United States. Member countries in GATT should face up to the lack of flexibility in Article XII, and decide whether quotas should be the only recourse available to a country suffering from chronic balance of payments problems. In facing this issue, the member countries should consider that in recent years many countries have not hesitated to use whatever means they deemed necessary to restore equilibrium notwithstanding the GATT.

CONCLUSION

In a number of areas the GATT is deficient and discriminatory. Its exceptions to unconditional MFN treatment favor common markets and free trade areas, and threaten to break up the trading world into competitive regional blocs. Recent bilateral commercial arrangements involving the European Common Market and other countries do not even pretend to justify their existence under article XXIV. The United States could gradually become isolated as a trading nation if it continues to adhere to a policy of encouraging other nations to join regional trade blocs which violate MFN principles, while eschewing U.S. participation in such arrangements under the theory of "multilateralism."

The GATT treatment of subsidies and import charges discriminate against countries relying principally on one form of tax structure—direct or income taxes—in favor of other countries whose revenues are derived from a different system—such as value added taxes.

The GATT safeguard on balance of payments is an anachronism and is inconsistent with other principles in GATT. Furthermore, in recent years major countries such as England and France have imposed import restrictions for balance of payments reasons in complete disdain of GATT principles.

The GATT does not even pretend to be a guide in agricultural trade which is now heavily controlled and subsidized, especially in the European Community.

In short, as presently constituted, the GATT is not a guide to fair trade. Its rules are often inequitable and outdated. It was written at a time when the United States held a virtual monopoly over production and trade and when the rest of the world suffered from an acute shortage of dollars. Trade at that time was mainly between unrelated parties at arms length transactions. Today, trade is increasingly becoming a movement of goods within a multinational business complex. The drafters of GATT may not have foreseen all the postwar economic and structural changes. But no one can claim that world conditions have not changed sufficiently to require a new look at the GATT. It is the view of the staff that the GATT should be redrawn to provide for principles of fair and free trade before the Congress approves its provisions.

FOOTNOTES

[1] The Bretton Woods Conference resolved: "Complete attainment of * * * purposes and objectives [of the IMF] * * * cannot be achieved through the instrumentality of the Fund alone; * * *" and recommended that the government seek agreement "to reduce obstacles to international trade and in other ways promote mutually advantageous international commercial relations * * *."

[2] U.S. State Department Document 2411, December 1945.

[3] The eight signatures, some with reservations, were Australia, Belgium, Canada, France, Luxembourg, The Netherlands, United Kingdom, and the United States.

[4] For example, the GATT provisions regarding subsidies apply to some countries, but not to others. Even the fundamental principle of GATT—nondiscrimination—has been compromised by numerous exceptions in recent years. The GATT provisions have not prevented the widespread use of nontariff barriers in recent years as substitutes for tariff protection.

[5] The prospect of "retaliation" against U.S. exports if the United States applied "unilateral" restrictions to foreign imports, was discussed by Secretary of State Dean Rusk before the Committee on Finance in these terms:

"Retaliation would simply be what is permitted by the rules of the game as that game is now practiced by some seventy countries accounting for about 85 percent of world trade. I refer, of course, to the General Agreement on Tariffs and Trade—the GATT.

"The GATT is essentially a code of conduct for fair play in international trade. The United States played a major role in its negotiation in 1947. Like many of the great initiatives of the early post-World War II days, it reflected a conviction that there must surely be a better way to organize man's affairs than had been the case in the preceding decades of self-centered nationalism. In the area of international trade policy, the GATT represents an attempt to prevent a repetition of some of the economic blunders of the 1930's.

"The GATT does this by establishing a *legal framework* for the stability of trade concessions negotiated in good faith among sovereign countries. We accord others access to our market in return for the right of our exporters to sell in their markets. If we impair the access we have agreed to give others, two courses of action are available under the GATT. We ourselves can offer reductions of our import barriers on other products equivalent in trade value to the impaired concession or the foreign country can withdraw concessions affecting an equivalent trade value for American exports in the foreign market. This may sound a bit complicated—*the legal language* of the GATT is much more complicated—but the idea is clear. It is retaliation—by agreement among all parties in advance that restrictive action by one party entitles the aggrieved party, *as a matter of legal right*, to compensatory action." [Emphasis supplied.]

[6] For 140 years, until 1923, the United States adhered to a "conditional" most-favored-nation principle, under which we would extend tariff and other trade benefits negotiated with one party to another, only if the latter offered reciprocal benefits. Under "conditional" MFN, no country would get a "free ride." The major considerations in the U.S. decision to change to an "unconditional" MFN principle were:

A. By 1923 international commercial relations were dominated by tariff rates and regulations, whereas previously tariffs were of relatively minor importance as compared with the right to trade at all. Bilateral negotiations with such trading partners were cumbersome and time-consuming.

B. The United States had become a major manufacturing nation and sought immunity from discrimination by other countries in order to compete abroad for markets.

C. Under the Tariff Act of 1922, the President was authorized to impose additional duties on the whole or on any part of the commerce of any country which discriminated against American commerce. Consistency, therefore, required that we not initiate discriminatory rates.

[7] 49 Stat. 3960 (1936). Effective May 14, 1936.

[8] For example, the meaning of linking the import charge at the border with "charge * * * applied, directly, or indirectly, to like domestic products" is not defined.

[9] This principle states that internationally traded commodities should be subject to some specified taxes of the importing country and exempt from similar taxes of the

exporting country in order to avoid double taxation. The principle contrasts with (a) the origin principle as applied to other forms of taxation on transactions, (b) income taxes levied according to source of income, or domicile or residence of the taxpayer, and (c) property taxes imposed according to the situs of the taxable object.

[10] Point 5 of the report adopted on November 19, 1960, dealing with subsidies stated:

"The following detailed list of measures which are considered as forms of export subsidies by a number of contracting parties was referred to in the proposal submitted by the Government of France, and the question was raised whether it was clear that these measures could not be maintained if the provisions of the first sentence of paragraph 4 of Article XVI were to become fully operative:

"(a) Currency retention schemes or any similar practices which involve a bonus on exports or re-exports;

"(b) The provision by governments of direct subsidies to exporters;

"(c) The remission, calculated in relation to exports, of direct taxes or social welfare charges on industrial or commercial enterprises;

"(d) The exemption, in respect of exported goods, of charges or taxes, other than charges in connexion with importation or indirect taxes levied at one or several stages on the same goods if sold for internal consumption; or the payment, in respect of exported goods, of amounts exceeding those effectively levied at one or several stages on these goods in the form of indirect taxes or of charges in connexion with importation or in both forms;

"(e) In respect of deliveries by governments or governmental agencies of imported raw materials for export business on different terms than for domestic business, the charging of prices below world prices;

"(f) In respect of government export credit guarantees, the charging of premiums at rates which are manifestly inadequate to cover the long-term operating costs and losses of the credit insurance institutions;

"(g) The grant by governments (or special institutions controlled by governments) of export credits at rates below those which they have to pay in order to obtain the funds so employed;

"(h) The government bearing all or part of the costs incurred by exporters in obtaining credit.

"The Working Party agreed that this list should not be considered exhaustive or to limit in any way the generality of the provisions of paragraph 4 of Article XVI. It noted that the governments prepared to accept the declaration contained in Annex A agreed that, for the purpose of that declaration, these practices generally are to be considered as subsidies in the sense of Article XVI:4 or are covered by the Articles of Agreement of the International Monetary Fund. The representatives of governments which were not prepared to accept that declaration were not able to subscribe at this juncture to a precise interpretation of the term 'subsidies,' but had no objection to the above interpretation being accepted by the future parties to that declaration for the purposes of its application."

Mr. FANNIN. Mr. President, it is time to put an end to the privileged trade position allowed some of our trading partners.

Common Market and Japanese trade has risen drastically as the United States has fallen off the pace.

The Common Market countries and Japan must now realize that they have a responsibility to play fair with the United States in trade matters.

A partial solution to the problem would be vigorous action by the United States to force other nations to abide by current fair trade agreements. I will be sponsoring legislation aimed at accomplishing this.

There is, however, a very serious question as to whether GATT can be mended to make it totally satisfactory for our time.

I urge the immediate study of GATT with the objective of either improving it or discarding it in favor of a new, equitable international trade agreement.

It is time for free trade zealots in this Nation to take their heads out of the sand, and it is time for our trading partners to show some reciprocity in dealing with the United States.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 o'clock a.m., following an adjournment.

Immediately following the disposition of the reading of the Journal and the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) will be recognized for a speech and colloquy for not to exceed 30 minutes, to be followed by the able Senator from Indiana (Mr. HARTKE) for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with speeches therein not exceeding 3 minutes, and not extending beyond 12 o'clock meridian.

Beginning at 12 o'clock meridian, the Senate will pursue its further consideration of the pending business, which, by virtue of the adjournment, will become the unfinished business. The question pending before the Senate will be the amendment which has been offered by the able Senator from Massachusetts (Mr. KENNEDY) and the able Senator from Missouri (Mr. EAGLETON).

Time on that amendment, under the previous agreement, will be limited to 2 hours, to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the distinguished majority leader (Mr. MANSFIELD).

At the conclusion of the 2 hours, it is anticipated that the majority leader will offer a motion to table the amendment, which is amendment No. 11. A rollcall vote on the tabling motion is expected at 2 o'clock p.m. It is also anticipated that there will be a rollcall vote on the final passage of the resolution, which is Senate Joint Resolution No. 7, offered by the Senator from West Virginia (Mr. RANDOLPH) and other Senators.

At the conclusion of action on Senate Joint Resolution No. 7, it is anticipated that the Senate will consider H.R. 4690, to increase the ceiling on the public debt.

Following that, according to the statement that was made earlier by the distinguished majority leader, it is anticipated that the Senate will consider the extension of the Appalachian Regional Development Act.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, March 10, 1971, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1971*

The House met at 12 o'clock noon.

Rabbi Abraham D. Shaw, Temple Oheb Shalom, Baltimore, Md., offered the following prayer:

God of the nations! Here in this historic Chamber where so great a part of America's destiny is determined, we ask Thy guidance and blessing for these lawgivers of our land. May they never lose the awareness of our great birthright of freedom and of equity bought for us by the blood of our heroic forebears. Strengthen the hands of all entrusted with the guardianship of our rights and liberties. Help them ever to see as our Nation's abiding purpose the binding into a cord of unity the many strands of races and creeds which are the glory and challenge of our land. May America ever be an enduring pattern of justice and peace for all the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

HON. WILBUR MILLS SUCCESSFUL IN EFFORTS TO DEVELOP TEXTILE IMPORT AGREEMENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I want to take this time to express my appreciation to my distinguished chairman of the Ways and Means Committee, the Honorable WILBUR MILLS, for his successful efforts in developing an agreement offer on textile imports with the Japanese textile industry.