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.

His efforts have produced a plan where the administration has failed. Although the agreement-offer falls short of the expectations of the American textile industry, it does establish the basis of a working relationship the administration should take advantage of this development.

On this vital issue, our distinguished chairman has rendered this Congress a great service. He has demonstrated the power of a legislative body to solve problems without passing new laws, by exercising the legislative power to precipitate voluntary agreements.

Trade agreements freely bargained for and openly arrived at between nations or by individuals can produce more salutary results than those compelled by the exercise of statutory power.

TRIBUTE TO HON. WILBUR MILLS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, in much the same vein as my colleague, the gentleman from Ohio (Mr. VANIK) I want to congratulate Chairman MILLS on what appeared in today's press. In an era in which all news seems grim, a break in the world-trade clouds is especially welcome.

The announcement that Japan is unilaterally imposing restrictions on its textile exports to the United States, and the comment by the distinguished chairman of the Ways and Means Committee (Mr. MILLS) that similar action by certain other textile exporters should remove quota proposals from the legislative agenda, bring sunshine to skies that yesterday were menacing indeed.

Those of us who perceive in protectionist-isolationship tendencies a real threat to mutual security can breathe easier.

These promising developments are a great tribute to the statesmanship of Chairman MILLS, a statesmanship that reaches far beyond this Chamber. His skill as a legislator is now matched by skill in international diplomacy.

And I am sure President Nixon will express his appreciation to Chairman MILLS for extricating the White House from textile envelopment.

TRIBUTE TO DR. A. E. MAUMENEE

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the city of Mobile has long been rich in a heritage of providing this Nation with a legion of outstanding citizens. Many of Mobile's civic and business leaders have received noteworthy awards of merit attesting to their prominence in the economic growth of America.

The most recent Mobilian to be recognized for his contribution toward making America a better place in which to live is Dr. A. E. Maumenee, one of the Nation's foremost eye surgeons and a man who has long devoted his life to pursuing research on the prevention of blindness.

In recognition of his dedicated role in eye research, Dr. Maumenee, who currently serves as director of Johns Hopkins Hospital's Wilmer Institute, was presented a plaque by President Nixon on Monday, March 8, 1971.

I would like to take this opportunity to offer for the RECORD my sincerest congratulations to Dr. Maumanee, not only for the work he is performing today in the battle against blindness, but for the work he is performing for tomorrow's battle against this malady which afflicts so many countless Americans each year.

BERNADETTE DEVLIN

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, on March 1, 1971, I spoke before this body in regard to the deportation of Bernadette Devlin. At that time I made mention of the fact that I had tried to obtain information from the State Department without any avail, and cited the two instances when I had communicated with them, though I had never received an answer.

However, my appearance before this body did bring an answer. On March 2, 1971, I received an answer from the congressional liaison for the State Department indicating there was nothing they could do under the law to keep Miss Devlin from speaking because she had asked to speak in this country on a political lecture tour, a professional lecture tour, on social, economic and political causes, from Ireland. She has bragged that she is too far to the left to be a Communist except in the Soviet sense, and I objected to her entry into this country for that reason.

Last evening Miss Devlin appeared on the "Dick Cavett Show" and mentioned my name, and said that I would not know a Communist if I saw one between heaven and hell. Well, I do not know what direction she is traveling in, but I certainly recognized her.

I want to go further into this as I go along, to find out why we cannot exclude people who come here espousing radical causes, getting paid for it, and taking the money back with them.

She also confirmed my suspicion when she said:

> Congressman Hunt is bogged down in red tape and I shall have departed this country the day after tomorow before he can do anything.

I submit to you it is about time we closed some of the loopholes. We have enough radicals in this country, without importing more, and we should keep our money here to do something for this country.

APPOINTMENT AS MEMBERS OF COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91-605, the Chair appoints as members of the Commission on Highway Beautification the following members on the part of the House: Mr. WRIGHT of Texas; Mr. EDMONDSON of Oklahoma; Mr. DON H. CLAUSEN of California; and Mr. SCHWENGEL of Iowa.

APPOINTMENT AS MEMBERS OF BOARD OF DIRECTORS OF GALLAUDET COLLEGE

The SPEAKER. Pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Chair appoints as members of the Board of Directors of Gallaudet College the following members on the part of the House: Mr. CAREY of New York; and Mr. RUTH of North Carolina.

CREATING SELECT COMMITTEE TO CONDUCT INVESTIGATION AND OF ALL ASPECTS OF CRIME AFFECTING THE UNITED STATES

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 115

Resolved, That, effective January 3, 1971, there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

SEC. 2. The select committee is authorized and directed to conduct a full and complete investigation and study of all aspects of crime affecting the United States, including, but not limited to, (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics and data; (3) the sharing of information, statistics, and data among law enforcement agencies, Federal, State, and local, including the exchange of information, statistics, and data with foreign nations; (4) the adequacy of law enforcement and the administration of justice, including constitutional issues and problems pertaining thereto; (5) the effect of crime and disturbances in the metropolitan urban areas; (6) the effect, directly or indirectly, of crime on the commerce of the Nation; (7) the treatment and rehabilitation of persons convicted of crimes; (8) measures relating to the reduction, control, or prevention of crime; (9) measures relating to the improvement of (A) investigation and detection of crime, (B) law enforcement techniques, including, but not limited to, increased cooperation among the law enforcement agencies, and (C) the effective administration of justice; and (10) measures and programs for increased respect for the law and constituted authority.

SEC. 3. For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select

committee, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings and conduct such investigations, and to require, by subpena, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the select committee or any member of the select committee designated by him, and may be served by any person designated by such chairman or member.

SEC. 4. The select committee shall report to the House as soon as practicable during the present Congress the results of its investigations, hearings, and studies, together with such recommendations as it deems advisable. Any such report or reports which are made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendments:

On page 1, line 2, strike the word "seven" and insert in lieu thereof the word "eleven".

Beginning on page 2, line 19, strike all through page 3, line 9, and insert in lieu thereof the following:

"Sec. 3. For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member."

The committee amendments were agreed to.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts (Mr. BURKE).

(By unanimous consent, Mr. BURKE of Massachusetts was allowed to speak out of order.)

THE SO-CALLED VOLUNTARY EXPORT RESTRAINT AGREEMENT

Mr. BURKE of Massachusetts. Mr. Speaker, considerable attention has been paid in the press recently to the possibility that a voluntary export restraint agreement in the field of textiles between the United States and the Japanese is just around the corner. Considerable speculation centers on the likely contents of such an agreement. The whole thing reminds me of an old armchair adventure in diplomacy. Just who has agreed to what and just who has given up what is very unclear and, it goes without saying, remains to be seen. This is what one would expect in diplomacy—lots of mystery, attempts to keep the other side guessing, lots of posturing, but above all let us not forget the stuff of which diplomacy is really made, lots of bluffing. The Japanese textile interests have much to gain from the American market and it would be foolish for anyone here to forget this for one moment. Whatever the press is reporting the Japanese have agreed to do or not to do, it should be read with this in mind: they are out to get the best deal that they can for their interests.

It seems that those of us with responsibility for safeguarding American interests should be very much on the alert these next few weeks lest we let our guard down and end up accepting a promise or somthing which looks good on paper instead of something tangible and binding. Past experience with voluntary trade agreements, similar to the textile agreement under consideration now, has been all too discouraging. For example, despite the overall voluntary steel export restraint program with the Japanese, the domestic specialty steel industry is being bombarded with rising steel imports from Japan and Western Europe. Many U.S. firms are today threatened with the necessity of dissolving as a result. If there is to be an agreement and it is to be a meaningful agreement, then what is needed are precise and specific import limitations spelled out category by category. Any broad overall ceiling agreement just would not do.

I am also well aware that footwear and electronics articles apparently have not been included in the Japanese trade discussions now in progress. I am not encouraged by this failure to consider other industries, since we all know that footwear and electronics industries have suffered greatly in recent years from foreign import penetration.

Furthermore, the announcement yesterday by the Japanese Textile Federation to unilaterally restrict their exports to the United States, insofar as it fails to take into account the intentions of other nations in the Far East, is ultimately a fairly meaningless declaration. We all know the pace with which the Japanese have invested in textile and electronics plants throughout the Far East. Any restraint on exports or products from Japan should, if it is to be meaningful, also include restraint on goods produced by their subsidiaries in other parts of the world, which, if anything, enjoy a cheaper pool of labor than the Japanese themselves at home. On this point, I am in full agreement with the distinguished chairman of the Ways and Means Committee.

In my view, there is no doubt that as a diplomatic maneuver this latest Japanese proposal is designed to undercut and make ineffective a long-term cotton arrangement. I believe it would be the height of folly for the Ways and Means Committee of this House to set aside consideration of long overdue trade reform legislation which would not only extend the President's authority to set tariff adjustments, provide adjustments assistance and widen escape clause provisions, but would also demonstrate, in the most adamant terms, the alternative available to the United States in the absence of binding and meaningful bilateral agreements on footwear, electronic articles, and other products—as well as textiles—dumped on our markets. This would be to play into the hands of the Japanese negotiators who surely are negotiating today with one eye on what Ways and Means is likely to do or not do about trade reform.

To my way of thinking, the only hope for something of substance emerging which will assist the industries most affected by foreign dumping in our market is to continue the push for a trade reform bill this session of Congress. This latest action by the Textile Federation of Japan should be viewed as but another attempt to raise hopes, an exercise that we have witnessed many times in the past, only to see these same hopes die. In this connection, Mr. Speaker, I feel that Mr. ALSOP is to be taken seriously when he observes that a possible Japanese voluntary arrangement will put the final nail in the trade bill coffin. While I fail to share Mr. ALSOP's enthusiasm for the agreement, I feel that he is absolutely right in his analysis of the aims and objectives of the Textile Federation of Japan and the free trade lobby of this country. I, for one, do not plan to stand by and watch this issue be swept under the rug. Trade legislation is very much before the Ways and Means Committee for serious consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I would ask the gentleman from Massachusetts if there is anything in the present Japanese proposal to voluntarily restrict their imports to the United States to the 1970 year base period that is any way responsive to the quota formulas suggested by the Trade Act we had before us, and for which we voted in this body last year?

Mr. BURKE of Massachusetts. Mr. Speaker, this agreement, from what I can read, would be a very liberal agreement and would almost give the Japanese complete access to our textile market.

Mr. WYMAN. Do we still need a bill?

Mr. BURKE of Massachusetts. As to the plants in Korea and Taiwan, they would not be restricted on the imports coming from those countries.

Mr. WYMAN. Mr. Speaker, I agree with the gentleman from Massachusetts. The so-called voluntary restraints proposed by our Japanese friends are not an adequate response to the needs of American industry that responsibly deserves to know just how much of an import problem it must face each year.

In the first place, the Japanese proposal is too high. It is tied to the 1970 import level which is the highest in our history. The trade bill passed by this House last year established a lower period, 1967 to 1969.

Second, there is no guaranty that other

importing nations will also impose voluntary restraints. Japan is not the only country that causes serious problems for American industry.

Nor is the textile industry the only industry seriously harmed by imports. The American footwear business is close to the brink of national disaster because of tidal wave floods of foreign footwear imports that threaten to put our shoe manufacturers into bankruptcy and tens of thousands of American employees out of work in the later years of their lives largely with no place to go except to the welfare roles.

With all due respect to some very senior Members of this body who are quoted as having indicated that quota-type legislation will not be necessary if other nations in the Far East follow Japan's example on textiles, there is no question but what orderly marketing restrictions are urgently and continuingly needed to protect various American industries. These industries do not want a fence built around the United States to keep imports out. They want to be able to plan for an orderly flow of measureable imports into this country and an orderly increase therein so that they will not be put out of business if all of a sudden some ships dock in U.S. ports with their hulls loaded to the hilt with a particular type of product, flooring the American market and seriously underpricing U.S. production in that type of product.

Let us face it. The United States is deluding itself if it thinks it can maintain the highest standard of living in the world, continue to pay the highest wages, and still keep its markets wide open without restrictions to competing products made abroad at wages so low that they would be illegal in this country. A certain fair share of the American market should and must be guaranteed to American industry. This should be required by this Congress.

The weakness in the Japanese position at the present time is not confined to their selection of 1970–71 as a base year. It also lies in their self-imposed allocation of a percentage growth rate or proposed self-imposed limitations for future years. These are double the growth rate of the American market since World War II.

Mr. Speaker, I urge the present administration to support a meaningful trade bill that will provide quota limitations on foreign imports affecting certain critically affected industries. Then and only then are we likely to get meaningful agreed multilateral restrictions on imports that will enable these terribly hurt U.S. industries to survive.

Tariff adjustments, escape clause mechanisms and adjustment allowances are not a viable response to the economic crisis presented by the waves of foreign imports flooding our shores. Essentially, these are burial expenses. What is needed, and urgently so, is orderly marketing legislation substantially similar to the trade bill that passed this House last year.

Omitting the oil import concessions and eliminating the DISC arrangements, it is about time the administration overrode the countervailing protestations of the free traders in the Department of State and insisted upon meaningful protective relief for the thousands upon thousands of working men and women in America who look to it for assistance in staying on the job. They neither seek nor deserve a policy of handouts during a transitional phase leading to individual membership on the welfare roles.

I urge the immediate passage of H.R. 4276.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from New York (Mr. RYAN).

FUNDS FOR EDUCATION—NEW YORK CITY'S PLIGHT

Mr. RYAN. Mr. Speaker, the New York City Board of Education faces a massive deficit in this school year—amounting to some $36 million according to the latest estimate. As a consequence, cutbacks were announced last week when will include the layoff of some 6,500 teachers and 10,000 substitute teachers. There is to be a 20-percent reduction in headquarters staff, and a freeze on all but emergency repairs.

On Sunday the New York State Supreme Court, Kings County, issued a temporary order preventing the cutbacks from going into effect because they were "arbitrary" and done without consultation with the local boards. The court action was instituted by Assemblyman Samuel D. Wright, president of Community School District 23 in Brooklyn. A hearing on the temporary order was scheduled for this morning.

In addition, an inquiry is being conducted by the New York State Department of Education. A massive demonstration is scheduled for Friday at city hall. Between 250,000 and 1 million parents, laborers, teachers, and children are expected to participate.

Obviously, an extreme crisis exists in New York City. One of the most basic governmental services—education—is disintegrating for lack of money. I have no particular brief for the Board of Education's administration. It may be that some, if not all, of this deficit was avoidable, given better administration. However, I do make the case that the administration and the Congress have the responsibility to provide sufficient Federal funds. Last year the President vetoed the appropriation bill for the Department of Health, Education, and Welfare. And this year, the administration's budget requests for fiscal year 1972 for funding of education programs are totally inadequate.

Let me point to some of the budget requests by the administration for fiscal year 1972, which begins on July 1, 1971. Funds for equipment under title III of the National Defense Education Act are eliminated for fiscal year 1972; $50 million was provided during fiscal year 1971. Funds for students with special vocational education needs—funded in fiscal year 1971 for $20 million—are omitted. So, too, is the $18.5 million provided for cooperative vocational education during the current fiscal year.

Under the fiscal year 1972 budget requests submitted by the administration, there is a $20 million cut for title IV of the National Defense Education Act of 1958, which provides support for graduate students preparing for teaching careers at the postsecondary levels. Grants for public libraries are cut more than 50 percent from last year's appropriation; for example, New York State will receive, not the $2,906,000 it received in fiscal year 1971, but only $659,095.

These are but a few examples of the inadequate education funding contemplated by the administration. Despite the President's claim to have submitted an expansionary budget, clearly education needs have not been the recipients of any expansion.

Apart from cuts, the fiscal year 1972 budget request contains funding levels for other programs which are virtually the same as those for the current fiscal year. And this means regression, not progress. While the cost of educational goods and services has risen 9 percent in fiscal year 1971, according to the National Education Association's study entitled "Research Report 1970, R–15, Estimates of School Statistics 1970–71," the same funding for fiscal year 1972 as for 1971 is requested for title I of the Elementary and Secondary Education Act of 1965. This is particularly disastrous for New York City, and other urban areas, because the title I program is geared to providing compensatory educational programs and services to meet the special educational needs of educationally deprived children—in brief, the victims of our slums and ghettos.

Full funding of Federal education programs is essential, and adequate funds must be provided in the next fiscal year. But, meanwhile, the crisis in New York City exists now, and additional funds next year will not stave off disaster.

Last Thursday, I and several of my New York City colleagues met with Secretary Elliot Richardson of the Department of Health, Education, and Welfare and Commissioner Sidney Marland, Jr., of the Office of Education. We urged that every effort be made to help alleviate the crisis by providing additional funds. While the Secretary and the Commissioner were both sympathetic to New York City's plight—a plight similar to that in other cities and towns throughout the country, as the article from the March 8 issue of the Wall Street Journal which I will include at the end of this statement illustrates—they were not optimistic.

There is, in fact, one source of funds—a supplemental appropriation. The following chart shows how much fiscal year 1971 allocations for title I of the Elementary and Secondary Education Act of 1971 have fallen short of full funding in the 32 largest cities in New York State. New York City would receive an additional $146,392,072 were title I fully funded. The second chart gives a breakdown just for New York City.

The material follows:

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, FISCAL YEAR 1971

City	Fiscal year 1971 allocation	Fiscal year 1971 allocation if fully funded	Plus difference
1. New York City	$131,896,632	$278,288,704	$146,392,072
2. Buffalo	6,783,782	14,313,102	7,529,320
3. Rochester	3,408,215	7,190,993	3,782,778
4. Syracuse	2,477,529	5,227,338	2,749,809
5. Yonkers	1,607,651	3,391,983	1,784,332
6. Niagara Falls	1,026,946	2,166,753	1,139,807
7. Schenectady	678,827	1,432,257	753,430
8. Albany	1,225,911	2,586,550	1,360,639
9. Mount Vernon	994,617	2,098,542	1,103,925
10. Utica	990,551	2,089,964	1,099,413
11. Newburgh	631,764	1,332,959	701,195
12. Elmira	485,174	1,023,669	538,495
13. New Rochelle	376,742	794,888	418,146
14. Rome	399,464	842,829	443,365
15. Hempstead (No. 1)	621,168	1,310,602	689,434
16. Troy	535,462	1,129,771	594,309
17. Freeport (Hempstead No. 9)	544,145	1,148,092	603,947
18. Copiague (Babylon No. 5)	$283,160	$597,439	$314,279
19. Sachem (Brookhaven No. 5)	232,227	489,976	257,749
20. Poughkeepsie	401,767	847,688	445,921
21. White Plains	261,246	551,203	289,957
22. Long Beach	461,792	974,335	512,543
23. Amsterdam	198,378	418,558	220,180
24. Port Chester	308,977	651,911	342,934
25. Middletown	184,002	388,226	204,224
26. Jamestown	309,006	651,972	342,966
27. Lackawanna	284,684	600,655	315,971
28. Fulton	165,357	348,887	183,530
29. Glen Cove	181,172	382,255	201,083
30. Ossining	150,179	316,863	166,684
31. Binghamton	581,446	1,226,793	645,347
32. Watertown	266,180	561,613	295,433
Total	158,954,153	335,377,370	176,423,217

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, NEW YORK CITY, FISCAL YEAR 1971

County name	Allocation	Maximum amount authorized
Bronx	$35,253,773.81	$74,382,456.94
Kings	58,357,619.01	123,129,600.44
New York	27,005,037.84	56,978,327.34
Queens	9,563,173.14	20,177,479.96
Richmond	$1,717,028.00	$3,622,782.68
City total	131,896,631.80	278,290,647.36

Another source of funds lies in the supplemental appropriation for the bilingual education program—a program for which New York State and New York City have received a disproportionately small amount of Federal funds. My bill, H.R. 1589, would provide the supplemental funds—$55 million—to bring the program up to its fully authorized level for fiscal year 1971. This would certainly help New York City.

Still another source of funds resides in applications under title III of the Elementary and Secondary Education Act. Two of these, amounting to approximately $1 million, are currently pending in the Office of Education. They have been approved by the New York City Board of Education, the New York State Education Department, and the Federal Office of Education. However, actual release of the funds is frozen.

I urge Secretary Richardson and Commissionor Marland, who demonstrated in our meeting a sincere and earnest desire to be of help, to support supplemental funding for title I of the Elementary and Secondary Education Act, to support by bill H.R. 1589, providing supplemental funding for the Bilingual Education Act, and to expedite release of the funds for the title III applications currently pending in the Office of Education.

Following is the article which appeared in the March 8, 1971, issue of the Wall Street Journal, entitled "School Squeeze: Many U.S. Cities Begin Laying Off Teachers Due to Money Pinch," written by Frederick C. Klein and Richard D. James:

SCHOOL SQUEEZE: MANY U.S. CITIES BEGIN LAYING OFF TEACHERS DUE TO MONEY PINCH

(By Frederick C. Klein and Richard D. James)

The teaching profession is learning a hard economic lesson. For the first time since the Depression, teachers are learning, first-hand about layoffs.

In recent days, financially pressed school districts from New York to Los Angeles have laid off elementary and secondary school teachers or announced intentions to do so.

About 10,000 of the nation's two million full-time teachers have been affected by cutbacks ordered since Jan. 1. The majority of these are supposed to take effect next Monday in New York, where the Board of Education last week declared it would reduce its teaching and administrative force by 6,500 persons to head off a $40 million budget deficit. The New York board also said it would halt hiring of the 4,000 or so substitute teachers it employs daily to fill in for absent regulars.

If the New York layoffs go through as planned (some officials say funds might be found to at least delay the moves), the city will join Detroit, Cleveland and numerous smaller cities and suburbs paring their teaching forces this school term. The results, of course, have been increases in classroom crowding and reduction in educational services.

A GRIM OUTLOOK

Educators and other observers are almost unanimous in the belief that teacher layoffs are bound to snowball nationally in the weeks to come.

"A lot of school boards are trying to squeeze by as long as they can with inadequate funds, but they'll find out in late March or April that they can't make it. The results will make what's happened so far look pale," says Sam Lambert, executive secretary of the 1.1 million-member National Education Association, a teachers' professional and bargaining group.

The outlook for the fall term is no less grim. The California Teachers Association, an NEA affiliate, says that fully half of the 1,000 school districts in its state have notified teachers of possible layoffs in September. In Chicago, the board of education says it won't be able to rehire some 4,000 of its 24,000 teachers and administrators if it doesn't get an additional $58 million by June.

Behind the cutbacks is a financial squeeze created by rising educational bills and the increasing reluctance of taxpayers to cough up more money.

THE VOTERS SAY "NO"

The reaction against higher school taxes began in the late 1960s and is still picking up steam. According to the Investment Bankers Association, voters last year approved only 48% of the school bond issues put before them; in 1965, the approval rate was 77%, and in 1960 it was 89%.

Referendums on increasing property tax levies to meet school operating costs have met a similar fate. In Ohio, for instance, only 29% of such issues were okayed at the polls last year, down from 84% in 1960. In Illinois the approval figure plunged to 44% from 72% in that same period.

Initially, many school boards responded by cutting spending for construction, maintenance and school programs they deemed nonessential, such as art, music and sports. Indeed, just about every school district currently laying off teachers first went through such steps.

But "you can only save so much by paring things around the edges, and in many districts the money pinch has become far too severe for that," says an official of the National School Boards Association. "Teacher salaries remain the schools' biggest expense. Layoffs are the only way to make the kind of reductions we're faced with now."

FAR-REACHING CONSEQUENCES

The educational consequences of the layoffs are sure to be far-reaching. A case in point is the Detroit school system, where 192 of some 11,000 teachers were laid off last Monday and about 65 more may lose their jobs this week. In addition, the system isn't using substitutes unless a regular teacher is out more than one day. Principals or assistant principals are filling in as teachers during one-day absences, or the affected class is divided among other teachers.

Aubrey McCutcheon, Detroit's deputy schools superintendent, says the staff reductions will boost the average class size in the 290,000-pupil system only slightly, to 35 from 34, but he says this figure is highly misleading. "That's only an average; where a teacher has been laid off, other classes in his school are absorbing as many as a half-dozen more children," he says.

Mr. McCutcheon says that some pupils whose teachers have been sacked have been put into other grades because there was no room for them in classes at their proper level.

Included in the Detroit layoffs were about a dozen teachers of remedial math and reading. "This hurts the kids who need help the most," says Mr. McCutcheon. The system's program of closed-circuit televised instruction to classrooms has been sharply reduced because the eight teachers who did the TV teaching have been assigned to classrooms to fill in for laidoff colleagues.

IN THE SUBURBS, TOO

Planned layoffs in other cities are expected to have similar impact. New York school officials say that even the elimination

of substitutes could result in widespread confusion in its 1.1 million-pupil system. Noting that pupils of absent teachers will have to be sent to other classrooms, one administrator says, "The possible effects of this on discipline alone are frightening."

In Cincinnati, some 275 teachers are scheduled to be laid off in September following the defeat of a tax boost last fall. Kindergarten pupils next fall will get only 10 weeks of instruction instead of the present 20 weeks, and all elementary school libraries are to be closed.

Teacher layoffs are imminent in wealthy suburbs as well as in big cities. In the Chicago area alone, layoffs have been announced in the affluent bedroom communities of Wilmette, Arlington Heights and Niles Township.

Wilmette, whose 1969 average family income of $26,355 was one of the highest in the country, says it will fire 35 teachers at the end of this term because voters twice defeated tax hike referendums last year. "There hasn't been too much of an uproar" over the cutbacks, says schools superintendent Donald V. Grote. "A lot of people here seem to think we can stand a little belt-tightening."

The layoffs are all the more severe because they come at a time when the number of teachers' college graduates is almost triple the number of new job openings being created by resignations and retirements. This is expected to make future pay boosts for teachers harder to get and make it tougher for laid-off teachers to find work elsewhere in their profession.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 115 recreates a Select Committee on Crime which was originally created on May 1, 1969. The committee would be composed of 11 Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman.

The resolution authorizes the committee to conduct an investigation and study of all aspects of crime affecting the United States. For such purpose, the committee may sit and act within the United States, including any Commonwealth or possession thereof, and shall report to the House during the present Congress on the results of its investigations and studies.

We are called upon today to vote to reconstitute the House Committee on Crime, chaired in the 91st Congress by our esteemed colleague, CLAUDE PEPPER. In my opinion, casting a vote in favor of the Crime Committee is both an honor and obligation. It is an honor because this committee has served our body well. And it is an obligation because the menace that crime presents to this Nation demands that we actively participate in the fight against crime.

In its 20 months of life during the last Congress, the Select Committee on Crime compiled an impressive record of accomplishment. It has not solved the problem of crime, and, of course, we did not expect that it could in so short a period of time. But the committee did attack some of the gravest problems of crime confronting the Nation, and from these confrontations, the Nation has benefited.

I say with pride that our Select Committee on Crime virtually singehandedly alerted the Nation to the dangers of amphetamine abuse. For too long, these dangerous drugs were calmly accepted as part of the panoply of drugs Americans take for granted. The Crime Committee changed this; the Crime Committee, after exhaustive hearings and investigations, warned the Nation of the very grave consequences of amphetamine abuse. There is a new awareness in America today, an awareness that pep pills can be killer pills. For that awareness, we must thank the Select Committee on Crime. If the committee had done nothing else—and it has done more—it would have earned our abundant respect and gratitude.

But it has done more. Heroin addiction is the single most deadly form of drug abuse in America today. It is a killer drug which affects not only those addicted to it, but their families and the community at large. Heroin addiction is responsible for a substantial portion of the crime in America today, and the profits of the heroin traffic form a major bankroll for organized crime. The Select Committee on Crime has conducted an intensive investigation into the heroin crisis, and its investigation has spanned the spectrum of the problem. The committee has studied heroin from its low-level distribution on the streets right up to its growth in the mideast. The results of this investigation were embodied in the committee's report on "Heroin and Heroin Paraphernalia," one of the finest documents of its kind. But this report is more than a mere recitation of the problem, it is a program for action, a handbook for legislation that can lay the groundwork for the eventual elimination of heroin as a problem in this country and abroad. This body would not have before it this blueprint for solving the heroin problem were it not for the vision and diligence of the Select Committee on Crime.

The printed hearings of this committee provide a look at crime rare in its breadth and scope. In its 13 public hearings, the committee has sat in as many cities across the Nation. While crime is a national problem, it is also a local one, where the major responsibility for law enforcement rests. The Crime Committee has assidously sought out the views of local and State officials, as well as those of private citizens, in an effort to determine how those of us in Washington can best help the frontline troops in their fight against crime. The law enforcement agencies of this Nation are crying for help, and the Crime Committee has been seeking ways to provide that help without infringing on the rights of local government.

The committee's wide-ranging investigation into the materials used to dilute and package heroin, for example, showed the obvious need for remedial legislation. But the committee does not propose to legislate for the Nation on this matter. Rather, it plans to introduce a heroin paraphernalia statute for the District of Columbia, since that is the responsibility of the Congress, and urge the States to enact this law, with adjustment for local conditions, in their own legislatures.

In urging you to support House Resolution 115, I am only urging you to do what we must do. We, of the Congress, cannot sit idly by as crime tears at the roots of American society. The Crime Committee has proven its value, it has proven it can produce, and we owe it to ourselves to insure that the committee can continue its fine work.

Mr. Speaker, I urge the adoption of House Resolution 115 in order that the Select Committee on Crime may continue its studies.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 115 will recreate or reestablish or reconstitute the special select committee to study all aspects of crime affecting the House.

Now for the information of some of the new Members, may I state that this resolution, comes from the Rules Committee which has original jurisdiction on such matters. We approved it and sent it to the House for consideration. There is 1 hour of debate. We do not go into the Committee of the Whole House for any discussion so after this hour or such portion of an hour as is used is concluded, then the resolution will be voted up or down. We can bring in a resolution setting forth a special time for argument if we desire, but that is not the instance so far as this is concerned.

For background reasons, I would like to set this forth in the RECORD. Back in 1968 the House passed a resolution to set up a joint committee between the House and the other body. But as I indicated at the time I presented it on behalf of my side of the aisle, I did not think the other body would act on it. They did not. The following year this special committee was set up by the House on May 1, 1969.

I would like to quote a statement or part of a statement I made when that was presented as follows:

> Very frankly, I do not know what the committee can accomplish. Crime has been investigated to death. I believe if we straighten out the Supreme Court on some of their decisions and take some actions so that the law-enforcement officer is not always tried instead of the criminal, we might do a lot more than we will by passing a resolution to investigate. By the same token, I do feel that the House of Representatives should determine whether or not there is anything that it can and should do, that it is not now doing in the field of crime, which will in any way help to solve this very serious situation which certainly is among the top three problems facing the Nation. In accordance therewith, I am content to support this resolution. I hope the resolution passes, and I will cooperate in any way I possibly can with the committee based upon my previous experience in law enforcement to assist the committee in carrying out the purposes of House Resolution 17.

Mr. Speaker, I feel the same way today about the situation as I did then. I still think if there is anything the House should do or the Congress should do in connection with helping to solve the serious crime problem, we should do it. However, in all honesty, Mr. Speaker, I must state that I am a little disappointed in the functioning of this particular committee since May 1, 1969. I would have hoped that they would have checked into many of these problems and could tell us how

the parole system is working and how the conditional release system is working and give us any suggestions from the district attorney's association and the attorneys general and the chiefs of police and whatever other outstanding individuals or organizations could suggest, whether our penalties are too strong or too strict, and about narcotic cases or whether they are not strict enough and in other words about what the whole situation is so we could determine whether there is anything further the Congress should or should not do.

I admit that I have not attended all of the hearings, and I do not mean in any way to criticize any member of this committee because certainly every member of the committee and every Member of this House is against crime and anything the House of Representatives can do to stop the crime situation, I know we all want to do it.

But, as I have said, I am a little disappointed that the reports do not show more of those, although I was told as late as yesterday, I believe it was, by one of the distinguished members of the committee, that they did hold hearings and talks with some of those individuals whom I have mentioned. They did have some discussion with them.

I have some concern that the committee may have been used as a sort of—and I hesitate to use the expression—a dumping ground, a place where a lot of unnecessary employees could be placed and were placed on this committee, and that it acquired a very large staff. At one time I believe they had over 40 employees on the committee. They tell me that the number now is around 22, and they are all working. It may be that that is cleared up.

However, having spent around $900,000 or a little bit more, I wish the committee would have come in with a report that would have been a little more helpful to us in determining whether there is anything the House should do.

I do hope, and I am satisfied that this committee will be recreated and reconstituted. I merely want to put in the record the hope that the distinguished chairman of this committee, the gentleman from Florida, and the other members of the committee will come in here at the end of this 92d Congress and tell us whether there is anything we should or should not do, and not simply come in and tell us that there is a big narcotic problem, a big murder problem, or things like that. We all know that. I merely seek an answer to the question, "What am I not doing as a Member of the House of Representatives that I should be doing to stop this crime situation, which still remains as one of our most serious problems in the United States?"

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. McCLORY. I appreciate the gentleman's yielding to me. I concur with the sentiments expressed by the gentleman from California. The House Judiciary Committee, upon which I have the privilege to serve, has proceeded to take testimony and to consider many of the subjects which the gentleman has mentioned, such as the number of judges which is essential for improving the fight against crime, rehabilitation, and organized crime, in connection with which we have had a very comprehensive investigation. The volume of hearings is about 3 or 4 inches thick. We did report a new organized crime bill which, in my opinion, can go a long way toward investigating the various ramifications of organized crime and all of its impact on our society. I believe that that is one of the subjects that the select committee proposes to investigate. I might say that I only hope that their investigation will not interfere with the special grand juries we have established under the organized crime bill, which, in my opinion, can be extremely effective in the fight against organized crime.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I wish to commend him for the statement that he has made. He has expressed some doubts, and I share those doubts, as I think many other Members of the House do.

What is the meaning of the language—

The select committee shall report to the House as soon as practicable during the present Congress—

Is "as soon as practicable" a year from now, or next November or December?

Mr. SMITH of California. That would have to be governed by the committee. As I recall, they sent out at least two reports, which I recall receiving and reading, maybe three. Then I think several times a week they sent out sheets with comments. Under the resolution the committee would be recreated and reconstituted until January 3, 1973, to make their final report.

Mr. GROSS. If the gentleman will yield further, I noticed an automobile the other day with a tag on it stating, "House of Representatives, Crime Investigating Committee, Official Business." I wonder how many cars bearing such tags are being driven, and what their purpose. Are their drivers investigators or what are they? Does the gentleman have any knowledge as to what this staff does?

Mr. SMITH of California. I am sorry. The gentleman would have to address that question to the chairman of the committee. I yield to the chairman, the gentleman from Florida, Mr. PEPPER, to answer the question if he so desires.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, my own information is that one of the investigators, using his own car, simply put that tag on to identify himself because he is an official investigator for the committee.

Mr. GROSS. And there is only one, is that what the gentleman is saying?

Mr. PEPPER. Whatever cars are obtained by the committee in the course of this work are obtained from the General Services Administration, and that agency is reimbursed for the car used by the committee or its representative.

Mr. GROSS. Do GSA cars carry this tag? This is the first committee indication on a car that I have ever seen. Are they all equipped with this tag in the name of the House of Representatives?

Mr. PEPPER. I do not know. I guess this gentleman thought probably—I do not know whether it was a matter of pride with him or whether he thought it would aid in his identification if he indicated he was there on behalf of the committee to make some investigation. Perhaps he wanted to have some kind of indication of what his status was. But I do not think it costs the House a dime.

Mr. GROSS. Where do they get this metal tag saying it is a House Crime Investigating Committee car? Who issues it?

Mr. PEPPER. I understand there is only one of those in existence, and I do not know how this ingenious gentleman has obtained that one.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what was the purpose of increasing the number of Members on the committee?

Mr. SMITH of California. We were informed by the committee that the leadership desired to increase the number, so there would be additional spaces available.

Mr. GROSS. With both sides of the aisle participate in the increase?

Mr. SMITH of California. This goes from seven to 11. Of the four—I am informed it is two and two, two on the Democratic side, and two on the Republican side.

Mr. GROSS. I agree with the gentleman that if this committee can bring about any improvement in the curbing of crime in this country, I am sure we are all for it, but I certainly want to see some results for the nearly $1 million spent thus far, as I believe the gentleman indicated. I am going to look forward to real results from this committee if it is to be continued.

Mr. SMITH of California. Mr. Speaker, may I say to the gentleman from Texas I have one request for time, and I will withhold if the gentleman from Texas wishes to yield to anyone.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I rise in support of the resolution. I do so for a variety of reasons, but principally because of the outstanding job done by this committee headed by the able Member from Florida (Mr. PEPPER) in the field of drug abuse.

Some years ago, I was chairman of a special subcommittee of the Ways and Means Committee on narcotics abuse. We discovered at that time that there were many drugs that were not controlled at all, the so-called chemical drugs, such as amphetamines and barbiturates, and the more recent LSD and speed and others that have become a threat especially to the young people in this country. At the time I headed my subcommittee, there were probably one-third the number of addicts there are in this country today.

The amount of heroin being peddled in the high schools in this country is alarming. The amount of the chemical drugs, such as the amphetamines and barbiturates has increased. There are some people who take a barbiturate to go to sleep at night and take an amphetamine to get enough energy to move around the next day. They live a drug-induced type of life.

In the case of heroin addiction, there is so little chance for recovery, that when a young person, a student is caught up on heroin, he or she really is just committing suicide by degrees.

This committee has done a great service to the Nation in pointing up these abuses. It has carried on educational TV and radio programs, on about 500 stations in the United States.

I am happy to see that ads are now being shown on nationwide television depicting the lusting caused by drug addiction. I know this is something that is needed in this country.

There is no more dastardly human being walking the streets than the person who, in order to gain illicit money, will addict boys and girls. We have increased the penalties for these people enormously, but the educational job still needs doing.

I commend the gentleman from Florida and the other members of the committee for the fine job they have done. I intend to vote for and to support this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. Surely; I yield to the gentleman from Iowa.

Mr. GROSS. What is wrong with smoking cigarettes?

Mr. BOGGS. There is a large body of medical opinion that cigarette smoking is harmful. I know that many do not accept this conclusion.

Mr. GROSS. I thought the gentleman was condemning the smoking of cigarettes.

Mr. BOGGS. I was.

Mr. GROSS. What for? What is wrong with them?

Mr. BOGGS. I answered that question earlier. Cigarette smoking may shorten the gentleman's life.

Mr. GROSS. I doubt that the gentlemen can save me from myself.

Mr. BOGGS. No; I am sure I could not, and I would not try.

There is no one in this country today who disputes the necessity of a concerted effort to fight crime. We of the Congress are committed to fighting crime, the administration is against crime, and the people are against crime. Crime is not an issue—it is a national problem that needs urgent attention.

One of the greatest accomplishments of the Select Committee on Crime has been its ability to help us all focus our attention and thinking on those aspects of the crime problem that are most critical. Like a high-powered microscope, the Crime Committee has focused on and enlarged for the public view those areas most in need of remedial action. For our knowledge of the dangers and widespread use of amphetamines, we are in debt to the Select Committee on Crime. For a widely distributed report on marihuana, we are in debt to the Select Committee on Crime. For a radio documentary on the dangers of drug abuse broadcast by over 500 stations, we are in debt to the Select Committee on Crime.

Under the able leadership of our esteemed colleague from Florida, CLAUDE PEPPER, the Select Committee on Crime has established itself as preeminent in the field of drug abuse. Properly concluding that drug abuse is a major cause of crime, the committee has delved into the drug abuse crisis with a determination to seek solutions. This determination has brought forth two of the finest reports filed in this body in the last session: the Crime Committee's reports on "Heroin and Heroin Paraphernalia" and Amphetamines." The heroin report is a decisive move toward the ultimate solution of the heroin crisis. The recommendations in this report—many of which will reach us in the form of bills this session—form a comprehensive plan to attack an international problem. I feel sure that the Crime Committee's report will remain for many years one of the seminal documents on heroin abuse.

The committee's equally fine amphetamine report is, quite simply, just about the only one of its kind in the Nation. It embodies the Crime Committee's searching investigation into amphetamine abuse. A danger that I pointed out some years ago when I headed a Ways and Means Subcommittee on Narcotics. All over America today, there is great recognition of the dangers of amphetamine abuse, and that recognition is a credit to the work of the Crime Committee.

In seeking out the causes of crime, the committee became particularly concerned with the frightening and rising number of crimes committed by young people. The Congress has benefited greatly by the committee's interest in juvenile justice and corrections. The committee's report on that area, like its other reports, is a definitive work with carefully reasoned recommendations for remedial legislation.

All together, the committee has presented us with 53 recommendations. Since the reports containing these proposals were filed late in the life of the 91st Congress, it will be the duty of this Congress to consider these proposals.

With its mandate to investigate all aspects of crime, the Select Committee on Crime has been extremely careful to respect the jurisdictional prerogatives of our standing committees. When its investigations have uncovered information that might be of value to other committees, it has not hesitated to share that information with the standing committees.

Given the record of the Select Committee on Crime and its proved ability to do a job that certainly needs doing, I do not believe that we can do anything other than to vote overwhelmingly to permit the Crime Committee to continue its work in the 92d Congress.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I should like first to ask the gentleman from Florida (Mr. PEPPER) to answer a couple of questions. I should like the gentleman to give his comments.

The gentleman from Florida knows I have opposed this resolution from the beginning and that I still oppose it, but I am very interested in knowing what his plans are in connection with the future of this committee. I have the impression that the intention of the chairman of the committee at least is to wind up this committee's function in this Congress.

I should like the gentleman to comment, without trying to put any words in his mouth. I should like him to make his own statement as to what the situation is with regard to the plans of the prospective chairman of the continued Pepper committee.

Mr. PEPPER. Mr. Speaker, I am delighted to respond to the inquiry of my distinguished friend. I am an optimist by nature, and I had hoped the distinguished gentleman, whose voice we all esteem in this House, might have changed his mind about our committee from what it was when it was set up in 1969, and that he would be supporting us today.

However, I do appreciate his kind inquiry, and I will attempt to answer as best I can.

This committee was set up by resolution adopted by the House by 300 something to 18 on May 1, 1969. The committee was charged by this House resolution with the responsibility to investigate all aspects of crime and to make due recommendations relative to the solution of crime problems to the House.

Well, that was a big order. We have worked very diligently for 18 months, substantially, in trying to discharge that obligation we have to the House. Frankly, the problem is of such magnitude that, strive as we might, hold hearings in 13 places in the United States in nine States of the United States and the District of Columbia as we did, study as diligently as we could the problem, try to make recommendations as valuable as we could devise, we simply could not conclude that task of that magnitude in the 18 months we have had.

So we have felt compelled in our duty to the House to ask for an extension through at least the 92d Congress. I do not mind saying to my friend that we never expected that this committee be set up for an indefinite or indeterminate period of time. We simply wanted to try to do a job as a select committee, where we have the advantage of being able to cut across the entire spectrum of the jurisdiction of the House and thus analyze the problems of crime and make valuable recommendations toward its solution. I will say to my friend it is my purpose as the introducer of the resolution for the select committee and the prospective chairman of the committee to try to conclude our work at the end of or by the end of the 92d Congress. I am not going to foreclose the possibility that we might continue, because we do not know what the situation might be at the end of that Congress. The able gentleman from Missouri might be imploring us to continue our activities by

that time, and I would not want to have to decline his gracious request. However, seriously, if we can conclude our work in good faith and in a creditable manner, we expect and intend to do so by the end of the 92d Congress. We were set up to do something about crime, and that is what we are trying to do and that is what we intend to.

Mr. BOLLING. The gentleman from Florida has kindly answered the first question that I asked.

The second question I would like to ask him is, there has been very significant criticism on the part of a number of Members of the amount of money spent in the 18 months investigation. The figure is in the neighborhood of $900,000. I would like the gentleman from Florida to comment on his plans in that respect for the next year and the second year after that.

Mr. PEPPER. I thank the gentleman again for the inquiry.

We had to start from scratch to try to assimilate basic knowledge with regard to the crime problem in the United States. That is the reason why we had to expand our staff as we prepared for and carried on investigations and hearings. We held these investigations and hearings in Boston, Omaha, Lincoln, San Francisco, Columbia, Miami, Baltimore, Philadelphia, New York, the State of Virginia, and several times in the environs of the District of Columbia and in the Capital. We do not anticipate the necessity for as large an expenditure in this Congress as we had in the last. We expect to submit to the Committee on House Administration a reduced budget.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. BOLLING. I thank the gentleman from Florida for his response.

Now I would like to make a statement.

I opposed the creation of this select committee and I still oppose the creation of this select committee. I do it as a matter of principle. Except in very rare cases, select committees produce very little. I prefer to see the work done by a standing committee. Frankly, I do not think what has been done in the last 18 months by this committee justifies its continuance. Frankly, I think a great deal of money has been spent to no great purpose. I am not prepared to say that something has not been accomplished, but not enough for me to feel justified in voting for the continuation of the committee. However, I am reassured by the comments of the gentleman from Florida with respect to the terminal date of this committee. I had feared that it might become, like the Small Business Committee, a permanent select committee.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, approximately 2 years ago this House first considered the necessity of creating a select committee to investigate crime in the United States. As the Members know, the resolution creating the Select Crime Committee was approved overwhelmingly by the membership with some 340 Members voting in the affirmative, and only 18 opposed to the resolution.

I was one of those 18 who dissented at that time. My vote 2 years ago was largely prompted by my loyalty to the Committee on the Judiciary on which I serve, and a fear that the crime panel might step on the jurisdictional toes of the Committee on the Judiciary.

My vote in opposition to the committee 2 years ago was rewarded by the leadership, and I was placed on the committee which was sort of the application of the "fox-in-the-henhouse" principle.

During the early months of the Crime Committee I felt that some of my misgivings were justified. It is true that we had some staff problems, staff problems which have been resolved for now more than a year. It is also true that originally the committee lacked the kind of clear sense of direction and purpose that I would have hoped for, but that too has changed.

As of now, nearly 2 years after the creation of that committee, and as one of the original dissenters to its creation, I can assure the House that the Select Committee on Crime has a record of solid achievement, and deserves to be reconstituted to complete within the next 2 years its investigative functions.

That is not to say that the crime committee should be continued in perpetuity. Quite the contrary. I would oppose that. I believe that its essential functions can and must be completed within the term of the 92d Congress. But clearly, at a time when criminal activity is turning some of our largest cities into centers of fear and of violence, we as responsible Members of the Congress cannot tell the American people that the problem is so unimportant that the work of the Select Committee on Crime in its further investigation and reporting to the Congress should be abandoned at this time. In fact, if our Committee on Crime has done nothing else than to investigate and report its findings on the problem of heroin in the United States that alone would have justified its continuation. The committee, Mr. Speaker, has made major inroads in the process of packaging heroin. It has seriously interfered with the distribution processes of heroin in the District of Columbia and in New York City by looking into the oversupply of gelatin capsules and glassine envelopes, something that the Department of Justice has not done, and something that would not have been done except for the Select Committee on Crime.

I think much remains to be done, particularly further investigations into the area of organized criminal infiltration of legitimate businesses, and perhaps some inquiry into the problems of court delays. In this connection it is possible, if the committee were so inclined, to interfere with the legitimate functions of the Committee on the Judiciary, but I am mindful of the jurisdictional prerogatives of the Committee on the Judiciary, and I can assure the gentleman from Illinois that we will be careful not to step improperly on the jurisdictional toes of any other committee.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I rise only to commend in highest terms the splendid work of the able gentleman in the well from California, who has been, since Mr. Watson left the committee, the ranking minority member on the committee, and he has done a magnificent and dedicated job, and I want to commend the gentleman for it.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman from Florida for his kind comments and, Mr. Speaker, I urge the support of all Members on the resolution.

Mr. Speaker, the Select Committee on Crime was created on May 1, 1969, by House Resolution 17. The committee was authorized and directed to investigate and study all aspects of crime in America. This broad mandate allows the select committee to assist and complement the standing committees of this House in meeting their legislative responsibilities to combat crime in America.

The select committee has moved to meet its responsibilities in the past 21 months. Substantive areas of the national cirme problem have been investigated. Public hearings have been conducted in many parts of the country. Reports containing recommendations for remedial legislation have been submitted to this House for consideration.

The causes of crime are not easily understood. We must know the effect of crime on our society, yet an accurate evaluation of that effect is most difficult. The wisdom of the law and the fair administration of justice must be closely examined and constantly improved. The treatment of citizens who violate the law must be enlightening and rehabilitative rather than vengeful and harmful to our society as a whole. Although the problem of crime cannot be quickly or easily solved, I believe that every effort to do so must be made.

During the term of the 91st Congress, the Select Committee on Crime conducted the following public hearings:

Location	Crime in America inquiry	Date
Washington, D.C. and Lorton, Va	The improvement and reform of law enforcement and criminal justice in the United States.	July 28–31; Aug. 4–7, 11, 12; Sept. 17, 18, 1969.
Boston, Mass	Drug abuse and criminal justice	Aug. 25, 26, 1969.
Omaha and Lincoln, Nebr	A mid-America view	Oct. 9–11, 1969.
Washington, D.C	Views on marihuana	Oct. 14, 15, 1969.
San Francisco, Calif	Illicit and dangerous drugs	Oct. 23–25, 27, 1969.
Washington, D.C	Why 8 billion amphetamines?	Nov 18, 1969.
Columbia, S.C	Response of a mid-south community	Nov. 21, 22, 1969.
Miami, Fla	Aspects of organized crime, court delay and juvenile justice.	Dec. 4–6, 8, 1969.
Washington, D.C., Fairfax, Va., Riverdale, Md	In the Nation's Capitol	Feb. 25–28, 1970.
Baltimore, Md	Youth in trouble	Mar. 19, 20, 1970.
New York, N.Y	Heroin importation, distribution, packaging and paraphernalia.	June 25–28, 1970.
Philadelphia, Pa	Youth gang warfare	July 16, 17, 1970.
Washington, D.C	The heroin paraphernalia trade	Oct. 5, 6, 1970.

The committee's public hearings initially sought a broad view of the crime problem. The committee's attention was soon focused on juvenile delinquency and the Nation's several drug problems. The later public hearings were conducted for the purpose of engendering specific legislation to meet the problems of heroin addiction and the heroin paraphernalia trade.

Juvenile delinquency is now regarded as a major crime problem in the United States. The most recent Federal Bureau of Investigation compilation of national crime statistics shows that approximately 40 percent of those arrested for crimes of violence and 70 percent of those arrested for crimes involving property were under 21 years of age. The Select Committee attempted to find out why so many young people are turning to crime.

Millions of Americans live in degarding slums, often without adequate living space, and often without heat, light or hot water. Several experts on juvenile delinquency testified that children growing up in such circumstances are forced into the streets, and inevitably into the occasion of criminal behavior. The deplorable characteristics of slums and ghettos, including poor housing and inadequate medical services, are a source of frustration and bitterness toward the institutions of government.

The educational systems of the Nation are not responsive to culturally deprived students, slow learners, and problem children. The committee found that adequate facilities for vocational training do not exist although Federal moneys are available to fund such programs. Statistics show that a student is less likely to be involved in a crime than is a dropout. No effective educational methods to prevent students from dropping out have been found, nor are there adequate programs for re-enrolling, educating, and training the school dropout.

The committee investigated the efficacy of the Federal and State systems of the administration of juvenile justice and the effects of these systems on youthful offenders.

Many metropolitan police departments have only recently begun to educate and train officers to properly cope with young persons. In many areas of the country there is no distinction between the treatment of juvenile and adult offenders during arrest and temporary detention periods.

The judiciary has had to realine its philosophies and formats regarding juvenile case dispositions. Local courts are only slowly reacting and adjusting to recent U.S. Supreme Court decisions decreeing that young people being tried in juvenile delinquency proceedings are to be afforded much the same rights as an adult in criminal proceedings. These rights include right to legal counsel, to a formal notice of charges, the right to confront their accusers, the privilege against self-incrimination, the right to a transcript of proceedings, the right to appeal, and a showing of guilt beyond a reasonable doubt.

The professional counseling and guidance offered to youthful offenders by court probation officers is woefully inadequate. Probation officers are typically underpaid, undertrained, and greatly overworked. The Commission on Law Enforcement in the Administration of Justice recommends that a probation officer supervise no more than 35 youths. However, the committee found that probation officers are usually assigned a caseload of four times that amount.

Juvenile corrections institutions were the most disturbing portion of the committee investigation of the juvenile justice system. The committee visited several of these institutions. Although some have initiated rehabilitational techniques that have proven to be successful, implementation of these successful programs has not been widespread.

Eleven Federal Government agencies have some responsibility in the area of juvenile justice. None are meeting these responsibilities in a comprehensive or satisfactory manner. The Federal efforts that are made are not centrally directed or coordinated. Each agency goes its own way.

On January 2, 1971, the committee submitted a report entitled "Juvenile Justice and Corrections" to the 91st Congress. The report presents the facts relevant to understanding the causes and extent of the juvenile crime problem. The institutions of juvenile justice, the corrections institutions, and the Federal response to the juvenile crime problem are analyzed. The report contains specific recommendations to the Federal Government regarding construction of low-income housing, medical aid to impoverished areas, educational programs for deprived and delinquent juveniles, vocational education, effective drug education programs, and the improvement of juvenile corrections institutions. The report also contains seventeen specific programs and recommendations that the committee believes will aid local governments and private citizens fight the problem of juvenile crime.

Members of the committee have introduced a resolution to create a Juvenile Research Institute and Training Center. This institution would coordinate the Federal efforts to combat juvenile delinquency. It would also provide training for persons seeking to become professionals in this field.

The committee found that the study of the growing problem of juvenile crime leads directly into a more dangerous phenomena of crime; the use and abuse of narcotics, marihuana, and dangerous drugs. No single problem is of more concern or poses more of a threat to an orderly American way of life. A great part of the committee's resources have been spent studying certain segments of the drug problem.

Marihuana is certainly the most widely abused substance in the United States, although exactly how widespread is the abuse is not known. It is reasonably estimated that nearly a majority of juveniles have at least experimented with it. The Federal Government and all the States have laws prohibiting the possession and use of marihuana. The committee found that some States, including Nebraska, have relatively mild penalties for violating these laws. In other States, penalties for the same conduct are extremely strict. The uneven hand of the law is now punishing the youth of America for marihuana violations, while lawmakers cannot be certain why its use is not permitted. The physical and mental effects of marihuana use are relatively unknown. Medical and scientific opinions are widely divergent. No definitive study has been made.

The Select Committee on Crime directly recommended to the Surgeon General of the United States that he undertake a study to determine the physical and psychological effects of the use of marihuana. The Commission on Marihuana and Drug Abuse has since been created and has begun such a study.

The committee submitted a report to the 91st Congress on April 6, 1970, entitled "Marihuana." The report details a full view of the committee's investigation of the marihuana problem.

The second, more dangerous, drug problem involves the abuse and misuse of amphetamine-type drugs. When abused, this type of drug is known as "speed." regulations promulgated by the Food and Drug Administration and contained in the Federal Register on August 8, 1970, stated that amphetamines may be legitimately prescribed for the treatment of narcolepsy, a rare sleeping sickness, the treatment of hyperkinetic children and in the early stages of weight control. For these few uses, officials at the National Institute of Mental Health have estimated there is annual national need for a few hundred thousand doses of amphetamines. However, legitimate manufacturers are currently producing 5 to 8 billion amphetamine doses annually. The Bureau of Narcotics and Dangerous Drugs estimate that more than half of these are diverted into illegal channels. Of the supply remaining within the legal channels, medical authorities state that promiscuous prescribing has led to serious misuse.

The committee solicited the opinions of hundreds of medical authorities and heard testimony from both law enforcement officials and representatives of drug companies. At public hearings, the committee heard terrifying and explicit testimony regarding the physical and psychological consequences of amphetamine addition among the young. Dependency on amphetamines is not only a significant cause of all types of crime, but it is a deadly destroyer of minds and bodies.

The committee was told that lax laws and regulations have engendered a situation where more than 60 percent of the amphetamines exported to Mexico are smuggled back into the United States and sold in the black market. Though legitimate manufacturers are not the only source of these dangerous drugs, they are the largest single source. The committee learned that little technical expertise or experience is needed to construct and operate a crude laboratory capable of producing "speed." There is little Federal or State control over the

purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamines.

The committee prepared legislation designed to deal with the amphetamine problems exposed by its investigations and hearings. The first bill introduced would have prohibited the manufacture and distribution of methamphetamines—one of the most powerful and widely abused "speed" drugs. The second bill sought to place strict controls on the manufacture and distribution of all amphetamine-type drugs. Both bills would have imposed stricter limits on the sale of the chemical ingredients of amphetamines.

Unfortunately, the Drug Abuse Prevention and Control Act of 1970 did not contain adequate controls to prevent the further diversion of legally manufactured amphetamine-type drugs. The members of the Select Committee believed so strongly in the need for increased controls that they unanimously sponsored an amendment to that act rescheduling amphetamines, methamphetamines, methlyphendidate and phenmetrazine, all central nervous system stimulants, from schedule III to schedule II. The committee believes that the increased production controls, registration requirements, and export regulations applied to compounds in schedule II would greatly reduce diversion and abuse of all types of amphetamines.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Amphetamines." The report outlined the history of amphetamine abuse in the United States, the disasterous physicial and psychological effects of the misuse and abuse of these drugs and the relationship of this problem to violence and crime. The report details the experiences of Japan and Sweden, both of which have had significant problems with amphetamine-type drugs. The report analyzes the current laws and practices which allow billions of amphetamines to be spewed out annually into the black market.

The report contains specific recommendations for stricter controls of amphetamines and the ingredients of amphetamines, the adoption of the International Psychotropic Drug Protocol, the improvement of international border security procedures, and the prohibition or tighter regulation of mail order shipments of amphetamines.

The epidemic spread of the use of heroin is the most dangerous drug problem we face today. Ten years ago heroin addiction was apparently decreasing. Within the past 3 years there has been a dramatic resurgence of heroin use, especially among the young. While heroin was once found exclusively in the ghettos, it is now found in every section of the country, and among every segment of the population. The committee endeavored to determine the scope and magnitude of the heroin problem.

Heroin can only be made from opium. The only source of opium is the opium poppy—papaver somniferum—which does not readily grow in the United States. The Bureau of Narcotics and Dangerous Drugs estimates that more than 80 percent of the heroin used in the United States originated in Turkey. The heroin smuggling routes, from the Middle East to France, and into the United States, are well known. Even so, present Federal law enforcement programs prevent less than 20 percent of the smuggled heroin from reaching American addicts.

There are presently more than 200,000 heroin addicts in the United States. More persons are being addicted each day. New York State estimates that its addict population has risen from 50,000 to 100,000 in the past 4 years. The dangers and deleterious physical effects of heroin use are well known. However, of all the terrible facts and figures regarding heroin, perhaps the most profoundly shocking is that of the 900 addict deaths in New York City in 1969, 224 were teenagers. In 1970, 48 percent of the cases disposed of in New York City by the Supreme Court of New York involved narcotics violations. Drug related cases account for more than 40 percent of the prison population in the State of New York.

The direct impact of heroin addiction on crime in America is so extensive it defies accurate measure. A confirmed addict may need up to $60 a day to support his drug habit. Since legitimate employment is usually impossible, most addicts turn in desperation to crime. It matters little to the addict whether his criminal act be petty larceny, prostitution, or a violent street crime. His need will justify almost any means.

The committee found that the heroin trade is not plied by criminals alone. "Legitimate" business plays an essential part. While the substance a drug user introduces into his body may be called heroin, that substance is usually only 10 percent heroin. The remainder is diluntants such as mannite, quinine, or lactose. The heroin street pusher typically sells his product packaged in a No. 5 gelatin capsule or a small glassine envelope. The heroin user often uses needles or syringes. Without question, there are legitimate uses for lactose, syringes, and gelatin capsules and glassine envelopes of a certain size. However, would anyone expect to find that their neighborhood pharmacy sold 4 tons of mannite, 40,000 ounces of quinine, 47 million glassine envelopes, and 25 million No. 5 gelatin capsules in the past 3 years. The committee located this very drugstore in New York City, and disturbingly this "druggist" had violated no law.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Heroin and Heroin Paraphernalia." This far-reaching report includes a history of heroin addiction in the United States and in other parts of the world, an analysis of the existing addiction crisis, the detail of international heroin smuggling routes, and an exposé of the highly unethical heroin paraphernalia trade. The report sets forth the status of the medical search for substances that may be used to help cure heroin addiction.

The report contains 28 specific recommendations to Congress and the Federal executive branch, including measures regarding international conventions and controls of heroin smuggling, the existing legalized American opium trade, the heroin paraphernalia trade, law enforcement procedures regarding heroin, the relationship between drug related crimes, criminal laws dealing with narcotics, and the treatment and rehabilitation of heroin addicts.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, House Resolution 115 calls for the extending of the Special House Crime Committee for the duration of the 92d Congress. This resolution was introduced by our colleague and present chairman of the committee, Congressman PEPPER of Florida, and the minority ranking member, Congressman WIGGINS of California. There is no doubt in the minds of the American public that, possibly outside the Southeast Asia war, the No. 2 critical issue before the American people are the economy and the rampage of lawlessness and crime throughout our Nation.

Mr. Speaker, the members of the Crime Committee, from the hearings held throughout the country, are convinced that in the short existence of this committee it would be ill-advised to terminate the great work it has accomplished. The committee has also alerted the public and especially our youth on the dangers of the devasting effect that the drug epidemic has on our communities and schools. Favorable action on this resolution will mean this committee can continue this investigation as to the causes and sources of the underground distribution of morphine, heroin, methadone and other narcotics, and their effect on lawlessness and crime. The committee has only had time to touch upon the sources of infiltration of organized crime into the ranks of legitimate businesses.

The news media have recently revealed that crime statistics in most major cities, and especially over the Nation, have recorded a percentage of decrease. This is certainly good news. The Federal Government, States, and municipalities should expand further their fight on crime and the causes thereof.

The Special Select Committee on Crime created by the House in the last Congress has contributed greatly to this recorded decrease in lawlessness. This committee has held hearings over the Nation and especially in major cities from coast to coast during the last Congress. The newspaper, television, and radio publicity in the various localities where hearings were held extended wide information and encouragement to the law-enforcing bodies in these localities. One of the great results of the work of this committee has been through the news media inculcating into the minds of millions of our youth the dangers of the use of drugs to the human body and contribution of drugs toward "the making of criminals."

Mr. Speaker, I have followed closely the activities of the Crime Committee since its formation and I would like to briefly review its work for the benefit of our new colleagues.

In its 20 months of life during the 91st

Congress, the committee held 14 public hearings in 12 cities and towns across the Nation, as well as here in the Capital. These hearings have delved into drug abuse and criminal justice, marihuana, illicit and dangerous drugs, amphetamines, organized crime, court delay, juvenile justice and corrections, street crime, juvenile delinquency, heroin paraphernalia, and youth gang warfare.

As a result of this intensive and exhaustive study and investigation, the Select Committee on Crime also issued four comprehensive reports to the 91st Congress: "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines." Members of the committee made available 40,000 copies of the "Marihuana" report for their colleagues to send to interested constituents. The last three reports, issued in December 1970, contain bold and imaginative proposals for dealing with grave problems facing our Nation.

The committee has also produced and made available at no cost to members of this body an excellent radio documentary, "Facts and Fables of Drug Abuse," which was broadcast by more than 500 radio stations throughout the Nation.

The Crime Committee, mindful of the jurisdiction of standing committees, has been most cooperative when its investigations disclosed information that might be of interest to other committees. The committee's study of amphetamine abuse, for example, disclosed that the U.S. military was purchasing large quantities of these drugs. This information was conveyed to the Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Similarly, when a Crime Committee investigation in Philadelphia, Pa., uncovered possible violations of FHA regulations, this information was turned over to the Banking and Currency Committee for their consideration and further investigation.

Mr. Speaker, I believe that the record of the Select Committee on Crime warrants its request to be able to complete the job it has so ably begun. In an area where there is often more rhetoric than action, the Crime Committee has built a record of solid accomplishment. At a time when crime is on the minds of citizens everywhere, I think this body needs its own committee to investigate crime. I think the 92d Congress can meet the challenge by reconstituting the Select Committee on Crime, and I urge my able colleagues to join me in this worthy effort.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, I want to congratulate my colleague for his words.

Mr. Speaker, I have just finished a trip to Europe by virtue of the kind designation by the Speaker of the House to me as a congressional adviser to the conference on psychotropic drugs in Vienna.

I want to say that not only in Vienna, among all of the 71 countries who were represented there, but with our Federal Bureau of Narcotics and Dangerous Drugs representatives in London with whom I met, a major source of their education as to the intricacies and dangers not only of the psychotropic substances but of all of the narcotics such as heroin, opium and morphine and the like come from the very monumental reports that were produced after a year of study by this Select Committee on Crime.

I refer to the report on amphetamines and the report on heroin and other narcotic substances. I can tell you that the hard work, scholarship, and intensive energy that went into these two great reports have had reverberations and have aided in improving the approach to these problems not only in this country but in other cooperating countries around the world. I congratulate the chairman and the other members of the committee for the marvelous work they have done.

Mr. Speaker, our body today has the privilege to give new life to a committee that served so ably in the 91st Congress. The Select Committee on Crime chaired by our distinguished colleague from Florida, CLAUDE PEPPER, has compiled an exemplary record, particularly in the area of drug abuse, the greatest menace facing the youth of our country today.

The work of this committee is nowhere more evident than in the fight against heroin addiction. This dreaded narcotic is, I am sad to say, particularly prevalent in New York City, my home. Chairman PEPPER's efforts in fighting heroin addiction in that area are a matter of record in this Congress. Nowhere is the destruction of lives, property, or community structure more vividly portrayed than in the south Bronx, a once-popular and stable residential area that is now the domain of dope peddlers and junkies. Nowhere is the novelist's portrayer of fear stalking the streets and neighborhoods even in daylight hours, more starkly evident.

During its New York hearings on the heroin trade, Chairman PEPPER and the other members of the committee visited a church in my district in the Bronx and held a private afternoon session with interested parents and social workers from the community. The committee, to a man, was appalled by what they saw and heard. They left, deeply moved and determined to rout the forces of deterioration.

The committee's contributions to the fight against heroin trafficking are substantial. Because of their investigation of heroin paraphernalia, the sources of packaging materials have been seriously interrupted. This is true for both glassine envelopes as well as for empty gelatin capsules. Their disclosures of activities in this area have been of great value to law enforcement personnel. I, for one, owe a great deal to the committee's hearings and reports in adding to my personal knowldge of the drug problem.

The Select Committee on Crime made its own a crusade to curtail overproduction of amphetamines by legitimate manufacturers. It is no coincidence that the Food and Drug Administration has recently issued new policy guidelines for the legitimate uses of amphetamines.

During my recent trip to Vienna, as an observer to the International Psychotropic Drug Protocol Convention, I was greatly aided by the information gathered by the committee in its "Amphetamine Report." The reputation of the committee's expertise in this area is acknowledged by all. It was this trip, along with my visit to Turkey during the last Congress, which has intensified my appreciation for the committee's contributions. There is no facile solution to the complex problem of drug abuse. But many small steps, similar to the committee's breakthroughs in heroin packaging, lead to the path of a long-lasting solution.

Time does not permit me to enumerate all of the significant contributions that the Select Committee on Crime has made to the knowledge of this body. It suffices to say that the record of the committee is a source of pride to all the Members of the House. We now have the opportunity to allow this record to be expanded.

The investment of the 91st Congress has proved to be a sound investment. To renew its activities by reconstituting the Select Committee on Crime for the 92d Congress will, I am sure, allow this body to reap more and greater dividends. I wholeheartedly urge that you join with me in the reconstitution of the Select Committee on Crime.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MCCLORY) such time as he may consume.

Mr. MCCLORY. Mr. Speaker, I take this occasion to express my sincere misgivings regarding the proposal which we are considering today. While I greatly appreciate the work which the Select Committee on Crime has done in the area of narcotics investigations, I find my enthusiasm diminished upon a review of the amount of money which the American people have spent in order to have the benefit of some very basic observations. This extravagance has not been hidden from the American public, as the Washington Star reported on Sunday, February 28, 1971, that the $900,000 spent over the past 20 months has paid for 13 public hearings in cities throughout the Nation, and has resulted in four reports and 53 legislative recommendations—none approved by the House.

Furthermore, Mr. Speaker, the August 1970 issue of the Washington Monthly contains a highly critical article on the Select Committee whose life we are being asked to extend and whose membership we are being asked to expand. I do not wish to detail the criticisms contained in this article; however, Members of this House have the responsibility to listen to such criticisms—especially when they reflect on the integrity of this great body.

Mr. Speaker, in addition to the poor economics involved in extending the life of the Select Committee on Crime, there are other reasons which compel me to point out that the machinery which we have set up is not reasonably adapted to accomplish the desired end—which is prosecution of wrongdoers. When a congressional committee compels testimony

from one suspected of criminal activities such individual possesses the constitutional privilege of immunity from criminal prosecution, and while it may be necessary and useful for Congress to compel such testimony within the limits of the fifth amendment, that tool should be used sparingly for obvious reasons.

Another matter which causes me a great deal of concern is the fact that we have created a committee to investigate matters which are within the expressed jurisdiction of permanent committees of this House, namely, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary and others. In the former case, I hasten to point out that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce held hearings in Washington during the last Congress and produced the Comprehensive Drug Abuse Prevention and Control Act. Furthermore, the Judiciary Committee, pursuant to its responsibility to examine measures intended to strengthen the Federal effort against organized crime, held hearings during the 91st Congress in Washington. The hearings were comprehensive and resulted ultimately in passage of the Organized Crime Control Act. These hearings were held at a fraction of what it cost to conduct the hearings of the Select Committee on Crime. Now we are told that the Select Committee plans to hold hearings in this same area during the present Congress.

Mr. Speaker, I hope that these will be no duplication of effort. The increased cost to the taxpayer which will reuslt by extending the life of the Select Committee on Crime will, I hope, avoid interference with our duly constituted crime investigation agencies. I am thinking particularly of the special grand juries authorized by the organized Crime Control Act of 1970.

In the reconstitution of this Select Committee these are a great many pitfalls which the committee must avoid—if its existence is to be justified.

Mr. SMITH of California. Mr. Speaker, due to the fact that I have some time remaining, and the gentleman from Maryland (Mr. GARMATZ) has asked for 2 minutes, I now yield 2 minutes to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I am pleased to rise in full support of the resolution now before us extending the life of the Select Committee on Crime. In doing so I am aware that I have something of an advantage over my colleagues. Almost a year ago I was privileged to observe this committee in action—not in the remote recesses of this Capitol—but in the heart of a community that could have been representative of many communities across the land. The occasion was the second day of a 2-day hearing in Baltimore, the focus of which was youth crime and juvenile justice. The hearing was held in the auditorium of Southern High School in Baltimore. In taking his investigation to that environment, Chairman PEPPER was fulfilling his pledge to examine the causes of crime and the adequacy of our criminal justice system at the grassroots level.

The testimony received in Baltimore was similar to testimony the committee took in other widely scattered areas of the country in that it demonstrated a clear need for vast improvements in the way juvenile offenders are now handled. The committee's efforts in the juvenile area ultimately resulted in a bill introduced by the chairman last September as H.R. 19327, the Juvenile Research Institute and Training Center Act of 1970. I am pleased to state that I cosponsored that measure. It will be reintroduced in this session and I am hopeful this measure will win the approval of the House.

The Select Committee on Crime has also worked closely with Maryland law enforcement agencies in another phase of its investigations: heroin addiction and the nefarious traffic and distribution of this drug—the cause of an enormous amount of crime in urban areas. In the course of its investigations the committee, for the first time, brought nationwide attention to the involvement of legitimate businessmen in heroin distribution. That is, businessmen who have profited by providing heroin dealers with the attendant paraphernalia, such as syringes, empty capsules, quinine, and other matter innocent in itself but essential to the deadly distribution of heroin. The committee presented 2 days of dramatic testimony and clearly demonstrated the need for legislation to take the legitimate businessman out of this illegitimate activity.

During that investigation the committee learned that the State of Maryland enacted a comprehensive drug control bill that included a section aimed at stopping this traffic in paraphernalia. The committee recommended that other States adopt similar statutes and has proposed that the Congress pass such legislation for the District of Columbia.

Juvenile justice and drug abuse are only two of this committee's wide areas of responsibility. However, I have cited these two because they serve to illustrate the ways in which the constructive work of this committee has been felt in my own city and State.

I am convinced that this committee has done all that could be expected of it in its short life. And I feel that Congress would be shortsighted in the extreme if it failed now to give the Select Committee on Crime a reasonable opportunity to achieve the objectives set forth in the resolution that created it in mid-1969. Most of its legislative recommendations, and there have been many, came too late in the 91st Congress to be referred to standing committees and to be enacted into law. If the committee were suddenly to cease to exist it is highly unlikely that these constructive recommendations would be converted into public laws.

Mr. Speaker, in my home city of Baltimore we are proud that, in contrast to most big cities, our crime rate, as reported in the FBI's annual statistics, has declined over the last year.

According to the FBI, major crime reported in Baltimore totaled 67,157 in 1968 compared to 1970's figure of 62,150. We are proud of that decline and we are proud, too, that the State of Maryland has assumed a position of progressive leadership among the States in its response to the demand for improved law enforcement and criminal justice. We are proud, but we are not complacent. We recognize that much more needs to be done.

But crime is a national problem. Congress finally recognized that fact when it enacted the Crime Control and Safe Streets Act, providing Federal funds for State and local law enforcement. If we can put a dent in crime in Maryland, then we can surely bring about a reduction in the national rate of crime as well. This is no time to relax our efforts. This is no time for the Congress of the United States to take a backward step. Let us, therefore, keep the Select Committee on Crime in business and offer the members of this committee every encouragement as they continue their difficult task of providing the rest of us in this House with firsthand, factual information and enlightened recommendations which can form the basis for enlightened legislation.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I represent the 18th Congressional District of New York which is central Harlem. I wish I could have come down here with the luxury of knowing I would be fighting for legislation to improve the conditions in which my constituents live, especially in the area of housing, poverty, and education. I do not have this luxury because, unfortunately, unlike years ago when a mother used to hope and pray that her child might finish high school, mothers today hope and pray that their children will not succumb to the terrible disease that has struck my community called drug addiction.

Tragically, the record shows that central Harlem has now become the heroin addiction center of the world. If we should proceed to think about some of our other problems, we would soon find out that we cannot resolve any of those problems unless we decide what this Nation is going to do about this growing epidemic which is sweeping over us. If you want to talk about law and order let us talk in terms of lack of opportunity and the ever increasing use by children, children as young as 8 years old, of narcotics and the danger of their becoming addicted as a result of just attending school. The breakdown of quality education in the city of New York is directly related to the increase of drugs being peddled in New York City schools.

If I were to tell you about the problems we were having in our municipal hospitals caused by drug addiction, I would have to tell you about the terrible decisions that must be made by doctors as they try to decide whether a bed should be made available for the aged and sick or whether that bed should be made available for a young addict.

When our Nation talks about a volunteer Army, it necessarily will have to look to those people who really want to serve and who are physically and emotionally able to serve. Mr. Nixon would have to find out whether the poor of this Nation

are physically able to serve in the U.S. Army and, if so, whether they will become addicted to drugs in the Army.

We all know that the U.S. Constitution says a man is innocent until he is proven guilty. I speak as a former U.S. attorney and I can tell my colleagues that in the city of New York this is just not so. It is not so because we have dispensed with this part of the Constitution where we find in our criminal courts that 60 to 70 percent of the criminals charged with crimes are found to be addicts. Therefore, in our houses of detention we find men waiting for 1, 2 and even 3 years in jail awaiting trial even though they have not been proven guilty of any crime.

I suggest that in my community it seems pretty hopeless. We have tried to work effectively with our 30,000 New York City police and yet we find that the billions of dollars involved in drug traffic has even diseased some of New York's finest policemen.

There was a time when we had no hope at all that the world would be concerned with what we thought was a problem of central Harlem, but we see the problem has hit the suburbs and spread throughout the Nation to touch all American youth.

We thought with the Select Committee on Crime, as the committee came into our areas and held hearings, that we would find some light at the end of a very dark and very long tunnel. I ask the Members not to snuff out that light for a people for whom the situation has been almost hopeless.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I am very happy to support this resolution. Two years ago I was happy to be the second sponsor behind the gentleman from Florida in introducing this resolution. I believe the committee is very worthwhile.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I am pleased to say the gentleman in the well was one of the strongest supporters of this resolution, previously. We are grateful to him for his support.

Mr. HOWARD. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I was in on the formation of the committee, but not one of the previous Members appointed to it. I thought they were all very fine people, but I was disturbed by the decision of the leadership that it is going to look into, as the gentleman from Florida said, all aspects of crime, and the leadership decided that all Members on this committee must be lawyers and there should be none except lawyers on this committee.

Mr. Speaker, I submit crime is more than law or lack of law. Crime is really people and why they behave and why they misbehave as they do. The solutions and causes of crime in this country will not be found in the lawbooks of America, or in our statutes. We have to look at things like narcotics, and we have to look at things like frustrations, and we have to look at deprivation in the cities, and we have to look at boredom in the suburbs if we are going to find out truly the causes of crime, and if we are going to be able adequately to eliminate crime from this country.

So I do hope we will get a broader prospectus. Crime may be psychological or physiological. Crime is not any one person. It deals with people. I do hope in the formation of the new committee we will deal with all aspects of people and people's activities if we are going to deal with all aspects of crime.

I would like to ask the gentleman from Florida if he agrees that having it limited only to lawyers may limit his work.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, I do agree with the gentleman. I think this subject is broad enough to cover all aspects of this national social problem.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MONAGAN).

(Mr. MONAGAN asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I should like briefly to state some concerns I have with this legislation. I am going to support this resolution, particularly in view of the expression of the intention of the gentleman from Florida that this committee would terminate with the close of the present Congress.

I do believe, however, that there are questions relating generally to our setting up of commissions, both in the legislative branch and in the executive branch that must be considered. We are just too prone to setting up commissions.

A subcommittee of the Committee on Government Operations which I head recently made a study of this proliferation of committees and found that there were some 3,000 governmental advisory commissions in existence, with costs ranging from nothing up to millions of dollars and personnel reaching up to hundreds of people.

We have involved also with such bodies the question of jurisdiction, and of conflict with existing committees. That is so in this case, as has been stated by several speakers. There is a potential and actual conflict with the area of activity of the Committee on the Judiciary.

We also have a cost here of at least $900,000, which to my way of thinking in many cases could better be distributed to existing committees. The Committee on Government Operations for example with all its duties and functions has a budget of approximately this amount. The Committee on Foreign Affairs with its wide-ranging and vital responsibilities has a budget far below the amount of $900,000.

In addition, I have had some question about the operation of the committee itself. Representatives came to the State of Connecticut and visited a rehabilitation school for problem boys there, where all of us knew that there were problems that existed as exist in every similar institution throughout the country. It seemed to me that the main result was that there was a blaze of publicity. It was a 9-day wonder. It hit the pages of all the newspapers. Then the committee went away, and that was the effect of its impact upon that community and upon that problem.

So, Mr. Speaker, in this instance, because of the potential good that the committee may do that has been mentioned by the various speakers who support it, and because of my hope that it will be more specific in its achievements in this field, I am going to support it, but I do give notice of my own reservations and the problem that I would face if a renewal were to be propelled in the future, unless there were some change, of course, in the activity of this committee.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime. It is vital that the work of this committee be continued and indeed expanded upon over the next 2 years.

Over the past 20 months, the Select Committee on Crime has held investigations into many diverse segments of the crime problem in the United States. Its statements on the widespread use and abuse of amphetamine—speed—drugs were a disturbing revelation to the Congress and the public. Its report on amphetamines presents a clear picture of the problem and proposes methods of stemming its increase.

Perhaps the most terrifying aspect of the drug and crime problem in the United States is the growing use of heroin. Inexplicably, heroin addiction, dormant for several years, is on the rise again. Its tentacles have spread to every segment of our country irrespective of economic, social, or ethnic boundaries. Children in college, high school, and, yes, even elementary school are becoming addicted.

The Select Committee on Crime was the first group to take action to attack this malignancy on our culture. In two hard-hitting hearings the committee examined the smuggling of heroin into the United States, and the distribution of the narcotic once it has arrived. It examined the plight of the heroin addict, and the effect of his addiction in terms of crimes, violence, and instability upon the rest of the society.

The committee exposed so-called legitimate businessmen, who deal in the manufacture of the paraphernalia for the preparation and administration of this dread drug. Finally, the committee examined the scientific research now going on, and the early efforts through Methadone and other techniques to stem the need of the addict for the crippling substance.

These hearings resulted in a report outlining the heroin problem, and a series of legislative recommendations, many of which will be introduced shortly. The work of this committee, easily the

most definitive on the heroin problem to date, provides a definitive plan for the eradication of the disease of addiction in this country.

But there is far, far more than this, Mr. Speaker. The committee has done extensive investigation and reporting in areas of juvenile crime and corrections, problems of police and street crime and violence, and many other facets of our national tragedy of crime.

The Crime Committee has a great deal more work to do, and is now in the planning stages for several important investigations and hearings. Their work has been admirably begun, and I am sure that its future performances will be exceptional.

I cannot close without paying special tribute to the great American who heads up the Crime Committee. The committee's performance under his guiding hand and inspiration has proved a suspicion that I have long held. That is that the talents of CLAUDE PEPPER are so varied that any field he turns his attention and boundless enthusiasm to would prosper for the benefit of both this House and the Nation. The distinguished Representative from Florida (Mr. PEPPER) has approached the problem of crime with the same learned zeal and scholarship that he has focused on so many other problems confronting this Nation over the decades. I feel a vote to continue the committee is in no small part a personal tribute to the record of accomplishment compiled by the distinguished chairman.

Mr. Speaker, I strongly urge the reconstitution of this committee and look forward to its future endeavors.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 2 years ago, I cosponsored the formation of the Select Committee on Crime. Today, I support the continuation of this committee.

Originally, I supported the creation of this committee because I felt that the mounting crime rate needed the attention of a special segment of the Congress whose sole function was to make an in-depth investigation and recommendations. I do not see that the need for this committee is any less today than it was 2 years ago.

With 20 months of experience to call on, the committee today is in an even stronger position to analyze the spiraling problems of crime. Specifically, I am interested in the continuation of the committee's work in the field of drug abuse and drug education.

Mr. Speaker, I salute the committee and I vote that they should have the time—certainly for the next 2 years—to maintain their on-going status.

Mr. JAMES V. STANTON. Mr. Speaker, the select Committee on Crime under the leadership of Honorable CLAUDE PEPPER should be continued by this House.

The need to stop drug abuse in this country calls for all efforts by this Congress to spotlight the effects of drugs on the children of the Nation.

In my district nothing strikes fear in the hearts of honest people more than the fear of drugs. Our leadership in this area must continue through the Select Committee on Crime.

Drug addiction is the most serious menace that faces this country and calls for the best efforts of all its citizens to halt the purveyors of destruction who seek to destroy the fiber of young life.

I urge the support of all members to continue the Select Committee on Crime.

Mr. MURPHY of New York. Mr. Speaker, I strongly urge my colleagues in the House to vote in favor of continuation of the Select Committee on Crime. During its 20-month existence, this committee has contributed greatly to the knowledge of this body.

The Select Committee on Crime has conducted an intense investigation into heroin and heroin paraphernalia, which culminated in hearings held in New York City, my home. Heroin addiction, once confined to small areas of the city, is today present in every section of the five boroughs. My district in Staten Island and Brooklyn is no exception, I am sorry to say.

The New York City hearings of this committee, chaired by our distinguished colleague from Florida, CLAUDE PEPPER, along with the committee's hearings in other locales, have led to the examination of previously unquestioned aspects of the heroin trade. This information, coupled with the investigations in related drug abuse areas, has provided the basis for a major legislative program to curtail the distribution of illicit drugs in this country.

The Select Committee on Crime has proved to be a great source of information both for my own education about the drug problem as well as for distribution to constituents. The committee's reports on marihuana, amphetamines, and heroin and heroin paraphernalia, and its radio documentary, "Facts and Fables of Drug Abuse," have been invaluable sources of drug education material.

Nowhere is the need for action more dramatic than in the area of drug abuse. A drug problem exists in virtually every school on Staten Island, from the senior high schools to the elementary schools. Every family is touched, one way or another, by drug abuse. Clearly, every possible effort to eradicate this problem should and must be taken.

There is no way that we can measure the usefulness of the Select Committee on Crime in dollar terms. How can we estimate the value of saving one life, let alone thousands. But clearly we can see that the value of this committee greatly exceeds the cost of its operation.

The Select Committee on Crime's findings concerning heroin packaging have caused serious disruptions in the distribution of narcotic traffic in both the Metropolitan New York and Washington areas. Its efforts have substantially curbed the manufacture and sale of glassine envelopes and gelatin capsules. The committee's inquiry into the excessive legitimate production of amphetamines has led to a reevaluation of the use and distribution of this class of drugs. The proposed paraphernalia statute for the District of Columbia promises to be an invaluable aid to narcotics law enforcement in the Nation's Capital.

I agree with Chairman PEPPER that if we can substantially reduce drug addiction, we will see corresponding reductions in our Nation's crime rate. The fact that more than 50 percent of all street crime is drug related is reason enough alone to continue this committee's activities.

It is clear that the work of this committee in the 91st Congress more than justifies expectations of greater returns from its work in this new Congress. We need the Crime Committee, and I urge you to join me in voting "yes" on House Resolution 115.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime.

My good friend and colleague, the Honorable CLAUDE PEPPER, has done an outstanding job leading the Select Committee on Crime in the last Congress. The committee's record justifies our continued support of its activities.

Since its inception, the committee has provided us with worthwhile and necessary studies on the problems of crime and law enforcement. The reports issued by the committee concerning drug abuse and narcotic addiction are outstanding. They have provided Members with the background information on the problems of drugs and many of us have made the reports available to constituents and police departments who have requested information and Federal assistance in dealing with this devastating law enforcement problem.

Mr. Speaker, the problem of law enforcement today is a problem which demands our continued attention. The statistics alone, not to mention the personal tragedies we read about or hear about and in many cases are touched by, cry out more eloquently than words the need for action.

In only 10 years, the rate of major crimes of violence increased 104 percent. In the last 3 years, the number of street crimes has increased at an increasing rate: between 1968 and 1969 the number of street robberies increased 13 percent; in the first quarter of 1970 they increased 15 percent.

I believe that the research and studies developed by the Select Committee on Crime have contributed immeasurably to our understanding and to our ability to reverse the trend borne out by the statistics. I believe that the war on crime must continue with all the weapons we have at our command, and I, therefore, support the continued activities of the Select Committee on Crime.

Mr. HARRINGTON. Mr. Speaker, it is a distinct privilege for me to have the opportunity to express my support for the resolution now before us reconstituting the Select Committee on Crime. No other committee has spent as much time working with local law enforcement officials and local representatives of our hard-pressed criminal justice system.

Until the formation of this committee, Congress had usually summoned such officials to meet with us here in Washington. In a certain sense, much of what we learned in that way was hearsay. We did not have an opportunity to confirm the testimony we received with on-the-spot visits to courts, police stations, and cor-

rectional facilities. Now, through the work of the Select Committee on Crime, Congress has been able to observe local and State crime control machinery in action within the community it serves.

I am pleased to point out that the committee launched its grassroots investigations and public hearings in my own State of Massachusetts with a 2-day hearing at Faneuil Hall in Boston. Some of the testimony received in Boston later appeared in the committee's first report to the Congress entitled, "Marijuana." This report has been widely distributed and has been most helpful to Members of Congress struggling to separate fable from fact in the national controversy over the use of this substance.

The Boston hearing also served as a starting point for the committee's investigation into the adequacy of juvenile justice in the United States, an investigation that convinced the members of the committee that greater Federal interest and support was needed now to facilitate badly needed improvements in the juvenile justice system. As a result, last September Chairman PEPPER introduced H.R. 19327, the Juvenile Research Institute and Training Center Act of 1970. The bill would be a major step along the road to providing adequate care and rehabilitation for the Nation's young people. If we are to have any success in reducing crime, surely it is obvious that we must begin with our young people. For this reason I was gratified to cosponsor this constructive legislation.

Another of the committee's more productive hearings was held in San Francisco where, for the first time, the incredible dimensions of amphetamine abuse were graphically and dramatically presented to the American people. As I see it, the Select Committee on Crime deserves commendation for its subsequent fight to amend last year's Comprehensive Drug Abuse Prevention and Control Act for the purpose of moving amphetamines from schedule III to schedule II of the act, thereby imposing a quota system on the manufacture of these deadly and overproduced drugs. Again, I was happy to cosponsor that amendment. Although it was not approved by the House, the all-out fight waged by the members of the committee for this legislation demonstrated, I believe, this committee's commitment to its stated objectives.

Still, this committee may have made its most significant contribution in another aspect of the Nation's drug problem: heroin addiction. All of us have received copies of the committee's report filed in January and entitled, "Heroin and Heroin Paraphernalia." It is the product of many hours of public hearings and many months of staff research and investigation. Its 21 recommendations taken together amount to an imaginative, comprehensive approach to the heroin-crime syndrome. Its objective is to reduce both the supply of and demand for this murderous drug. This report is worthy of serious consideration by all the Members of this body.

Up until Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government had traditionally let the States and localities go it alone in the struggle to control crime in our Nation's streets. That act for the first time provided Federal funds to aid law enforcement. Its full effect will not be felt for some time to come. All of us want desperately to see it work. But we cannot assume that money alone can solve our crime problem. The creation of the Select Committee on Crime was further recognition of the new Federal interest in and responsibility for turning back this rising tide of crime. The committee has only begun its difficult assignment. Let us vote for reconstitution so that these members can continue their meritorious work.

Mr. SIKES. Mr. Speaker, it gives me great personal pleasure to rise today to speak in support of House Resolution 115, introduced by my esteemed colleague from Florida, CLAUDE PEPPER, to extend for the life of this Congress the Select Committee on Crime.

Under Chairman PEPPER's direction, this committee has earned the respect and admiration of Members of this body, of law enforcement agencies throughout the Nation, and the public as well. At a time when crime is one of our most pressing domestic problems, I take great pride in the fact that some of the most important and critical work in this field has been done by this body's own Crime Committee.

Chairman PEPPER's committee is preeminent in the field of drug abuse, and its work on amphetamine abuse, in particular, alerted the Nation to the dangers of these pills. The committee has also revealed the startling overproduction of amphetamines, many of which find their way onto the illegal market. The new consciousness of the dangers of these drugs is a direct result of the fine work of this committee.

I am also pleased to note that the Crime Committee has devoted its considerable talents to the study and investigation of heroin abuse. The killer drug heroin is so intimately connected with the rising crime rate in America today that drastic action must be taken. The Crime Committee's report on heroin presents this body with a far-ranging series of recommendations that would do much to provide this Nation freedom from heroin addiction. Many of these recommendations will reach us in the form of bills this session.

Mr. Speaker, I find it inconceivable that we would not vote to reconstitute the Select Committee on Crime. With its broad mandate, the committee has just the kind of approach needed to tackle the problems of crime. Crime respects no jurisdictional niceties; there is no reason why those fighting crime should be hampered in this regard. It is clear that the Crime Committee has carefully avoided wholesale invasion of standing committee jurisdiction while at the same time enjoying the benefits that its interdisciplinary approach offers.

But despite its fine record of accomplishment in the 91st Congress, there is still much to do. We must be realistic enough to recognize that crime is a problem that will not disappear overnight, not even in the life of this Congress. That the Crime Committee is asking for two more years to solidify many of its accomplishments and seek new avenues of attack on crime seems to me totally justifiable and necessary. This body needs the Select Committee on Crime, we need its investigative talents, and we need the mass of information and specific proposals it has provided for us all. I strongly urge my colleagues to vote "yes" on House Resolution 115.

Mr. FASCELL. Mr. Speaker, at this important juncture in the Federal fight against crime in the United States, I think it entirely appropriate that we take advantage of the occasion of the consideration of House Resolution 115 to evaluate our efforts.

I want to say first that the Select Committee on Crime, and its able and distinguished chairman, CLAUDE PEPPER, deserve this vote of confidence in their progress toward the full investigation and control of crime in our country.

I am happy to say that the coordination of the efforts of the Congress and enforcement agencies has recently brought great improvements and accomplishments in our war on crime. We need look no further than the remarkable drop in the District of Columbia's crime rate to see evidence of this. The resurgence of confidence in the business community, where robberies are down as much as 50 percent in some areas, has been a real lift to the spirit of the Capital City.

The work is progressing, nevertheless there are several areas to be reviewed and explored which the expanded Select Committee on Crime can complete in the next 2 years. I believe the extension of the authority for the select committee in the 92d Congress will provide the opportunity for the committee to conclude its work in this important area.

Mr. PRICE of Illinois. Mr. Speaker, I support House Resolution 115 providing for the continuation of the House Select Committee on Crime. Under the able leadership of the gentleman from Florida (Mr. PEPPER) and his distinguished colleagues on the committee, the Select Committee has functioned effectively in developing a greater understanding and awareness of crime in the United States.

It is easy for us to state that we are opposed to crime; but in doing so we must provide the tools to wage the war against crime. The Select Committee through its hearings and reports has provided insight into the nature of crime. We have greater awareness of the need for comprehensive national policy for dealing with crime. The Select Committee has generated new data on the problem of organized crime in this country. Its studies on drug and narcotic addiction and abuse have been important contributions in understanding juvenile offenders.

At a time when considerable discussion and attention is being focused on reform of our criminal justice system, on criminal rehabilitation and penal reform, and on administration of justice, the existence of a Select Committee on Crime is of extreme importance. The mandate for such a committee was enunciated

some time ago by the President's Commission on Law Enforcement and Administration of justice. That mandate nor the need for dealing with the menace of a growing crime rate in this country has not changed.

Previously, crime fighting may have been looked upon with a romanticized "gang buster" view; today it is recogized as a deadly serious business requiring skill, training and dedication. It touches every aspect of our life. The Select Committee can continue to help focus attention on the need to improve our law enforcement, crime deterrence and detection efforts. The committee can help make certain that our law enforcement officials have the support they need to function effectively.

If crime is viewed as a manifestation of our society, then we must have a framework which provides a rational, well-organized approach for dealing with it. The Select Committee can help provide that approach.

Mr. FULTON of Tennessee. Mr. Speaker, when our colleague from Florida first approached me with his proposal to establish a Select House Committee on Crime, I was eager to join with him in cosponsorship. The reasoning in support of the resolution at that time was that there was no committee within the House which had broad jurisdiction over the problem of crime, a problem which was becoming more acute and disruptive in America.

It was my understanding that the gentleman from Florida intended to treat crime as an interdisciplinary rather than a categorical subject.

The idea of the Select Committee on Crime was to attempt to look at the crime problem as a whole rather than by categories, to probe "all aspects and elements of crime" in the United States and to report its findings to the House of Representatives, "together with such recommendations as it deems advisable."

The committee was established on May 1, 1969, with the overwhelming approval of the House, 343 to 18.

Since that time the committee has organized and commenced operation, having held 13 public hearings in as many cities across the Nation.

These hearings have dealt with the drug problem as it relates to crime, juvenile justice and corrections and improvement and reform in law enforcement and justices in the United States.

Obviously, Mr. Speaker, one group in so short a time cannot hope or aspire to finding solutions to crime in America. However, this committee has been productive and reported its findings, in detail, to the House of Representatives.

Mr. Speaker, I believe the very worthwhile work being carried on by the House Select Committee on Crime should be continued and I respectfully recommend passage of House Resolution 115.

Mr. WOLFF. Mr. Speaker, I rise in support of House Resolution 115, which would reconstitute the Select Committee on Crime, extend its investigative authority through the 92d Congress, and increase the committee's size from seven to 11 members.

As a sponsor of the resolution creating the select committee in 1969, I have viewed with pride the fine work done by the gentleman from Florida (Mr. PEPPER) and his colleagues. During its 20 months of existence, the Crime Committee has held 13 public hearings throughout the country, issued four reports—including reports of major significance on the traffic in heroin and amphetamines—and made 53 legislative recommendations.

In my judgment, the primary function of this type of special committee is to shed light on the conditions which exist in America today, and not necessarily to legislate. Without public support, very little can be accomplished in this country. It is the job of this select committee to make the public aware of the crime problem in the United States, and it is fulfilling its purpose through the issuance of reports and legislative recommendations. Hopefully, the legislative committees of the Congress will follow through on those recommendations by enacting the necessary legislation.

I would hope the committee will be permitted to continue its vital investigative work, for the problems we faced in 1969 are still with us. For that reason, I would like to include at this point in the RECORD the remarks I made on May 1, 1969, in support of the creation of the committee:

Mr. WOLFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as a cosponsor of this important resolution I am pleased to speak for its prompt passage. We have only to read our daily newspapers and listen to our broadcast news reports to realize the gravity of the problem of crime in all parts of our Nation.

This problem stretches from organized crime with its many outlets to urban violence to suburban teenagers experimenting with dangerous drugs. The magnitude of the problem is truly awesome and prompt constructive action is necessary.

In order to best define the sources of the problem and therefore offer constructive suggestions for possible solutions, a thoroughgoing congressional investigation is clearly desirable. This is, of course, the purpose of this resolution and the reason why I have joined in sponsoring the legislation drawn by my able and distinguished colleague from Florida (Mr. PEPPER).

I trust our colleagues recognize the importance of initiating a complete study of the problem of crime at the earliest possible date and therefore anticipate immediate positive action. Not to act now would be a grave disservice to the tens of millions of law-abiding Americans. Finally I want to join in commending the gentleman from Florida for taking the lead on this vital subject.

Mr. BRASCO. Mr. Speaker, on Law Day, May 1, 1969, the 91st Congress created the Select Committee on Crime. During the remaining 20 months of that Congress, this committee, ably chaired by our colleague from Florida, CLAUDE PEPPER, has distinguished itself through its investigations, particularly in the area of drug abuse.

Through a series of hearings in virtually every section of the United States, the Select Committee on Crime has confirmed our most dreaded expectations. Drug addiction is a national problem, not simply confined to one section or one economic class. Heroin addiction is no longer isolated in the ghettos of New York City; cocaine is no longer found only in Miami's Cuban district; the use of "speed" is no longer a west coast phenomenon alone. Today, drug addiction is just as visible in Lincoln, Nebr., as it is in the District of Columbia.

Today we are considering whether to continue the activities of the Select Committee on Crime for the 92d Congress. I strongly urge my colleagues to vote yes. The justifications for this favorable action are numerous.

Literally billions of amphetamines have been manufactured annually by legitimate drug manufacturers in this country. Amphetamines have become one of the most abused of all dangerous drugs. When taken improperly they have been found to cause rather strong reactions in the user. The commitee discovered that half the illegal amphetamines sold on the streets were manufactured by legitimate drug firms. Until this was pointed out by the Select Committee on Crime during its San Francisco hearings, few were aware of the gravity of the problem.

The use of heroin is not new to this country. But heroin addiction has grown in epidemic proportion during the past 5 years. Many legitimate businesses have unwittingly been contributing to the heroin trade. Millions of glassine envelopes and gelatin capsules have been used to package this slavemaker. Until the Select Committee on Crime questioned the manufacturers of these products during hearings in New York City and the District of Columbia, how many of them were aware of the application of their products to the drug trade?

One dose of heroin as it appears on the street market contains at most 10 percent heroin. The rest of the compound is made up of quinine, mannite, and milk sugars. The only possible use of the combination of these cutting agents is in the heroin trade. Yet presently there are very places where arrests can be made upon finding these ingredients if heroin itself is not present. As a former prosecutor in New York City for 10½ years, I am aware of the frustrations of law enforcement when during a raid all the implements of the heroin trade were found, but not the narcotic itself. The Select Committee on Crime's proposed paraphernalia statute for the District of Columbia would serve to remedy this gap in our legal structure.

It is obvious that this Congress has benefited greatly from the inquiries started by the Select Committee on Crime. A vote for the reconstitution of this committee is a vote to continue our efforts to reduce crime in our Nation. I urge you to continue the life of this valuable committee.

Mr. HAGAN. Mr. Speaker, it is with great pleasure that I rise in support of the reconstitution of the Select Committee on Crime. If Congress is to meet its responsibilities in the fight against crime and drug abuse it must be armed with the facts. We appear to know all too well the effects of crime and drug abuse. It is the causes that need further

clarification. In its 20 months of existence the Crime Committee has begun to expose many of these alarming causes and has proposed specific remedies. It is essential that the committee continue its valuable work.

How many of us were aware of the dangers of the seemingly innocuous diet and pep pills before the Crime Committee alerted us to the effects of amphetamines? How many of us realized that the dangerous drug we knew of as "speed" was also being misused by unsuspecting housewives on diets and people in need of some pep? Through its hearings and extensive investigations, the committee revealed the vast overproduction of amphetamines. For these timely warnings the Nation and Congress will remain indebted to the Crime Committee.

The Special Subcommittee on Alleged Drug Abuse in the Military, of which I am privileged to serve as chairman, is particularly grateful to the Crime Committee for its thorough investigations into the overproduction of amphetamaines. When in the course of the Crime Committee's investigations, it appeared that the military medical services were purchasing large amounts of amphetamines, Chairman PEPPER testified before our committee and provided us with all the information his committee had collected to date. On the basis of this, the special subcommittee held its own hearings to examine the military amphetamine purchasing policies and the need for these drugs.

It appears that the demand for these drugs is indeed decreasing. In fact, the Defense Medical Materiel Board has ordered that all amphetamine drugs be removed from survival kits. You may be sure that all amphetamine purchases and prescriptions for military personnel and dependents are being closely monitored. Cooperation of the type exercised by the Crime Committee has been most valuable to those of us charged with the specific responsibility of investigating alleged drug abuse in the military.

Amphetamine abuse, however, has been but one of the many aspects of crime examined by the Crime Committee. The committee has examined the extent and cost to society of heroin addiction. It has examined the plight of the addict trapped in a web of crime that begins in the poppy fields of Turkey and ends with the junky on the street. The findings and recommendations of the committee are contained in a report entitled "Heroin and Heroin Paraphernalia."

Armed with the facts and recommendations of this report and the reports on "Amphetamines" and "Juvenile Justice and Corrections" this Congress can hope to provide enlightened legislation to combat the problems of crime and drug abuse. However, we need more such reports, more investigations, and more research. The Crime Committee has the expertise to help and inform us all. We must permit and encourage it to perform the same valuable service in this Congress that it performed in the last. I strongly endorse its reconstitution.

Mr. PEPPER. Mr. Speaker, I welcome this opportunity to speak on behalf of House Resolution 115, which Mr. WIGGINS and I introduced, to reconstitute the Select Committee on Crime, which I had the pleasure and honor of chairing during the 91st Congress.

In recent years, the House of Representatives has exercised a wise discretion in the creation of select committees. We have been careful in establishing select committees, so as not to duplicate the work of the excellent standing committees of the House.

But I am here today to ask that you look favorably upon the reconstitution of the Select Committee on Crime because I believe that the nature of crime in America demands action that often cuts across ordinary committee lines, just as it cuts across local, State, and even Federal borders.

I would suggest that this interdisciplinary study is the function that the Select Committee on Crime has and can continue to perform to great benefit to the Nation. Crime is not a phenomenon of a single cause; rather, it has many and varied causes which all contribute to the starting rise in crime this Congress is pledged to halt. Laws on drugs, for example, are often referred to this body's Committee on Interstate and Foreign Commerce. Legislation on courts is referred to the Committee on the Judiciary. Without in any way casting the slightest asperson on the excellent work of these and other standing committees, I submit that there is a compelling need for this body to have an investigating committee that can span the full range of the fight against crime, free to look into all aspects of crime and their interrelationship, while at the same time scrupulously honoring the rights and prerogatives of the standing committees.

In addition to the ability of a select committee to take an interdisciplinary look at crime, I think this body needs a committee with the investigative capacity to seek out specific kinds of abuses. Over 20,000 bills were introduced during the 91st Congress. Each of these bills was referred to a standing committee, where it received careful consideration. Consequently, I believe it is clear that we need an investigative committee whose staff is free of the weighty and important burden of considering the legislative proposals of the Members of this body.

Now that I have outlined what I consider to be the need for a Select Comtee on Crime, permit me to say a few words about what, during its life in the 91st Congress, the Crime Committee did to fulfill this need.

I said at the start that I wanted the Select Committee on Crime to be the "action committee" in the fight against crime. Although 20 months—the life of the Select Committee on Crime in the last Congress—is a mere moment given the magnitude of the problem, I think I say with justification that we have done much to fulfill our goal.

The Select Committee on Crime has held 13 public hearings in as many cities spanning the width of this Nation. We have been in the South, in the Northeast, in the Midwest, and in the West. We have, whenever possible, gone to the people to seek out information that could be of use to us.

Our first hearing, published under the title of "The Improvement and Reform of Law Enforcement and Criminal Justice in the United States," was held here in Washington over a period of 12 days. These hearings touched on all aspects of the crime problem and served as an overview, to help the members of the committee focus on specific problems in need of further study.

The committee traveled to Boston, Mass., in September 1969, to conduct its first field hearing. This hearing, "Drug Abuse and Criminal Justice," focused on the phenomenal increase in the use of narcotics and dangerous drugs and the critical necessity for better programs in the enforcement of narcotic laws, rehabilitation of drug addicts, and drug abuse education.

Another major theme of these hearings was the critical need for the improvement of our correctional institutions at the State and local levels and the role the Federal Government could play in this regard. The committee visited the Bridgewater Correctional Complex, the largest in Massachusetts, and talked at length with prison officials and inmates.

These two themes—drug abuse and correctional reform—were to become major components of the committee's program and led to the introduction of legislation which I will mention shortly.

In October 1969, the committee again traveled to the people to get a mid-America view of crime. The hearings in Omaha and Lincoln, Nebr., clearly demonstrated that the major problems of crime—narcotic and dangerous drug abuse, the rise in violent crimes, increasing involvement of juveniles in criminal activities—are the same in medium-sized cities of the Midwest as they are in the major urban concentrations of the country. The committee especially focused on the development of suggestions for areas in which the Federal Government could more effectively assist local government in meeting the crime problem. Specifically, the committee elicited much helpful testimony on the subjects of drug abuse and addict rehabilitation, juvenile justice and corrections, improvement and upgrading of police, and the eradication of the native marihuana supply in the United States.

Following up on information gathered at the Omaha/Lincoln hearing, the committee held a hearing in Washington later specifically addressed to the problem of the widespread use of marihuana. Testimony was received from acknowledged leaders in the field; officials of the Department of Health, Education, and Welfare; the National Institute of Mental Health; and doctors active in the field.

Later in October, the committee held 4 days of hearings in San Francisco, Calif., to determine what course of action should be taken by the Federal

Government to restrict the movement of dangerous drugs between legitimate manufacturers and illegitimate drug distributors. Testimony was received from Government officials, drug company representatives, and a number of witnesses subpenaed to testify on illegal drug laboratories and the operation of illegal drug distributors.

Following up on its work in San Francisco, the committee convened a hearing in Washington in November in order to take additional testimony concerning the legitimate and illegitimate uses of amphetamines and methamphetamine. This testimony was considered important to the committee in its efforts to explore all aspects of this problem prior to recommending remedial legislation. This hearing and the San Francisco hearing became the foundation of the committee's drive to greatly curtail the legitimate but abused production of amphetamines.

Later in November, the committee convened 2 days of hearings in Columbia, S.C. The committee took two field trips during this hearing; first, to meet with the inmates of the Richland County Jail, and second, to visit the Columbia Pre-Release Center, an innovative program to equip inmates for the society they are reentering.

Of particular interest at the hearing was testimony concerning the new and successful programs of the South Carolina correctional system. These programs included extensive vocational training, prerelease centers, and programs to mobilize community support for underfinanced juvenile justice systems.

In December, the committee went to Miami, Fla., to take testimony on aspects of drug abuse, organized crime, court delay, and juvenile justice. We received testimony that indicated that cocaine, a narcotic previously used only by the wealthy, is now in strong competition with narcotics like heroin and is widely used now among the middle class. Testimony was also taken on the problems of cocaine smuggling, treatment and rehabilitation of the drug addict, and the need for better drug abuse education in the schools.

The committee also devoted time to the problems of violent street crime, youth crime and juvenile justice. A panel of local businessmen discussed street crime from the victim's point of view.

The committee's first hearing of 1970 took place in February here in Washington, but not on Capitol Hill. We were concerned with street crime and its effect on citizens, and we believed we would get a more accurate picture if we went out into the community. We held 2 days of hearings in elementary schools in the District and spent 2 days in the suburbs; one in Prince Georges County, the second in Fairfax, Va.

We heard a panel of small businessmen explain how crime has influenced their businesses, even to the point of forcing them out of business. We took testimony on the rising rate of crimes within the District schools.

Our hearings in the suburbs gave us an opportunity to learn a great deal about the so-called spillover of crime from the District, as well as the indigenous crime problems of these communities.

As a result of information gathered at the Washington hearing, members of the committee introduced a bill to provide crime insurance for businessmen in high crime areas.

"Youth in Trouble" was the topic of our Baltimore, Md., hearings, held in March 1970. The committee took wide-ranging testimony on the problems of youth crime, drug abuse, and corrections. We also listened to a panel of young people describe their views on the causes of crime and what can be done to keep young people out of criminal activities.

Our next hearing, held in New York City in June, was a major effort to collect information concerning the importation, distribution, and packaging of heroin. With at least 200,000 heroin addicts in the United States today, we are convinced that heroin addiction is one of the major causes of crime, particularly the types of crime that citizens fear most—burglary, robbery, mugging.

The committee received testimony for 5 days from acknowledged experts who told of the difficulty of halting heroin smuggling and the frustration of court delay in prosecuting those indicted. The committee also conducted an intensive investigation into the materials used to dilute and package heroin for street sale. This is an area that was virtually ignored by law enforcement officials. Our investigation and subsequent cutting off of much of these supplies caused a great shock wave in the heroin community in New York. I am pleased to report that with the cooperation of major envelope manufacturers, we have virtually eliminated the production of the small glassine envelopes usually used to package heroin.

One afternoon during the New York hearings, the committee took an unpublicized visit to a church in the south Bronx, where we met with members of a community devastated by the basement horrors of heroin addiction. The area—stripped of everything of value by dope addicts—looked like the bombed-out cities of Europe after World War II.

In July, the committee convened in Philadelphia, Pa., to explore the subject of youth crime and street gang violence. Our investigation revealed that there were 93 organized gangs operating in Philadelphia, with approximately 5,300 members ranging in age from 12 to 23. In 1969, 41 persons lost their lives in gang incidents, and as of June 30, 1970, 17 persons had been slain in gang-related rampages.

A long tied-up grant from LEAA was given to Philadelphia to fight gang warfare shortly after the committee hearings there, and the committee's work was cited at the time of the announcement.

The committee's final hearing of the 91st Congress was held here in Washington in October. The purpose of this hearing was to inquire into the possible need for new legislation to control the manufacture, distribution, and sale of the items used to dilute and package heroin, usually referred to as heroin paraphernalia.

Heroin paraphernalia is essential to the pusher to cut his heroin to street sale dosage units, and the committee discovered that many pushers were getting their supplies of capsules, envelopes, quinine, and mannite from so-called legitimate businessmen.

As a result of this hearing, the Parke, Davis & Co. announced that it was discontinuing production of the gelatin capsules most often used to package heroin. Eli Lily & Co., the major capsule producer, announced that it would institute stricter controls over its shipments of the capsules.

Furthermore, as a result of our hearings, the Commonwealth of Pennsylvania instituted proceedings against a Pennsylvania pharamacist who testified at our hearing that he supplied paraphernalia to Baltimore heroin pushers.

White envelopes and capsules may seem like minor items given the magnitude of the heroin problem, we have received word from narcotics agents that the disruption caused by this committee's curtailment of these supplies has lead to the identification of a number of heroin distributors whose identity was previously unknown to law enforcement agencies.

Much of the work of the Crime Committee's first 20 months is embodied in our four reports to the Congress. Rather than issue a comprehensive report alleging to report definitively on all aspects of crime, we chose instead to report only on those subjects which we had studied in such depth so as to offer substantive recommendations.

These reports, "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines," have received widespread circulation among Members of the House and the general public. Well over 20,000 copies of the marihuana report were distributed by Members to their constituents.

The recommendations in the latter three reports constitute, we believe, a basis for important legislation. The heroin report, for example, outlines a wide-ranging program to attack heroin abuse both here and at the overseas source of the heroin.

The Juvenile Justice Report calls for passage of the Juvenile Research and Training Center Act, which this committee drafted with the cooperation of a distinguished panel of juvenile justice experts, headed by Judge Orman Ketcham of the District of Columbia Juvenile Court.

The report on amphetamines outlines the horrible extent of the abuse of these legally manufactured drugs. We call for an amendment to the present drug laws to tighten control over the production of these deadly drugs.

While the Select Committee on Crime is not a legislative committee, of course, one of the advantages we have over Presidential Commissions, for example, is that the members of our committee are also Members of the House and can introduce legislation to carry out the recommendations in a report. I think this one of our strong points.

When our investigations have uncov-

ered information that was clearly within the province of a standing committee, we have not hesitated to contact that committee and share our information with them. When we uncovered certain alleged violations of FHA regulations during the course of our investigation in Philadelphia, for example, we gladly shared this information with the Committee on Banking and Currency, which pursued the investigation.

During our investigation of amphetamine abuse, we discovered that the Federal Government, and the military in particular, was a large buyer of these dangerous drugs. After compiling statistics that indicated that the matter ought to be more closely scrutinized, I appeared before the Special Subcommittee To Investigate Alleged Drug Abuse in the Military to share our information with them.

The 53 recommendations set forth in the committee's final reports form the basis of several bills which members of the committee plan to submit to the 92d Congress. These bills can provide the basis of a broad range of remedial legislation in the fields of narcotics traffic, dangerous drug distribution, juvenile justice, and corrections.

In our studies of the multiple aspects of the dangerous drug problem, our committee has preliminarily concluded that we presently have sufficient synthetic substitutes for opium derivative drugs. Unfortunately, neither our governmental agencies nor our scientific community has discovered a nonaddictive substitute for opium.

If reconstituted, we would continue our study into this area and make recommendations relating to the possibility of the development of such drugs which could be used in lieu of the imported crude opium from countries like Turkey and Iran. We would also complete an investigation into the nature and extent of research presently undertaken by the Federal Government in the area of drug addiction. We have also investigated the question of the use of methadone maintenance and the decrease in crime of those addicts under such treatment. We would like to complete this investigation.

Our investigation in the drug area has inevitably led us into the complex problem of organized crime and its control of the illicit importation of heroin.

As a result of this investigation, we have touched upon the problems of organized crime's incursion into the legitimate business community. We would like to pursue this line of inquiry and to make recommendations to the House at the conclusion of our study.

Our investigation of the heroin crisis in America has revealed the relationship between drug related crimes and court delay. Court delay and the proliferation of criminal litigation are aspects of our crime problem which need immediate and thorough scrutiny. The heroin investigation has further revealed the deteriorating state of Federal and local correctional institutions and their tendency to harden criminals rather than rehabilitate them.

As I said at the opening of my statement, the Crime Committee, if reconstituted, can serve the House in these and related areas and can provide a pool of information which has been and can continue to be of inestimable value to the legislative committees and to the Members. I sincerely hope that we are given the opportunity to continue the enormous task which we assumed during the 91st Congress.

I want especially to thank all Members of the House who have cosponsored the resolutions setting up the Select Committee on Crime and who have supported our committee in its inception and in its labors.

We shall seek to vindicate the confidence of the House in whatever we may do in the discharge of our duties.

Mr. Speaker, one of the alert and most conscientious of the members of our committee in the 91st Congress until his retirement from the committee upon his being named U.S. district judge in Nebraska was Hon. Robert V. Denny—now confirmed by the Senate as district judge.

I include a telegram to me from Mr. Denny supporting the reconstitution of the committee:

FAIRBURY, NEBR.,
March 5, 1971.

Hon. CLAUDE PEPPER,
Cannon House Office Building,
Washington, D.C.

DEAR CHAIRMAN CLAUDE: I am out of Congress waiting confirmation as a Federal District Judge, but it has come to my attention that the resolution for funding the works of the House Select Committee on Crime will be up next week, and this is to advise you I wish I could be there to testify, and if I was I would urge the committee to authorize the requested appropriation, as I think the one landmark thing the House Select Committee on Crime has done to excite the general public about the danger about the use of drugs in this country, and each political sub-division is now doing something about it. Best regards to you and the committee.

Mr. Speaker, in conclusion I would like to give a summary of the 53 recommendations which the House Select Committee on Crime made to the 91st Congress:

RECOMMENDATIONS SUMMARY

A. HEROIN AND HEROIN PARAPHERNALIA

The Heroin and Heroin Paraphernalia Report consists of seven sections, the final section contains the Committee's 21 Recommendations. The first six sections are in narrative form and detail the history and development of the addiction crisis in the United States. Sections 3 and 4, Smuggling and Distribution, survey the multiple problems which law enforcement faces in combating heroin trafficking, both inside and outside of the United States.

Section 5 is devoted exclusively to heroin paraphernalia, and this section draws heavily from our New York and Washington heroin hearings. The story of the 1½" x 1½" glassine envelope and the No. 5 empty gelatin capsule is portrayed in rather descriptive terms and emphasis is placed upon the testimony of several of our impressive and/or controversial witnesses.

Section 6, entitled Narcotics Research, reviews several of the findings which have been submitted to our Committee and staff concerning the development of methadone maintenance programs in New York City, Washington, Boston and Miami, and also the narcotics research programs undertaken by NIMH, the university communities and certain independent studies by private industry.

Significant emphasis is placed upon the federal role in narcotics addiction research. The Report notes that in the two-year period, 1969 to 1971, while law enforcement expenditures are expected to soar by *130%*, spending for narcotics research will rise only *35%*.

A sub-section within the Research section is devoted to the development of synthetic analgesics or manufactured opium substitutions. The section on synthetic substitutes reviews the testimony of witnesses at our New York hearings and also the information and documents supplied to the staff by scientists, clinicians and physicians who have worked toward the development of synthetic substitutes. This section should be used to buttress Recommendation 2, wherein the Committee calls upon the Congress to outlaw the importation of crude opium into the United States. The Report states that although the search for synthetic analgesics has been successful in that pain killing drugs, as effective as opium base drugs, have been compounded and marketed, it calls for continued research toward the development of high potency synthetic substitutes which do not produce dependency and addiction. This section may also be used to support Recommendation 1, wherein the Committee advocates the total eradication of cultivated opium.

The final sub-section of the section on Research details the need for continued addiction research and sets the stage for our future hearing wherein we will explore, among other things, methadone maintenance programs, non-addictive synthetic substitutes, and narcotic antagonists or blockage drugs such as naloxone and cyslazocine.

Recommendations

Recommendations 1 through 10 are primarily concerned with the international aspects of the heroin problem. The thrust of the Recommendations are geared to a multilateral rather than a bilateral approach to solving our problems of the illicit importation of opiates. The first recommendation calls for the total eradication of opium cultivation throughout the world. (There are 12 opium-producing countries in the world today.) Additionally, our Committee calls for the outlawing of all legal importation of crude opium and morphine. It should be noted that the terms "opium" and "morphine" are often used interchangeably. However, morphine is a refined or processed opium which is derived from crude opium. We import annually approximately 125,000 kilos of crude opium. We also import significantly smaller amounts of morphine. Recommendations 1 and 2 are supported by our conclusion (which is in turn supported by weighty scientific opinion) that we now have synthetic substitutes which will not only kill pain, but provide a euphoria-type effect for physicians treating patients with terminal diseases, like cancer.

Our Committee calls upon responsible medical and scientific leaders to join us in our fight for the acceptance of synthetic pain killers in lieu of opium derivative drugs.

In Recommendation 3, we offer a proposed short-term solution to the opium cultivation problem in that we encourage opium crop substitution and diversification programs in underdeveloped countries. We do not concede that our first Recommendation is impossible of obtainment, but rather we argue that while we are working toward total eradication, interim measures are undoubtedly necessary.

In Recommendation 4, we propose amendments to the 1961 Single Convention which would enable our international organizations to use enforcement machinery in order to implement the licensing provisions of the Single Convention and also aid internation organizations in working toward the goal of total eradication of opium cultivation. We also propose that a comprehensive multilateral plan to attack worldwide drug addiction be submitted by the United States to the United Nations. We encourage the use of embargo provisions through a multilateral rather than a bilateral method. Additionally, we recognize that there is a need to impress upon the world community the fact that addiction is an international as well as a national problem.

In commenting upon opium crop substitution, we also recognize that certain responsible people have proposed preemptive purchasing as a method of stopping illicit seepage from Turkey, and other opium producing countries. The Report concludes that as a result of conferences with leading and knowledgeable officials, it is the considered judgment of the Committee that preemptive purchasing would stimulate rather than stifle the production of the opium poppy.

In Recommendations 5, 6, 7, 8 and 9, we concentrated upon the existing international organizations which are charged with the responsibility of controlling the licit and illicit flow of opium. We recommend that the Commission on Narcotics Drugs, the International Narcotics Control Board, and the Division of Narcotics Drugs be expanded and strengthened in personnel and in responsibilities. We also recommend that active international organizations like the World Health Organization, the Food and Agricultural Organization, the International Labor Organization and NATO be employed to effect our short and long range objectives of controlling illicit narcotics flow and eventually eradicating total opium cultivation.

In Recommendation 10 we suggest that serious consideration should be given to the research and development of certain technical approaches, including a satellite surveillance system, an international computer bank, remote sensor devices and the development of chemical trace elements which could be applied to soil in order to make the products grown from that soil susceptible to detection by sensor devices.

Recommendations 11, 12 and 13 suggest now approaches for the issuance of visas to foreign travelers, for reinstating the practice of keeping lists of passengers by flight or ship, and for increased border searches and the elimination of pre-flight clearances, in certain limited cases.

Recommendation 14 ties in closely with Recommendation 2 since our Committee's conclusion set forth in Recommendation 2 is that we now have effective synthetic substitutes for opium, but that we must work toward developing non-addictive synthetic analgesics. Additionally, the Recommendation calls for increased research in order to develop effective narcotic antagonists and blockage drugs.

In Recommendation 15 we call for an improvement in our efforts and legal machinery in order to adequately cope with the problem of court congestion (much of which is directly associated with heroin and heroin related cases.)

Our Committee requests a re-evaluation of the present exclusionary policy, wherein probative and relevant evidence is excluded because of mistake, inadvertence, or unlawful activity on the part of a police officer.

We emphasize the fact that inequities are sometimes effected because of the exclusion of otherwise probative and relevant evidence. Our Committee calls for an exploration of possible avenues of relief, short of total evidentiary exclusion, for unlawful searches and seizures.

In Recommendation 16 the Committee calls for the establishment of expanded treatment facilities in federal and state prisons and detention centers.

Recommendation 17 is in three parts. The first part of the Recommendation calls for an increase in penalties for bail jumping in narcotics cases so that the court could sentence a defendant convicted of bail jumping up to the maximum allowable prison term or fine which that defendant could have received had he been convicted on the underlying narcotics or narcotics conspiracy charges. This Recommendation is supported by substantial testimony taken at our New York hearings, as well as a thorough study of bail jumping in narcotics cases in the federal districts in the country; namely, the Southern District of New York.

The second part of Recommendation 17 concerns a request that the Congress should give serious consideration to amending the Bail Reform Act in order to allow a court to exercise its discretion, in certain limited narcotics cases (prior to trial or after conviction, pending appeal) where the court finds that the narcotics trafficker poses a danger to the community at large or to any specific person in the community. It should be noted that this Recommendation asks the Congress to give serious consideration to a simplified preventive-detention statute in certain classes of narcotics trafficking cases. It also recommends that speedy trials should always be available to defendants in narcotics cases and that such speedy trials are of benefit not only to the defendant, but to the prosecution as well.

The final part of Recommendation 17 concerns the question of trial *in absentia*. The Recommendation requests that the Congress give serious consideration to legislation which would empower a court to proceed with a *trial in absentia* of a defendant in a narcotics trafficking or conspiracy case, where the defendant, after being advised by the court of his responsibility to reappear for trial, upon responsible notice, voluntarily flees the jurisdiction. The Committee suggestion is buttressed by two recent cases wherein the Second Circuit and the Supreme Court used a theory of waiver to justify the exclusion of the defendant from the courtroom and the continuation of his trial in his absence.

In Recommendation 18, the Committee suggests that the provisions of the Narcotic Addict Rehabilitation Act of 1966 be fully implemented. The Committee also recommends that states follow the example of New York and California which are the only two states to sponsor and support major comprehensive programs for civil commitment and addict rehabilitation.

In Recommendation 19, the Committee requests that the Congress determine the effectiveness of drug education programs before they further fund any additional educational programs.

Recommendation 20 embodies the Committee's findings as a result of its hearings in New York and Washington concerning the sale, distribution and transfer of narcotics paraphernalia. The Committee recommends that our proposed District Paraphernalia statute be used as a model statute by states and encourages the adoption of similar regulatory schemes. Also, the Recommendation concludes that since private industry has failed to exercise self-restraint in the manufacture and distribution of narcotics paraphernalia, Congress should give serious consideration to several proposed federal regulatory schemes including registration, licensing and prescription scheduling.

The Committee's final Recommendation (21) concerns the prospects of expanding the methadone maintenance programs, wherein such programs would be made available for all those heroin addicts who can profit from such treatment. The Recommendation does not preclude other types of treatment and emphasizes the fact that there is no substituition for total narcotic abstinence, where such abstinence is possible. The Recommendation endorses programs such as Synanon, Daytop Village, Encounter and Phoenix House where the treatment modality is abstinence rather than the distribution of narcotics like methadone.

This is the first time that the Congress, or any federal agencies, has embraced and encouraged methadone maintenance as an acceptable treatment approach.

B. JUVENILE JUSTICE AND CORRECTIONS

As a result of several hearings in the area of juvenile crime and delinquency, the Committee has found, based upon abundant evidence, that juvenile crime has been increasing at a far greater rate than our country's juvenile population. Juveniles between the ages of 15 to 17 years old make up the single largest age group of arrests in the United States.

Several experts on juvenile delinquency who testified at our hearings repeatedly stated that there is a substantial relationship between juvenile crime and the environment or living conditions of young people. Slum and ghetto dwellings without basic accoutrements of light, heat or hot water often drive young people into the streets. Once young people are in the streets, there is an immediate potential for deviant activity. The Committee recommends an increase in federal funds for the construction of low income housing.

The Committee also recognizes that the lack of medical facilities in many disadvantaged or low income areas is an increasing source of bitterness and frustration. The Committee urges that medical schools make available health facilities to people with limited financial resources. Those medical schools receiving federal funds should be required to devote a portion of their resources to community medical and mental health needs. The educational systems in this country share deeply in the blame for many of the problems we have encountered with our young people. Educational methods have been rigidly stultified and cannot cope with problem children, slow learners and the culturally deprived child. New methods must be formulated so that educators can adapt to the type of students confronting them. This Nation cannot justify, nor can it afford to have high school graduates who are functional illiterates.

Many students would be more willing to attend school, and could indeed profit more from the availability of vocational education than from traditional academic curricula. These youth have no desire for higher education. They want to learn a trade. Many dropouts have indicated that had vocational education been available, they would have readily finished school. Adjudged delinquents have also indicated that lack of vocational training cooled their enthusiasm for school. There is legislation in effect providing funding for vocational programs in schools. This should be expanded and implemented as soon as possible.

The Committee found that statistically there is a great relationship between dropping out of school and juvenile crime. Dropping out is a severe problem that could be corrected by a revamping of educational methodology and increasing vocational courses. However, there will always be dropouts. Programs must be made available for retraining and reeducating dropouts so that they may play a useful role in society.

Several jurisdictions have experimented with "on the street" techniques in attempting to prevent juvenile crime. One of the most successful programs in the country is Courtesy Patrol of Washington, D.C. This group utilizes the young people in the neigh-

borhood in a variety of capacities. The members, all wearing bright orange team jackets, patrol the neighborhood after dark. They will escort women alone on the street, watch for fires and disturbances, and report anything of an unusual or criminal nature they observe on the street. Not only does the program give the youth involved a feeling of pride and accomplishment, but crime can be significantly affected and reduced by such programs.

The police officer, of course, is an integral part of the juvenile justice system. The youthful offenders' first contact with the law will come through our policemen. The Committee urges all police departments to make sure that the greatest possible amount of training is given to police officers in the area of handling juveniles. Youthful offenders, it must be clear, are not to be treated in the same manner as adult arrestees. In addition, each department should have a juvenile division in it with officers extensively trained in juvenile justice procedures.

There will be instances where young people will have to be arrested. It may still be possible for the young person to avoid the ignominy of incarceration, at least at the early stages of the adjudicatory process, if the situation is handled correctly.

Several jurisdictions have made use of "intake consultants." These people review each case before it gets to trial. They may feel it more beneficial to refer a young person to a social service agency, school counselor, or family counselling agency. In some circumstances, the intake consultant may order the youth to provide restitution for any damage done. Sometimes a talk with the youth and his family is enough. In any event the use of the intake consultant technique may enable the young person to avoid the always traumatic, often futile, adjudicatory process.

When it is necessary to incarcerate a young person, either before or after trial, there are certain guidelines that should be followed. Juveniles should never be mixed with adults. At best, the two groups should be in separate institutions. At the very least, they should be kept in completely separate sections of the same facility. The adult felon has much to teach and too often the young offender becomes an avid student.

The *Kent, Gault* and *Winship* cases have brought significant changes in the administration of justice in the juvenile courts. As a result of these cases, it is now definitively stated that young people being tried in juvenile delinquency cases are entitled to notice of charges against them, the right to confront and cross examine their accusers, the privilege against self incrimination, the right to a transcript of proceedings, and the right to appeal. In addition, in cases against juveniles wherein they conceivably could be deprived of their liberty, the burden of proof is now to be determined to be "guilt beyond a reasonable doubt."

Local courts are slowly reacting and adjusting their procedures. The Committee urges all jurisdictions to conform to the Supreme Court mandate as quickly as possible.

The Committee also suggests that there should be a reconsideration of the sentencing system in the juvenile courts.

The juvenile court is often scorned as an inferior court. However, the job of the juvenile court judge is probably the most important on the bench. The status of juvenile court must be upgraded at very least to the level of the highest trial court in the jurisdiction. The best possible people should be implored to become judges on these courts.

However, there are other personnel whose work is of great impact in the juvenile justice system. Many attorneys, both prosecution and defense, appear frequently in juvenile court but have little conception of the philosophy underlying it. Advanced training courses should be made available to legal personnel making frequent appearances before the juvenile courts.

Probation officers, too, are exceedingly significant in the rehabilitation of youthful offenders. Yet too often these men are ill trained (or not trained at all) and immensely overworked. Continuing training should be available for all probation workers and they must be urged to take advantage of it. Caseloads must be reduced until they are near the 35 cases per worker recommended by the President's Crime Commisson. Adequate salaries must be paid to keep the most qualified, highly trained workers in the field.

The youth corrections system in the United States is, on the whole, a travesty. We have hundred year old correctional institutions, flogging and corporal punishment, and lack of proper rehabilitation facilities.

This Committee visited several juvenile institutions, and part of our Report concerns the Committee's findings relative to these facilities.

There must be an immediate massive effort to renovate, both physically and procedurally, our juvenile incarceration facilities. Money and effort must be expended to bring these institutions into the twentieth century.

The Committee was most impressed, however, with one facility located in Red Wing, Minnesota. The advanced technique used with the young people there, known as "guided group interaction" has proven eminently successful.

Unfortunately, the Federal response in the juvenile justice area has been dismal. Over fifteen agencies of the Executive Branch have some responsibility in the juvenile justice area, and none are doing an adequate job.

We once again must reiterate our support of this Committee's bill, in the Juvenile Research and Training Center Act of 1970. The Act, in essence, would create a new agency whose sole interest is in the field of juvenile delinquency. It would coordinate the Federal response in the area while having central authority over all research in the area, the training of professionals in the juvenile justice system and the funding of all programs dealing with the juvenile justice system in the United States. The bill will be reintroduced at the beginning of the 92nd Congress.

C. AMPHETAMINES

No problem confronting our Nation today is more serious or critical than the matter of narcotics and dangerous drug abuse. Of all the dangerous drugs available for abuse, amphetamine-type drugs, whose street name is "speed", cause the most bizarre and sometimes violent behaviour.

Our laws are not adequate to cope with the "speed" problem. The Committee believes that there are five major areas that account for the prevalence and growth of "speed".

First, the annual overproduction of 8 billion "speed" pills by legitimate manufacturers provides enough for 40 doses for every man, woman and child in the United States, while the estimated legitimate medical need runs in the thousands. Over 50% of these drugs are diverted into illicit channels.

Second, controls over the export of dangerous drugs are inadequate. It is estimated that over 60% of the amphetamines and methamphetamines exported to Mexico are smuggled back into the United States black market.

Third, there is little federal or state control over the purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamine-type drugs. It is all too easy for clandestine laboratories to purchase the necessary raw materials to make "speed."

Fourth, amphetamine-type drugs find their way into the illicit drug market through overprescription; especially by diet doctors.

Fifth, "speed" drugs can be purchased through mail order houses by almost anyone with a little ingenuity.

During 1969 and 1970, the Select Committee on Crime held hearings documenting the abuse of central nervous system stimulant amphetamine-type drugs. Two hearings in particular focused solely on "speed"—San Francisco, California, October, 1969, and Washington, D.C., November, 1969—producing the largest body of evidence in the United States on the nature and extent of amphetamine abuse.

The Committee's investigations have revealed that the most dire predictions concerning the abuse of amphetamines appear to be coming true. The problem has reached down into the elementary schools destroying the futures of helpless children. In the patterns of multi-drug abuse that are developing "speed" is an important feature, as abusers switch from psychedelics to amphetamines to barbiturates to heroin and back again. As long as amphetamine-type drugs remain readily available, comparatively inexpensive, painless to ingest orally and easily injectable, they will continue to present a temptation and danger to the abuser and a menace to society.

The non-controversial legitimate medical uses for amphetamines are very limited. In fact, it has been said that for every treatment requiring amphetamine drugs there is an adequate, less toxic drug that could be substituted. Some medical authorities have gone as far as to say that the danger and abuse potential of amphetamine drugs so outweigh their therapeutic value that their continued production is no longer justified.

Amphetamines may legitimately be prescribed for the treatment of narcolepsy (an uncontrollable impulse to fall asleep hundreds of times daily), the treatment of hyperkinetic children (inexplicable hyperactivity), and the first few weeks of diet control. The latter use is open to a great deal of medical debate. For these few uses the need has been estimated in the few hundred thousand.

The abuse of amphetamines could be broken into three categories. There are those people who take large doses of pills to remain alert or supercharged for a specific amount of time, such as cramming for an examination or sports events. There are those who have been prescribed amphetamines for such things as weight control, but who continue to take the pills in increased amounts long after the diet effort is over in order to enjoy the pep-up effect. However, the most extreme form of abuse is that which involves the injection of massive doses of amphetamines to achieve a euphoric rush.

The last form of abuse, shooting "speed", is the most alarming. The "speed freak" becomes both physically and psychologically addicted. Physical addiction means that an abuser develops a tolerance to the drug and experiences withdrawal symptoms when the drug is discontinued. A "speed freak" is subject to fits of panic and paranoias; he is likely to suffer from malnutrition; he is susceptible to nervous breakdowns and many infections. There has been some discussion that high dosage amphetamine abuse can result in brain cell damage, and a very recent discovery suggests that the abuse can result in a progressive disorder of the arteries (necrotizing angitis) which is fatal.

The amphetamine psychosis can produce dangerous virulent reactions. "Speed freaks" have been known to commit violent acts while suffering from acute paranoia. This presents a constant danger to both the abuser and society.

Widespread central nervous system stimulant abuse of epidemic proportions is relatively new in the United States. Since two

countries have lived with this problem longer than we, the Committee has reviewed the Swedish and the Japanese experiences in the hope that we might better understand our own problem and to find some solutions.

Japan has struggled with the problem since the end of World War II. During the War, soldiers and production workers had used amphetamine-type drugs in an attempt to increase their efficiency. At the end of the War, the drug companies decided to dispose of their surplus stock through clever advertising campaigns to a frustrated public, susceptible to anything that would boost the morale. The effort was successful and snowballed into an amphetamine abuse epidemic by 1948.

The Japanese Government first attempted to control amphetamine abuse by enacting the Drug Abuse Control Law of 1948, which designated central nervous system stimulants as dangerous drugs. Next, the manufacture of amphetamines was controlled. At first only injectable amphetamines were permitted until it became evident that abusers preferred injections to pills and powder, at which time they too became subject to manufacturing controls.

In 1951, the epidemic was still raging. The Japanese Diet then passed a central nervous system stimulant law which subjected amphetamines to the same type of controls exercised over narcotics. Following this legislation, however, the illicit manufacture of amphetamines burgeoned, black markets developed, and the abuse continued. In response, in 1954, the government increased the criminal penalties for violations of the control law. In 1955, precursors were brought under control and penalties were further increased.

Coincident with the 1955 amendments, a national campaign against central nervous system stimulants was launched to enforce the laws, educate the public to the dangers of amphetamine abuse and to provide treatment for abusers. Hospital facilities were provided for treatment.

By 1958, the number of arrests for violations of the drug laws had decreased from a peak of 55,664 in 1954 to 271. From start to finish the Japanese epidemic lasted about 10 years and was not wiped out until the drug, as well as its precursors, was strictly controlled, violators prosecuted, treatment provided for addicts, and the public educated to the dangers of the drug.

Sweden, however, has not had the same success with its efforts to control its amphetamine abuse epidemic. When it became evident in 1943 that amphetamine-type drugs were being abused, they were designated prescription drugs and the medical profession warned its members of the dangers. In 1944, amphetamine sales were restricted in the same manner as were narcotic sales. Though sales decreased for a few years, by 1959 they soared to a record of 33 million doses. As each new central nervous system stimulant drug was introduced on the market it was abused and the government was forced to subject it to the same controls exercised over narcotics. Unfortunately, Sweden has not been able to control the precursors, or the illegal importation of amphetamine-type preparations and so has been plagued by the products of clandestine laboratories and the black market.

We learn from the Swedish experience that all central nervous system stimultants involve the risk of abuse. Amphetamine abusers are not restricted to amphetamine drugs. They will switch readily to any central nervous system stimulant. We also learn that without some form of international cooperation, it is difficult for a country to outlaw a drug without encouraging smuggling.

In the Committee's estimation, the largest illicit domestic source of amphetamines is the overproduction by the so-called legal manufacturers. As mentioned earlier, over 8 billion pills are produced each year of which over 50% are diverted into illegal channels. Amphetamines appear to be diverted either through mail order drug houses or through the export of amphetamines and their subsequent imports to the United States black markets.

The Committee's investigations prior to the San Francisco hearings revealed the ease with which a certain BNDD agent, posing as a doctor, had purchased vast amounts of amphetamines from a mail order drug house, with only the feeblest of attempts to verify his credentials.

The investigations also revealed the export of quantities of amphetamine drugs to a so-called pharmacy in Mexico which, in fact, turned out to be the 11th hole of the Tijuana Golf Course.

Clandestine laboratories are also a source of black market speed. The Committee was told of the ease with which the formulas can be learned, the precursors purchased, and a lucrative business launched. Without control of the precursors of amphetamines, the United States will be faced with the same problem that faced Japan when it tightened its controls of the legitimate production of amphetamines without controlling the raw materials.

The Committee looked into the existing leigslation that has permitted the overproduction and diversion to occur. It appears that in 1965, when the Drug Abuse Control Amendments were introduced, there already existed an amphetamine abuse and overproduction problem. This was recognized by the Congress at that time, and it was stated that the Amendments were the first step to attempt to control the problem, and that if they did not succeed, more stringent controls would have to be introduced. The Committee does not believe that the 1970 Drug Abuse Bill has provided the necessary controls.

The Committee also considered the international controls that have been proposed in the Draft Psychotropic Drug Protocol, which is to be discussed and ratified by the international community at a conference in Vienna in late January and February of 1971. At the present time, there are no international controls governing the production or trade of psychotropic drugs. The Committee believes that the proposed controls of the Protocol should be adopted and that the United States export controls should be implemented in such a way so as to conform to the intent of the Protocol.

During the course of the Committee's investigations, it was discovered that the United States Military is one of the largest purchasers of amphetamine-type drugs. The Committee questioned the Military's purchasing practices, its controls over these drugs, its prescriptions policies and its large pill per person ratio. All of its findings were turned over to the Armed Services Committee on Alleged Drug Abuse in the Military. The Crime Committee was concerned both about the possibility of diversion from military stockpiles and about the creation of an artificial demand by the maintenance of inordinately large stockpiles.

Recommendations

As a result of its investigations and hearings, the Committee has made seven recommendations:

First, Congress should immediately transfer all "speed" drugs from Schedule III to Schedule II by an amendment to the "Comprehensive Drug Abuse Prevention and Control Act of 1970". The amendment would have the effect of:

1. imposing manufacturing quotas on amphetamines, methamphetamines, methylphenidate and phenmetrazine;

2. requiring approved order forms for the transfer of all "speed" drugs;

3. requiring the maintenance of separate and segregated records;

4. providing for non-refillable prescriptions;

5. imposing stricter import and export controls, and

6. reducing the availability of amphetamine precursors.

Not only would these changes curb the domestic diversion and abuse of amphetamines, but they would also bring the United States controls in line with those proposed by the international community in the Draft Psychotropic Drug Protocol.

Second, the United States should press for immediate adoption of the proposed draft protocol on psychotropic substances, for the abuse problem cannot be solved without international cooperation.

Third, to prevent bribery at the borders, a system of monetary rewards for seizures should be established.

Fourth, if recommendation number one fails to prevent diversion from mail order drug houses, then Congress should seriously consider prohibiting the shipment of dangerous drugs through the mail. Though the Committee does not feel that it has received sufficient testimony to call for such a prohibition without further investigations, it notes with interest that the California State Legislature has recommended just such a ban on mail order sales of dangerous drugs.

Fifth, should recommendation number one fail to prevent diversion of export shipments to Mexico, then Congress should seriously consider requiring all shipments of "speed"-type drugs in bond.

Sixth, the Committee recommends that inquiry be made as to what additional controls need to be imposed on barbiturates to prevent their unconscionable diversion into illegal channels.

Seventh, manufacturers, distributors and dispensers should monitor their sales more carefully. No amount of government regulation can be as effective as the strict self-regulation by the industry. We would hope in the future that the drug industry, individually and collectively, will do a better job in seeing that their dangerous drugs are used legitimately.

D. MARIHUANA

The Committee's Report on Marihuana attempted to collect and synthesize the massive and often contradictory evidence and testimony offered on the dangers and nature of marihuana and its use. On the basis of evidence presented at Committee hearings and staff investigations, the Committee estimated that the number of regular marihuana users in the United States today may well total three million persons, and their annual expenditure for this illegal drug is estimated at $850 million.

The use of marihuana is especially prevalent among young people, and there are indications that in certain high schools, 50 percent or more of the student body has had some experience with marihuana. There is also growing evidence that marihuana experimentation is making inroads in the Nation's elementary schools.

As the testimony quoted in the Report indicates, there is nowhere near unanimity concerning the dangers and health hazards of marihuana use. Therefore, the Committee called for a definitive study to be undertaken by the Surgeon General, similar to the study on the dangers of cigarette smoking. The Committee suggested that such a study encompass the following areas:

1. The extent of the use of marihuana in the United States, including the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

2. An evaluation of the efficacy of existing marihuana laws;

3. The relationship of marihuana use to the commission of crime;

4. The relationship between the use of marihuana and the use of other drugs; and,

5. The physiological, psychological and behavioral effects of the use of marihuana.

In conclusion, the Committee noted that the penalties for marihuana use and possession are frequently not imposed, and that jail sentences are the exception rather than the rule. This situation, the Committee noted, was highly undesirable, since the criminal statutes must be uniformly and fairly enforced, or they make a mockery of the effective administration of criminal justice. The selective enforcement of the criminal law, the Committee believes, leads to disrespect for law enforcement in general.

Mr. MATSUNAGA. Mr. Speaker, in May of 1969, when the House of Representatives was first considering legislation to create a Select Committee on Crime, I voiced the belief that the formation of such a committee "would be a first and important step in the direction of a new legislative initiative in coping with the appalling increase in the crime rate of this Nation."

In retrospect, Mr. Speaker, I must reiterate that judgment. The Select Committee on Crime, under the able leadership of the distinguished gentleman from Florida (Mr. PEPPER) has proved its worth countless times over.

In its 2 years of existence, the Crime Committee held more than a dozen hearings, in more than a dozen cities, covering a broad range of subjects related to crime and society's methods of dealing with it.

The tangible results included a number of specific recommendations for new legislation, and four outstanding committee reports.

One of the reports on marihuana, so impressed me that I furnished every high school in Hawaii with a copy. The demand for it has since far exceeded the supply.

The educational value of these reports has been inestimable. Not until the committee directed the cold spotlight of public inquiry at certain practices did most Americans realize that the illegal sale of heroin depended in large part on the legal sale of certain drug paraphernalia, like glassine envelopes or gelatin capsules.

The committee's report on amphetamines brought out the incredible fact that, while legitimate medical needs for these pills total several hundred thousand a year, actual production—all strictly legal—is over 8 billion pills a year. We also learned that most amphetamines which are exported find their way back to the United States through illicit channels. By now almost everyone in America has heard that one legitimate buyer of speed, which received about 15 million tablets over several years, turned out to be the 11th hole of a golf course in Tijuana, Mexico.

The Crime Committee's recommendation that speed production be controlled by legislation is one that I will join when it is introduced.

These are but a few examples, Mr. Speaker, of the worth of the select committee as demonstrated in the 91st Congress.

I look forward to further positive steps toward controlling the cancer of crime in America.

On Law Day, May 1, 1969, the House overwhelmingly approved the creation of the Select Committee on Crime. The vote, I believe, was 343 to 18. I urge the House today to reconstitute the Select Committee on Crime by passing House Resolution 115 by a unanimous vote. Let us keep a good thing going.

Mr. MURPHY of Illinois. Mr. Speaker, recent statistics indicates that this country's urban areas have more than half the reported crimes in the Nation. As a Chicagoan and Representative from the Third District in Illinois, I am seriously concerned about the extensive amount of crimes committed in our cities. It is for this reason that I lend my support to the 2-year extension of the Select Committee on Crime.

Crime and its ramifications do not lend themselves easily to investigation. There are numerous aspects for consideration—police effectiveness, drug addiction, organized criminal groups, and the environment of the inner city. These difficulties, however, are no excuse for our failure to grapple with the issue of crime and its prevention.

I concur with the conclusion of the National Urban Coalition's statement on national priorities that one of the principal difficulties in evaluating present procedures and instituting reforms in the area of crime is the lack of research and data in this field. It is for this reason that I wholeheartedly support the extension of the Select Committee on Crime.

The argument has been raised by some of my distinguished colleagues that the Select Committee on Crime invades the jurisdictions of standing committees—particularly the Judiciary Committee. The legislative problems associated with crime are so numerous that it is necessary to have a committee whose prime responsibility is to investigate and report. Much care must be taken, however, to guarantee against the intrusion of one committee into the realm of another.

During the 91st Congress, the Select Commission on Crime uncovered violations under the jurisdiction of other House committees, namely the Banking and Currency Committee and Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Three violations were subsequently reported to the respective committees. This record of cooperation and jurisdictional respect speaks for itself and further justifies my support for this resolution.

Mr. DRINAN. Mr. Speaker, just as crime is not restricted to any one area, age group, income bracket or business, so drug abuse has permeated and endangers the whole fabric of our society. This has been vividly portrayed through the hearings and reports of the Select Committee on Crime.

The cost of crime to society has been estimated in dollars, but what of the emotional costs, the fear and suspicion that haunt so many; have those ever been estimated? Are we in Congress to sit and wait for others to propose remedies or are we to face our responsibilities and tackle the cankers that plague society? Those of us who have the power to affect change cannot, in good conscience, ignore what needs to be done. The citizens of this country look to their Representatives for help and protection. We will have failed them if we do not provide the necessary legislation. However, to draft enlightened legislation, the Congress needs facts, statistics, reports and recommendations. The Crime Committee has ably provided these in the past and I believe should be encouraged to continue doing so.

As dean of Boston College Law School and vice president of the Massachusetts Bar Association, I was painfully aware of the complex problems encountered in the administration of criminal justice. But neither the law schools nor the bar associations are equipped to examine all aspects of crime. While they examine the legal aspects of crime, they lack the facilities to research such things as the sociological and psychological causes and effects of crime. The Congress needs a committee that can draw on all the disciplines, synthesize the information, suggest new areas of research and make recommendations. This the Select Committee on Crime has done.

Through its impressive hearings around the country, the Crime Committee unfortunately illustrated that no area is free of crime and the tragedies of drug abuse. The hearings have shown that, contrary to public belief, heroin traffic is not limited to New York City, cocaine is not limited to the southeast and dangerous drug abuse is not solely the problem of the West Coast. Yet these problems, though nationwide, have to be solved on the local and State level. The Crime Committee has sought the opinions of those intimately involved on the local level to learn what has to be done and in what way the Federal Government can and should help.

While the hearings touched on many aspects of crime, the committee reports focused on four topics: marihuana, heroin and heroin paraphernalia, juvenile justice and corrections and amphetamines. The marihuana report was one of the first congressional documents that set forth expert views on the use of marihuana.

The heroin and heroin paraphernalia report presents a most comprehensive study of the web of crime that surrounds the heroin trade from the poppy fields in Turkey to the addict in the street. The report brought into focus some alarming facts.

More people from New York State were killed by heroin in 1969 than were killed in the Vietnam war in the same year. Neither killer can be tolerated. Nor can the profits made by so-called legitimate businessmen in the heroin paraphernalia trade. Before the Crime Committee's exposé, how many of us realized that heroin could not be sold without first being cut with quinine or lactose and packaged in glassine envelopes or No. 5 capsules, all provided by legitimate businesses. These and many other quirks of the heroin trade the committee discusses in its re-

port and provides an impressive number of far-reaching legislative recommendations.

The committee examined with the same thoroughness the problems surrounding the administration of juvenile justice and corrections. The committee realized and reminded us that just as schools train the young to become adults, so many jails are making adult criminals out of young offenders. Our young people are too valuable to waste or lose in wars, through drug abuse, or in juvenile justice systems that corrupt rather than correct. The committee furnished some enlightened recommendations for additional research and changes.

The Nation and Congress are indebted to the committee for the timely warning of the dangers of amphetamine abuse. It is the Crime Committee we have to thank for revealing the overproduction of 5 to 8 billion doses of amphetamines annually by legitimate manufacturers. There is something gravely amiss when the profit motive and not medical need is permitted to dictate the volume of drugs produced. It is my hope that this Congress, with the leadership of the Members of the Crime Committee, will see fit to correct this imbalance.

The Crime Committee's record speaks for itself. While it has done an unquestionably fine job in the 20 months of its existence, it hardly needs to be said that there is a great deal more to be done in the struggle against crime. The standing committees and the Members need the continued expert help and advice of the Crime Committee. I strongly urge that we vote for its reconstitution.

GENERAL LEAVE TO EXTEND

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on this resolution in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VIETNAM LAND REFORM BILL

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, today I am introducing with nine of the most distinguished Members of the House legislation designed to encourage and accelerate South Vietnam's new land reform program. It is our considered opinion that adoption of this amendment to the Foreign Assistance Act will speed U.S. troop withdrawals, save American lives, and leave something in Vietnam of enduring value.

We earnestly urge the Congress and the President to unite in support of this important measure which we sincerely feel will end the war more quickly. For the first time, the agrarian peasantry of South Vietnam will be given a real stake in the future of that country.

I am inserting at this point in the RECORD the text of the bill and a statement explaining its provisions and rationale:

H.R. 5764

A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961 to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of part I of the Foreign Assistance Act of 1961, which relates to supporting assistance, is amended by adding at the end thereof the following new section:

"SEC. 404. Vietnam Land Reform Program.—There is authorized to be appropriated to the President not to exceed $100,000,000 in the aggregate for the fiscal years 1972 and 1973 to encourage and support rapid implementation of the national land reform program enacted March 26, 1970, by the Government of Vietnam. The use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1973. Land reform assistance to the Government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. Amounts appropriated under this section are authorized to remain available until expended."

PRESS STATEMENT ON VIETNAM LAND REFORM BILL

Ten House Members today introduced legislation designed to accelerate South Vietnam's new land reform program. Faster completion would speed U.S. troop withdrawals and save American lives, the Congressmen maintain.

The bipartisan bill was proposed by five Democrats and five Republicans led by Representative John E. Moss, D-Calif. The cosponsors included: Reps. Ogden R. Reid, R-N.Y.; Cornelius E. Gallagher, D-N.J.; William S. Broomfield, R-Mich.; Clement J. Zablocki, D-Wis.; John S. Monagan, D-Conn.; F. Bradford Morse, R-Mass.; Frank Horton, R-N.Y.; Torbert H. Macdonald, D-Mass.; and Gilbert Gude, R-Md.

United States contributions totaling up to $100 million would be tied to actual performance by the Vietnamese. This amount is less than two days' cost to the United States of waging the war in Vietnam, Moss said in a statement.

"Land reform is the best chance we have of helping to transform South Vietnam into a true democracy," Moss said, "and considering the great sacrifices in blood and money America already has made there, we should leave something of enduring benefit to the people of Vietnam which will help to justify those sacrifices so they will not have been made in vain."

The legislation states that "the use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutual goals of accomplishment stressing economy, efficiency and advanced implementation of the program by July 1, 1973."

Under the bill, land reform assistance to the Government of Vietnam would be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. The original plans by the Vietnamese called for completion of the program in four years instead of three as contemplated under the House bill.

Moss said the Communists have been successful in past years recruiting South Vietnamese peasants to fight as Vietcong guerrillas with "false" promises of land ownership.

"More than half of the American war deaths in Vietnam have been due to Vietcong-planted mines and booby traps and the mute silence of the peasants as they watched our troops walk into them," Moss said.

Moreover, he said, all enemy main force actions are dependent upon village labor to bury supplies in advance.

"With substantial numbers of peasant farmers attracted to our side by gaining ownership of the land which they have tilled paying high rents to landlords," Moss said, "enemy recruitment of guerrillas and support would drop dramatically."

CONCURRENT RESOLUTION FOR UNITED NATIONS INVOLVEMENT IN VIETNAM

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, not a day passes that I do not receive letters, calls, and visits from constituents, both young and old, imploring me to do what I can toward bringing a prompt end to the tragedy of American military involvement in Indochina. I suppose that every Member of this House is having a similar experience.

The frustrations of a large and growing majority of American people over our Nation's course in Indochina are, I am sure, matched by the frustrations of a large number of the Members of Congress. One response has been a whole series of bills to establish a definite cutoff date on American military activity in Vietnam. Another series of bills would prohibit U.S. military activity in or over Cambodia, Laos, and North Vietnam. I have supported several of these bills and believe that they merit early and favorable consideration by the Congress.

Meanwhile, the war goes on. Worse yet, in the name of protecting the withdrawal of American troops, the administration is following a policy leading to an ever-widening circle of conflict. Yesterday it was Cambodia. Today Laos. Tomorrow maybe North Vietnam. Obviously this presents a growing risk of military confrontation with the People's Republic of China.

Mr. Speaker, we in this House have an obligation to do all we can to break this vicious circle and to avoid such a confrontation.

One possible solution which has not been seriously explored is an effort once more to bring in the United Nations. Accordingly, I am offering a resolution expressing the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflict in Southeast Asia and reconciling the warring parties.

I do not claim the authorship of this resolution. I am proud to say that it was drafted by a group of individual citizens, all members of Trinity Lutheran Church of Akron, Ohio. Several years ago, some members of that church, believing they had an obligation as Christians to work for peace, organized themselves informally under the title "Concerned Group Seeking Alternatives to War." I think it is a tribute to our free society and to the continued strength of our spiritual heritage that this group of people has produced a resolution of the depth and the practicality as the one that I now offer.

I include the resolution as part of my remarks and refer it to the appropriate committee for further consideration.

H. CON. RES. —

Whereas the war in Southeast Asia is now in its seventh year, making it the longest war in our history, and has cost us more casualties than any foreign war except World War II; and

Whereas many thoughtful and patriotic people question the legal and moral basis for the present U.S. involvement in Southeast Asia; and

Whereas many Americans believe that our priorities should be shifted and feel that only a fraction of the billions of dollars now being spent in Southeast Asia would permit us to help solve the many major domestic problems of poverty, race, education, health, and pollution; and

Whereas we have been supporting a government in South Vietnam that many feel is a regime opposed to many of our concepts of freedom and justice; and

Whereas the problem of ending the conflicts in Southeast Asia and reconciling the opponents is not solely an American responsibility, but should be an international responsibility: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflicts in Southeast Asia and reconciling the warring parties.

SEC. 2. It is further the sense of the Congress that at the same time the President should announce that American military involvement in Southeast Asia, will be completely terminated by a specific date within the next six to twelve months whether or not the United Nations acts.

SEC. 3. It is further the sense of the Congress that the United States agree, if the United Nations accepts this responsibility, to assist the United Nations financially for a specified period of time in carrying out peacekeeping operations, providing for elections, and rebuilding the country, by contributing a fixed percentage of the amount of money the United States spent in 1969 or 1970 for military activities in Southeast Asia, but this amount should not exceed 25 percent of such expenditures.

SEC. 4. It is further the sense of the Congress that all the members of the United Nations be urged to participate financially and otherwise, but that our participation not be contingent on other participation.

STATUS OF PENDING CONTRACT MATTERS BETWEEN UNITED TRANSPORTATION UNION AND THE RAILROADS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, I am in receipt of a letter from the president of the United Transportation Union with respect to the current status of matters between the union and the railroads, which I feel it is in order for the House to have. I do not have time to read it, but I am going to place it in the RECORD.

Let us hope that this information will be followed shortly by judicial resolution of the matters in question in a form which can simultaneously avoid impairing national health and safety and preserving to labor its cherished right to make its collective bargaining effective.

I believe that it will be done, if what they say in their letter is followed.

Mr. Speaker, I include the letter in the RECORD with my remarks.

The letter is as follows:

UNITED TRANSPORTATION UNION,
Washington, D.C., March 8, 1971.

Re: Status of pending contract matters between United Transportation Union and the railroads.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: I thought it in order to give you a current report on the situation between the United Transportation Union and the railroads.

As you know of course, the negotiations were indefinitely recessed Saturday morning. Thereafter, in support of its position in the national negotiations and in the hope of bringing some progress to the bogged down negotiations, the United Transportation Union authorized the withdrawal of service on the Burlington Northern and the Seaboard Coastline Railroads to commence 12:01 a.m. Monday, March 8. Simultaneously, the United Transportation Union sent a letter to the President of the United States with copies to the Secretaries of Transportation, Labor, and Defense, as well as to you two gentlemen, advising of the action so taken and further advising that service would be available on the two railroads in question with respect to the transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for United Transportation Union were advised that the railroads, acting through the National Railway Labor Conference, would at 6 p.m. appear at the home of Judge Howard Corcoran of the United States District Court for the District of Columbia in an effort to obtain a temporary restraining order to enjoin the foregoing selective strike. At the hearing on the railroads' motion, counsel for the United Transportation Union stated to the Court that, to avoid emergency or "midnight" consideration of so important an issue as the resolution of the question whether The United Transportation Union could engage in such a selective strike so to avoid affecting the national safety and health, the United Transportation Union would voluntarily suspend its proposed action with respect to the two railroads (or any other railroad) until at least 2 p.m. Thursday, March 11. This proposal was made by the United Transportation Union to give the Court adequate opportunity to explore fully all of the issues.

On the basis of the United Transportation Union's proposal, no action was taken by Judge Corcoran, but the matter presumably will be considered in a more orderly way during the interim provided.

It is, of course, our hope that the District Court will find, within the framework of existing law, that selective strikes in support of national positions but which do not involve or impair the national safety or health are permissible, thus avoiding any necessity for congressional intervention.

We will keep both of you gentlemen fully and promptly advised of any further developments in this matter.

Respectfully,

CHARLES LUNA,
President.

RAILPAX IN WYOMING–UTAH

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, on February 26, Senator FRANK CHURCH introduced in the Senate a bill to amend the Rail Passenger Service Act of 1970. If enacted, the Secretary of Transportation will designate, under the basic system, rail passenger service to at least a major population center in each of the 48 contiguous States.

In his introductory comments he made two major points: that the object of the bill was to insure that each of the 48 contiguous States is included in the basic system, as Congress intended in the enabling act; and, second, that the time for action is short.

Mr. CHURCH said his bill was inspired by the fear that five States, Idaho, South Dakota, Vermont, Maine, and New Hampshire, would be excluded from the basic system, and that a sixth State, Wyoming, was not certain of inclusion.

He noted that if a legislative remedy were not enacted, rail passenger services in these States would be canceled, and that restoration would be an unjust, unnecessary, and expensive responsibility assigned to those States excluded.

Therefore, in addition to the efforts of public officials and Members of Congress for these States, I am jointly sponsoring, with the gentleman from Utah (Mr. MCKAY), a companion bill in the House for the Church amendment.

We are offering this bill—H.R. 5715—in the House to expedite legislative relief for those States facing exclusion from the system and to support and back up the efforts already undertaken to insure a truly national rail passenger system.

We are hopeful that the House will see fit to act promptly to carry out the intent of the Rail Passenger Service Act of 1970 that all regions of the continental United States enjoy designation in the basic system.

Enactment of this amendment will underscore the sentiment of Congress that the 48 contiguous States are in fact represented in the basic system and that none of the States be discriminated against in this vital public service.

Mr. Speaker, H.R. 5715 is part of a sustained campaign on the part of Wyoming citizens and officials to preserve rail passenger service and to insure Wyoming's inclusion in the basic system.

In this effort, the Governor of Wyoming, Stanley K. Hathaway, and U.S. Senators GALE MCGEE and CLIFFORD HANSEN have ably presented the merits of this case, not only from the viewpoint of Wyoming's needs, but also from the perspective of a basic national system providing the best possible service to passengers from throughout the Nation.

My efforts have been in cooperation with these presentations. On January 14, I met with Secretary of Transportation John Volpe and with Federal Railroad Administrator Carl V. Lyon. As a followup to this meeting, I requested that the Secretary postpone his decision until Wyoming's case could be presented. On that day, a memorandum to the Wyoming communications media was issued by the entire congressional delegation. On the following day, the delegation jointly signed a letter to Secretary Volpe urging inclusion of Wyoming in the basic system.

The Wyoming State Legislature on January 22 forwarded a joint memorial requesting every effort to safeguard rail passenger service and to include Wyoming in the basic system.

Secretary Volpe responded to my letter of January 14 with a letter on January 28 stating that the final decision left with the Corporation would be in accordance with the intent of the Rail Passenger Service Act of 1970.

On February 4, I sent a more detailed letter to Administrator Lyon expressing my fear that the final report issued by Secretary Volpe on January 28 put Wyoming's route in an alternate status. It appeared that his office was recommending that the designated route put four lines into Denver and send them west through Grand Junction and Salt Lake. I pointed out that at least one route from Omaha should go through Cheyenne, across Wyoming to Ogden.

The basis for this request was the fact that the Wyoming route is the most direct, involving less time and mileage; that Wyoming's trackage and equipment are superior to the facilities available through the Denver-Grand Junction-Salt Lake route; and that assigning Wyoming to an alternate status would impose a terrible blow to the economy of Wyoming and the services of her communities.

I met with four members of the National Railroad Passenger Corporation on February 15 and was granted time for a short presentation outlining the desirability of including Wyoming in the basic system.

On February 17, I addressed the House on this matter and submitted for the consideration of my colleagues an excellent editorial from the Riverton, Wyo., Ranger newspaper again outlining Wyoming's case.

On February 26, I submitted a written report to the chairman of the National Railroad Passenger Corporation, Mr. David Kendall, providing him with a comprehensive report.

Mr. Speaker, this is a highlight of what has been done through my office to assist the overall effort of Wyoming citizens and officials. Throughout this campaign, my office has been advised and supported by many groups, including the Wyoming Public Service Commission, the Rawlins Chamber of Commerce, the Laramie Chamber of Commerce, the United Transportation Union, the Retired Railway Employees Club, from petitions signed by residents in Laramie and Rock River and from other individuals, vitally concerned with the Corporation's decision. I am indebted as well to a member of the Wyoming House of Representatives, Rodger McDaniel, who provided me with additional correspondence from State and municipal bodies, chambers of commerce, and individuals.

As you can see, Mr. Speaker, in Wyoming the residents take a personal interest in government and participate directly in campaigns to persuade the Federal Government that eliminating services vital to community growth, cannot but hamper Wyoming's future development and well-being.

I ask my colleagues to give every consideration to moving H.R. 5715 to enactment as soon as possible because it guarantees that no State will be discriminated against and that no State will ironically find its rail passenger service not improved, but destroyed, by the Rail Passenger Service Act of 1970. I cannot speculate about the consequences for other States, but for Wyoming, elimination of rail passenger service would be a bitter blow at the historical foundation of our economy and a sorry omen for that economy's future.

RAILPAX SHOULD INCLUDE BUFFALO TO CHICAGO AS END POINTS

The SPEAKER pro tempore (Mr. PEPPER). Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

(Mr. KEMP asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, since the publication of the final report on the national rail passenger system issued by the Secretary of Transportation, it has been evaluated and commented upon by experts at the Interstate Commerce Commission and the Public Service Commission of New York State. I have studied this report as well as the subsequent comments and evaluations, and I have come to the conclusion that it is imperative that we convey to the Railpax Corporation the need for the inclusion of Buffalo to Chicago as end points into the basic system. As a result I have introduced legislation commensurate with this purpose in the form of Bill H.R. 4570.

A final decision by Railpax whether to continue rail service west of Buffalo by designating Buffalo as a stop on the mandated New York-Chicago route is imminent; however, the Committee on Interstate and Foreign Commerce may not have the time to call witnesses and hold hearings to confirm my thoughts on this subject before this decision is made. Therefore, I would like to take the time today to discuss them. I have invited fellow members with a direct interest in this matter to attend and I urge them to write to Railpax and Secretary Volpe in the very near future to make their views known on this important matter.

When the national rail system begins operation in May, there will be passenger service from New York to Buffalo, but there is no requirement to continue service west of Buffalo. It is possible that Buffalo will be left without even a minimum of reliable rail service to the west. I find this untenable for a number of reasons.

A: POPULATION

The population of the major cities along this route between New York and Chicago via Buffalo for 1970 are as follows:

New York City area	11,448,480
Albany, Troy, Schenectady area	710,602
Utica area	335,809
Syracuse area	629,190
Rochester area	875,636
Buffalo area	1,334,485
Erie area	136,000
Cleveland area	2,043,389
Toledo area	685,455
South Bend area	135,000
Chicago area	6,892,509
Total	25,226,555

The point is that this corridor by sheer numbers alone exhibits great passenger volume potential on an efficiently run railroad.

B. PASSENGER VOLUME

In arguing for a Buffalo to Chicago rail route, probably the most important issue is whether there will be sufficient passenger revenues generated to warrant service west of Buffalo. In this context, let me say that I was appalled to find that the condition of the rolling stock and of the service itself from Buffalo to Chicago was largely unpalatable to passengers and has artificially depressed patronage on the Buffalo to Chicago route. Let me say that I do not think that an objective decision can be made on this matter by merely viewing the present poor state of affairs and that we must look at the past record and also the future potential of this line through reasonable remedial measures.

In my study, I have found that since 1969, there has been a deliberate downgrading of passenger service by Penn Central to make a case for discontinuance due to financial difficulties. As a specific example, take the cases of trains Nos. 27, 28, 63, 64, 51, and 98. They all run between Buffalo and Chicago along the "South Shore" route; that is, along the southern shore of Lake Erie through Cleveland. Trains Nos. 51 and 98 formerly carried "through" coaches which were interchanged at Buffalo between the subject trains and trains that run to and from New York City. However, Penn Central eliminated these through coaches, and passengers were then required to change trains, with their luggage, at the Buffalo station.

The case of train No. 98 deserves special note. For many years this train has been known as No. 90 and was operated as a through train between Chicago and

New York. On December 3, 1967, Penn Central discontinued it between Buffalo and New York and instituted a connection with train No. 74 at Buffalo which required passengers to wait at Buffalo for 3½ hours between trains. After much urging by the Public Service Commission of New York, Penn Central finally, effective April 26, 1969, changed the schedule of train No. 98 so that it would arrive at 10:15 a.m. in time to make a 15-minute connection with Empire Service train No. 72. However, the railroad did not show the 10:30 a.m. departure out of Buffalo as the connection in its public timetable but continued to show train No. 74 which leaves at 2:30 p.m. This was not corrected until the spring timetable of 1970.

Another complaint has been poor on-time performance. Performance reports brought to my attention indicate in altogether too many instances the delays are attributable to defective equipment and facilities, slow orders, holding passenger trains for freight trains, and other similar causes. For example, the report of train 51's performance on March 28, 1970, indicates that it arrived in Chicago 3 hours and 15 minutes late. The delay listings are as follows:

30 minutes Buffalo, cars off 71; 19 minutes Buffalo, switch ACL 1653 from headend to rear account broken steam line; 6 minutes Bay-View-Berea, slow orders; 46 minutes east of QD held account SLK-1 on plant at QD with car failure; 1 hour 54 minutes Porter-Chicago block on SV-13 and manual block operation.

And, I have seen no indication of any action that has been taken by Penn Central to correct such deficiencies. On time performance data for trains Nos. 28, 64, and 98 has also been very erratic. Although they are sometimes on time, there have been many occasions when they have arrived far behind their scheduled arrival. It is generally accepted that dependable and on-time operation is one of the primary advantages of railroad travel. However, it is clear that Penn Central's service has been stripped of this advantage.

I have also read numerous reports of equipment deficiencies along this route such as air-conditioning failures, equipment breakdowns, failure to clean accommodations, and other deficiencies which by design or otherwise, have had the effect of driving passengers away. As an illustration, I am setting forth in the RECORD the testimony of one of New York's leading railroad experts in connection with the conditions encountered on his trip from Albany to Chicago through Buffalo on train 61/27 on the night of June 28, 1970:

Q. Now, during the course of your trip out here to Chicago did you make any observations concerning the equipment which was in service on Trains 61/27 that you rode?

A. Yes, I was assigned Roomette 10 in Car 614, which was No. 4219. Upon entering the train the porter said to me, 'I'm sorry, sir, we don't have any air-conditioning, and I am operating on emergency lighting.' . . .

Upon talking with the conductor, whom I know, I mentioned the fact of the problem in Car 614 and he said, 'Well, I'll give you another roomette,' so he said to the porter, 'Would you put this man in Roomette No. 3, Car 613, Car No. 4334?' Thereupon a few minutes later the porter came back and he said, 'I'm sorry but I can't put him in that car, the carpet is all wet, the toilets are leaking.'

So I asked the porter if I could see that, and he took me back and I saw that. And in the meantime, why, they assigned me Roomette 8 in Car 613, No. 4334, and the window was broken in that, and I noticed that all the passengers were riding backwards in Car 613. The window by the porter's seat was broken, the window was broken in Bedroom E. The public toilet in that car was just a mess, the sink and toilet were leaking. The car rode very, very hard. In fact, I think probably the last couple of hours on the train I went in the sleeper, 4219, which was much more comfortable. It was amusing that the train was 15 minutes late leaving Waterloo, Indiana, and we passed a slow order for track work and arrived in Elkhart ten minutes early. I got off the train with the conductor and the fireman nonchalantly walked up and said, 'Well, we don't have an engineer.'

Time came for the departure time and we still didn't have an engineer, and finally about eight minutes after departure time we saw the engineer walking across the street towards the depot, and nonchalantly up to the headend, and we finally left about 11 or 12 minutes late. But that didn't really make any difference because he had plenty of time, and the train was held out of Union Station in Chicago ten minutes, and we still arrived five minutes ahead of time.

Other than that I had a very nice trip.

Q. And did you make any observations concerning the coaches that were in service on this train?

A. Yes, sir. I went through the coaches, of course it was at night, and from what I observed, as far as cleanliness is concerned, I looked in the men's room, I didn't bother to look in the women's room—Coach 2908 was hot; Coach 2924 was cold. And I told the rear conductor about that and he went up and corrected that.

And Coach 2952 was also hot. And Sleeper 4306 for Detroit, water was leaking out of the toilet and it was leaking so bad it came right under the partition and onto the rug in the hallway. That's Stateroom F.

And also the porter told me—I didn't witness this—he had to turn the air conditioner off at each station stop because the batteries just wouldn't carry the load for the electricity.

I have also been informed that due to merger difficulties in December 1969, Penn Central had a backlog of 1,000 cars which required extraordinary cleaning and which have not been given such a cleaning for over a year.

Further, instances when bus transportation provides faster service than Penn Central's trains have been brought to my attention. In view of this, it is ironic that Penn Central has made no attempt to eliminate the unnecessary running time from its trains so as to place itself in a stronger competitive position. It is rather incredible that trains operating New York and Chicago via Buffalo consume more running time today than in 1952, despite the fact that fewer station stops are made today. One reason for the longer running times is layovers of great duration which take place at certain intermediate points. For example, passengers on train 51 between Buffalo and Chicago have a 50-minute layover at Cleveland, along with an additional 26-minute layover at Toledo.

Appendixes A, B, and C which I have entered in the RECORD indicate the amount of running time added to trains over the former New York Central route between New York and Chicago since April 1967. Under the timetable of April 30, 1967, a passenger could board a train at 4:30 p.m. and arrive in New York at 9:30 the next morning. Today, that passenger would have to board at 2:35 p.m. and would not arrive in New York until 10:10 a.m. A comparable situation exists in the westerly direction.

Appendix A illustrates the lengthening of the schedules of trains 27 and 28 which has gradually been taking over the past 2½ years. Whereas the leaving time from Chicago had been a convenient 4:30 p.m., that time has gradually been advanced so that No. 28 now leaves during the middle of the afternoon at 2:35 p.m. This schedule is hardly conducive to the needs of business travelers. Appendix B illustrates that train No. 63 used to leave New York at 11 p.m. and arrive in Chicago the next day at 4:30 p.m. It now leaves New York one-half hour earlier but does not arrive in Chicago until 7:25 p.m. and now misses the connection with Santa Fe's "Super Chief." Since December 1967, 1 hour and 10 minutes additional running time has been added to this train on the 340-mile leg between Cleveland and Chicago.

Although this matter was raised at the hearings before the Interstate Commerce Commission in finance docket No. 26106, "Penn Central Transportation Co. Discontinuance of 34 Passenger Trains," the need for such additions to scheduled times or long layovers at intermediate points was never explained by Penn Central. In view of this, two things are blatantly obvious: First, it is no wonder why patronage of this route has been declining, and second, I see no reason why the schedules could not be amended and the long layovers eliminated so as to make this route conducive and attractive to the needs and wishes of potential revenue-paying customers.

Because of the recent downgrading of service on this route, the present patronage is a poor barometer by which to measure public demand for it. Thus, I think that greater weight should be given to traffic data prior to 1969. Counts for the year 1968 for trains 63, 64, 27, 28, 51, and 98 I have introduced in the RECORD to illustrate my point—exhibit No. 24 of finance docket 26106, included at end.

In addition the Public Service Commission's staff has analyzed the weekly average number of passengers traveling between points on the Buffalo-Chicago route between May 1965 and April 1966. During this period a weekly average of 1,367 passengers had origins or destinations in the territory between Buffalo and Cleveland. In addition, 4,280—3,390 coach and 890 first class—traveled between points on the New York-Buffalo-Cleveland route to Chicago. An analysis has also been made of counts taken by the former New York Central on trains 25 and 26 "20th Century Limited"; 17 and 18 "Wolverine"; 57 and 6 "Cleveland Limited" during October 1966 and October 1967. Examination of this data

reveals that even during the light-traveled month of October, the trains on this route carried relatively heavy loads. For example, during October 1966 the "20th Century Limited"—trains 25 and 26—carried a total of 6,967 passengers which equates to an average of 112 patrons per trip. During the same month in 1967 these trains carried 5,034 passengers. Likewise, during October 1966 the eastbound and westbound "Wolverines" carried a total of 7,289 passengers and during the same month in 1967 they carried 6,336 passengers. Furthermore, during October 1966 the eastbound and westbound "Cleveland Limiteds"—overnight trains between New York and Cleveland—carried a total of 10,823 passengers and during October 1967 they carried 9,524 passengers. And even in the bad year of 1969 trains 27 and 28 handled 36,727 and 47,623 passengers, respectfully, while trains 51 and 98 handled 15,848 and 12,853 passengers respectfully. I contend, along with the Public Service Commission of New York, that these patronage levels from the recent past clearly demonstrate that an attractive, properly merchandised service between New York, Buffalo, Cleveland, and Chicago would be economically viable and should be operated by the Corporation.

When Penn Central attempted to discontinue all passenger service west of Buffalo 2 years ago, the ICC directed, in Finance Docket 26106 the continuance of two of the three roundtrips between Buffalo and Chicago. Specifically, it said on page 92 of its decision:

> We conclude that Trains 27, 28, 51 and 98 should be continued in operation to serve the public convenience and necessity over the "south shore" route between Buffalo and Chicago.

Lately, on December 29, 1970, the ICC submitted its review of the preliminary report on the basic national rail passenger system. The significance of their review is that in it, ICC specifically recommended a Buffalo to Chicago route.

As a matter of fact, Mr. Speaker, Chairman George Stafford wrote to me March 8, 1971, and I quote from his letter:

> The Commission, in accordance with section 202 of Railpax, submitted its review of the preliminary system to the Secretary of Transportation on December 29, 1970. One important observation the Commission made was that ". . . the (National Railroad Passenger Service) Corporation is given such wide latitude of route choices between some widespread end points that some vast areas of the country may be left without service and the corporation cut off from revenues available in those areas . . . This is too wide a latitude of choice. Vast areas are in danger of losing *all* passenger service by rail."
>
> In this respect, the Commission, in addition to general comments, offered specific recommendations regarding the inclusion of certain cities as designated end points. One of these recommendations was the operation of a through service between Chicago and Boston. Historically, and operationally, such service has been operated via Buffalo. Unfortunately, the Secretary did not adopt our recommendation for continuation of this service in his final designated plan.

Another issue which must be brought out is whether there is alternate transportation available with the ability and the willingness to handle the public which used to travel the train from Buffalo to Chicago. In this context, let me say that if this Nation is ever to overcome the almost crisis conditions which prevail at busy airports, it is imperative that more medium-distance travel as from Buffalo to Chicago be made by train. To add the present rail passengers to the already heavy air travel would only worsen the situation. Air transportation is conspicuous by its absence at many of the smaller-sized cities served by the subject trains. For example, what air service could be used to travel between Poughkeepsie, N.Y., and South Bend, Ind.? There are many other examples of trips which can now be conviently made by train and which would otherwise require circuitous routes to be made by air.

It is a well-known fact that many persons, for various medical and other reasons, cannot or will not fly. Train service on this route is essential to these people. Further, air fares are up to twice as much as the train fares, and are simply beyond the reach of many members of our society.

Some of the same problems are encountered with bus travel. For example, no bus service exists between New York and Ada, Ohio, where a college is located, or between New York and Crestline, Ohio. Michigan City, Ind., and La Porte, Ind., have no bus service connecting them with the East. Between Elkhart, Ind., and New York there is only one bus a day, and two changes are required en route. A trip from Painesville, Ohio, to Amsterdam, N.Y., entails a distance of 415 miles and can presently be made in about 8 hours on trains. The same trip by bus would mean changes at Buffalo and Utica, with an overnight stay in Buffalo. Total time of the bus trip, including the unavoidable overnight stay in Buffalo: almost 23 hours!

In the context, the point is that before a decision is made by Railpax to positively not require service west of Buffalo, positive evidence must be presented that competing carriers have the ability and the willingness to handle the displaced Buffalo-Chicago train passengers, and to my knowledge, no such evidence has been forthcoming. While ample use is made in this geographical area of the automobile, airplane, and bus. I believe that the era of railroad passenger transportation has not passed so far out of the picture that a huge section such as between Buffalo and Chicago can be dropped without considerable hardship being caused to present and potential users of the service.

C. NO REASONABLE EFFORT

In addition to these other practices which have had a negative effect on patronage, there has not been a reasonable effort made lately to promote passenger service on this route. The reservation and information system which has been used by Penn Central is antiquated and unsuitable. Unless one made his own call from New York to the Chicago reservation bureau, it took about 4 or 5 days to obtain return reservations. One reservation system in New York handles all calls which originate in the New York area, Newark, Trenton, Albany, Schenectady, Buffalo, Rochester, Cleveland, Toledo, and New England cities. And the point is that the New York staff has been found by the Public Service Commission of New York to be understaffed and uninformed for the huge size of the operation. It is clear that such a system did not please customers and induce them to do business in such a manner again.

Additional aggravating factors which contributed to declining passenger volume were failure by Penn Central to advertise its east-west service, Penn Central stopped paying commissions to travel agencies, which both competing carriers do, and timetable information has often been misleading. Penn Central made no effort to reach many people who were undoubtedly completely unaware of its services.

D. EFFECT ON TRAIN SERVICE BETWEEN NEW YORK OR BUFFALO

One set of data that Railpax must consider is that submitted by the Public Service Commission of New York in reference to the financial effect that discontinuance of train service west of Buffalo will have on its New York to Buffalo route. The loss of through passengers from New York to Chicago via Buffalo will be a hard blow to the New York-Buffalo service. For example, the great majority of passengers traveling on the New York-Chicago trains began or ended their trips at Chicago. About 80 percent of the passengers originating east of Buffalo were destined to or beyond Chicago on train 27, while some 56 percent of the passengers at Chicago on train 28 road to destinations east of Buffalo. The following amounts were derived by the empire service trains from traffic originating or terminating west of Buffalo:

	Passenger service	Mail revenue
Train number:		
63	$63,220	$212,520
64	48,626	153,714
61-27	470,037	36,632
61-17	461,821	65,945
62-28	454,621	62,595
62-14	427,725	0
71-51	54,229	218,737
71-351	52,991	89,517
74-52	72,071	0
74-98	14,882	259,309
Total	2,110,224	1,098,969
Total passenger and mail revenue		3,209,193

In the event that the decision is made to have no train service west of Buffalo, Railpax trains in the New York-Buffalo corridor will possibly lose over $3,000,000 in annual passenger and mail revenues. Besides this, much of the lost passenger revenue will go to Canadian trains, as passengers, to continue westward, will disembark at Buffalo, then transfer to Canadian trains at Fort Erie, Canada, and continue their trip westward from there. It is clear then that Railpax will be hurt financially if it does

decide to discontinue service west of Buffalo.

E. ALTERNATE ROUTE

It is my understanding that there is the possibility Pittsburgh may be chosen by Railpax as the alternate route between New York and Chicago instead of Buffalo. I respectfully submit that Pittsburgh, under the new system, will be connected between the east and west by their inclusion on two east-west routes: the New York-Kansas City route and the Kansas City-Washington route. My point is that in any case, Pittsburgh will not be cut off from east-west service.

F. CONCLUSION

In conclusion, I would again like to reiterate that both the Interstate commerce Commission and the Public Service Commission of New York support my contentiton that train service must be continued west of Buffalo. The poor present state of affairs on the Buffalo-Chicago route can be reasonably remedied. The deliberate downgrading of service and the nonfeasance characteristic of this route will be eliminated when Railpax takes over the system in May. The Interstate Commerce Commission will set the adequacy requirements for the route, and it will be impossible to have a recurrence of the deplorable conditions which have literally driven away passengers and revenue. In view of the evidence, I am confident that passenger patronage can be stimulated along this route to the point where it will be an economically viable investment for the Railpax Corp. Finally, let me say that I think it is essential that rail passenger service be maintained between New York and such large metropolitan areas as Erie, Cleveland, Toledo, and South Bend. Likewise, it is equally essential that service be assured between upstate New York points—Poughkeepsie through Buffalo inclusive—and Cleveland, Toledo and Chicago. Failure to specifically include service west of Buffalo could result in the cutting off of the entire population of upstate New York from the Western United States via Chicago.

Mr. Speaker, at this point I include extraneous matter to which I previously referred:

APPENDIX A

SCHEDULES FOR TRAINS NOS. 26 TO 28/62 AND TRAINS NOS. 25 TO 61/27 BETWEEN NEW YORK CITY AND CHICAGO

	Train No. 26		Train No. 28/62				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	Oct. 27, 1968	Apr. 27, 1969	June 29, 1969	Oct. 26, 1969
Leaving Chicago	4:30 p.m.	4:45 p.m.	4:00 p.m.	3:45 p.m.	3:15 p.m.	3:15 p.m.	2:35 p.m
Arriving Buffalo		2:32 a.m.	2:00 a.m.	2:00 a.m.	2:00 a.m.	1:55 a.m.	1:35 a.m.
Leaving Buffalo			2:30 a.m.	2:30 a.m.	2:30 a.m.	2:30 a.m.	2:30 a.m.
Arriving Albany	6:33 a.m.	7:25 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.
Arriving New York	9:30 a.m.	10:20 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.

	Train No. 25		Train No. 61/27				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	6:00 p.m.	6:00 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.
Leaving Albany	8:43 p.m.	8:43 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.
			2:15 a.m.	2:30 a.m.	2:30 a.m.	2:35 a.m.	2:35 a.m.
Leaving Buffalo			2:45 a.m.	2:45 a.m.	2:45 a.m.	2:50 a.m.	2:50 a.m.
Arriving Chicago	9:00 a.m.	9:40 a.m.	10:30 a.m.	10:30 a.m.	10:45 a.m.	11:15 a.m.	11:30 a.m.

APPENDIX B

SCHEDULES FOR TRAINS NOS. 6 TO 64 AND NOS. 59 TO 63 BETWEEN NEW YORK CITY AND CHICAGO

	Train No. 6		Train No. 64				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving Chicago	9:30 a.m.	9:20 a.m.	9:05 a.m.	8:45 a.m.	8:30 a.m.	8:35 a.m.	8:35 a.m.
Arriving Cleveland	5:01 p.m.	4:51 p.m.	4:40 p.m.	4:30 p.m.	4:30 p.m.	4:30 p.m.	4:40 p.m.
Leaving Cleveland	5:33 p.m.	5:23 p.m.	5:25 p.m.	5:15 p.m.	5:15 p.m.	5:15 p.m.	5:25 p.m.
Arriving Buffalo	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:15 p.m.	9:15 p.m.
Leaving Buffalo	10:05 p.m.	9:55 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.
Arriving Albany	4:05 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.
Arriving New York	7:15 a.m.	7:25 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.

	Train No. 59		Train No. 63				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	11:00 p.m.	11:00 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.
Leaving Albany	2:15 a.m.	2:22 a.m.	2:05 a.m.	2:05 a.m.	2:05 a.m.	2:05 a.m.	2:00 a.m.
Leaving Buffalo	7:40 a.m.	8:20 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.
Arriving Cleveland	10:57 a.m.	11:59 a.m.	11:59 a.m.	12:05 p.m.	12:05 p.m.	12:05 p.m.	12:05 p.m.
Leaving Cleveland	11:22 a.m.	12:55 p.m.	12:55 p.m.	1:00 p.m.	1:00 p.m.	1:00 p.m.	1:00 p.m.
Arriving Chicago	4:30 p.m.	6:10 p.m.	6:10 p.m.	6:35 p.m.	6:50 p.m.	7:00 p.m.	7:25 p.m.

APPENDIX C

SCHEDULE FOR TRAIN NOS. 90 TO 98/72 TO 98/74 BETWEEN CHICAGO AND NEW YORK CITY

	Train No. 90		Train No. 98/74				
Schedule effective	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Oct. 26, 1969	Train No. 98/72. Apr. 26, 1970.
Leaving Chicago	9:45 p.m.	9:45 p.m.	9:45 p.m.	9:30 p.m.	9:15 p.m.	9:15 p.m.	9:15 p.m.
Arriving Cleveland	5:45 a.m.	5:40 a.m.	5:45 a.m.	5:45 a.m.	5:45 a.m.	5:15 a.m.	5:15 a.m.
Leaving Cleveland	7:05 a.m.	6:35 a.m.	6:55 a.m.	6:55 a.m.	6:55 a.m.	6:25 a.m.	6:25 a.m.
Arriving Buffalo	11:05 a.m.	10:30 a.m.	11:00 a.m.	11:00 a.m.	11:00 a.m.	10:15 a.m.	10:15 a.m.
Leaving Buffalo	11:30 a.m.	11:05 a.m.	2:30 p.m.	2:30 p.m.	2:30 p.m.	2:30 p.m[1]	10:30 a.m.
Arriving Albany	4:50 p.m.	4:20 p.m.	7:15 p.m.	7:15 p.m.	7:15 p.m.	7:15 p.m.	3:15 p.m.
Arriving New York	8:45 p.m.	8:25 p.m.	10:10 p.m.	10:10 p.m.	10:10 p.m.	10:10 p.m.	6:10 p.m.

[1] Earlier train at 10:30 a.m. was not shown as connection in timetable.

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 27 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To— Toledo	Waterloo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	11	2	11	16	5	4	458	507	72.4
Buffalo	1	1	2		1		33	38	5.4
Toledo				1	2	2	42	47	6.7
Waterloo				1				1	.1
Elkhart				7	1	1	37	46	6.6
South Bend						2	10	12	1.7
Total	12	3	13	25	9	9	580	651	93.0
Average per day	1.7	.4	1.9	3.6	1.3	1.3	82.9		

PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

Beyond Buffalo	18	5	6	14	8	2	381	434	62.0
Buffalo	6		1	3			22	32	4.6
Toledo			1	3			42	46	6.6
Waterloo			1				1	2	.3
Elkhart				2	1		27	30	4.3
South Bend							17	17	2.4
Total	24	5	9	22	9	2	490	561	80.1
Average per day	3.4	.7	1.3	3.1	1.3	.3	70.0		

PERIOD JAN. 1 TO 7, 1969, INCLUSIVE

Beyond Buffalo	60	22	27	136	23	9	1,004	1,281	183.0
Buffalo	9	2		3		1	107	122	17.4
Toledo				1	6	3	122	132	18.9
Waterloo				1			6	7	1.0
Elkhart						1	43	44	6.3
South Bend							11	11	1.6
Total	69	24	27	141	29	14	1,293	1,597	228.1
Average per day	9.9	3.4	3.9	20.1	4.1	2.0	184.7		

PENN CENTRAL TRANSPORTATION CO. "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL. AND BUFFALO, N.Y. DURING THE PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To— Gary	Laporte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	1	22	24	52	1	83	93	10	20	529	835	119.3
Englewood		3	1	7	1		1			4	17	2.4
Gary		1		2						9	12	1.7
La Porte							1				1	.1
South Bend				1						15	16	2.3
Elkhart						1	2			5	8	1.1
Waterloo							2			1	3	.4
Toledo							3	1		18	22	3.1
Cleveland								2	4	52	58	8.3
Erie										12		1.7
Total	1	26	25	62	2	84	102	13	24	645	984	140.6
Average per day	0.1	3.7	3.6	8.9	0.3	12.0	14.6	1.9	3.4	92.1		

PENN CENTRAL TRANSPORTATION CO.: "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL., AND BUFFALO, N.Y., NOV. 1–7, INCLUSIVE, 1968

From—	To— La Porte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	22	18	44	1	45	82	6	23	318	559	79.9
Englewood		1	2			3		2	4	12	1.7
Gary	3				2	2			10	17	2.4
La Porte		1			2					3	.4
South Bend			1		5				7	13	1.9
Elkhart					1	2			7	10	1.4
Waterloo						1			5	6	.9
Toledo						8		1	11	20	2.9
Cleveland							8	7	43	58	8.3
Erie								1	5	5	.7
Total	25	20	47	1	55	98	14	34	409	703	100.4
Average per day	3.6	2.9	6.7	0.1	7.9	14.0	2.0	4.9	58.4		

JAN. 1 TO 7, INCLUSIVE, 1969

Chicago	11	54	110	2	87	136	12	30	678	1,120	160.0
Englewood	1		9		3	2		5	10	30	4.3
Gary					1	4			13	18	2.6
LaPorte			1		1	2				4	.6
South Bend				1	1	8			41	51	7.3
Elkhart					2				21	23	3.3
Waterloo						4		1	14	19	2.7
Toledo						15	2	2	37	56	8.0
Cleveland							46	10	111	167	23.9
Erie									20	20	2.9
Total	12	54	120	3	95	171	60	48	945	1,508	215.4
Average per day	1.7	7.7	17.1	.4	13.6	24.4	8.6	6.9	135.0		

MAR. 1 TO 7, INCLUSIVE, 1969

From—	To—											
	Gary	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	1	17	25	65	7	41	57	9	30	302	554	79.1
Englewood		1	6	5		1	2		1	1	17	2.4
Gary		2				1			1	3	7	1.0
LaPorte			1	1							2	0.3
South Bend				1	1	2	5	1		14	24	3.4
Elkhart							1			9	10	1.4
Waterloo							4		2	5	11	1.6
Toledo							4	1		21	26	3.7
Cleveland								4	4	40	48	6.9
Erie										7	7	1.0
Total	1	20	32	72	8	45	73	15	38	402	706	100.9
Average per day	.1	2.9	4.6	10.3	1.1	6.4	10.4	2.1	5.4	57.4		

APRIL 1 TO 7, INCLUSIVE, 1969

From—	To—										
	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	17	25	92	4	96	80	13	57	376	760	108.6
Englewood	3		1		1	1			13	19	2.7
Gary	1		2	1	8	2		2	7	23	3.3
LaPorte		1				2				3	0.4
South Bend			9	1	3	14	10	13	68	118	16.9
Elkhart					3	6			4	13	1.9
Waterloo					1	1			7	9	1.3
Toledo						3	2	2	22	29	4.1
Cleveland							10	4	61	75	10.7
Erie									5	5	0.7
Total	21	26	104	6	112	109	35	78	563	1,054	150.6
Average per day	3.0	3.7	14.9	.9	16.0	15.6	5.0	11.1	80.4		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

From—	To—												
	Dunkirk	Westfield	Erie	Ashtabula	Cleveland	Sandusky	Port Clinton	Toledo	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	1	3	11		26			1			11	53	7.9
Buffalo	1	1	5	3	8		1				12	31	4.4
Dunkirk			1		1				1			3	.4
Westfield					1						2	3	.4
Erie				1	8				1		8	18	2.6
Ashtabula					2						3	5	.7
Cleveland						1					62	63	9.0
Elyria											1	1	.1
Sandusky								1			6	7	1.0
Toledo										1	19	20	2.9
Elkhart											7	7	1.0
South Bend											7	7	1.0
Total	2	4	17	4	46	1	1	2	2	1	138	218	31.1
Average per day	0.3	0.6	2.4	0.6	6.6	0.1	0.1	0.3	0.3	0.1	19.7		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. DURING THE PERIOD NOV. 1–7, 1968, INCLUSIVE

From—	To— Dunkirk	Erie	Ashtabula	Cleveland	Elyria	Sandusky	Toledo	Bryan	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	4	10		18						1			11	44	6.3
Buffalo	1	7	1	7			1			3	1		13	34	4.9
Dunkirk		1		2					2					5	.7
Westfield				1										1	.1
Erie				7						4			6	17	2.4
Ashtabula				5							1			6	.9
Cleveland					1	1	6		2	1	1	1	40	53	7.6
Elyria													1	1	.1
Toledo								2	1	2	1		10	16	2.3
Elkhart													15	15	2.1
South Bend													3	3	.4
Total	5	18	1	40	1	1	7	2	5	11	4	1	99	195	27.9
Average per day	0.7	2.6	0.1	5.7	0.1	0.1	1.0	0.3	0.7	1.6	0.6	0.1	14.1		

DURING THE PERIOD JAN. 1–7, 1969, INCLUSIVE

From—	TO— Dunkirk	Westfield	Erie	Ashtabula	Painesville	Cleveland	Elyria	Sandusky	Toledo	Elkhart	South Bend	Gary	Englewood	Chicago	Total	Average per day
Beyond Buffalo	12	2	39	5	2	58			3		10			65	196	28.0
Buffalo	15	3	34	1	5	30				1	19		3	30	141	20.1
Dunkirk						3								11	14	2.0
Westfield						9									9	1.3
Erie						15		2	2		7			25	51	7.3
Ashtabula						7					1	2			10	1.4
Cleveland							5	9	1	1	9	5	1	112	143	20.4
Elyria													1	2	3	.4
Sandusky									5		1			21	27	3.9
Port Clinton														1	1	.1
Toledo														41	41	5.9
Elkhart														24	24	3.4
South Bend														4	4	.6
Total	27	5	73	6	7	122	5	11	11	2	47	7	5	336	664	94.9
Average per day	3.9	0.7	10.4	0.9	1.0	17.4	0.7	1.6	1.6	0.3	6.7	1.0	0.7	48		

PENN CENTRAL TRANSPORTATION CO.—"FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 63 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL., JAN. 1 TO 7, INCLUSIVE, 1969

From—	To— Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	34	1		94	13		11	45	198	28.3
Buffalo	10	1	1	44	10	1	14	62	143	20.4
Erie		2		29	5	3	19	31	89	12.7
Ashtabula				11			2	2	15	2.1
Painesville								4	4	7.6
Cleveland					8	7	40	145	200	28.6
Toledo						3	9	76	88	12.6
Elkhart							1	35	36	5.1
South Bend								7	7	1.0
Total	44	4	1	178	36	14	96	407	708	111.4
Average per day	6.3	0.6	0.1	25.4	5.1	2.0	13.7	58.1		

MAR 1–7 INCLUSIVE, 1969

From—	To— Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	17			25	3			9	54	7.7
Buffalo	3		3	20	2		2	8	38	5.4
Erie		3		14	4			12	33	4.7
Ashtabula			60	11				1	72	10.3
Cleveland					13	2	6	44	65	9.3
Toledo						1	4	24	29	4.1
Elkhart							2	33	35	5.0
South Bend								10	10	1.4
Total	20	3	63	70	22	3	14	141	336	48.0
Average per day	2.9	.4	9.0	10.0	3.1	.4	2.0	20.1		

APR. 1–7, INCLUSIVE, 1969

From—	To— Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	21	9	6	71	2	1	4	21	135	19.3
Buffalo	4	3	1	12	5	1	8	20	54	7.7
Erie		3		31	1	1	3	22	61	8.7
Ashtabula				9				3	12	1.7
Painesville				2				1	3	.4
Cleveland					24	6	9	69	108	15.4
Toledo						5	6	51	62	8.9
Elkhart								48	48	6.9
South Bend								7	7	1.0
Total	25	15	7	125	32	14	30	242	490	70.0
Average per day	3.6	2.1	1.0	17.9	4.6	2.0	4.3	34.6		

NOV. 1 - 7, INCLUSIVE, 1969

From—	To— Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago	Total	Average per day
Beyond Buffalo	5	2		23	2	1		16	49	7.0
Buffalo	1			3	2	1	1	4	12	1.7
Erie				20	2	2		8	32	4.6
Ashtabula			194	8			2	2	206	29.4
Cleveland					7	1	7	45	60	8.6
Toledo						4	4	13	21	3.0
Elkhart								24	24	3.4
South Bend								3	3	.4
Total	6	2	194	54	13	9	14	115	407	58.1
Average per day	.9	.3	27.2	7.7	1.9	1.3	2.0	16.4		

PENN CENTRAL TRANSPORTATION CO. "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 64 OPERATING BETWEEN CHICAGO ILL. AND BUFFALO N.Y DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	2	11	15	22	28	5	4	58	1	1	7	2	20	30	206	29.6
Englewood				2	2			3			1		1		9	1.3
Gary		2		1				4					2		9	1.3
La Porte			1		1										2	.3
South Bend				73	7	1	2	3			1		2		89	12.7
Elkhart					2			2		1			1		6	.9
Toledo							1	16		1	2	1	5	3	29	4.1
Sandusky								5			1				6	.9
Cleveland										12	24	3	29	25	93	13.3
Painesville											1		2		3	.3
Ashtabula													1	1	2	.4
Erie													2	2	4	.3
Westfield														1	1	.4
Dunkirk														2	2	.1
Total	2	13	16	98	40	6	7	91	1	15	37	6	65	64	461	65.9
Average per day	0.3	1.9	2.3	14.0	5.7	0.9	1.0	13.0	0.1	2.1	5.3	0.9	9.3	9.1		

DURING THE PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo	Beynd Buffalo	Total	Average per day
Chicago	1	6	3	29	20	4		29		2	3	1		8	10	116	16.6
Englewood		1		1	1			1						1		5	.7
Gary				1	3		2	2						2		10	1.4
La Porte			1	1						1						3	.4
South Bend					7		1	1			2		1	2		14	2.0
Elkhart					3			8								11	1.6
Toledo							1	7		1	1	1			3	14	2.0
Sandusky								3								3	.4
Elyria								2								2	.3
Cleveland									3	18	22	3	2	21	13	82	11.7
Painesville											1					1	.1
Ashtabula											2			1		3	.4
Erie													3	5	1	9	1.3
Westfield														1	2	3	.4
Dunkirk															1	1	.1
Total	1	7	4	32	34	4	4	53	3	22	31	5	6	41	30	277	39.6
Average per day	0.1	1.0	0.6	4.6	4.9	0.6	0.6	7.6	0.4	3.1	4.4	0.7	0.9	5.9	4.3		

DURING THE PERIOD JAN. 1-7, 1969, INCLUSIVE

From—	To— Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo	Beyond Buffalo	Total	Average per day
Chicago	2	1	12	34	71	8	6	96		1	17			41	59	348	49.7
Englewood		1			5			2								8	1.1
Gary				1	2		2	1						2	2	10	1.4
La Porte			2											2		4	0.6
South Bend					13		3	13			2			7	5	43	6.1
Elkhart					4			4		1	3				3	15	2.1
Toledo								12	1	1	6			5	6	31	4.4
Port Clinton															1	1	0.1
Sandusky								9						6	4	19	2.7
Cleveland									5	24	41	2	2	37	31	142	20.3
Painesville											1			1	7	9	1.3
Ashtabula											3			3	7	13	1.9
Erie														33	34	67	9.6
Westfield														2	6	8	1.1
Dunkirk															8	8	1.1
Total	2	2	14	35	95	8	11	137	6	27	73	2	2	139	1,173	726	
Average per day	0.3	0.3	2.0	5.0	13.6	1.1	1.6	19.6	0.9	3.9	10.4	0.3	0.3	19.9	24.7		103.7

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my distinguished colleague.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman is rendering a significant service by bringing this matter to the attention of the House by the legislation he has introduced. Certainly, the bipartisan support of the New York delegation will be forthcoming I know because he is speaking in behalf of a very significant part of the economy of our State and a matter of great convenience to the residents of the State of New York when he calls for the inclusion of the Buffalo-Chicago routes into the basic Railpax system.

I rise in support of H.R. 4570 and congratulate my colleague from New York for his efforts on behalf of a Buffalo to Chicago rail passenger route. Further, I strongly urge the Railpax Corporation to adopt the Buffalo-Chicago route as part of the National Rail Passenger Service, before it begins operations in May.

Last year, I supported the legislation which authorized the creation of Railpax, because I felt it held out the hope of an economical and more efficient rail service for all the citizens of this Nation. But the failure to extend the New York-Buffalo line logically on to Chicago, ignores the traditional and best route for residents of upstate New York to travel to the Midwest and West. I am hopeful that this oversight, detrimental to the residents of my own 28th Congressional District and all the residents of upstate New York, will be quickly remedied.

Again, I commend my colleague, Congressman KEMP, for his efforts in this matter.

Mr. KEMP. Mr. Speaker, I thank my distinguished colleague for his remarks and support.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my distinguished colleague.

Mr. KING. Mr. Speaker, I want to commend the gentleman from the western part of our State for the position he has taken and for the legislation he has introduced. I join him in it and would be pleased to be a cosponsor of any such legislation together with the gentleman.

I wonder if the gentleman has any information whether or not there is a possibility of extending that railpax service from Albany to Montreal? Do you know anything about whether or not they have included that?

Mr. KEMP. I thank my colleague for his comments.

At this point, I am not aware of that type of service being included in the Railpax basic system.

Mr. KING. I would be very glad to join you in your request.

Mr. KEMP. I appreciate that.

Mr. ASHLEY. Mr. Speaker, it is entirely understandable and appropriate for the House Members assembled on this occasion to present the case for their principal city being included as an intermediate stop on the prospective New York City-Chicago and Washington, D.C.-Chicago routes of the national rail passenger system. Passenger trains, after all, are a vanishing species and the limited intercity rail service will benefit only a fortunate few of our urban centers.

It was not always so. In 1929 some 2,000 passenger trains—an essential component of any modern balanced transportation system—provided service to communities of every size and description. At the end of last year, alas, the number had dwindled to fewer than 400, many of which continued in business with demonstrated reluctance and only at the insistence of the Interstate Commerce Commission.

The next rung on the ladder, as we all know, was reached when private enterprise was finally allowed to abandon passenger service and Public Law 91–518 was enacted establishing a semipublic corporation to operate passenger trains between points designated by the Secretary of Transportation as part of a national basic rail system.

Pursuant to this legislation, the Secretary of Transportation has designated the points between which intercity passenger trains shall be operated and—again pursuant to Public Law 91–518—he is now in the process of identifying routes over which service may be provided.

Our colleague from Buffalo (Mr. KEMP) has presented a convincing case for extension of the New York City-Buffalo passenger service west to Chicago. I support his position wholeheartedly. But my interest—representing the greater Toledo area—goes further. Passenger service between New York City-Chicago and Washington-Chicago has been specified by the Secretary of Transportation and whether either or both of the intercity routes connecting these cities will include Toledo is to be decided in the immediate days ahead. The Toledo Area Chamber of Commerce has already filed a brief describing Toledo as a major transportation hub—one of the Nation's largest rail centers, eleventh largest port in the country, the leader in the Great Lakes and St. Lawrence Seaway traffic, and so forth—and has done a good job in cataloging population growth and the expanding industrial, commercial and agricultural activity throughout the Toledo standard metropolitan statistical area and northwestern Ohio.

Rather than expand on these data and other metropolitan virtues, let me simply say that the case for including Toledo in the inter-city routes—New York-Buffalo-Chicago or New York-Chicago via a southern route, and Washington-Chicago—is convincingly made and supported by the very criteria developed by the Secretary of Transportation, in keeping with the guidelines set forth in the act, for election of "points" which Railpax will be required to serve.

The first of these criteria provides that the availability of alternative transportation modes and the existing travel patterns should be considered to insure that the designated rail passenger network will make an optimum contribution to the Nation's total transportation system.

Blessed by its geographic location, Toledo is served by land, sea, and air. Easy access to Toledo is available via Interstate Routes 75 and 475, the Ohio Turnpike, and 11 State and U.S. routes. Ohio Turnpike traffic, measured at two interchanges in Toledo in 1970, was over five and a half million vehicles. Air passenger service is also immediate and substantial. During 1970, Toledo had an air passenger count of 424,925 and CAB data for 1969 showed 67,920 to and from Chicago, 73,730 to and from New York City, 19,170 to and from Washington, D.C., and 9,670 to and from Cleveland.

Toledo also is in excellent position to meet the criteria stipulating that anticipated rail ridership should be substantial and that projected ridership levels should enable the proposed rail service to operate at a cost which is competitive with the costs of alternative modes.

While Toledo's air service has increased in recent years, the fact remains that the city's proximity to Detroit and Cleveland makes it difficult to secure the number of flights and the diversity of direct service that is available to these larger communities. This very fact, of course, underscores the potential of the Toledo area if sufficient, updated rail passenger service is available.

No city better meets the criterion that selection should include cities that can be efficiently served by the Corporation as part of an integrated national rail passenger network.

Toledo's position as one of the Nation's major rail centers speaks clearly for itself. One of the reasons for Toledo's long and prominent role in rail passenger transportation is the number of large cities that can be served from Toledo through short-haul service. Within the 300-mile range that is used to define short-haul service, Toledo is in a position to serve and be served by Chicago, Cleveland, Erie, Buffalo, and Pittsburgh, with Harrisburg, Philadelphia, and Albany only slightly further in distance.

The population criterion provides that the route options between the major points should touch a large number of intermediate-population centers.

Toledo is certainly such a center. The SMSA which includes Lucas and Wood Counties in Ohio and Monroe County in Michigan climbed to 691,649 in 1970 and is listed by the U.S. Census Bureau as one of the 50 largest metropolitan areas in the United States. More importantly, Toledo's retail trading zone, comprising 12 counties in northwest Ohio and two in southeast Michigan, has a population of more than 1,175,000. From the standpoint of rail passenger potential, the composition of this population must be considered superior. More than a dozen national corporations are headquartered in retail areas just described and more than 40,000 students are currently attending colleges and universities in northwestern Ohio alone. Approximately 4,000 of these students are from out-of-State, many from the East.

From the standpoint of profitability, corporate flexibility and capital improvements required for inclusion in an intercity route, Toledo must be ranked at the top of the list. The city's pioneering role in rail transportation has been handed down generation to generation and managerial and technical competence re-

quired is already there, as is an experienced labor force.

Mr. Speaker, all of us here this afternoon are acting in the capacity as advocate for the District we represent. As the staggering highway death tolls continue to increase and as our airports become more and more congested, we recognize ever more clearly the need for a balanced transportation system and the essential role of rail passenger transportation in such a system. How quickly this can be achieved will depend in large measure on the care and consideration that is given to selection of the cities to be included in the routes soon to be established.

As an advocate for Toledo, I have tried to stress the importance of the contribution that our community can make if it is included. But from the standpoint of the Nation, the really important task is to move forward effectively in establishing rail passenger service as a component of a balanced transportation system. Fortunately, what is important to Toledo and that which is important to the Nation are in no way incompatible or inconsistent. We are anxious to participate in this new undertaking and look forward to doing so.

Mr. REID of New York. Mr. Speaker, I rise in support of the remarks of the gentleman from New York (Mr. KEMP) urging the establishment of Buffalo and Chicago as end points in the basic national rail passenger system.

Inclusion of this route in the national system is vital to the continued growth and prosperity of all the people of New York State.

Without a passenger rail line westward from Buffalo, the nearly 4 million people who live in upstate New York along the Albany-Buffalo axis will be deprived of feasible rail transportation to the Midwest and West.

The currently planned national system already incorporates the New York City-Buffalo route. To terminate this route abruptly in Buffalo would make no sense whatsoever. It would consign this route to being little more than a regional spur rather than a national trunkline. Only by its extension to Chicago can this important route serve as a truly useful link in the commerce of the Nation.

I commend the gentleman from New York (Mr. KEMP) for his initiative and heartily add my support for H.R. 4570 to establish passenger service from Buffalo to Chicago.

Mr. TERRY. Mr. Speaker, I rise in support of my colleague from Buffalo. New York is certainly a State that has done its share in trying to maintain passenger service. It has provided property tax relief to the railroads operating within the State. It purchased outright the Long Island Rail Road and is now seeking to upgrade and improve the service. In 1967, the State approved a $2.5 billion transportation capital facilities bond issue to help the suburban passenger service. In 1970, over $15 million was allocated for emergency maintenance work on the Long Island Rail Road and the Hudson, Harlem, and New Haven divisions of the Penn Central Transportation Co. So New York State has been acting to meet this crisis as it developed.

New York State has the empire service—New York City-Albany-Buffalo—and this is excellent. However, under the new Railpax no through service is planned to Chicago via this route. In my view this is a serious mistake to cut off passenger service across the northern tier of New York, Ohio, and Indiana to those who wish to travel to Chicago via rail. As a young college student, I took this route to Notre Dame. My family, furthermore, on both sides have been in railroading and it is a proud family tradition. There are still many persons, such as my own wife, who prefer the train to a plane, if the former is available. With our upstate weather, we have to have alternative means of transport available, if this last winter is any indicator of the future. My strong feeling is that the National Rail Passenger Corporation will prove to be a wise act and with the wholehearted cooperation of local, State, and Federal authorities, the United States can again have a good rail passenger system that we can all be proud of. To achieve this goal, the Buffalo to Chicago route needs urgently to be added to the National Rail Passenger Corporation.

GENERAL LEAVE TO EXTEND

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore (Mr. PEPPER). Without objection, it is so ordered.

There was no objection.

HEARINGS SET ON ABOLISHING DETENTION CAMPS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, as chairman of Subcommittee No. 3 of the Committee on the Judiciary, I wish to announce that a public hearing will be held on March 18, 1971, at 10 a.m., in room 2226 Rayburn House Office Building, on H.R. 234, a bill introduced by Mr. MATSUNAGA for himself, Mr. HOLIFIELD, Mr. MIKVA, and myself, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

The principal purpose and effect of H.R. 234 is to repeal the Emergency Detention Act which was enacted as title II of the Internal Security Act of 1950. That act establishes procedures for the apprehension and detention, during internal security emergencies, of individuals deemed likely to engage in acts of espionage or sabotage. Unfortunately, the legislation has given rise to the belief that it may be used to apprehend and detain citizens holding unpopular beliefs. Also, some groups look upon the legislation as permitting a recurrence of the roundup and detention of Americans of Japanese ancestry during World War II.

H.R. 234 is one of 12 identical measures now pending in the House. Including multiple sponsorships, these measures reflect the view of 149 Members of the House, concurred in by the Department of Justice, that the Emergency Detention Act of 1950 should be repealed.

MODERNIZING FEDERAL ANTITRUST LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, exactly 1 month ago today, I introduced legislation establishing a National Commission on the Revision of Federal Antitrust Laws. This afternoon I am reintroducing this measure with 15 cosponsors representing both political parties and a wide spectrum of political thought.

Joining me in introducing this measure are: Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COLLINS of Texas, Mr. GIBBONS, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KUYKENDALL, Mr. MANN, Mr. MAYNE, Mr. MICHEL, Mr. RAILSBACK, Mr. RARICK, and Mr. BOB WILSON.

The rationale behind this proposal is a simple one. The Federal laws which regulate the form and shape of business activity are vital ones, yet they have not been updated in over 20 years despite its rapidly changing nature and structure. Moreover, no systematic efforts have been made to determine what the current legislative needs even are in the antitrust area.

By impaneling a National Commission comprised of 24 eminent personages representing the public and the private sectors, empowering them for 1 year to make investigations and hold hearings, and requiring them to submit a report of their findings and recommendations to the President and to the Congress, a much needed perspective could be obtained on the state of Federal antitrust regulation.

Armed with this new perspective Congress can then swiftly move to update antitrust laws where needed and to shore up Federal regulations where weakened by disuse or misuse.

Mr. Speaker, the task set forth for the Commission is a task that should have been undertaken in the last Congress. Those of us who introduce this measure today can only hope that our colleagues will band together in a nonpolitical and nonpartisan spirit and approve this bill.

If impaneled, the National Commission on Revision of Federal Antitrust Laws will well serve both the interests of commerce and the interests of consumer.

NEED FOR BRIDGE IN BIG SPRINGS, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 15 minutes.

Mr. QUILLEN. Mr. Speaker, "You can not get there from here" is not an empty phrase for the people of the Big Springs community.

They live across the river and the only way to get across is by driving some 34 miles through another State in order to get to their county seat.

For more than 100 years the people of this small community in Hancock County, Tenn., which is located in the northeast corner of my congressional district, have suffered isolation.

For the purpose of bringing my story into the proper perspective, I would like to add that, according to statistics from the U.S. Department of Commerce, Hancock County is the Nation's seventh poorest county.

Back in 1966, a group from the Big Springs community presented me with a petition asking that I help them get a bridge across the Clinch River, which runs through the county.

If you were to ask where Big Springs is located, people would say, "just across the river." If you were to ask residents of Big Springs where everything else is, the answer would probably be the same —"just across the river." But getting across the river is another thing—"you just cannot get there from here."

Over the years, some of the residents of the community have moved away in order to make contact with the outside world. Those who remain do so because they feel connected with the land they live on and the friendship they hold for their neighbors. They are staying, but they are staying against all odds, for the truth of the situation is that isolation has hemmed itself around their lives, hurting them most when they can afford it least.

Just how isolated is Big Springs? By all normal yardsticks, the answer would have to be "incredibly so." Some of the houses and roads are not even found on the county map. The lack of a bridge connecting Big Springs to the outside world necessitates the residents having to drive over 26 miles of dirt road that at times is simply bedrock and at other times greasy mud, in order to get to the nearest store or gas station. The time it takes to get anywhere sometimes prohibits men in Big Springs from getting an outside job while living at home.

I have been working on this project for more than 5 years, but we still do not have a bridge constructed across the river, although in recent months there have been encouraging developments.

The Big Springs community is involved in a unique situation. In the true sense of the word, the people of this mountain community are isolated from the rest of the world.

One hundred and sixty-three people live in Big Springs and its rich bottomlands and rolling stones are cherished by local farmers for crops and pasture. Almost everyone would have to say that the Clinch has given Hancock Countians a good life—everyone except the people of Big Springs, for here in a hidden valley the Clinch has taken life away.

Big Springs residents, like other residents of Hancock County, want to share their community with others, and they desire to have better access to commercial centers, health and educational facilities, farm markets, and jobs.

Last year, more than 53 percent of the household heads were farmers, 19 percent were retired or unable to work, and 28 percent had nonagricultural jobs in addition to part-time farming.

A majority of Big Springs families depend on the sale of crops for their income. Tobacco is the major crop, with some corn, hay, and vegetables being sold. The tobacco markets most used by farmers in the Big Springs area are in Weber City and Gate City, both of which are in Virginia. The Kingsport, Rogersville, and Sneedville tobacco markets in Tennessee are used to a lesser degree.

Cattle, hogs, and chickens are sold in Gate City, Kingsport, Rogersville, and Sneedville livestock markets.

The farmers of Big Springs are highly efficient. They know their work and they know how to get the most out of every dollar. But they are seriously handicapped. Sure, they can grow abundant crops of practically everything they farm, but getting it to the markets is another story.

In order for the residents of Big Springs to get to the county seat of Hancock County, which is Sneedville, they must travel 34 miles. If they could cross the Clinch River at a point just south of the Big Springs community, the trip would be only 18 miles, a savings of 16 miles each way, or, 32 miles for each trip. This same mileage holds true for a trip to any point to the south or west of the Big Springs community.

If they are to get to the doctor and commercial centers, and if the children of the community are to get to school, they must travel dangerously.

For instance, several years ago Hancock County consolidated its high schools, but the Big Springs children still have no way to catch the schoolbus on their side of the river. Instead, the parents of high school students must watch as their children each morning walk down to the river and paddle across the water in a leaky wooden boat. These children are in danger and the parents understandably fear for their lives. In the winter, they often have to break the ice as they negotiate the cold river. Because of these personal hardships, many of the children fail to attend high school due to the rigors of getting there. Many go through life with an eighth grade education. The community has a one-room schoolhouse, but it is outdated. When the children go out to play during a recess, they have nothing to do. The school sits on a knob and, therefore, there is no land for a playground. Some children play under the school and more times than not they are lucky if they are not cut by broken glass, old tin cans, and rusty nails. Others play bingo with kernels of corn.

I could talk for many hours telling you a variety of stories about the plight of these people, but I feel from my previous colloquy that you understand the community's unique position.

So, what can we do to help these poor people?

When I was first asked to intervene in this matter, my idea was to contact the proper authorities at the State level, and this I did.

Mr. Speaker, I strongly support the sovereignty of all States; let the States do for themselves what they can without the intervention of the Federal Government. But, in this case, it seems that it is a matter of either letting the Federal Government help or overburdening the State and county.

Consequently, I went to the Appalachian Regional Commission for whatever assistance this arm of the Federal Government could provide.

At the present time, the news that we have received from the Appalachian Regional Commission is encouraging, and I am optimistic that financial aid will be forthcoming. I would like to point out that a clause included in the ARC Act provides financial assistance for any poverty area within the Appalachian region if it would facilitate school consolidation. In the case of Big Springs, it would make it possible for students to get to school. So, it appears to me that this would be the basis for constructing a bridge across the Clinch.

If we receive a commitment from the Appalachian Regional Commission, we have promises of other help from the State Highway Department, the Upper East Tennessee Economic Opportunities Authority, the Tennessee Valley Authority, and Hancock County.

Mr. Speaker, we must not let these people suffer any longer. They are distressed and heartbroken and I sympathize with them.

Let us hope that this matter will be resolved once and for all at the very earliest date.

CORPS OF ENGINEERS' PROPOSED REGULATIONS ON THE REFUSE ACT PERMIT PROGRAM ARE INADEQUATE AND MUST BE REVISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the recent hearings held on February 18 and 19 by the Senate Subcommittee on the Environment and members of the House Subcommittee on Conservation and Natural Resources, concerning the administration's proposed 1899 Refuse Act permit program reevalued that the proposed regulations of the Corps of Engineers must be strengthened.

They were published on December 31, 1970 (35 F.R. 20005) and on January 21, 1971 (36 F.R. 983), to carry out the President's Executive Order 11574 of December 23, 1970, directing the Corps and the Environmental Protection Agency to establish the Refuse Act permit program. On February 4, 1971, I inserted into the CONGRESSIONAL RECORD our subcommittee's letter of December 23, 1970 analyzing many of the deficiencies in them and urged that these be revised.

The proposed Refuse Act permit program will not achieve the objectives the public expects, unless several defects in the regulations are eliminated. The most significant of these is the failure to require industrial plants discharging their polluting wastes into intrastate waters to comply with federally established effluent standards.

On February 26, 1971, we wrote letters

to the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Attorney General, and to the Corps, about these defects. We urged specific revisions to improve the regulations and procedures for administering the Refuse Act permit program and for enforcing more effectively the 1899 Refuse Act.

I insert at this point in the RECORD our subcommittee's three letters of February 26, together with Senator HART's letter of March 1 to the Chairman of the Council on Environmental Quality, and an editorial from the Washington Post of February 28, 1971:

FEBRUARY 26, 1971.

Mr. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.

DEAR MR. TRAIN: The hearings on February 18 and 19 before the Senate Subcommittee on the Environment and Members of the House Subcommittee on Conservation and Natural Resources on the Administration's proposed 1899 Refuse Act permit program helped to pinpoint a number of areas where we believe the proposed regulations of the Corps of Engineers should be strengthened.

As you no doubt are aware, Administration witnesses agreed that a number of revisions in the regulations were needed. They also agreed to consider all the criticisms and suggestions for improvement of the regulations made at the hearings and those expressed in letters of the House Subcommittee to the Corps, the Environmental Protection Agency, and your Council. This is certainly encouraging.

We commend especially the testimony by the Army's General Counsel, Robert E. Jordan, in which he listed several of the amendments he proposes to make in the regulations in order to incorporate the suggestions made by the subcommittees and public witnesses.

There are a number of amendments to the regulations which, on the basis of the hearings, we believe most important for a proper structuring of the proposed Refuse Act permit program.

We believe that these revisions will make the program more effective and achieve the President's, and our, objective of providing "a major strengthening of our efforts to clean up our Nation's waters."

Proposed revisions in Executive Order 11574 of December 23, 1970 (35 F.R. 19627) have been previously discussed and detailed in our Subcommittee's letters of February 4, 1971, to the President and to you.

Before dealing with our specific recommendations, we want to emphasize our conviction that the merit of the 1899 Refuse Act permit program lies not only in the fact that it will supply more accurate data concerning effluents, but, more importantly, will also, for the first time, enable the Federal Government to insist that *all* dischargers eliminate the polluting and hazardous effects of their waste discharges. Effective use of the Refuse Act means that we will not be satisfied with the status quo but, on the contrary, will insist, as a condition to the issuance of a permit, that the discharger take positive and timely steps to eliminate such effects.

It would be an empty gesture toward pollution control, and a cruel hoax upon the American public, if the Government were to issue permits which fail to treat, for example, intrastate dischargers in the same way as interstate dischargers. Such a failure would probably create significant economic disadvantages for industries discharging into interstate waterways and involved in business competition with those discharging into intrastate waters.

Industry needs the permit system in order to avoid prosecution under the Refuse Act for failure to have a Corps permit covering industry's refuse discharges into navigable waterways. The Corps is obligated to provide such a system. But it should be a system which effectively protects all waterways subject to the Refuse Act from the polluting effect of these discharges by retarding and eliminating them in a timely fashion.

Once issued, these Federal permits will immunize a discharger from prosecution under the 1899 law, except in cases where there is a violation of the permit conditions. No such immunity should be granted unless the Federal Government is assured that effective measures, requiring use of the best available technology for treatment of wastes, are included in the permit which will lead to a reduction or total elimination of pollution by the discharger.

Our comments and recommendations concerning the Corps' proposed regulations of December 31, 1970 (35 F.R. 20005), as amended on January 21, 1971 (36 F.R. 983), follow. Since the proposed regulations are all in section 209.131, this letter refers to the specific paragraphs and subsections in that section. The new language we recommend is underlined, and the deletions we propose are shown in brackets.

I. PUBLIC INTEREST CONSIDERATION

A. Section 13 of the 1899 Refuse Act prohibits the discharge or deposit of "any refuse matter of any kind or description whatever," except sewage, into navigable waterways or their tributaries. It, however, authorizes the Corps to "permit" the discharge or deposit or refuse "within limits to be defined and under conditions to be prescribed" by it.

Thus, the 1899 Federal law authorizes the Corps, in its discretion, to issue Federal permits governing the emission or discharge of refuse into navigable waterways. Yet the only non-procedural limits for issuing permits prescribed by the Corps in the proposed regulation are three provisions in paragraph (d)(2). These three provisions severely circumscribe the Corps' discretionary authority under the Refuse Act because they say that the Corps may deny or issue a permit on the basis of "the impact of the discharge or deposit on" only three matters:—(1) "anchorage and navigation," (2) Federally approved "water quality standards" established under the Water Quality Act of 1965, which apply only to *interstate* waters; and (3) "fish and wildlife resources which are not directly related to water quality standards."

Paragraph (d)(2) of the proposed regulation fails to mention any criteria for the Corps to issue or deny a permit on the basis of the "impact of the discharge or deposit on" water quality of *intrastate* waters for which there are no Federally approved water quality standards.

We understand that there are at least seven states which have no water quality standards for their intrastate waters. Yet there is no provision in the regulations describing what happens when no certification is required under section 21(b) of the Federal Water Pollution Control *Act* because "there are no applicable water quality standards." The regulation ignores the requirement of section 21(b)(9)(A) which specifies in such case that the Federal permitting or licensing agency must impose as a condition of such license or permit "a requirement that the licensee or permittee shall comply with the purposes" of the FWPC Act.

Section 21(b)(1) of the FWPC Act prevents the Corps from issuing a permit until a State certification has been either denied, obtained, or waived. It does not, however, require that the corps issue a Federal permit where such certification is obtained. Further, where there is "no applicable water quality standards" or, if they exist, they are inadequate, the Corps is not required by section 21(b) to issue a Federal permit which would immunize the discharger from prosecution under the 1899 law.

Mr. Quarles of EPA testified at our Hearing on February 19 that EPA need not accept a State certification on face value. He said that, as to the permit program—

"Where state certification applied to a discharge on navigable intrastate waters, EPA and the Corps of Engineers may review and reject state certification of a discharge in intrastate waters where an error has been made in the application of the standard to a particular discharge, or the discharge contains a hazardous substance not covered by water quality standards or there are conflicting fish and wildlife considerations. (Transcript, P. 333)."

Mr. Quarles also stated that even these steps, which we regard as inadequate, "have not yet been spelled out" in the proposed Corps' regulations or Memorandum of Understanding. (Transcript, p. 406).

We note too that these steps "have not yet been spelled out" in EPA's proposed regulations of February 5, 1971 (36 F.R. 2546) issued under section 21(b) of the FWPC Act. Section 615.13 of those regulations provide for EPA "review" of "applications and certifications," but that review appears to be solely limited to a determination under the statute that there is or is not "reason to believe that a discharge may affect the quality of the waters" of more than one State. It does not appear to encompass the review Mr. Quarles speaks of.

Even as to fish and wildlife resources, paragraph (d)(2) of the regulation directs that the Corps may not base its decision on the impact of the discharge or deposit on these resources if the discharge or deposit involves water quality standards. This limitation on the Corps' scope of review makes no distinction between Federally approved interstate standards and intrastate water quality standards which are not Federally approved.

The regulations ignore the scope of the review now made by the Interior Department pursuant to the 1967 Army-Interior Memorandum of Understanding of proposed Corps' permits under the 1899 law. That document recognizes the "responsibilities" of the Secretary of the Army under Section 13 of the 1899 Refuse Act "relating to . . . the control of refuse . . . and the interrelationship of those responsibilities with the responsibilities of the Secretary of the Interior" under three named environmental statutes, and, of course, the National Environmental Policy Act, "relating to . . . the conservation of the Nation's natural resources and related environment, including fish and wildlife and recreational values therein. . . ." In *Zabel* v. *Tabb*, 430 F. 2d 199 (C.A. 5, 1970), *cert. denied*, ——— U.S. ——, 39 U.S. L.W. 3356 (Feb. 22, 1971), the court referred to this document and said that this "Executive action had almost a virtual legislative imprimatur from the 1967 Report of the House Committee on Merchant Marine and Fisheries . . . (H. Rept. 90-989; see also Senate Commerce Committee's report, S. Rept. 90-1419). As a result of the effective operation of the Interdepartmental Memorandum . . ., the Interior Department and the (House) Committee concluded that it was not necessary to provide for dual permits from Interior and Army."

Solicitor Mitchell Melich of the Interior Department testified on February 18, 1971 (Transcript, p. 135):

"Finally, the Department has broad responsibility to protect the quality of the environment for outdoor recreation. The Department of the Interior believes that the Refuse Act procedures can be established in conjunction with the EPA, the Corps and the CEQ which will permit the Department to fulfill its statutory duties."

The severe restrictions which paragraph

(d)(2) of the proposed regulation place upon the recommendations which may be made under the Fish and Wildlife Coordination Act effectively abrogate the 1967 Memorandum of Understanding, and gravely ignore both the Interior Department's, and the National Oceanic and Atmospheric Administion's "broad responsibility to protect the quality of the environment for outdoor recreation."

We believe that adequate authority now exists under the 1899 law for the Corps to consider whether or not the issuance of a permit is in the public interest. The scope of the Corps' review of proposed discharges or deposits of refuse for which a Refuse Act permit is sought is not limited by the 1899 law to the three narrowly defined matters set forth in paragraph (d)(2) of the proposed regulation. The Corps recognized this fact in its regulations of April 10, 1970 (E.C. 1145-2-303).

For these reasons, we recommend that paragraph (d)(2) of the Corps' proposed regulation be amended as follows:

"(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on all factors affecting the public interest, including, but not limited to navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. [(i) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.]"

In light of the foregoing revision of paragraph (d)(2), we recommend that paragraph (d)(5), which is based on (d)(2) and which sets forth when a District Engineer may deny a permit, should be revised to read as follows:

"(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying or granting a permit in accordance with the provisions of paragraph (d)(2) above. [a permit only if:

"[(i) Anchorage and navigation will be impaired; or

"[(ii) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish and wildlife resources.]"

B. We believe that the Corps has adequate authority to promulgate EPA's advisory guidelines as standards applicable to Refuse Act permits issued for discharges and deposits into both interstate and intrastate waterways. On February 10, 1971, the United States District Court for the Southern District of Texas, in Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers, Inc., (C.A. No. 70-H-1004), considered whether the Refuse Act requires the Corps to "develop and implement a set of pollution standards governing emissions into the navigable waters," and stated that the Secretary of the Army has "adequate authority," under the Refuse Act and 33 U.S. Code 419, "to develop and implement general standards for a permit system. . . ."

EPA has entered into contracts with several research firms to collect data and establish effluent levels for 20 or more industries. These firms will provide reports to EPA within the next few months. We understand that these reports will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries, and that EPA intends to apply them in the Refuse Act permit program with respect to refuse discharged or deposited into interstate waterways. EPA believes, although others do not share this belief, that it lacks authority to promulgate these guidelines and enforce them under section 10(c) of the Federal Water Pollution Control Act.

When these advisory guidelines are developed, we recommend that the Corps, after affording the public opportunity for comment, promulgate them as additions to the proposed regulations for the Refuse Act permit program. We note that Mr. Jordan has assured us, in his letter to us of January 19, 1971, that "implementation of the permit program will not await their [the guidelines] completion and promulgation" by EPA.

II. RELATIONSHIP OF THE CORPS PERMIT PROGRAM TO THE FISH AND WILDLIFE COORDINATION ACT

Three paragraphs of the regulation would appear to paraphrase incorrectly, and thus to fail to set forth the mandatory provisions of, section 2(a) of the Fish and Wildlife Coordination Act (16 U.S. Code 602(2)). This error, which can have disastrous consequences on our Nation's fish and wildlife resources, should be corrected by using the statutory language rather than paraphrasing it. The three paragraphs are: (c)(3); (d)(2)(iii); and (d)(5)(ii).

Mr. Atkeson of CEQ in his letter of February 17, 1971 to the House Subcommittee, seeks to meet this criticism by stating that since Congress provided in section 10(c) of the FWPC Act that water quality standards take into consideration the "use and value" of an interstate waterway for "propagation of fish and wildlife," the "substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of all permits, will, "where this has been properly done . . ., have taken place." We do not agree with him for the following reasons:

In the first place, the Coordination Act applies to *all* waterways, not just interstate waterways. Section 10(c) of the FWPC Act applies *only* to interstate waterways. No similar requirement now applies to intrastate waterways. Thus, "the substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of intrastate waterways, cannot, by any stretch of the imagination, be said to "have taken place" under section 10(c) of the FWPC Act.

Even as to interstate waterways, the Congress did not state or imply that if the setting of water quality standards under section 10(c) of the FWPC Act were "properly" carried out, the Interior and Commerce Departments should rest easy and not "consult" with the Corps on how individual discharges would affect fish and wildlife resources, including those effects which are "reflected in water quality considerations."

Solicitor Mitchell Melich of the Interior Department emphasized this when he testified on February 18. He said his Department "did not feel . . . that our participation in the establishment of the Federal water quality standards fully discharged our responsibility to the fish and wildlife resources and recreational values under our jurisdiction." Under the Fish and Wildlife Coordination Act, the Corps has a statutory duty to "consult" with these two Departments, and they are, according to Mr. Melich, "charged with the duty under the Fish and Wildlife Coordination Act of making recommendations to the Corps . . . with particular reference to the effect on fish and wildlife of all deposits or discharges of contamination and pollutants." (Transcript, pp. 133–135).

We believe this duty is not discharged by the water quality standards program.

We recommend that paragraph (c)(3) of the proposed Corps' regulation be revised as follows:

"(3) The concern of the Congress with the conservation and improvement of fish and wildlife resource is indicated in the Fish and Wildlife Coordination Act (16 U.S. Code 661–666c) [,wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway]. Section 2(a) of that Act (16 U.S.C. 662(a)) requires that 'whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever . . . by any public or private agency under Federal permit or license' the permitting or licensing agency 'first shall consult with the United States Fish and Wildlife Service, Department of the Interior,' the National Oceanic and Atmospheric Administration of the Commerce Department, and the appropriate State fish and game agency 'with a view to the conservation' of fish and wildlife resources."

The Fish and Wildlife Coordination Act clearly applies to both (a) permits which authorize impoundments, diversions or channel deepening of a waterway, and (b) permits which authorize activities resulting in a waterway being "otherwise controlled or modified for any purpose whatever."

Paragraphs (d)(2)(iii) and (d)(5)(ii) refer to a discharge which "impounds, diverts, deepens the channel, or otherwise controls or similarly modified (sic) the stream or body of water." The word "similarly" plainly distorts the whole scope of the Act by limiting the phrase "controls or modifies" to only those activiites which "impounds, diverts, deepens the channel." There are all sorts of discharges of wastes, chemicals, refuse, etc., which modify a body of water, with terrible consequences to fish and wildlife, but do not impound, divert, deepen, or decrease the channel. Mr. Atkeson, in his letter of February 17, 1971, to the House Subcommittee said that this "was not intended as anything more than a paraphrase of the statute as written." Unfortunately, the "paraphrase" does not accurately reflect the plain words of the statute. Accordingly, we urge that the word "similarly" be removed from these two paragraphs.

We have made the same recommendation in regard to Executive Order 11574.

Similar changes should be made in paragraph 6(ii) of the proposed EPA-Army Memorandum of Understanding as published in the Federal Register of January 21, 1971 (36 F.R. 983).

III. PUBLIC INFORMATION

Paragraph (g)(1) of the proposed regulation describes what information the applicant for a Refuse Act permit will be required to file with an application. No mention, however, is made in the regulation about the availability of the information to the public.

Mr. Jordan of the Army testified on February 18, 1971 (transcript, pp. 14 and 55) that this information will be available to the public. Mr. Quarles of EPA, however, on February 19, 1971, said (transcript, p. 338) that

all "data received from applicants unless trade secrets are involved will be made available for public inspection." In addition, Mr. Atkeson of CEQ on February 19, 1971 said (transcript, p. 349):

"The General Counsel of the Army has already said that applications for Refuse Act permits and all information, records and statements filed with these applications should be matters of public record subject to the protection of trade secrets. We anticipate the same rule on effluent data as applies to emission data on the Clean Air Act Amendments enacted last December."

Mr. Quarles testified (transcript, p. 384) that Mr. Jordan's testimony on this "is probably entitled to greater weight," but then said "there may be some legal requirements that are involved . . . and I gather from talking to Mr. Atkeson that this is not entirely resolved . . ."

This matter of disclosure of data was discussed in great detail in the report of the House Committee on Government Operations (H. Rept. 91-1717, Dec. 10, 1970) entitled "The Establishment of a National Wastes Inventory" (pp. 24-33). The report states (pp. 29-30):

"It is highly doubtful that the responses to the questionnaire would involve disclosure of any trade secret, because the questions relate not to processes or methods of operation, but only to effluents discharged into the waterways. If a discharger clearly shows that disclosure of any portion of the data in the responses to the questionnaire would involve disclosure of its trade secrets or secret processes, the committee assumes that FWQA will readily and simply resolve the problem at that time in line with the principle suggested in the subcommittee chairman's letter of September 18, 1970. Even where trade secrets or secret processes are involved, the committee believes, in line with this principle, that the public interest in controlling pollution demands that Federal agencies not be hindered in their enforcement function merely because of the discharger's private interest in protecting his trade secret or secret process.

At hearings before the House Subcommittee on Conservation and Natural Resources on September 17, 1970 which preceded the above report, Mr. Jordan testified (pp. 30-31):

"I don't believe that 'processes' and 'operations' include simply the act of dumping out a particular kind of effluent at the end of the pipe.

"I think 'processes and operations' refers to what takes place inside the plant that produces the effluent.

"And if I had to interpret that section in connection with our responsibilities, I would not give 'processes and operations' an expansive interpretation but a narrow one, which I think is wholly consistent with what I understand to be the legislative history of that act.

"So that solves a large measure of the problem, because our basic concern is with what is coming out at the end of the pipe and not how it got to be that way.

"Secondly, I don't believe that section was ever intended to apply to a public official pursuant to a lawfully established public program who, in discharging his responsibilities, found it necessary to make certain information available."

In connection with our Refuse Act program, furnishing information on effluent is not going to be voluntary. It's going to be required—required in the sense that if you want to get a permit, you must furnish the information.

The Senate Committee on Public Works discussed this trade secret problem also in its report on the Clean Air Act Amendments of 1970 (S. Rept. 91-1196, Sept. 17, 1970) as follows (pp. 31-32):

"The purpose of 18 U.S.C. 1905 is to prevent the unauthorized disclosure by Federal employees of data obtained in connection with any authorized Federal activity which would, if divulged, reveal trade secrets of secret processes. It is not aimed at preventing the disclosure of such data by Federal agency officials as part of their duty to effectively control and prevent air pollution.

"Moreover, the committee believes it is not in the public interest for data relating to the quantity and quality of the emissions to be considered confidential. The public has a right to know who is polluting the atmosphere and in what amounts."

We recommend that paragraph (g)(1) of the Corps' proposed regulation be amended by adding the following at the end thereof:

"The application for a permit and all other information furnished under this paragraph will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

This amendment is similar to the public information provision included in EPA's voluntary industrial wastes inventory questionnaire.

IV. PERMIT CONDITIONS

Paragraph (o) specifies the conditions which will be in the permit "as a minimum." It also states that permits "shall be subject to" other conditions "determined by EPA to be necessary." There are several areas where this section of the regulation should be improved.

1. At the hearing on February 18, 1970, we discussed with Mr. Jordan a proposal to require that each permittee pay an effluent charge for discharging refuse into the public's waters. Such a charge would be an additional incentive to the permittee to meet effluent requirements of the permit. Mr. Jordan indicated that the proposal needed further consideration, but he did agree (transcript, p. 49) that the permit should include a condition which clearly "reserves [to the Corps] . . . the right to make changes in the future in the way we approach charges."

We recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(v) Provide for the establishment of effluent charges subsequent to the date of issuance of the permit, and for the payment of such charges."

2. The issuance of a Refuse Act permit will immunize a permittee from prosecution under the 1899 law for four to five years unless the permittee breaches a condition of the permit. We believe that this result should not be taken lightly. The public has a right to have assurances from its Government that when a Federal permit is issued the permittee will be under an obligation to clean up his discharges during the period. Thus, the Corps and EPA should require as a condition of the permit that the permittee provide the best system of pollution control available within an established timetable.

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(o)(1) . . . (vi) Require that the permittee shall install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

Adding this new subparagraph (vi) also requires adding the following new subparagraph to paragraph (d)(3) which authorizes EPA to give advice to the Corps on various matters relating to the permit conditions:

"(d)(3) . . . (vi) The permit conditions necessary to require the permittee to install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

3. Paragraph (o)(2) does not *require* that *all* permits be conditioned to require periodic reports as to the composition, quantity, and frequency of refuse discharges or deposits. Rather, it merely says that EPA "may" require reports as to the "nature and quantity of discharges." Also, it does not require that these reports be available to the public.

Mr. Jordan testified on February 18, 1971, (transcript, p. 59) that periodic reporting on an annual basis for discharges and deposits "will be a requirement" of all permits. He said that if the discharge disclosed at the time the permit is issued is changed later, the reports will show this and that the Corps will act to reconsider the permit. He said that these "reports will also be available to the public" (transcript, p. 61).

To accomplish this, we recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(vii) Require periodic reports as to the points of discharge or deposit and the composition, quantity, and frequency of the discharge or deposit and treatment thereof and other relevant information, and such reports will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

4. Paragraph (o)(1)(iii) states that the permits shall provide that in case of a breach of any permit condition the permit may be suspended or revoked.

We believe that this statement is misleading. The Corps' remedies, in the case of any breach of a permit provision, are not limited to a suspension or revocation of the permit.

For example, section 13 of the 1899 Act provides that the conditions of any permit "shall be strictly complied with, and any violation thereof shall be unlawful." Thus, the Corps or the U.S. Attorney could enforce any breached condition without suspending or revoking the permit. Criminal or civil actions, or both, are possible where the condition is breached. Moreover, the Government certainly is entitled to sue, on the basis of contract law, to enforce a condition which is essentially contractual because the permittee agreed to comply with it when he accepted the permit. Indeed, the permittee, having agreed to the condition, would probably be estopped to challenge its enforceability.

We recommend that paragraph (o)(1)(iii) be revised to read as follows:

"(iii) Provide for possible suspension or revocation of the permit, or suit for specific enforcement of the condition, in the event that the permittee breaches any condition of the permit;"

5. Paragraph (o) of the proposed regulation does not include a provision requiring monitoring discharges or deposits made under a Refuse Act permit. The provisions for "periodic demonstrations of compliance" and for "site and sampling accessibility" in paragraph (o)(2) are not requirements, but merely "may" be required by EPA, and thus do not adequately protect the public interest. Mr. Jordan testified on February 18, 1971 (transcript, p. 17) that monitoring "to ensure compliance with water quality standards and permit conditions will be conducted."

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(viii) Provide that the permittee (a) install, use, and maintain such monitoring systems and sample such discharge or deposit at periodic intervals and provide information thereon in periodic reports required by this paragraph, and (b) provide, at reasonable times, entry to, upon, or through any premises in which a discharge or deposit source is located by authorized personnel to inspect such discharge or deposit and such

systems and to take samples of such discharge or deposit and copy any records relating thereto."

In view of the foregoing new subparagraphs added to paragraph (o)(1), we believe that paragraph (o)(2) becomes superfluous and should be deleted.

V. PUBLIC NOTICE

Paragraph (j) of the proposed regulation provides that all "public notices" shall contain a statement similar to the language of paragraph (d)(2) of the Corps' proposed regulation.

Earlier in this letter we recommended a revision of paragraph (d)(2). Accordingly, we recommend that the statement set forth in paragraph (j) of the proposed regulation be revised as follows:

"The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based in all cases on an evaluation of the impact of the discharge or deposit [on (1) anchorage and navigation, (2) water quality standards and related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources.] on all factors affecting the public interest, including, but not limited to, navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. Permits will not be issued until the certification required under section 21(b) of the Federal Water Pollution Control Act has been obtained or has been waived."

VI. WATER QUALITY DETERMINATIONS

Paragraph (d)(6) of the Corps' proposed regulation provides that where a Corps' District Engineer disagrees with the "advice" of the Regional Representative of EPA, he shall forward the matter to the Secretary of the Army who shall then "consult" with the Administrator of EPA. After such consultation, it provides that the Army Secretary "shall accept the findings, determinations, and conclusion of the Administrator as to water quality standards [including such intrastate standards] and related water quality considerations." This same provision is also set forth in paragraph (p)(7) (Procedures) of the Corps' proposed regulation. Prior to these provisions, the objections or comments of the Regional Representative of EPA to the Corps' District Engineers are merely advisory. Paragraph (p)(2) (Policies) provides that "the Corps shall accept such advice," but apparently this mandate is only intended to apply at the Secretarial level since the Corps' District Engineer can, as we said, disagree with EPA's Regional Representative and refer the matter to the Secretary.

We note that this mandate is derived from section 2(a)(2) of Executive Order 11574 of December 23, 1970.

When asked about the legal basis for transferring this authority from Army to EPA, Mr. Jordan testified (transcript, pp. 29–30):

"I realize that questions have been raised about this, that the permit program is a responsibility of the Department of the Army, but we feel this is appropriate on the legal side and we also believe it is the only practical way to make this program work on the pragmatic side. Somebody has to decide these questions.

"I would like to add that under our regulations, if a district engineer feels that the advice furnished by EPA at the regional level is inconsistent with the purposes of the program, he is given the option of bringing that particular permit case into Washington for resolution directly between the Secretary of the Army and the Administrator of EPA."

When there is a dispute and the case is referred to Washington, Mr. Jordan said the Army would "accept the Administrator's final determination" and that it "is unlikely . . . that there would be cases in which our views would be so strong" that Army would not "accept" that determination. (Transcript, p. 30). In such cases, he said that they would look to CEQ.

We agree with Mr. Jordan that the likelihood of EPA's advice not being accepted at the Secretarial level is remote. It is for this reason that we continue to believe it foolhardy for the CEQ to jeopardize the legal stability of the permit program by insisting in the Executive Order and the regulation that EPA's role be a final one, when the law provides otherwise.

Our House Subcommittee, in its letter of February 4, 1971, to CEQ urged that the Executive Order be revised to avoid this possibility. The letter states:

* * * Whatever contentions might be advanced for putting the Corps' responsibility into EPA, the fact remains that existing law does not do so. That responsibility is now in the Corps and it is the Corps' duty to perform it. That duty can be changed only by Congress, not by Executive Order.

In *Zabel* v. *Tabb*, 430 F. 2d 199 (C.A. 5, 1970), the applicants for a Corps permit under section 10 of the 1899 law contended that the denial of a permit without a hearing before the Fish and Wildlife Service "is a deprivation of property without due process of law." The court, in that case said:

"Administrative law requires that before an agency can regulate a party, it must allow that party to be heard. Here, landholders were given such a hearing before the Corps of Engineers, the body empowered to grant or deny a permit. They were not entitled to a hearing before the Fish and Wildlife Service because it is not 'the one who decides.' *Morgan* v. *United States*, 1935, 289 U.S. 368, 481, 56 S. Ct. 906, 912, 80 L. Ed. 1288, 1295. They were allowed to rebut the findings and conclusions of the Fish and Wildlife Service before the deciding body and thus were not denied due process for lack of a hearing."

An applicant for a Corps permit under section 13 of the 1899 law may well raise this same contention because, under the Executive Order, he cannot "rebut the findings and conclusions" of EPA "before the deciding body." Under the order, the Corps must "accept the findings, determinations, and interpretations" of EPA. In regard to water quality matters, the Corps is merely a conduit. Where water quality is a significant reason for denial of a permit, the applicant, under the Executive Order, will not be afforded the opportunity for a hearing before EPA. Indeed, under the restrictive provision of the Executive Order, neither the public, nor other Federal or State agencies, would be able to rebut EPA's findings in any hearing before the Corps.

We believe that only Congress and not an Executive Order can "govern the scope of the Army's power to decide."

We recommend that the third sentence of paragraphs (d)(6) and (p)(7) of the proposed regulation be revised as follows:

"Following such consultation, the Secretary shall, if the Administrator advises that the proposed discharge or deposit [accept the findings, determinations, and conclusions of the Administrator as to] is inconsistent with water quality standards and related water quality considerations and should not be permitted or, if permitted, should be conditioned, act in accordance with the policy established in paragraph (d)(2) above and shall promptly forward the case to the District Engineer with instructions as to its disposition."

We recommend that the following sentence in paragraph (p)(2) (Policies) be deleted:

"[The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.]"

VII. REFUSE ACT ENFORCEMENT

Paragraph (d)(1) of the proposed Corps' regulations states that ". . . the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

We believe that this statement will not be very persuasive to a court since it relates only to "legal action in appropriate cases," and does not adequately inform either the applicant or the court as to what are these "appropriate cases."

Assistant Attorney General Shiro Kashiwa on December 21, 1970 testified before the House Subcommittee on Fisheries and Wildlife Conservation that he will bring such "legal action" where "dangerous toxic substances are present in an industrial discharge." Moreover, Mr. Ruckelshaus, at the White House press conference of December 23, 1970, said that the permit program ". . . is not a moratorium on polluters complying with the implementation schedule" established under applicable water quality standards. He then said: "Just because somebody has applied for a permit does not mean he is, therefore, free to go ahead and pollute not pursuant to any implementation schedule that he has been put on."

We recommend that there be added to paragrah (d)(1) of the proposed regulation, the following:

"Notice is hereby given, that the Government may institute civil or criminal proceedings, or both, under 33 U.S. Code 407 even though an application for a permit is pending before the Corps, to vigorously enforce the Refuse Act where the Government believes that the applicant's discharge or deposit (1) is not in compliance with applicable water quality standards, including implementation plans, or (2) is hazardous to the public health, safety or welfare, or (3) is otherwise contrary to the public interest."

VIII. PUBLIC HEARINGS

Paragraph (k)(1) of the proposed Corps' regulation sets forth the Corps' policy concerning the holding of public hearings by the Corps in connection with Refuse Act permit applications. When this public hearing policy is compared with the hearing policy for other Corps' permits under sections 1, 10, and 14 of the 1899 law, we find, as Mr. Jordan stated, in his letter of January 19, 1971 to our House Subcommittee, that "there has been a shift in emphasis" by the Corps.

The Corps' policy for non-Refuse Act permit applications is that *"public hearings are helpful and will be held . . . whenever* there appears to be *sufficient public interest"* therein or *"when* responsible Federal State, or local authorities, including Members of Congress, *request* that a hearing be held and it is likely that information will be presented" that will aid "in determining whether the permit" should be issued. (Italics supplied). This eminently sound policy of the Corps has been in existence for some time for applications for landfills, dredging, and other works, and in May, 1970 the Corps, pursuant to the recommendation in the report of the House Government Operations Committee of March 18, 1970 (H.

Rept. 91–917), extended this hearing policy to "applications for the establishment or modification of harbor lines" under the 1899 law (35 F.R. 8280, May 27, 1970).

Paragraph (k)(1) of the Corps' proposed regulation establishes the policy for Refuse Act permits that such hearings *"may be helpful* and *will be held . . . whenever, in the opinion of the District Engineer such hearing is advisable."* In forming this opinion, the District Engineer, under the proposed regulation, must give *"consideration* . . . to the degree of interest by the public in the permit application, requests by responsible Federal, State or local authorities, including Members of Congress, . . . and the likelihood that" the information gained will aid "in determining whether the permit applied for should be issued." Further, the proposed regulation provides that a *"public hearing will not generally be held"* if there has been a prior hearing on the proposed discharge, "unless" the hearing is "likely" to develop "significant new information."

We appreciate the fact that the Corps and EPA want to avoid unnecessary duplication and expense and to minimize delays in processing Refuse Act permits. We share that goal. But, in our opinion, the Corps' public hearing policy, in existing regulations governing sections 1, 10, and 14 permits and the establishment and modification of harbor lines, allows sufficient flexibility to accommodate that goal. It provides that, where "it is likely that information be presented" at a public hearing that will help in deciding whether or not a permit should be issued, then it "will be held." Presumably, the Corps construes the existing language as providing it with sufficient flexibility to decline to hold hearings in connection with non-Refuse Act permit applications when there has been a prior hearing and no new information is expected to develop at a second hearing.

Indeed, the statement in paragraph (k)(1) of the proposed regulation that a "hearing will not generally be held" where there was a "prior" local, State or Federal hearing means that the Corps (and EPA) will decide on granting or denying a permit without ever giving the applicant or the public an opportunity for a hearing before the agency which decides an issue of water quality. Such failure would certainly render the permit program vulnerable to legal attack on grounds of denial of due process, particularly where the denial results in forcing an existing discharger to close his facility.

We recommend that paragraph (k)(1) of the proposed regulation be amended as follows:

"It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, [a public hearing may be] public hearings are helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State, or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. [whenever, in the opinion of the District Engineer such a hearing is advisable.]"

We also recommend that the third and fourth sentences of paragraph (k)(1) be deleted since they are not necessary in light of the above amendments.

IX. EPA REVIEW

A. Paragraph (l)(1) of the proposed Corps' regulation provides that when a permit application is received, a copy "will be promptly forwarded . . . to the Regional Representative of EPA." Paragraph (l)(2) states that if the "required certification" does not accompany the application then the applicant must be "advised that no action will be taken on his application until" it is received or until "a year" expires and that the application "will be processed only to the extent of sending a copy" to EPA.

Section 615.11 of EPA's proposed regulation of February 5, 1971 (36 F.R. 2516) states that when a licensing or permitting agency receives both an application and a certification, that agency "shall immediately notify" EPA.

We believe that the Corps' regulation is better because it allows EPA time to review the application while the certification request is pending at the State level. But the two regulations should be reconciled. Further, we believe that the proposed regulation should give the Interior and Commerce Departments the same period as EPA does to review the application.

We recommend that the words "and to the Regional Representatives of the Fish and Wildlife Service and NOAA" be inserted before the period at the end of paragraphs (l)(1) and (2).

B. Paragraph (l)(4) states that if EPA fails to act within 45 days after receiving a completed permit application, the Corps' District Engineer shall consider that the "advice furnished by a State or other certifying authority" is also EPA's advice, unless EPA ask for an extension of time. This provision causes no difficulty where the State refuses to certify, because the Corps would then simply deny the permit. But if the State either certifies, or fails to act on, the application, and EPA does not act or fails to ask for an extension, then paragraph (l)(4) compels the Corps to approve the permit even though neither EPA or the Corps has investigated or reviewed the water quality effects of the proposed discharges. Indeed, Mr. Quarles testified on February 19, 1971 (transcript, p. 389) that "Our policy will be to review all of the permit applications . . . within the limits of the manpower resources which we have." We believe this policy is in the public interest. But, in view of EPA's admittedly inadequate staff to handle the large number of applications which will be filed in the near future, it is not likely that EPA will act to carry out this policy within 45 days after a State acts. This time limitation then is unduly short. We believe that, at least for the first year of the permit program, the regulation should not place any time limitations on EPA's ability to carry out this policy.

We recommend that the third and fourth sentences of paragraph (l)(4) be deleted, and that the second sentence of that paragraph be amended, as follows:

"The Regional Representative of EPA will be asked to review the application and to (i) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b)(2) of the Water Quality Improvement Act of 1970), and (ii) provide the other information identified in paragraph (d)(3) of this section [within 45 days] as soon as possible."

X. SCOPE OF REFUSE ACT

The second sentence of paragraph (d)(7) of the proposed Corps' regulation states:

"No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act *since primary permit and enforcement authority for all oil discharge is contained in that Act.* (Italics supplied)."

The phrase italicized above, implies that oil discharges are not subject to control under the Refuse Act.

The courts have repeatedly ruled that oil is "refuse matter" within the meaning of section 13 of the Refuse Act. *United States* v. *Alaska Southern Packing Co.* (*The La Merced*), 84 F. 2d 444 (C.A. 9, 1936); *United States* v. *Ballard Oil Co. of Hartford, Inc.*, 195 F. 2d 369 (C.A. 2d 1952). Similar rulings with respect to oil discharges under the Act of June 29, 1888 (25 Stat. 209, 33 U.S. Code 441) which prohibits discharge of "refuse" into New York Harbor were made in *The Albania*, 32 F. 2d 727 (D.C. S.D., N.Y. 1928); *The Columbo*, 42 F. 2d 211 (C.A. 2, 1930). Indeed, the Supreme Court, in *United States* v. *Standard Oil Co.*, 384 U.S. 224, 230 (1966), a case which invloved the discharge of petroleum products into a navigable waterway, expressly stated:

"The word 'refuse' includes all foreign substances and pollutants apart from those 'flowing from streets and sewers and passing therefrom in a liquid state' into the watercourse."

Section 24 of the Federal Water Pollution Control Act, as amended, specifically provides that it "shall not be construed as . . . affecting or impairing the provisions of sections 13 through 17" of the River and Harbor Act of 1899.

Section 11 was added to the FWPC Act by the Water Quality Improvement Act of 1970 (Public Law 91–224, April 3, 1970). There is nothing in section 11 or the 1970 Act which in any way modifies or affects the disclaimer provision of section 24 of the FWPC Act just quoted.

We note that in his letter of January 19, 1971, to us, Mr. Jordan said he "would have no objection to the deletion" of the above underlined words in the second sentence of paragraph (d)(7). We urge that those words be deleted.

The points discussed in this letter cover the principal areas of our concern. Some additional points have been mentioned in our letters of January 26, 1971 to General Clarke of the Corps and of February 16, 1971 to Mr. Jordan; and in Mr. Jordan's testimony of February 18, advising us that the Corps will make other changes which will also improve these regulations.

As we said at the close of the hearings on February 19, the staff of our subcommittees stand ready to discuss these issues further with your agency, the Corps, and EPA and to help wherever possible to get this program under way early next month.

We are sending a copy of this letter to the Secretary of the Interior, the Secretary of the Army, the Chief of the Corps, the Administrator of EPA, and the Administrator of NOAA.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee.

WASHINGTON, D.C., *February 26, 1971.*

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Enclosed for your information, review, and comment is a copy of a letter we have today sent to Chairman Train of the Council on Environmental Quality concerning the Corps of Engineers proposed 1899 Refuse Act program.

I

We understand that your agency has entered into contracts with at least 16 research firms to collect data and establish effluent levels for 20 or more industries and to provide reports to you within the next few months. These studies, we are told, will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries.

We understand that EPA contemplates appointing several committees—one for each industry category—to review these reports and give industry a voice in the establishment of these advisory guidelines. We also understand that EPA intends to apply these

guidelines in the Refuse Act permit program where the refuse is discharged into an interstate waterway.

We are concerned that EPA in the process of developing these advisory effluent guidelines, has not indicated what procedure it will follow to insure that the public participate in the development of these advisory guidelines.

We believe that such public participation can be insured only if each of the advisory guidelines are published in the Federal Register and the public is given ample time to consider and comment on them *before* they are finally adopted.

We would also like to review each of these advisory guidelines before they are adopted by EPA.

Also, we urge that EPA broaden the makeup of each of these committees reviewing these advisory guidelines to include effective representation by State Water Pollution Agency representatives and public interest groups.

We would also appreciate your providing to us:

(1) A copy of each of the reports submitted by these research firms when they are available to your agency.

(2) A list of all the interstate waterways in each State showing (a) those for which water quality standards have been fully approved, and (b) those for which water quality standards have been partially approved, under the Federal Water Pollution Control Act; and showing for each State the percentage of its waterways which are interstate waterways under that Act.

(3) A copy of all comments received by EPA concerning the permit program, proposed regulations and memoranda of understanding, under the 1899 Refuse Act.

Please also advise us whether, and the extent to which, you propose to apply the advisory guidelines to industrial effluents discharged into intrastate waters.

II

On February 5, 1971 EPA published a proposed regulation (36 F.R. 251) concerning state certifications under section 21(b) of the Federal Water Pollution Control Act. We believe that section 615.13 of EPA's regulation is inconsistent with the Corps' proposed permit program regulation, and should therefore be revised.

Section 615.13 states that EPA "shall review applications and certification" to determine if "there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge occurs." EPA then has 30 days to notify the affected State. Under the proposed EPA regulation, this is the only review function EPA has. However, paragraph (d)(3) of the Corps regulations states that EPA will advise the Corps on the "meaning and content of water quality standards" established under the FWPC Act, the "application of water quality standards to the proposed discharge or deposit," the "permit conditions required to comply with water quality standards," and on other matters. If the permitting or licensing agency requests such advice, EPA must under section 21(c) of the FWPC Act provide it. Nowhere are these functions mentioned in EPA's February 5 regulation, which merely authorizes EPA to provide "determinations, definitions, and interpretations" with regard to various water quality matters. Further, we fail to understand why EPA's proposed regulations do not provide that it *must* provide such advice to the Corps on dredging and fill and outfall sewer permits and to the FPC on the licenses which the FPC issues and to the Interior Department on the licenses or permits (as that term is broadly defined in section 615.1(a) of EPA's proposed regulation) which that Department issues. Certainly, the water quality considerations of these permit or license applications are no less important than those of the Refuse Act permit applications.

In his testimony of February 19, Mr. Quarles recognized that these steps "have not yet been spelled out." (Transcript, p. 406.)

III

On January 12, 1971 you entered into a Memorandum of Understanding with the Secretary of the Army concerning investigations of violations of the Refuse Act (33 U.S. Code 407). That document was published in the *Federal Register* on February 17, 1971 (36 F.R. 3074) without an opportunity for public comment, although it "incorporated . . . and made a part" thereof another proposed EPA-Army memorandum which was published as proposed rule making on January 21, 1971 (36 F.R. 983).

We believe that it was inappropriate for EPA and Army to publish this document as final without an opportunity for public comment since it affects enforcement (a) of the Refuse Act by U.S. Attorneys under new guidelines that are still in draft form, and (b) of Refuse Act permits which will be issued under a Corps' regulation that is not yet in final form.

The February 17 Memorandum of Understanding, in paragraphs IV. A and B, provides that EPA shall have "primary Federal responsibility for identifying and investigating" Refuse Act violations "which have an adverse impact on water quality," and that, when a District Engineer learns of such violations, he will inform the Regional Representative of EPA who "will make such investigation as he deems appropriate and shall advise" the Corps "whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred."

We strongly object to these provisions for the following reasons:

First, Mr. Quarles testified on February 19 that EPA's "resources are not going to be broad enough to cover this problem," and that a "sizable increase" in EPA's personnel will be needed. He noted that the "President will shortly be transmitting a supplemental budgetary request" for this purpose (Transcript, p. 401).

This testimony makes it doubtful that EPA will be able to carry out the mandates of the memorandum in the near future. Money must first be requested by the President and appropriated by Congress. Further, EPA must then hire and train the needed personnel. In the meantime, the Corps and U.S. Attorneys who refer Refuse Act cases to EPA will get little action on them and our waterways will continue to be polluted.

Assistant Attorney General Shiro Kashiwa inserted in the Hearing on February 19 (Transcript, pp. 61–262) a letter dated February 17, 1971, from Mr. David J. Cannon, U.S. Attorney for the Eastern District of Wisconsin, in which he said he referred 131 violations of the 1899 Act in Wisconsin to EPA early last year and that he had not yet "received any report from" EPA. He said:

"I would appreciate it if you (Mr. Kashiwa) would use the power of your office to *prod* the Federal Water Pollution Control Administration people to follow through with their investigations *as they promised last June.*" (*Underlining* supplied.)

Second, the memorandum makes no distinction between Refuse Act violations and violations of Refuse Act permit conditions.

In the former case, Mr. Kashiwa testified (Transcript, pp. 282–289) that the only evidence needed was (a) proof that the discharger did not have a Corps permit, (b) a sample of the upstream water, and (c) a sample of the refuse discharge.

In the latter case, there must be evidence that, in fact, a violation of the permit occurred.

In both cases, these involve a technical review. Yet under the memorandum EPA must also advise on the "nature and seriousness of the" violation and its impact "on water quality"; on the "existence" of State or local "pollution abatement proceedings;" on the "applicability of the Federal Water Pollution Control Act;" and whether any "administrative or judicial proceeding is being taken" or, indeed, is merely being "contemplated," under that Act.

As we have said time and time again in regard to the July 10, 1970 Justice Department Guidelines on enforcement of the Refuse Act, the existence or non-existence of such actual or contemplated State, local, or Federal "proceedings" has no bearing on whether or not enforcement of the Refuse Act should be undertaken. Although the new draft Justice Department guidelines have removed this objectionable feature in the July 10 Guidelines, the guidelines are now made dependent entirely on EPA's review and EPA's advice concerning the above mentioned matters. We can only assume that if such "proceedings" exist there would be no enforcement of the Refuse Act or its permit conditions. It is imperative that the memorandum be revised to eliminate this barrier to effective enforcement of the Refuse Act and the permits thereunder.

Sincerely,

HENRY S. REUSS, *Chairman.*

WASHINGTON, D.C., *February 26, 1971.*

Hon. SHIRO KASHIWA,
Assistant Attorney General, Department of of Justice, Washington, D.C.

DEAR MR. KASHIWA: Enclosed is a copy of a letter we have today sent to the Administrator of the Environmental Protection Agency concerning enforcement of the 1899 Refuse Act (33 U.S. Code 407).

I

During the hearing on February 19, 1971 before the Senate Subcommittee on the Environment and Members of our Subcommittee, you testified that you would provide to us "a list of all of the complaints of violations" of the 1899 Refuse Act "that have been filed" with the Justice Department since January 1, 1970 and "the action taken." We enclose a table to aid you in preparing this list.

We understand that you will draw upon the assistance of the other divisions in the Justice Department and the U. S. Attorneys in preparing this list.

II

On October 16 and December 18, 1970, we wrote to you asking several questions concerning enforcement of the 1899 Refuse Act by the Justice Department in the 10 mercury discharge cases. A copy of each letter is enclosed.

Your letter of January 25, 1971 did not reply to several of these questions on the basis that the "cases were not settled."

Since all of the questions we asked related to matters made public by your Department and the Interior Department, and since each of the mercury complaints and stipulations are printed in Appendix 9 (p. 181) of this subcommittee's hearing on September 17, 1970 entitled "The Establishment of A National Industrial Wastes Inventory" (copy enclosed), we believe your Department has an obligation to explain to this subcommittee the matters raised by our questions. We therefore again request that you promptly respond to each of our questions in the enclosed letters so that we may evaluate the effectiveness of enforcement under the 1899 Refuse Act in these cases.

In our letter of December 18, 1970, we asked for a copy of each of the mercury defendant's "plans to reduce" their mercury discharges. Three plans are required to be filed under each of the stipulations entered into between the Government and 9 of the 10 defendants.

In your reply of January 25, 1971, you said that the Justice Department is "obliged to withhold" these documents, since "disclosure would not be appropriate."

We believe that you are "obliged" not to "withhold" these documents, but to make them available for public scrutiny. These plans were filed pursuant to court approved stipulations. We therefore believe they are public documents. Moreover, they have been made available to other Federal agencies by your Department. We therefore again request that you promptly provide to us a copy of each of these plans.

In your letter of January 25 you replied to one of our questions as follows:

In question 5(b) you ask whether mercury discharges must be limited to a maximum of 8 ounces per day or an average of 8 ounces per day. Paragraph 2 of the Stipulation I forwarded to you refers to "the average total net discharge of mercury," which is to be limited to no more than "the equivalent of (8) ounces per day . . ." Paragraph 3 provides for computing this average on the basis of a 21 consecutive day period. Computing the discharges on an average basis was considered essential since a variety of factors, such as a heavy rain, can cause considerable daily variations in the mercury discharge levels.

1. We would appreciate your explaining to us in greater detail how such factors "as a heavy rain" could "cause considerable daily variations in the mercury discharge levels" which, presumably, are measured at the point source of the discharge where "rain" could not be a factor.

2. Please indicate to us (a) what other factors are considered in measuring "mercury discharge levels," and (b) whether these factors are related to the discharge or to the conditions of a particular waterway into which the discharge is made.

Sincerely,

HENRY S. REUSS, *Chairman.*

WASHINGTON, D.C., *March 1, 1971.*

Hon. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR MR. CHAIRMAN: The Subcommittee on the Environment was fortunate ot have received testimony from so many highly qualified Administration witnesses during our Refuse Act hearings of February 18 and 19, May I, through you, express thanks and appreciation for their participation. I believe the Administration's program received a thorough and productive airing.

You are aware, I am sure, that the hearings served to pinpoint certain areas of disagreement between the Administration and some of us on the Congressional side of the table. I have read Congressman Reuss' letter of February 26 to you which discusses these points, and, as you might expect, I am in general agreement with its contents. I would like to underscore what I regard to be some of the most important of his suggestions and to elaborate somewhat on my reasons for supporting them.

First of all, it appears to me that the Administration will jeopardize unduly a potentially valuable program if, in the absence of a reorganization plan, it leaves the final determination on water quality matters to the Environmental Protection Agency. Whereas, as a matter of policy, I would agree that the final say ought to be there, the legality of the proposed methods of placing it there seems to me highly questionable.

However one phrases what is being done by the program, it amounts to the transfer of a function, or at least a part of a function, which was conferred on the Secretary of the Army by the Refuse Act. The Executive Reorganization Act by its express terms prescribes an *exclusive* procedure for the transfer of any function or part thereof from one agency of government to another. That procedure, a formal reorganization plan, has not been complied with in this instance. I would suggest that the Administration send up a plan at the earliest possible date transferring all water pollution responsibilities under the Refuse Act to EPA. Alternatively, it might consider the option of leaving the final say on water quality in the Corps, though I would regard this as less desirable.

My major concern regarding the program, however, relates not to its questionable legality, but rather to its failure in one particular respect to go as far as the law permits. At the hearings, the Administration witnesses told us that, under the program, intra-state waters would remain unprotected by federally-approved standards. They further stated that, subject to some exceptions, the federal permitting authorities would not question the adequacy of state standards in the granting of permits for discharges into intra-state waters. Mere compliance with these admittedly deficient standards would thus provide the basic condition for approval of such permits.

Whereas the witnesses admitted that this would be an unfortunate result, some of them expressed the view that in the absence of new legislation, they were without legal authority to prevent it. I cannot agree with this position. The Refuse Act authorizes the Secretary of the Army to permit the deposit of refuse "within limits to be defined and subject to conditions to be prescribed by him." It would thus by its language appear to authorize the Secretary to set standards for all navigable waters—including those now unprotected by federally-approved standards—as conditions for Refuse Act permits. *Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers Inc.* (C.A. No. 70-H-1004, Feb. 10, 1971), where the United States District Court for the Southern District of Texas in a *dictum* referred to the Secretary's "adequate authority . . . to develop and implement general standards for a permit system", provides additional support for this view.

Nothing in any of the recent water quality legislation would appear to remove this authority from the Secretary. As pointed out in the hearings, all of that legislation is subject to the savings clause of Section 24 of the Federal Water Pollution Control Act which expressly leaves the operation of the Refuse Act intact. Whereas some have argued that Section 21(b) of the Water Pollution Control Act deprives him of this authority, the words of the statute do not support this view. Even if one ignores the language of Section 24, which would leave the Refuse Act totally unaffected by Section 21, 21(b) speaks in terms of necessary and not sufficient conditions for the granting of permits. Its certification requirement thus ought not to be read to exclude the establishment of additional permit requirements by the Secretary.

Finally the National Environmental Policy Act supports an expansive reading of the Refuse Act. To the extent that there is any doubt about the Secretary's standard-setting authority, the Policy Act, which requires that "to the fullest extent possible . . . public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act", would appear to resolve that doubt in his favor.

All of this is not to say that those in Congress who passed either the Refuse Act, the Water Pollution Control Act or the Policy Act actively envisioned federal standards protecting all navigable waters from pollution. It is to say, however, that in light of the language of the statutes and cases relating to water pollution control, a court would almost certainly uphold federal standards promulgated under the Refuse Act.

At the hearings, it was argued that even if such standards could legally be adopted, it would nonetheless be impractical to administer them. The tremendous additional burden that would be placed on the federal government was cited as cause for concern.

While admittedly lacking a thorough familiarity with the administration of the water pollution control program, I would not agree with this line of argument. Neither the setting nor the enforcement of federal standards would, on the face of it, seem to create the sort of burden which is feared. My understanding is that EPA is currently working out effluent guidelines interpreting for some 22 industries what is meant by "secondary or equivalent treatment" and that no permit for discharges into interstate waters will be issued unless those guidelines are met. It would seem to impose no additional burden to determine that such guidelines would apply to intra-state as well as inter-state waters. If a reorganization plan were adopted transferring Refuse Act authority for water pollution control to EPA, the Administrator could promulgate these directly as standards. If not, EPA could advise the Corps to do so.

As far as administration of these standards is concerned, again the additional federal participation would not appear to be overly demanding. We received testimony that EPA is already planning to review state certifications to ensure (1) that the applicant's discharge will in fact comply with state standards, (2) that federal hazardous substances standards will be complied with, and (3) that fish and wildlife resources will be protected. If this review is meant seriously—and we were given every indication that it is—a rather extensive federal role on intra-state waters is already in the offing. Far from vastly extending this role, the adoption of federal effluent standards might simplify the review process. Comparing a discharge to an effluent standard would appear far easier than determining whether that discharge will exceed a state's receiving water standard. Moreover, imposing adequate federal standards would seem much simpler than deciding time after time that discharges in compliance with inadequate state standards will not protect fish and wildlife.

If despite this analysis, the additional burden would be substantial, I would argue that we must nevertheless assume it. The alternative is to continue to let our waters deteriorate when it is within our power to protect them. The response that we will protect them after Congress acts six months, one year, or two years from now I find unacceptable. It is my hope that you will not accept it either.

Sincerely yours,

PHILIP A. HART,
Chairman.

[From the Washington Post, Feb. 28, 1971]

GIVING MUSCLE TO THE REFUSE ACT

Until a few years ago, the 1899 Refuse Act lay on the books virtually unnoticed and unused. It was one of many environmental protection laws written long before the recent awakening to the fact that our environment is endangered. Then, about a year ago, Rep. Henry Reuss of Wisconsin happened onto the law and saw that it was as fresh as this morning's bread. Specifically, the 1899 Refuse Act forbids any person or corporation to discharge any "refuse matter of any kind or description whatever" into the nation's navigable waters without a permit from the Corps of Engineers. On the exact meaning of refuse, the Supreme Court, in two decisions, said that the term referred to virtually all forms of industrial pollution; violating the Refuse Act was a federal crime.

The law has one major hitch, however. Conditions for granting permits is left in the hands of the Secretary of the Army; he reviews an application from, say, XYZ steel company and decides whether or not to permit it to dump its waste into a given river, and in what quantities. Nothing is said in the 1899 Act about how the Corps of Engi-

neers establishes standards for measuring pollution; in other words, the act forbids pollution, but it authorizes the Corps of Engineers to determine what in fact pollution is.

Late last year, the administration, urged on by the new Council on Environmental Quality, announced it would use the Refuse Act to create a new permit program. It is now clear, however, that the program proposed by the administration does not flex all the muscle that could be used. A major concern is that not all of America's navigable waters will be protected by federally approved standards. That only some waters are protected, and not all, is due to the administration's reliance on the limited authority of the Water Pollution Control Act. The Refuse Act, however, extends not only to rivers, watercourses and streams that cross or form state lines (interstate), but to waters that run within a state's boundary (intrastate). The latter are being dirtied, perhaps ruined, by being the receptacle of a large part of this country's industrial waste. If the administration used the full power of the Refuse Act, these waters would be protected also.

Last week, in hearings before Senator Hart's Subcommittee on the Environment, the administration's proposed permit program received a close look from such conservation groups as the Natural Resources Defense Council, the Audubon Society and the National Wildlife Federation. Perhaps because of the administration's haste to get involved, its first efforts are understandably timid and narrow. The administration deserves credit for its interest in backing the Refuse Act; currently, it has a proposal before Congress allowing its water program to reach intrastate waters. But why wait for this authority when the Refuse Act already gives it?

Now that it has joined Representative Reuss. Senator Hart and others, the administration might as well go all the way beyond the Water Pollution Control Act by covering all navigable waters, not just some; and by considering all the environmental risks of permitting water pollution. With the wastes from thousands of factories and plants involved, not to mention the very life of our waterways, the Refuse Act is anything but a useless vestige of the last century.

SUSPENDING THE BACON-DAVIS ACT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, the President's action in suspending the Bacon-Davis Act, as an anti-inflation move, is strangely inappropriate. As part of a pattern of action by which the President seeks to reduce wage scales generally and to undercut free collective bargaining, it is more understandable, but still indefensible.

The President and his spokesmen have sought to make several points in their barrage of "justifications" for the suspension of Bacon-Davis.

First, they have alleged that the Bacon-Davis Act requires construction wages on Government contracts to be pegged to the highest wages for comparable work, or at least pegged to the union scale.

This is incorrect. The Bacon-Davis Act merely requires that Government contractors agree to pay the prevailing wage in the area—union or nonunion—and not less than the minimum wage. It was passed, not to boost construction wages, but to prevent Government contracts from being used to depress existing wages, by prohibiting wage undercutting in Government construction. Nothing in the act requires the payment of wages at an artificially high rate. It does and it should require the Government to avoid doing business with cut-rate, fly-by-night contractors.

In suspending the act, the President clearly means to suggest that the Government will begin to do business with contractors who are paying less than the prevailing wage to the detriment of reputable established contractors and their employes. This is, of course, wholly contrary to public policy, and if the President is determined to do it, he should first find someone to introduce a bill repealing Bacon-Davis. It would not pass, and it should not pass, but this approach would have the refreshing novelty of directness.

Another "justification" for this action which was apparently offered by the President himself was the amazing contention that the construction industry benefits from a unique statute in Bacon-Davis.

This too is incorrect. Government supply contractors and Government service contractors, like construction contractors, are also bound to pay their workers the prevailing wages and not to go below the minimum wage. Once again, in these two areas, as in construction, the basic principle that the United States should not be a party to catching workers between the fire of unemployment and the frying pan of substandard wages governs our contracting. That the President has chosen construction as the unique target of his abandonment of this longstanding policy is bad enough. But to assert that the policy he has abandoned applies uniquely to construction is worse.

A third argument in favor of the President's action is the repeated contention that wages are the inflationary component of construction costs. Mr. Speaker, I find it unbelievable that any public official who has seen where interest rates have gone, during and with the blessing of this administration, could have the gall to suggest that construction workers' wages are inflationary, but that bankers' profits are not. Wage increases can cause inflation, Mr. Speaker, if they are out of line with productivity. But artificially inflated interest rates are inflation pure and simple and the fact that they have now begun reluctantly and belatedly to inch downward, simply indicates that the Nixon hard-money policy had driven interest rates even beyond the profit point for the bankers.

In summary, Mr. Speaker, the President's action suspending Bacon-Davis and the silence of this administration with respect to the inflationary contributions of their banker friends does give us cause for grave concern.

HEARINGS ON LOBBYING BILL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as chairman of the Committee on Standards of Official Conduct, I take this means of calling attention to hearings which the committee is scheduled to open March 16 on H.R. 5259, the Legislative Activities Disclosure Act, a bill which would repeal the 1946 Regulation of Lobbying Act and replace it with a completely new body of law.

With Representative JACKSON E. BETTS, of Ohio, ranking Republican member of the committee, as cosponsor, I introduced the bill on March 1 in response to House Resolution 1031 of the 91st Congress, second session. That resolution directed our committee to study the need for new legislation in the areas of lobbying and campaign finances. The committee subsequently conducted public hearings on both subjects. H.R. 5259 is a result of our study of lobbying.

Now we are seeking to submit that bill to a broader cross-section of opinion. We solicit the views of all who want to be heard concerning its provisions. While this announcement is intended primarily for Members of Congress who are interested in giving us the benefit of their views concerning the bill, we are equally interested in gaining the opinions of others, including those who would be subject to it.

We invite anyone desiring to testify concerning the bill to get in touch with the committee staff in room 2360, Rayburn House Office Building, so that a schedule may be arranged for their appearances. We also invite statements for the record of those who are interested in the bill but who may not be able to appear before the committee.

SUPERSONIC PROTOTYPES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, under unanimous consent to extend my remarks I would like to include the following statement of my colleague, the gentleman from Ohio, CLARENCE J. BROWN, before the Transportation Subcommittee, Committee on Appropriations, U.S. House of Representatives, on the development of the two supersonic transport prototypes.

STATEMENT BY CONGRESSMAN CLARENCE J. BROWN, OF OHIO, BEFORE THE TRANSPORTATION SUBCOMMITTEE, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, MARCH 3, 1971

Members of the Appropriations Committee: Why should the United States complete the development of two prototype airplanes of the supersonic transport? I believe there are three good reasons: economic, environmental and social. And I shall discuss each in brief factual detail.

There has been an unfortunate tendency on the part of the opponents of completion of the American SST prototypes to use demagogic "scare" charges and to continue to use such attacks even after they are outdated or disproved. I have had the opportunity to debate the question of completing the SST funding with such opponents and have been shocked to hear them use the report of an Ad Hoc Task Force of Cabinet officials which President Nixon named when he first became President. The op-

ponents of the SST indicate that this first cursory study by the Administration indicated SST development was deferrable—but they do not indicate that the predicate of the study was that there would be no British-French Concorde or no Russian TU–144. I should like to submit with my testimony today an article on the Concorde which appeared in the February 8, 1971, issue of Aviation Week and Space Technology and a copy of an advertisement from the December 28, 1970, issue of the same publication advertising the Russian TU–144 on display and ready to be sold soon.

Distortion of facts by SST opponents has become common. When the Joint Economic Committee did its study last year on the SST, the chairman of the subcommittee making that study wrote Under Secretary of Transportation James Beggs and the members of his 1969 administration ad hoc study committee on the SST and asked for 1970 updated comments on their 1969 viewpoints. The responses favoring the SST and based on more accurate information than was available in 1969 were ignored in the Committee's final report. Specifically, the chairman wrote to Dr. Lee DuBridge, the President's science advisor, urging him to be sure and respond by May 1 so that his latest views could be included in the Joint Economic Committee's final report. Dr. DuBridge did reply on April 22, 1970, and his rather lengthy letter concluded with this comment, "Thus, on hte whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project." But the Committee report chose to ignore those views and proceeded to report on page 15 "the Director of the Office of Science and Technology concluded that 'the Government should not be subsidizing a device which has neither commercial attractiveness or public acceptance'."

The Joint Economic Committee's August 1970 report also distorts the views of the Under Secretary of the Treasury for Monetary Affairs in the same way by quoting from his 1969 statement which assumed no commercially viable foreign SST and then further distorted his views by proof-texting from his 1970 letter. Ignored by the Joint Economic Committee report is the conclusion of the Treasury Under Secretary's 1970 letter which says, "I am therefore not in a position to provide you with a up-to-date assessment of the commercial prospects for his plane. Nor have I personally kept in touch with recent efforts to solve the various environmental problems raised by the SST aircraft."

The opponents of the SST do not consider significant the fact that on December 7, 1970, every department of the federal government which could be remotely considered appropriate for commentary reported favorably on the development of the two SST prototypes and that the President's Council on Environmental Quality has recommended that the prototypes be completed so that the studies they will make possible may be undertaken.

In a televised debate just the other night, an opponent of the SST charged that a National Academy of Science report, supposedly representing the views of many eminent scientists, had concluded that SSTs would cause skin cancer. Apparently Dr. James E. MacDonald, a senior physicist at the Institute of Atmospheric Physics of the University of Arizona and an authority on Unidentified Flying Objects, also repeated this charge before this Committee yesterday. I asked that the matter be checked out through the National Academy of Science and the following is the reply received late yesterday:

Final telegram to be wired this afternoon 3/1/71.

To: William Magruder, Director, SST Development.

In response to your inquiry with respect to reports that the National Academy of Science has issued a statement that the SST could increase the incidence of skin cancer. I want to advise you that the NAS has not issued such a statement. I am chairman of the NAS review subgroup on weather and climate modification which is presently updating its 1966 report. The review subgroup is analyzing a number of tentative conclusions and will publish this report after these conclusions have been subjected to the normal NAS procedure of a thorough scientific review to insure their validity.

Dr. THOMAS MALONE,
Chairman, National Academy of Science Review Subgroup on Weather and Climate Modification.

The fact is that a number of Americans have been misled about the nature of the competition the American aerospace industry faces from the French-British and Russian developments—and some of it has been purposeful. I also am submitting to the committee a copy of a transcript of a wireless interview I had on August 19, 1970, with John Hosken of the British Broadcasting Corporation immediately following the issuance of the report on its hearings on federal transportation policy and the SST by the Joint Economic Committee. In that interview Hosken asked, "On Concorde itself, why was no first-hand evidence sought from the Anglo-French technicians. it seems to me to be a very grave loss here." He goes on to observe, "But I understand the committee only took evidence on Concorde first-hand from a British journalist; it strikes me as being a rather slap-happy way of coming to such a damning conclusion."

The fact of the matter is, Mr. Chairman, a lot of the conclusions damning the SST have been arrived at in a slap-happy manner. But the perpetuation of such conclusions on the part of public officials and responsible journalists is inexcusable and is a grave disservice to American national interests. For instance, the criticisms of take-off and landing noise of the SST by Dr. Richard Garwin are based on outdated information, but it is still liberally quoted while the recent reports of Dr. Leo Beranek of the recognized firm of acoustical experts, Bolt, Beranek and Neuman are ignored.

Similarly, the opponents of the completion of the SST prototypes are fond of quoting from the study of a work group on climatic effects of the SST at the Massachusetts Institute of Technology 1970 Summer Study of Critical Environmental Problem meeting at Williamstown, Massachusetts; but they overlook a follow-up statement by Dr. Will Kellogg, associate director of the National Center for Atmospheric Research and chairman of that work group, which says "I am very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's.

"It is my profound hope that the U.S. Congress will not be mislead by these exaggerations or by scientific misstatements."

And within the past couple of weeks there was a page one story in the Washington press quoting a story in the London Observer to the effect that neither the British Overseas Aircraft Corporation nor Air France felt the Concorde could be operated economically. The next day a story appeared in which BOAC denied the earlier report, but this follow-up appeared on page nine.

Such has been the effort to mislead this Congress by those who would see us discard the project which has already received $860 million in federal funds and $140 million from prime contractors (Boeing and General Electric), subcontractors and 26 airline companies in the United States. In addition to this billion dollars of investment which would be lost if the project is not completed, another $100 million would be needed to terminate the federal obligation in orderly fashion. So we are talking about a total of $1.1 billion if we quit now as opposed to current total estimated costs of $1.68 billion to complete the prototype phase. The government's share of this completion total would run $1.3 billion; the prime and subcontractors will have put in an estimated $300 million; and the airlines will have an estimated $80 million invested.

Thus, you should really be thinking today about $340 million of federal funds—the difference between $1,300 millions of federal funding to complete the prototypes and the federal cost of at least $960 million to terminate the project as of March 31, 1971. Total liability could run as high as $1,100 millions, of course, if we stop now.

The precedents are clear for spending this kind of money on the development of the nation's transportation resources and technology. Just as the U.S. airlines have enjoyed federal subsidies for develoment, so the commercial aircraft industry itself has been the recipient of airplane technology from development of military aircraft for both wartime and peacetime uses. Subsonic commercial jets like the Boeing 707 and the DC–8 were made possible by the federally funded research which developed the Air Force's B–47 and B–52. The DC–3, the first plane to make commercial air travel economical and convenient, was originally developed as a military project for World War II use. And, of course, the very titanium technology which will make it possible for the American SST to be bigger, stronger and faster than foreign SSTs made of aluminum was originally developed for U.S. military planes now flying supersonically at altitudes even higher than the prospective cruising range of the commercial SST.

It should be unnecessary for me to list examples of the historic commitment of our U.S. government to the development of faster, more convenient and safer transportation. Such federal funding or subsidization includes the early post roads and canal systems which leaped the Appalachian Mountains, the railroads which opened the American West, the Panama Canal which linked two oceans, and the incomparable interstate highway system on which $36 billion has been spent to reduce the cost of delivery of consumer products to every corner of our nation. American bargelines have their rights-of-way built and maintained by federal funds and our oceanic merchant marine fleet has been the recipient of ship-building subsidies for years to maintain some small measure of competition with the flag vessels of other nations.

As a matter of fact, during the same period of time our federal government has been spending a potentially recoverable $860 million on the development of two SST prototypes, it has invested over two billion dollars on oceanic shipbuilding in an effort to try to restore the U. S. fleet to the competitive postition it once held.

Similarly, more federal funds (over one billion dollars in all) have been spent in the last decade trying to maintain and develop urban mass transit in the United States and $3.1 billion in federal funds have been committed to this effort over the next five years. Even such a highly specialized problem as vertical and short take-off and landing for the benefit of military and domestic commercial airplanes has been the recipient of over half a billion dollars of federal funds in recent years.

But the SST project is different from all these in that the federal government will receive all of its direct investment back in royalties by the time an estimated 300 planes

have been sold and it will receive an extra billion dollars in royalties if 500 of the projected 500 to 800 sales materialize by 1990.

The SST project is also different in that we are not trying to develop a new transportation industry (as we once were with intercontinental railroads) or revive one that has collapsed (as we are with the merchant marine or uban mass transit). In our investment in the development of SST prototypes, we are merely continuing the development of an industry which is one of the great contributors to the nation's economic well-being.

The aerospace industry, one of our nation's most technology-intensive, supplies 85 percent of the world's markets for new aircraft equipment and parts and thereby contributes to a favorable balance of U. S. trade, an amount which has varied between one and two-and-a-half billion dollars annually during the past decade. It is to such technology-intensive industries that America must look in future years for a preservation of our balance of trade, according to recent testimony by Commerce Secretary Maurice Stans before the Joint Economic Committee on which I serve. In 1970 our trade balances were negative by $6.1 billion in non-technology-intensive manufactured products and by $2.3 billion in raw materials. We were only enjoying a $1.5 billion favorable trade balance in agricultural products. But in the technology-intensive industries, our favorable trade balance in 1970 was $9.6 billion—enough to offset the other categories by $2.7 billion. The significance of the over two billion dollars favorable balance contributed by the current competitive advantage enjoyed in world markets by our aerospace industry, therefore, cannot be overstated. It is from these favorable balances that we will get or hold onto some of the resources with which we can pay for the social and ecological programs which we will need in the years ahead.

The most modest estimate of the advantage we will derive from the availability of an American SST in world trade is $22 billion between now and 1990 with a possibility that this could go as high as $45 billion. Conversely, it is clear that if we lose the advantage we now enjoy in world markets we could lose as much in the next 20 years.

There is a tendency on the part of all customers to purchase from the supplier who can offer them a "family" of products and this capability will shift to the British-French and to the Russians if America eschews the opportunity to maintain its present competitive advantage by deciding not to build an SST. The European manufacturers are offering shuttle aircraft, the short-range jet and air buses in addition to the SST. Each meets a certain market need from the standpoint of economics. The SST is designed to serve the developing trans-oceanic travel market which is expected to triple by 1985 from its present level of 100 billion revenue passenger miles per year.

While the economics of the Concorde and the TU–144 are still shrouded in secrecy, the projected figures for the American SST indicate that it will be able to make something more than two trans-oceanic trips while a subsonic Boeing 747 or jumbo jet, carrying about the same payload, covers the same distance. Thus, even though the SST may cost more to own and operate, it can still be more economical at carrying passengers than current jets. It will, in fact, cost more to buy; but it will require less labor to care for passengers on flights of less than three hours to Europe than is required to serve passengers on flights taking more than seven hours on subsonic jets. With such economic advantages in view, the SST is expected to pay itself out in five years at a projected 1970 cost of about $40 million per plane—essentially the average payback time as planes now in subsonic service (including the 747, which costs $22 million per plane).

The assumption has been that the smaller-seating-capacity (125 vs. 300) and somewhat slower (1,400 mph vs. 1,800 mph) European SSTs will be in service commercially between 1972 and 1974 and our SST will not be available before 1978. Such time frames could permit the European SSTs to develop enough sales to recover their development costs and be retired without economic loss to airlines using them before American SSTs, with a better product, win the market which is expected to develop in the 1980s and afterward. The British-French have estimated the total market through 1990 at somewhere between 1,200 and 1,600 SST sales worldwide. Such figures are based on projected increases in trans-oceanic traffic volume and relate to plane load capacity and flight speed. Another way to look at this is to compare the number of planes it would take to carry the passenger miles in a certain year if new planes had not been developed. For example, all of 1971's traffic could be carried in 786 flying 747s, but the same revenue passenger miles would have required 2,188 707–100s or 8,378 Constellations or 47,416 DC–3s. By 1980, the estimate is that 500 SSTs can replace 819 747s or 6,700 707s or 145,000 DC–3s which would be required to carry the same traffic estimated in that year.

If the impact of these figures is not impressive with reference to the economics of the future of aviation, they should certainly be impressive from the ecological standpoint. The prospect of 145,000 DC–3s polluting the lower atmosphere ten years from now versus 500 SSTs gives some impact to the argument that the SST has the lowest pollution rate per passenger mile of any modern mode of transportation. One SST carrying 298 passengers at 1,780 miles per hour will spew out less unconsumed fuel pollutants than three automobiles traveling at 60 miles per hour.

Another comparable estimate is that the whole SST fleet will emit less water vapor in the stratosphere daily than the average thunderstorm and there are between 3,000 and 6,000 thunderstorms in the world each day. Contrails also do not form at SST altitudes—as established by the fact that present military aircraft have been able to do reconnaissance unobserved from those heights for years.

To dismiss ecological concerns in a new area about which so little is known would be as irresponsible as the use of Sunday-supplement "scare tactics" about the possible dangers to the environment from supersonic flight. Certain early concerns about SSTs and the ecology have been disproved by research in our space program and by research activities undertaken within the SST budget itself. The completion of the two prototypes will make possible further research in all areas of ecological concern. With an estimated $82 million of the federal expenditure on the SST project dedicated to research into environmental considerations and in the face of the current American concern about the environment, I feel certain that all environmental hazards will be resolved before any possible harm could be done. Two independent advisory committees have been established by the Department of Transportation to assure the availability of the best scientific advice and counsel in the country on noise and environmental research. The membership includes such people as Dr. Harald Rossi, professor of radiology physics at Columbia University.

To the suggestion that SSTs will deplete ozone in the stratosphere and thus affect ultraviolet radiation at the Earth's surface, as an example, the Environmental Science Services Administration and its consultants and the MIT study group have concluded that any variation that might occur would be barely detectable and would be small compared to the daily variations found between two places on earth such as Washington and Albuquerque. These effects, along with the "greenhouse", concerns about emissions of dust, gasses and water vapor, all will be fully investigated before 1978 when production of SSTs for sale and flight is now scheduled. Should we consider flight by any SSTs harmful to the world environment, we should certainly want to undertake international negotiation on this score from a thorough grounding in scientific research and facts. (As a matter of fact, the question of landing rights for SSTs is a matter negotiated between governments and our hand in this regard, no matter what our position, will be strengthened by facts developed by valid research.) But such investigation as has been made by recognized authorities has so far indicated nothing that would call for a termination of the project to build two U.S. SST prototypes.

A noise level of the American SST at the measuring points one mile from landing, three-and-a-half miles from take-off and 0.35 miles from the sideline path of the plane which would be comparable to or less than currently flying subsonic jets is considered achievable by Dr. Beranek and his SST Community Noise Advisory Committee. Because larger intakes in the SST engine reduce the shrill whine, the take-off and landing EPNdB levels for the SST are currently below the 108 level of subsonic jets. And because the SST is expected to land more sharply and take-off more steeply, this sound is expected to be audible on the ground for a shorter period of time. A year ago the sideline EPNdB figure was assumed to be 124 for the SST. But it is now clear that 118 has been reached and 108 is attainable, according to the experts on Dr. Beranek's team.

As to sonic booms, the SST will not be permitted to fly at supersonic speeds over land masses according to an enunciated regulation of the Federal Aviation Administration. Such regulations have the force of law, but should anyone in or out of Congress feel the need to enact permanent legislation to reemphasize such a regulation, I shall be happy to join them even though I feel it is unnecessary. The fact is that American military aircraft have been flying supersonically over various populated parts of the world for years and the number and degree of damage objections have been minimal. And perhaps it is worth noting that almost all claims have been lodged as a result of pre-announced tests. It has been reported to me that prior to such announced tests of the Concorde in England recently, approximately three hundred complaints of damage from supersonic boom were lodged *before* the plane had taken off for the tests.

The impact of the SST has been mostly from the headlines to date—except for the effect of the dollars expended. Estimates are that 14,000 Americans are directly employed in the program to make the two experimental American models and that this represents some 40,000 other jobs in collateral employment. The production employment estimate is 50,000 jobs directly and 150,000 indirectly. I would not defend the development of a supersonic transport as a "make-work" project.

But similarly I find it difficult to understand the logic that wants to terminate this potentially constructive project and the economic benefits which can flow from it and yet would substitute for it some kind of non-productive job retraining or federal dole for those out of work in the aerospace industry. The ultimate social benefits to be derived from productive labor would always seem to exceed those derived from non-productive labor. A dole or retraining program would be a consumer of tax dollars which must be generated from some other productive enterprise. But estimates on the taxes to be derived from a commercially saleable U.S. SST run in excess of six billion dollars during the decade of the 1980s. While this distinction may appear to be only economic, its social ramifications cannot be overlooked.

Similarly the social ramifications of a method of closing the distance gap in the

world should not be ignored. The history of mankind is filled with efforts to shorten the distance between nations and cultures. After Marco Polo returned from China, the European effort to find shorter trade routes to the Indies resulted in Vasco DaGama's voyage around Africa and the discovery of America by Columbus. But the development of geographic routes soon gave way to the mechanical methods of increasing speed to shorten distance. The clipper ships gave way to steam and the ship itself has given way to air transportation within our lifetime. As a friend of mine who works for a domestic airline commented succinctly the other day, "No one ever comes up to my counter and asks how he can take the long way to get there." Everyone wants to save time in travel whether that time is to be used for pleasure or more serious pursuits.

And six million Americans who travel abroad by air now and the estimated 25 million who will be traveling by air internationally in 1985 will not all be "jet set pleasure seekers." Twenty-six percent of those who go to Europe and 50 percent of those who fly the Pacific are traveling on business today. As that time is cut to one-third by supersonic planes, the amount of travel will be encouraged. Business with Europe will then be conducted with the same travel speed with which it can be conducted between Boston and St. Louis and the barriers between people and nations will be lowered yet a little more. As the underdeveloped countries are developed, the economic differences which threaten world peace will also be reduced as the intercourse of trade expands. Fatigue studies have indicated that the average passenger on a plane recognizes a perceptible deterioration in his comfort after three hours on a plane. Who can say that happier intercontinental relationships between America and Europe will not be beneficially impacted by that small fact alone?

But whatever our judgment on the SST, it should be made on the basis of facts and not unprovable claims and suspicions. Those of us who favor the SST have attempted to be diligent with both the facts and the logic which flows from facts. I think the facts are persuasive as to the merits of our position. I recognize valid doubts and feel that these doubts must be answered as the program develops. But none of those doubts is substantial enough to justify abrupt termination of this program now.

I must also concede to a certain emotional bias in favor of improving air travel. The men who gave it its first lift off the ground are from the area of the Congressional District I have the honor to represent in Congress. They have done much to lighten the burden of mankind by making it p ssible for him to spend less time traveling to and fro and more time in productive efforts in the various locations where those efforts are to be undertaken. The contribution is not unlike the discovery of the wheel, the domestication of the horse or the development of the steam engine. But within a week before the Wright Brothers flew for the first time at Kittyhawk, no less an eminent source of fact and logic than the New York Times editorially advised Samuel Langley, one of their competitors, to turn his talents to "more useful employment." I don't know what Samuel Langley did, but I am glad such advice was not pursued by the Wright Brothers and I would hope it would not be followed by the Appropriations Committee or the Congress.

TRANSCRIBED FROM A RECORDING BY RADIO DIRECTION TELEDIPHONE UNIT "EXTRACT FROM NEWSDESK"—'CONCORDE.' JOHN HOSKEN/CONGRESSMAN BROWN TRANSMISSION: 19TH AUGUST, 1970

HOSKEN. Congressman, why did this report concern itself with Concorde at all.

BROWN. Because the question of how many sales of any SST around the World would be made will affect whether or not the American Government will be repaid for whatever investment it might make in the development of an SST to compete with the Concorde.

HOSKEN. They said categorically that the Concorde is going to be a commercial flop, now how much damage can this report do to Concorde.

BROWN. Well I assume that it could damage the acceptance of Concorde in the British and French Governments but my guess is that it will not dissuade them from the development of the Concorde because even on this side of the Atlantic the U.S. Airline Companies, all of them, have indicated their interest in some kind of Supersonic Transport Plane. Now the issue really is whether or not for us, for the American Congress, whether or not funds from American taxes should be used by the American Government to develop an American plane competitive with the Concorde.

HOSKEN. How much notice is going to be taken of this report in any case in America. I understand that Senator chairman is . . . had a big bias before he really started and that two members took no part in the report and that you wrote a rebuttal. So what . . . .

BROWN. Well, I think Senator ———'s views are . . . were there before the hearings were ever held and before the report was ever written. The fact of the matter is the logic and the facts . . . the facts and report are controversial and the logic is not altogether sound. However, there will be great attention given to the report because while this Committee has no legislative jurisdiction it is a prestigious advisory committee with reference to Federal Economic Investment of tax money. Now my difference simply with the Senator is that I think that a Supersonic Transport will soon be flying in the World. I feel that the United States should make every effort to see that it is a more efficient American-made SST, that it will solve the environmental problems which the SST has been accused of having. To abandon the field, that is for Americans to abandon the field of foreign competition as Senator ———'s report suggests will be an assured economic loss for American taxpayers who've already invested a good deal of money in the study of an American SST and a much greater environmental risk because if the Concorde flies, whatever it does to the environment of the world will certainly also be done to the American environment.

HOSKEN. On Concorde itself why was no first-hand evidence sought from the Anglo-French technicians. It seems to me to be a very grave loss here.

BROWN. Well, I think it should have been definitely, although I am not sure in view of the fact that this is a highly competitive circumstance that they would have wanted to advise a committee of the American Congress about what progress had been made in . . . in the development of the Concorde because perhaps they were just ——— to see the Americans abandon their interest in building their own SST.

HOSKEN. But I understand the committee only took evidence on Concorde first-hand from a British journalist, it strikes me as being a rather slap-happy way of coming to such a damning conclusion.

BROWN. I think that's quite correct and I think that if one knows the viewpoint of the British journalist involved one would have to conclude that the testimony was almost assuredly going to be against any SST.

STATEMENT BY DR. WILL KELLOGG, CHAIRMAN, WORK GROUP ON CLIMATIC EFFECTS, AT THE MIT SUMMER STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS ASSOCIATE DIRECTOR, NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

I am very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's.

It is my profound hope that the U.S. Congress will not be misled by these exaggertions or by scientific misstatements.

Dr. Ed. David's statement last Sunday which Dr. Walter Roberts and I strongly endorse, says it well, let's not suppress technological advances but through research, development and experimentation make sure that those advances are obtained without undesired side effects. I strongly support a vigorous environmental research program in parallel with prototype SST construction. Don't downgrade the ability of American scientists and engineers to apply their genius to the successful resolution of uncertainty."

Dr. Will Kellogg is a widely known atmospheric scientist. He is Associate Director of the National Center for Atmospheric Research in Boulder, Colorado. Last August, Dr. Kellogg chaired a working group, which examined the SST's possible effects upon the environment, during the Summer Study of Critical Environmental Problems sponsored by MIT at Williamstown, Massachusetts. Dr. Roberts, referred to in Dr. Kellogg's statement, is Director, National Center for Atmospheric Research.

CONGRESS MUST REVIEW THE ALASKA OIL PIPELINE PROPOSAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, late in January, the Department of the Interior released an "Environmental Impact Statement" regarding the Trans-Alaskan Pipeline. The conclusion of that statement incorporated a "green light" recommendation for the construction of the pipeline—in spite of the dangers to the environment shown in the Department's own evaluation. It is not uncommon for the Government to "find" one thing and recommend another, but rarely has the evidence against a proposed action been publicly stated so strongly and then followed by a contrary recommendation.

The situation created by the Trans-Alaskan Pipeline proposal by the Department cries out for congressional concern, scrutiny, and ultimate sanction. To achieve this end, a number of our colleagues in the Senate introduced a measure which would prohibit the desecration of the Alaskan environment without specific authorization of the Congress of the United States.

On February 25, several of our colleagues joined me in introducing a companion bill in the House, H.R. 5059: Congressmen DINGELL, VANDER JAGT, O'HARA, and WILLIAM D. FORD of Michigan, REUSS and KASTENMEIER of Wisconsin, UDALL of Arizona, ECKHARDT of Texas, LEGGETT and Moss of California, GUDE of Maryland, FRASER and QUIE of Minnesota, HARRINGTON of Massachusetts, RONCALIO of Wyoming, and BRADEMAS of Indiana.

The President of the United States has sounded what can be considered the

clarion call for the protection of our environment, and in terms of the current situation with the Alaskan oil pipeline situation, his words are extremely apropos. He said:

The step I have taken today (re, Cross-Florida Canal) will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage, we prevent it.

Mr. Speaker, never before has the raison d'etre for the bill we are introducing been stated so succinctly. It is a statement worth constant repetition and a statement worth careful thought by Members of this House.

My colleagues and I are hopeful that other Members will introduce bills similar to ours in order to emphasize the seriousness of the potential danger to the Alaskan environment should the Congress fail to act. A copy of our bill is reproduced below:

H.R. 5059

A bill relating to the construction of an oil pipeline system in the State of Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall not issue any permit, grant any right-of-way, provide for the sale of forest products or mineral materials, or take any other action involving or in connection with the construction, operation, or maintenance of any oil pipeline system for use in transporting oil from fields in northern Alaska to any deep water port or other place, unless such action is first authorized by legislation enacted by the Congress subsequent to the date of the enactment of this Act.

REPRESENTATIVE DINGELL OUTLINES "SYSTEMS APPROACH" FOR ENVIRONMENTAL PROBLEMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the magazine, Catalyst for Environmental Quality, devoted its fall 1970, issue to the environmental views of distinguished legislators and political leaders. Among the articles appearing in this issue of Catalyst was one by my good friend and colleague, Congressman JOHN D. DINGELL of Michigan.

As one of JOHN's friends from the other side of the political aisle but the same side of the conservation aisle, I considered his article on systems and the environment particularly noteworthy. You will recall that our colleague from Michigan was the principal author of the National Environmental Data System bill, H.R. 17436, which passed the House during the 91st Congress.

Congressman DINGELL's list of awards and achievements as a conservationist is too long to repeat in detail but I would like to remind our colleagues of the highlights of his distinguished career as one of the first of the congressional environmentalists.

In 1958, he received the National Award for Distinguished Service to Conservation presented by the Izaak Walton League of America, National Parks Association, National Wildlife Federation, Sport Fishing Institute, Wilderness Society, and the Wildlife Management Institute. In 1965, the Michigan Outdoor Writers Association gave him its Founders Award for outstanding contribution to the cleansing, preservation, and wise use of America's woods, waters, wildlife, air, water, and the land itself. In 1967, Congressman DINGELL received the Award for National Distinguished Service in Conservation presented by the National Wildlife Federation and also an award from the American Scenic and Historic Preservation Society for outstanding contribution in the field of conservation and preservation of our American heritage.

During 1968, he received a Special Award of Merit by the American Association for Conservation Information and in 1970, he received the Distinguished Service Award given for work on conservation by Women's International League for Peace and Freedom, plus an award from the United Automobile Workers for his lifelong fight for his fellow man in the fields of antipollution and conservation.

I think it is clear from the brief listing of his awards that Congressman DINGELL is well qualified as a "distinguished expert" in the fields of conservation and environment. His article entitled, "Systems Approach Needed for Environmental Problems," follows:

SYSTEMS APPROACH NEEDED FOR ENVIRONMENTAL PROBLEMS

(By JOHN D. DINGELL, Congressman from Michigan)

In 1976 the United States will celebrate its bicentennial—200 years of population growth, land development, agricultural and industrial expansion, and tremendous technological advance.

I am certain that if Thomas Jefferson or Benjamin Franklin could return to celebrate with us this anniversary they would be appalled and outraged by the hideous ruin that Americans have wreaked on this beautiful land in 200 short years.

Even with heroic measures taken by all levels of government—and with the most active participation of industry, agriculture and ordinary citizens—it is a certainty that the United States, like other nations of the world, will find itself confronted in 1976 with greatly increased environmental degradation and more severe problems of the three Ps—pesticides, pollution and population.

The warnings of scientists, conservationists and ecologists and the almost universally shared vague apprehensions of the citizenry, which have finally hardened into mass concern over environmental degradation in America, have found clear utterance in the first report of the President's Council on Environmental Quality.

That report, speaking with the prestige of the office of our Chief Executive, chronicles a real chamber of environmental horrors—past, present, and future. Practically no aspect of American Life escapes well justified criticism of its adverse impact on environmental quality.

Poor land use and planning; pollution of land, water, and air; litter; solid wastes; squandering of precious resources; noise; crowding and squalor in our cities—all are the subject of grave warnings. Unchecked population growth, new and exotic perils such as mercury and the other, perhaps even more deadly, heavy metals are discussed with apprehension.

This report, hastily compiled in a seven months' rush to meet statutory deadlines, had available to it the full resources of the Federal Government. It is noteworthy in many regards.

While clearly and admittedly incomplete, it lays to rest for the first time any thought that all is well with nature in the United States.

The prestige of the Council and the resources to which it has access make it impossible to whitewash over the problems, as certain interests have sought to do in the past, with platitudes that the environment is doing nicely and no Federal intervention is needed.

Reading this report brings to mind the warnings in "Silent Spring" by the gentle Rachel Carson, and makes one recall the vicious and devastating attack upon her and her work by industry apprehensive over loss of profits. One wonders whether publication of this Council report will evoke similar response. I think not.

Noteworthy, in spite of the high ability and dedication of the Council members and the immense resources available to them in preparing the report, is the obvious lack of real knowledge of the environmental problems besetting us. Equally noteworthy is the repetition of statements on the lack of complete information and indicators.

The need for environmental indicators—to know where we are, where we have been, which way and how fast we are going—is also stressed.

This lack of environmental knowledge on all levels of activity, both public and private, has been a matter of concern to me for some while. Intimately related is the need to systemize our relationship and approach to the environment and to the use and reuse of our resources.

To begin moving this country to a systems approach on environmental matters I introduced on February 17, 1969, H.R. 6750, to create a Council on Environmental Quality, to establish a national policy on the environment, and to require an annual environmental report. Shortly thereafter, similar legislation was introduced in the Senate by Senator Jackson as S. 1075.

Our joint efforts brought to fruition the Environmental Policy Act of 1969. This legislation, which was signed by the President on January 1, 1970, contained all of the above provisos and the requirement that proposed statutes and administrative actions by the Federal Government provide a clear statement of environmental effect.

This legislation constitutes an important first step toward a systems approach to the resolution of man's problem of living with his environment.

The development of such an approach, sound in purpose and practice, is, in my opinion, the most important problem faced by mankind in the world today. For to fail in this undertaking will mean increasing degradation of the quality of life, followed by probable extinction.

As a second step toward achieving a systems approach in man's activities that affect the environment, I am moving forward with my bill, H.R. 16848, to create a National Environmental Data Bank. With all our abilities and concern for data storage, retrieval, and dissemination, and with the immense numbers of Federal activities related to the environment, it is a continuing source of surprise to me that nothing of this kind has yet evolved.

The Data Bank legislation would require all Federal agencies having computers storing environmental data to take all reasonable steps to make them compatible to the maximum feasible degree.

Encouragements would be afforded to Federally financed researchers to have their computer systems as compatible as possible. Inducements to inter-relate Federal and Federally financed private computer systems would be included. A National Data Bank Board would have authority to lay down re-

quirements for maximum storage of properly evaluated, collated, *useful* information and data on the environment obtained under Federal and Federally financed programs.

These steps would be coupled with a requirement that data and information be made available free of charge to governmental agencies—Federal, State and local—and be available on a modest "recovery charge" to others.

Following this, by law, the Environmental Data Bank Board would begin to create valid environmental quality indicators and to provide a continuing evaluation both of the indicators and monitoring of environmental events. The Board would also commence creation of a capacity for, and the actual initiation of, predictive environmental models or predictive ecological models, so that we might begin looking not only to the past and the present but also to the future.

This last tool would enable us to use mathematics, the computer, and present scientific data to gauge the impact of man and his activities on the environment of the future.

Given these things, we would be more capable of moving forward, albeit haltingly and imperfectly, with the sorely needed systems approach to the environment. Our tools would be the Council on Environmental Quality, its annual report, and the capacities of the Environmental Data Bank.

Much more will be required, perhaps the most important of which will be bringing environmental policy together with monetary and economic policy on an equal basis. Initiation of this relationship between environment and economics has begun in meetings held by the Council on Environmental Quality and the Council of Economic Advisers.

The President runs the Executive paying close heed to his Council of Economic Advisers, the Treasury and the Federal Reserve Board.

If real progress in preserving a quality environment is to be attained, advisers, policies and goals in the environmental area must have equal, even superior, importance in government to those in the economic field.

The Environmental Policy Act requires full equality, even though neither the subject of environmental quality nor the Council on Environmental Quality itself is now being given that dignity by the Executive.

If I were President for one day, I believe granting this equality between environmental concerns and economic concerns would be the most important single step I could take.

I would also assure that the Council on Environmental Quality achieved full parity with the economic advisers of the Executive.

It appears clear to me that from this kind of reform would flow an abundance of other needed reforms in the environmental field.

If the economic advisers do their jobs as well as they should, and the Council on Environmental Quality carries out its responsibility as stated in the Environmental Policy Act, and if the two national goals and systems of advisers function well on an integrated basis, it is plain to me that the major environmental policy problems will be on the way to resolution.

A glaring example of one of the problems that could be resolved is that of waste which becomes pollution of the land, the air, and the water. We try to bury it, dump it in our waters, burn it, fill holes in the ground, and still it continues to pile up, produced by the most efficient industrial system and distribution system in the world.

If we operated our households the way we operate the Nation, our backyards would be filled with litter, our fishponds and swimming pools would be full of the products of our home sewage system, the air above our houses would stink from burning waste and exhaust fumes of our autos. And our unhappiness would be fearful to behold.

It becomes plain to any intelligent student of our system of production and distribution that recycling of waste back into the system of production and distribution is the only intelligent way of solving the problem of environmental degradation.

It is also, perhaps, the best way of recovering waste which, instead of being a blight and a curse, is potentially one of our most precious natural resources.

Recycling, then, is plainly a matter of dire environmental and economic necessity. Pollution is the costly product of failure to properly recycle and recover valuable products, and under an intelligent systems approach would be found to be totally without justification on either an environmental or economic basis. Until we commence recycling our wastes of all kinds to the maximum degree, there will be no real solution to the pollution problems of this nation.

Under a crude systems approach, recycling would have many benefits. Soil-building nitrates and phosphates can be recovered from municipal sewage or delivered directly to irrigators to enrich agricultural soils. Old cars, tin cans and waste metals can provide metallic supplies for a mineral-short America. Garbage can be converted into compost, fertilizers, and fuel and lubricating oils. Waste paper properly recycled can save millions of trees and thousands of acres of recreation lands. Solid wastes can provide low pollution fuels for the generation of electricity.

Assuming that our national goals are environmental as well as economic in character, the best tax structure would seek to achieve minimum pollution and maximum recycling through incentives and penalties.

The incentives should be held down and particular attention given to legal penalties and requirements of law, and legal standards on pollution of air and water. Tax penalties would have to be heavy enough to encourage polluters to conform with the national goals and not be a license to pollute.

The concerns and activities of environmentalists embrace the entirety of man's existence. Polluted air and water filled with sewage and industrial wastes are no less degrading to the quality of life than crowded, noisy, deteriorating cities ridden with despair and crime. The language of the Environmental Policy Act of 1969 tells us that all of these matters are a part of man's environment, and the Council on Environmental Quality is directed by law to comment on all of them.

In this kind of hard circumstance one always seeks encouragement. I can offer none except the simple realization that man, who created atomic power and sent some of his kind to the moon and back, has the technological capacity to clean up the fearful mess he has created—if he but manifests the will.

The cost in human resources and money will be high: according to recent estimates $54 billion for water pollution, $3.1 billion for air pollution, and upwards of $4.2 billion for solid waste disposal. The cost in failure to try or succeed will be immeasurably higher.

Air pollution, for example, costs every American $65 per year. According to John Middleton, Commissioner of the National Air Pollution Administration, clear air can save the United States $13.5 billion per year for a total expenditure of only $2.6 billion per year. This comes to a net saving of almost $11 billion per year. Try that for a cost benefit ratio, America!

Although I have seen no recent studies of benefits of water pollution control, there must be a substantially similar cost benefit ratio in the preservation of fisheries, easy availability of water-related recreation, recovered by-products, reduced water treatment costs, and reduction in waterborne diseases and mortality.

An old saying has it that for every man chopping at the root of the tree of evil there are a thousand men hacking at its branches. In our attack on this monstrous tree of environmental degradation, let us begin at its taproot by creating an effective systems approach, rather than hacking at the myriad branches by a disjointed and often counterproductive attack on the symptoms of environmental problems.

H.R. 5060—TO PROHIBIT THE "HUNTING" OF WILDLIFE BY AIRBORNE HUMAN PREDATORS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, Congressman OBEY and I, together with 20 other concerned conservationist Members, introduced in this session a bill to prohibit the hunting of wildlife from an airplane.

Our proposal would amend the Fish and Wildlife Act of 1956 by providing a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. It is pathetic in this sophisticated day and age to note that there are human beings so devoid of compassion, so unsportsmanlike, so eager for killing, that they must use a vehicle designed for transportation in order to prey on the Nation's wildlife. One is reminded of the 1800's when "gentlemen sportsmen" slaughtered great herds of buffalo from train platforms.

That despicable era of our history of misconcern for indigenous wildlife is reincarcerated in today's lazy "sportsman" or greedy bounty hunter who has been seen and photographed herding and killing wildlife with the use of airplanes. I am sure you recall the poignant television documentary, "The Wolf Men," wherein the practice was dramatically presented. That program was responsible for the introduction of our bill in the 91st Congress, H.R. 15188, which would have outlawed the incredible practice. The program was also responsible for the greatest outpouring of public sentiment for a conservation bill that I have witnessed in my years in Congress. Had it not been for the obstructionist tactics of certain Members of the other body, I am confident that the bill would now be public law. The House of Representatives, to its eternal credit, did its part by unanimously passing H.R. 15188. As it stands now, we must begin again.

It has been a long time since "The Wolf Men" television show; since the introduction of our first bill; since the public hearings; and, since House passage of the bill. Nevertheless, the public's interest in the legislation has not flagged in the least. I cannot begin to count the letters which I have received concerning the fate of the old bill and plans for a new measure.

Although we are starting the legislative process again with H.R. 5060, we are assured that the public's interest in the issue has remained high. Indeed, I would venture a guess that interest has been heightened for the simple reason that it is obvious that cowards who hunt from airplanes will continue the practice right

up to the very minute when a Federal public law becomes enforceable. One would have thought the public's outcry would have ensured an immediate cessation of the practice. Such was not the case; we are dealing with a blood-hungry, two-legged animal whose profit depends solely upon the depletion of America's wildlife population.

Mr. Speaker, the time has come to put a stop to the disgraceful practice of hunting wildlife from an airplane. H.R. 5060 will do just that and I hope the public expresses its support of the new legislation by contacting their individual representatives in the House and Senate. We are confident of early consideration and passage of the bill in the House and look forward to equally quick action in the U.S. Senate.

THE CHANGING BASIS FOR "PROTECTIONISM"

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, in spite of the fact that there seems to be a lull in any discussion of trade policy, the fact remains that the situation has changed very little from the position it was in during the consideration of the trade bill last year. As a reminder of the continuing problems, Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy has thoroughly reviewed the whole subject in a speech before the Mid-America Trade Conference on February 24 of this year. I am inserting it at this point in the RECORD with the sincere hope that it will be read and studied by all who feel there is a genuine need for some action in this area:

THE CHANGING BASIS FOR "PROTECTIONISM"

While the terms, "protectionism" and "free trade" are increasingly decried as obsolete forms of semantics, the evolution of this obsolescence has not been sufficiently uncovered.

The principles of free trade, as elaborated by Adam Smith *circa* 1775, assume a minimum of governmental interference with the market forces both within a country and with its external trade. The term *laissez-faire* (leave alone) has been applied to the economic philosophy of Adam Smith. It underlay the so-called free enterprise system of our own country until the severe depression of the early thirties. Essentially it meant minimum interference by Government with business and commerce.

Protectionism, on the other hand, which does represent such interference, was recognized early in our history, particularly after the War of 1812, as necessary if we were to build an industrial nation. Otherwise we faced a future of economic subordination to Britain as a supplier of raw materials and an importer of manufactured goods. The earliest avowed protectionist tariff was the Tariff of 1816.

Thereafter the tariff became a political football, kicked back and forth until 1934. Generally, until then, the Southern States were identified with free trade or a "tariff for revenue only," while the Northern industrial States preferred a protective tariff.

From 1934 to 1967 we engaged in a series of tariff-cutting international conferences and reduced our tariff an average of approximately 80%. Today our tariff on dutiable items is about 10% compared with a little over 50% in the early 'thirties. If the collected duties are averaged over *all* our imports, including those free of duty (some 38% of the total) our average duty is between 6% and 7%. The final reduction of the Kennedy Round will be made January 1, 1972.

THE GREAT DEPARTURE: ACCEPTANCE OF NATIONAL PLANNING, EXIT LAISSEZ-FAIRE

The decade of 1933–42 marked a sharp economic-political departure in this country from much that had gone before. *Laissez-faire* economists were driven from respectability into the cemetery of fallen and discredited heroes. National planning of industrial and commercial activity was enthroned as the new god of economic thought. The free enterprise system was de-spurred and tamed. The fame of the British economist, John Maynard Keynes, who had explicit ideas on governmental management of the economy, rose like a shining star over the horizon.

Where *laissez-faire* proscribed or frowned forbiddingly on state intervention in wages, hours of work, working conditions, collective bargaining and similar economic considerations; and was no less appalled over price support of agriculture, reduction of crop acreage and direct payment for non-production, the "New Deal" turned these prejudices upside down, and did not stop there. It insisted, in addition, on regulating banks, the stock exchange, railroads, and countering the harshness of the marketplace in displacing workers from their jobs. Unemployment insurance, old age pensions and similar social welfare operations were accepted as legitimate concerns of the Government. Later, public education and medical care became additional claimants for governmental attention. No longer was the marketplace to be the arbiter. *Laissez-faire* economics itself was pickled in formaldehyde and transferred in a bottle to the museum of historical monstrosities.

There was one exception. That was free trade! This theory had so beguiled all who beheld it and all who were exposed to it in all innocence in our universities, that it was divorced by main force from the otherwise blanket condemnation of *laissez-faire* economics where it belonged. Free or freer trade was caressed, adored, smiled upon, cherished, fought for and baptized as a part of the national-planning dogma. "Pale-mouthed prophets" endorsed it and nothing raised the hackles of academic economists more surely than suggestions that a philosophy that had accompanied the development and growth of our economy to the point of world industrial leadership (i.e., protectionism) could not be all bad. Even now 5,000 economists, fair and true, jump to the ramparts when they detect a movement in the dark, which, according to them, is the natural habitat of protectionists. They fire into the forbidding dark at will, which means instantaneously, hoping to inflict mortal wounds on the remnants of the Dark Ages. Recently over 5,000 of them tilted, predictably, against the Mills Trade bill.

FREE TRADE AT ODDS WITH NATIONAL PLANNING

How free trade could survive the tidal wave that swept all other fragments of *laissez-faire* like straw before it, has never been intelligibly or even humorously explained. This phenomenon must stand as a high monument to the cultural lag of the brightest stars in the Milky Way.

Unfortunately for national planning, national planning can be no better than its enforcement. Good plans are discredited and collapse if they are not carried out. Putting them into effect means warding off countervailing forces and turning aside intrusions from the outside that would subvert them.

In this respect the basic barriers to international free trade are today more formidable by far than was the Hawley-Smoot Tariff Act of 1930—that "monstrosity" fathered by selfish interests, a veritable denigration of the Adam Smith *laissez-faire* economic philosophy. This style of denigration must be left strictly to the selection of the national planners who can distinguish between good and evil *laissez-faire*. (Protectionism is, of course, anti-*laissez-faire*, and should have been dear to the national planners, but it is of the *wrong* kind.) It is necessary to be endowed with a special or even mystical insight to detect the distinction. Governmental interference, we must suppose, is of the highest good, so long as it proceeds from the planning centers. Protectionism, although itself an interference, is evidently bad because it comes from the wrong source.

Governmental control of the banks is good. Governmental control of the stock-market is good; so also is control of the utilities, establishment of minimum wages; and also control of monopolies, intervention in agriculture, in education, in social welfare.

Times change in all fields and the change, it is held, justifies a modified attitude. A complicated society, it may be agreed, can no longer trust market forces. Selfish interests have insufficient regard for the public good. Therefore they must be regulated: That is to say, all but import trade. Apparently import trade is automatically good and unselfish, and therefore in the public interest.

THE PLANNERS' DILEMMA

Yet, with the advent and far-extension of economic planning, the economic flanks must be controlled if planning is to succeed. If we provide price support for cotton, wheat, dairy products and other farm output the purpose would fail if we did not protect the program on the seaward flank. At one time our Government purchased millions upon millions of pounds of domestic cheese in order to reduce the pressure on prices, only to see it mount in higher and higher tiers in our warehouses, because imported cheese could be bought cheaper. Had this flank not then been protected by import restrictions, the planned rescue of our dairy industry would have collapsed. Therefore these particular restrictions could be justified, particularly by the planners.

Seemingly it was a good interference with the marketplace to help our dairy farms to survive, and this objective justified the bad interference embodied in the restriction of imports. Thus, while protectionism was abominable, it was not the worst thing in the world.

The same observation may be made of our import quotas on raw cotton and on wheat and wheat flour. If the rescue of the farmers was justified, was it an evil act to restrict imports to prevent their upsetting the plan of rescuing agriculture? World cotton and wheat acreage was sufficient to swamp our market with cotton and wheat and depress prices to levels from which we sought strenuously to rescue our growers. Was the one governmental interference good, and the other evil?

In 1946 Congress enacted what has been called the Full Employment Act. It set a goal, a national plan, making the state of employment a national concern.

It follows that if as a nation we adopt a goal of full employment we cannot at the same time be indifferent to forces that if left alone would defeat the plan, whether these be of foreign or domestic origin. To carry out the purpose of the Act the Government has over a period of time utilized the power of taxation, control of money-volume, interest rates and the shaping of the budget as instruments of the policy.

Unfortunately for the success of these various controls, the United States is not an economic island free from foreign influences.

We compete internationally in some sectors sufficiently to be affected internally by the competitive factors of trade. If import competition is not taken into account hand-in-hand with other items in our balance of pay-

ments, efforts at tuning the national economy to desired ends may encounter severe turbulence and even overt disruption.

The common disturbing factor from this external source will be found to be the discrepancy in unit cost of production here and abroad.

Our high wage levels are underwritten by escalating minimum wage laws and obligatory collective bargaining. These assurances of a high consumer purchasing power were proposed by our national planners and were adopted in the Congress by heavy majorities by the representatives of the electorate over the past thirty-five years. Hand-in-hand with farm price supports, reduced hours of work, and minimum wages, accompanied by high defense expenditures, and, lately, high outlays in the public sectors of social security, education and medicine, we have inevitably increased costs of producing goods in this country at a pace beyond the capacity of our technology to counteract by way of rising productivity. The result was higher prices.

Meanwhile other industrial countries adopted our system of mass production. Their productivity grew rapidly. However, mass production is only half of the American system. Long ago Henry Ford discovered that mass production faced defeat if it were not balanced by mass consumption. Higher wages became inseparably associated with mass production.

The other countries have seemingly not yet learned this lesson. They produce at a volume that is beyond the capacity of the mass purchasing power at home to absorb. This surplus production creates a dependence on foreign markets, as Karl Marx foresaw. The United States is the largest single market in the world and therefore looms as an object of cultivation. Because of the cost discrepancy in a wide range of goods in favor of foreign industry we offer an attractive target for surplus disposal. This is especially true of many varieties of manufactured goods. The foreign cost advantage is magnified in these goods, the more so as the application of labor is extensive. In raw materials the advantage is of lesser degree because less of the lower-wage labor is applied. This fact explains the trend of the post-war mix of our imports. These have gravitated heavily to finished and semi-finished goods as distinguished from raw materials.

With very few exceptions our foreign trade in manufactured goods is conducted with a growing and appalling deficit. Our principal export advantage lies in machinery and transport equipment; and even in that sector it is shrinking.

If we were to revert to a near *laissez-faire* economy, we must first dismantle not only what is left of our tariff but also our minimum wage laws, farm price supports, bank deposit guaranties, social security, stock-exchange control, obligatory collective bargaining, control of interest rates, restrictions on immigration, medicare, regulation of utilities, subsidies of all kinds, including those on aircraft, merchant shipping, shipbuilding and other forms of transportation; but that is not all: other countries must do the same. Not only we but they too must relinquish national economic planning and the network of industrial and commercial controls that support the planning. Not only we but they too must eliminate import quotas, exchange controls, import licensing—and they must renounce currency devaluations, which represent a fertile source of hidden protection, frequently utilized by our overseas competitors.

Of course, even to suggest such a course of action is to underline its absurdity. The trend is toward more controls and regulation, not a relaxation. The interdependence of controls is too well established in experience to sustain any notion of a piecemeal reversion to *laissez-faire*. As an example, full employment depends on the institution of a whole array of other controls.

Industries burdened with rigid costs, as American industry is burdened today, are left with the most limited margin for independent action. If they are exposed to a flanking competition that is not similarly burdened, they are in overt danger of being driven from their home market by imports.

COST OF GREATER EFFICIENCY

If such exposure is widespread any notion of full employment may as well be discarded. The very base of employment is eroded by the need to become more efficient in order to remain competitive. In realistic terms greater efficiency can be achieved only by reducing the work force per unit of production. Employee compensation represents some 80% of production cost, up and down the line (in the absence of windfalls or bonanzas) and therefore greater competitive efficiency can only be achieved at the expense of employment; *and this is not the road to full employment when competitors on the outer flank rob the domestic cost reducer of the greater sales he might expect if the external competition were not there, or were neutralized.*

Insistence on freer access of imports bearing prices distinctly below our own to our market is, to repeat, at odds with the full-employment objective. Other countries know this and act accordingly, through higher tariffs or currency devaluation or other devices to defend their national economies under similar circumstances.

A supreme example of the meaning of the greater efficiency that is constantly urged on our industries as a means of remaining competitive or regaining a competitive position, is found in the experience of the coal industry. From 1950, when the industry was beset by lethal competition from oil and natural gas, to 1965 the coal industry displaced over two of every three coal miners in a desperate effort to become competitive, thus effectively cutting the cost per ton. The industry succeeded at the human cost of 334,000 jobs of coal miners of a total of 482,000.

Should the steel industry, the textile industry, the foot-wear industry and many others, such as glass, electronics, beef, typewriters, bicycles, small hardware, toys, athletic goods, fruits and vegetables, petroleum, musical instruments, handbags, etc.: should all these and others follow suit in desperate efforts to become competitive with imports, we would be swamped with unemployment. The goal of full employment would fade beyond hope of resurrection.

Let us examine the likely results in the steel industry alone. This industry was accused of a technological lag in the early nineteen-sixties. It began spending at a high rate and averaged $2 billion per year in the second half of the decade on capital expenditures. In 1970 nearly half of the steel output was produced by the oxygen process, a more efficient process than the old open-hearth method.

Nevertheless the advance did not succeed in achieving competitiveness, even though in 1969 seven thousand fewer steel workers produced 54.2% more steel per year than in 1965.

To become competitive with imports the steel industry must come much closer to the achievement of the coal industry in point of worker-displacement, as a means of reducing costs; 644,000 was the full employment of the so-called steel industry in 1969. This number, however, produced only 44% of the total value of shipments (if 1967 was a fair sample, the last year of our census of manufactures). This meant that about 56% of the final value had already been produced in the iron and coal mines, transportation services, production of supplies, banking and insurance institutions, etc.

In other words, an additional 720,000 workers derived their employment from contribution to steel-making, of a total of about 1,340,000.

A cost reduction of 20% would displace 260,000 workers. This falls short of the sacrifice in the coal industry, in which, as we have said, some 334,000 miners lost their jobs to higher efficiency.

This calculation provides some idea of the mathematics of rising efficiency in terms of employment. It could be said that these displaced workers will find employment elsewhere. *But where is elsewhere?* If many other industries are equally beset by imports, how is employment to be found for the combined victims of greater efficiency?

Since we still lead the world in productivity per man-hour, with few exceptions it is clearly not superior foreign efficiency that plagues our industries, but their lower wages. Our lead in productivity is indeed narrowing rapidly and we are no longer far enough ahead to offset the lower foreign wages.

Where we in the laissez-faire economy, we would let "nature" take its course. We would put no restrictions on imports but neither would we make federal outlays for the unemployed since to do so would interfere with the free play of market forces. The displaced workers would be forced onto their own resources. Imports would reduce prices to consumers. In a far roundabout way a variety of jobs would open up, some of which the displaced workers might fill. Wages in this country would be allowed to fall as the supply of workers exceeded the demand. Consumers would get the further benefit of lower prices. In a few years of adjustment we would have full employment again—*that is, if we also took down all the other controls that interfere with the free interplay of the market forces.*

The politics of this course of action would, of course, be disastrous to any public leader proposing such a course; and this fact would be known; and the idea would die aborning.

THE REALISM OF PRAGMATIC ECONOMICS AND POLITICS

It is bootless to spin out the theory of free trade because it is a nonexistent entity and lies beyond even the remotest hope of realization. Therefore it is necessary to adjust trade policy to the political realities. These have been enthroned by a generation of legislative effort that turned its back irrevocably on the free market concept in favor of a planned economy.

Some of the realities may be mentioned. This country's share of world exports has shrunk in recent years. From 1960–69 our imports of manufactured goods have risen twice as rapidly as our exports.

With few exceptions (machinery, including aircraft and computers; and chemicals) nearly all other manufactured goods are in a deficit position, and the surplus in machinery is shrinking. The "others" include steel, textiles, footwear, motor vehicles, petroleum, toys, meat, fish, bicycles, pottery, glass, athletic goods, radio and TV sets, nuts and bolts, plywood, tomatoes, mushrooms, strawberries, flowers, crabmeat, copper, etc.

These are the realities we must look in the face as we reshape our trade policy.

As long as we insist on proceeding economically as if two split-levels of disparate competitive forces. one high, one low, can co-exist and trade freely between them, without barriers and controls, we discredit both the planning and the future hopes of free trade.

HORTON MARKS 130TH ANNIVERSARY OF THE MACE OF THE HOUSE OF REPRESENTATIVES

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, this year, 1971, is an historic year not only for the events which will take place, but also for those past occurrences which 1971 commemorates.

Mr. Speaker, I should like to invite my distinguished colleagues' attention to the year 1841—130 years ago—and to an event which has direct relevance upon the workings of Congress today. I refer to the creation of the present mace which serves as the symbol of authority for the Sergeant at Arms.

The first session of the First Congress, which convened in New York on March 4, 1789, adopted a resolution on April 14 providing that—

A proper symbol of office shall be provided for the Sergeant at Arms, of such form and device as the Speaker shall direct, which shall be borne by the Sergeant when in the execution of his office.

The symbol approved by the first Speaker, Frederick A. Muhlenberg of Pennsylvania, was the mace.

The mace, Mr. Speaker, was originally used as a weapon and consisted of a staff with a heavy ball, sometimes studded, at one end. It was, no doubt, a fearsome weapon in battle and refinements, such as spikes and axe heads, developed over the years as weapons systems improved.

With the establishment of the Roman Republic, however, the mace acquired a more symbolic and civic role. Roman consuls were attended in public by 12 servants, each of whom bore an axe bound in a bundle of rods. This mace symbolized the consul's authority to flog and put to death. This symbol was used by provincial magistrates as well, and used to restore order in the courts, as well as to carry out the punishments for which it was designed.

As more sophisticated weapons were developed, the mace became more and more a symbol of authority and power.

The Romans brought that symbol to the British Isles and, hundreds of years later, the mace was used in the House of Commons as the symbol of the King's authority and his consent to the meetings of the members.

It was from this great tradition of English parliamentary procedure that our own House of Representatives authorized the creation of a mace, to symbol the authority of the Sergeant at Arms to restore order.

The first mace used by the House, from 1789 to 1814, was destroyed when the British army burned the Capitol. A second mace, made of wood, served for the next 25 years. In 1841, however, a reproduction of the original mace was made by William Adams of New York, for which he was paid a nominal sum.

The mace is an exceptionally fine example of the silversmith's art. It is 46 inches in height and consists of 13 thin ebony rods, representing the original 13 States of the Union, bound together at the bottom and at the top by engraved silver rings, 2¼ and 1½ inches, respectively. Two crossing strips of silver wind helically from the bottom to the top. From the uppermost ring protrudes a 4½-inch-in-diameter the silver globe with a detailed engraving of all seven continents and showing the degrees of longitude. The Western Hemisphere is toward the front. The globe is surmounted by an eagle with outspread wings, engraved from solid silver, standing on a silver perch affixed at the South Pole and encircling the antipodes. This circlet is engraved to indicate the degrees of latitude on the globe. In a statement of the expenditures from the contingent fund of the House of Representatives from December 1, 1841, to December 1, 1842, an item reads, "William Adams, a mace for hall, H.R., $400.00." Today, its value, real and intrinsic, far exceeds that sum.

Since 1841, the same mace has served Congress and is the one presently displayed and serving the 92d Congress. On several occasions it was "presented" before an unruly Member by the Sergeant at Arms, at the direction of the Speaker. On every such occasion, order was promptly restored.

INSTANCES OF USE OF MACE

In the annals of the House of Representatives, which go back to 1789, there are very few recorded instances of the use of the mace to restore order on the floor of the Chamber. No index of the times it has been used for such purpose has ever been made and the instances cited here are taken from books of reminiscences and personal recollection of Capitol attachés of more than 50 years' experience in the House.

Whenever, as seldom happened, an individual Member became turbulent and seemed beyond the Speaker's control, the Sergeant at Arms, on order of the Speaker, lifted the mace from its pedestal and "presented" it before the offending person. Order was promptly restored, so great was the respect for the mace as a symbol of legislative authority. Thus the Members of the House, who are themselves lawmakers, very properly set an example for the whole country of respect for discipline.

In Poor's Reminiscences there is an account of a turbulent scene preceding the election of Representative Robert C. Winthrop, a Massachusetts Whig, to the speakership of the 30th Congress in 1847. Slavery was the all-absorbing issue before the country, and it caused an acrimonious debate participated in by Representatives "Bob" Toombs, of Georgia, William Duer, of New York, and Thomas Henry Bayly and R. K. Meade, both of Virginia, during which Mr. Duer denounced Mr. Meade as a "disunionist." "It is false!" shouted Mr. Meade; "You lie, sir!" retorted Mr. Duer, and there was pandemonium until Sergeant at Arms Nathan Sargent seized the mace and quickly quelled the tumult. Mr. Winthrop was elected Speaker and the Sergeant at Arms elevated the mace, which had so recently quieted the uproar, to the pedestal at the side of the new Speaker, who proceeded to swear in new Members.

In 1880 the Speaker undertook to quell an incipient fight between two Representatives, William A. J. Sparks, of Illinois, and J. B. Weaver, of Iowa, when they used such menacing words and threatening actions toward each other that many Members rose to separate them. Whereupon the Sergeant at Arms moved about the House with the mace and order was restored.

Another blustery scene occurred in the House on February 17, 1885. Representative John D. White, of Kentucky, who was a thorn in the side of Speaker Carlisle and frequently used abusive language, was called to order by the Speaker and commanded to take his seat. Mr. White disregarded the order and refused to sit down. When confronted by the Sergeant at Arms bearing the mace he promptly took his seat.

In the 53d Congress Representative John A. Heard, of Missouri, engaged in a heated colloquy with Representative W. C. P. Breckenridge, of Kentucky. A brief scuffle ensued. The Sergeant at Arms, with the mace in hand, approached both men and brought them before the bar of the House. Subsequently, each apologized to the House and to each other, thus ending the incident.

In the 55th Congress Representative Charles L. Bartlett, of Georgia, threw a volume of United States Statutes at Representative James M. Brumm, of Pennsylvania, but further trouble was averted by the intervention of the Sergeant at Arms with the mace. Mr. Bartlett, who was a fiery but able Member, figured in another stormy incident in the House during the 60th Congress. Representative George Southwick, of New York, was aggrieved at the failure of the Committee on Accounts in the closing hours of a session to provide an increase of compensation to a House employee, and made some caustic remarks which Mr. Bartlett, ranking minority member of the committee, construed as meant for himself. He rushed at Mr. Southwick, brandishing a knife, but was intercepted in the main aisle by a number of Members. The Sergeant at Arms appeared on the scene with the mace and order was restored.

During the famous World War I Congress, the 65th, ugly words passed between Representative Tom Heflin, of Alabama, and Representative Patrick Daniel Norton, of North Dakota. Mr. Norton approached Mr. Heflin belligerently, but before damage could be done the Sergeant at Arms came between them with mace. Mr. Heflin figured in another incident with Representative John L. Burnett of his own State during the same hectic session. Mr. Heflin, a leading advocate of war with Germany, had made some remarks which were construed as casting aspersion upon the patriotism of Members opposed to the passage of the resolution which took America into World War I, whereupon Mr. Burnett inquired why his colleague did not go to war himself. The mace was required to restore order.

In the 73d Congress, during a rollcall, an encounter between Representative Eltse, of California, and Representative Deen, of Georgia, was narrowly averted by the prompt action of the Sergeant at Arms and Members of the House. Speaker Rainey, who was presiding, ordered the mace presented, but in the hubbub his voice was not heard and the incident

passed over without presentation of the mace.

There were, formerly, a good many instances of disorder on the floor of the House when, by direction of the Speaker, the Sergeant at Arms passed up and down the aisles, mace in hand. It happened frequently during the boisterous 51st, known as the "Reed Congress."

In the history of the United States, Mr. Speaker, there have only been 30 Sergeants at Arms. Twenty-six of those men have carried out their responsibilities with the mace we see before us today, including Zeake W. Johnson, Jr. of Tennessee, the present Sergeant at Arms.

Those who have had the privileges of this office and the guardianship of the mace of the House are:

Joseph Wheaton of Rhode Island: May 12, 1789, to October 27, 1807—First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Congresses.

Thomas Dunn of Maryland: October 27, 1807, to December 5, 1824—Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Congresses.

John O. Dunn of District of Columbia: December 6, 1824, to December 3, 1833—Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Congresses.

Thomas B. Randolph of Virginia: December 3, 1833, to December 15, 1835—Twenty-third and Twenty-fourth Congresses.

Roderick Dorsey of Maryland: December 15, 1835, to June 8, 1941—Twenty-fourth, Twenty-fifth, Twenty-sixth, and Twenty-seventh Congresses.

Eleazor M. Townsend of Connecticut: June 8, 1841, to December 7, 1843—Twenty-seventh and Twenty-eighth Congresses.

Newton Lane of Kentucky: December 7, 1843, to December 8, 1847—Twenty-eighth, Twenty-ninth, and Thirtieth Congresses.

Nathan Sargent of Vermont: December 8, 1847, to January 15, 1850—Thirtieth and Thirty-first Congresses.

Adam J. Glossbrenner of Pennsylvania: January 15, 1850, to February 3, 1860—Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses.

Henry W. Hoffman of Maryland: February 3, 1860, to July 5, 1861—Thirty-sixth and Thirty-seventh Congresses.

Edward Ball of Ohio: July 5, 1861, to December 8, 1863—Thirty-seventh and Thirty-eighth Congresses.

Nathaniel G. Ordway of New Hampshire: December 8, 1863, to December 6, 1875—Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses.

John G. Thompson of Ohio: December 6, 1875, to December 5, 1881—Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

George W. Hooker of Vermont: December 5, 1881, to December 4, 1883—Forty-seventh and Forty-eighth Congresses.

John P. Leedom of Ohio: December 4, 1883, to December 2, 1889—Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses.

Adoniram J. Holmes of Iowa: December 2, 1889, to December 8, 1891—Fifty-first and Fifty-second Congresses.

Samuel S. Yoder of Ohio: December 8, 1891, to August 7, 1893—Fifty-second and Fifty-third Congresses.

Herman W. Snow of Illinois: August 7, 1893, to December 2, 1895—Fifty-third and Fifty-fourth Congresses.

Benjamin F. Russell of Missouri: December 2, 1895, to December 4, 1899—Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses.

Henry Casson of Wisconsin: December 4, 1899, to April 4, 1911—Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first and Sixty-second Congresses.

Ulysses S. Jackson of Indiana: April 4, 1911, to June 22, 1912—Sixty-second Congress.

Charles F. Riddell of Indiana: July 18, 1912, to April 7, 1913—Sixty-second and Sixty-third Congresses.

Robert B. Gordon of Ohio: April 7, 1913, to May 19, 1919—Sixty-third, Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses.

Joseph G. Rogers of Pennsylvania: May 19, 1919, to December 7, 1931—Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, and Seventy-second Congresses.

Kenneth Romney of Montana: December 7, 1931, to January 3, 1947—Seventy-second, Seventy-third, Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses.

William F. Russell of Pennsylvania: January 3, 1947, to January 3, 1949—Eightieth Congress.

Joseph H. Callahan of Kentucky: January 3, 1949, to January 3, 1953—Eighty-first and Eighty-second Congresses.

William R. Russell of Pennsylvania: January 3, 1953, to July 7, 1953—Eighty-third Congress.

Lyle O. Snader of Illinois: July 8, 1953, to September 15, 1953—Eighty-third Congress.

William R. Bonsell of Pennsylvania: September 15, 1953, to January 5, 1955—Eighty-third Congress.

Zeake W. Johnson, Jr., of Tennessee: January 5, 1955—Eighty-fourth Congress and is serving at the present time.

During the last 130 years, the distinguished men who held this position presented the mace to restore order when tumult threatened the House.

Those years were not always peaceful ones, Mr. Speaker. Our Nation suffered a civil war and reconstruction. Crucial decisions were made in this House on the industrial revolution, big business, the labor movement, and progressive social legislation. Heated debate preceded our entry into world affairs and world wars.

Often this debate got out of control, at which time the Sergeant at Arms would present the mace, order was restored, and the process of Government continued.

Mr. Speaker, the mace of the House of Representatives and the Sergeant at Arms have thus played a vital role in the conduct of Congress. The Sergeant at Arms and the mace deserve much of the credit for the survival of our Government and Nation. They have helped control the convulsive debates in good times and bad, during years of prosperity and years of depression and despair.

Today, the mace stands on its pedestal, with all the dignity and magnificance of its 130 years of service. It stands as a symbol of strength and perseverence through difficult times.

Mr. Speaker, in these days one reads of divisions, hatred, and cynicism; of urban decay and the steady destruction of our resources, moral as well as natural. I find in the mace, however, a reassurance and reminder that Congress can again confront the problems of our Nation, if it so chooses.

Mr. Speaker, I salute the mace on its 130th year of service and I salute the distinguished Sergeant at Arms, Zeake W. Johnson, Jr., of Tennessee, on his 16 years of impressive service.

SHARING U.S. OFFSHORE INCOME

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, Louisiana is blessed with some of the largest oil and gas reserves in the world. Much of our production occurs offshore on the sea bottoms which form the outer and inner continental shelves.

For decades now, the income from this production has been the subject of a dispute between Louisiana and the National Government. At the moment, more than $1.6 billion is in escrow, awaiting a final resolution of this controversy.

It has long been the policy of the National Government to share revenues from its lands within State boundaries. Louisiana, however, which bears the expense of providing the public services which make offshore production possible, is unjustly denied a share of these revenues.

This was the topic of a recent editorial in the New Orleans Times Picayune. I am inserting it in the RECORD and calling it to the attention of my colleagues.

SHARING U.S. OFFSHORE INCOME

So the oil and gas income in the disputed seaward areas off Louisiana continues to grow as federal government puts off a decision on offshore policy and the escrowed funds—totaling $1.627 billion at the outset of this year.

Why the indecision on a settlement which has dragged for years? Federal government has a long-honored formula covering the sharing of revenues from federal lands within state boundaries.

Since 1920, states have received 37.5 per cent of the revenues from oil and gas production from United States-owned lands in the respective states. Alaska, an exception, shares 90 per cent. Louisiana is one of the states benefitting from this 1920 Mineral Leasing Act.

Three states, Montana, Utah and New Mexico, share 25 per cent of federal revenues from U.S. grazing lands. And other Western states draw 12.5 per cent of federal grazing lands income. In those states in which timber is cut from federal lands, the states draw 25 per cent of such income.

In other words, federal sharing of revenues from oil, gas, grazing and lumber generated from federal lands is a well-established practice dating back many years.

Now for the justice of it: Louisiana pays heavily on the cost of providing governmental services for those who work in the federal offshore and for their families. Yet no severance taxes—so important to the Louisiana treasury—come in from these "outside" areas. Nor does Louisiana share in the bonuses, lease payments and royalties.

Louisiana is in the position of footing the bill for services of public education, roads, police and fire protection, soil and water conservation, library service, local flood control, anti-pollution programs, agricultural service, health service—the whole roster.

Wherein the differentiation lies between federal revenue sharing on federal lands within states and federal revenue sharing on federal lands alongside states is difficult to see. From the services-rendered standpoint, there is no difference.

What we are talking about when we consider federal policy for Louisiana, of course, is federal policy for all seaboard states.

Federal government should realize that its oil-rich continental shelf is drawing investment away from public and private lands in Louisiana. Oil and gas production in the federal area where there are no sever-

ance taxes adds attractiveness to the richness of the federal area's potential.

Seaward flight of our oil and gas industry presents a clear and present danger to Louisiana's financial condition and makes imperative agreement which should have been reached years ago.

INTRODUCING HIGHER EDUCATION FUNDING BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I am introducing a higher education funding bill to assist parent-taxpayers to meet the high costs of sending their children to institutions of higher learning.

Escalating college costs are putting an unconscionable financial strain on middle income taxpayers who must personally pay for their children's college education, and this bill is designed to alleviate the burden. I intend to continue my work to strengthen and expand existing Federal student loan programs for children from low-income families, but, at the same time, I will push for enactment of this program to bring needed relief to middle-income taxpayers who bear the greatest burden of financing the Federal Government.

Fashioned after the Self-Employed Individuals Tax Retirement Act, this bill will allow parents to make tax-deductible contributions to qualified higher education funds established for the sole purpose of financing the higher education of dependents. Under the terms of my bill, a qualified education fund is one established pursuant to a written plan for the purpose of defraying the cost of room, board, and tuition at an institution of higher learning. Parents will be allowed to contribute up to $500 per year for each beneficiary, but total tax deductible contributions will not be allowed to exceed 10 percent of the taxpayer's gross annual income per year, and in no event to exceed $2,500 in 1 year. Contributions can be made to the fund any time from the birth of the child up to his 19th birthday, and the tax deduction will be available to persons in all tax brackets.

The program established by this bill will greatly increase the amount of funds available to finance college costs, and it will not do this at the expense of existing Federal educational loan programs. I think this is a most equitable measure, and I urge my colleagues to join me in working for its passage.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Funding Act of 1971."

SEC. 2. ALLOWANCE OF DEDUCTION.

(a) GENERAL RULE.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to deductions for individuals) is amended by redesignating section 218 as section 219, and by inserting immediately after section 217 the following new section:

"SEC. 218. DEDUCTION FOR CONTRIBUTIONS TO QUALIFIED HIGHER EDUCATION FUND.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction amounts determined under subsection (b), which are contributed to a qualified higher education fund described in subsection (c).

"(b) AMOUNT DEDUCTIBLE.—The amount allowable as a deduction under subsection (a) shall be limited to contributions to a qualified fund having as its beneficiary an individual described in section 151(e)(1)(B) (relating to additional exemption for dependents) and shall not exceed the lesser of—

"(1) The product of $500 times the number of qualified beneficiaries.

"(2) Ten percent of the taxpayer's adjusted gross income for the taxable year (determined without regard to this section), or

"(3) $2,500.

For purposes of the preceding sentence, dependents of the taxpayer shall include only those who are living at the end of the taxable year.

"(c) QUALIFIED HIGHER EDUCATION FUND.—

"(1) GENERAL RULE.—For purposes of this section, a qualified higher education fund is a fund established pursuant to a written plan described in paragraph (2), but only if the fund meets the requirements of paragraph (3).

"(2) PLAN.—A plan referred to in paragraph (1) is a plan established by the taxpayer—

"(A) solely for the purpose of defraying the cost of room, board, and tuition at an institution of higher education of one or more eligible beneficiaries,

"(B) which provides that no distribution shall be made by the fund (except upon termination thereof) other than to, or on behalf of, eligible beneficiaries for the purpose specified in subparagraph (A),

"(C) which provides that upon termination of the fund all assets of the funds shall be distributed to the taxpayer or to his estate,

"(D) which prohibits contributions to the fund in excess of amounts deductible under subsection (a), and

"(E) under which the taxpayer consents to the income tax treatment upon termination of the fund provided in subsection (e)(2).

For purposes of this section, costs of room and board shall not include the cost of furnishing such items in the taxpayer's household.

"(3) FUND.—A fund meets the requirements of this paragraph only if—

"(A) it constitutes a custodial account described in section 401(f) (without regard to paragraph (1)(A) thereof), or

"(B) it is a trust.

For purposes of subparagraph (A) the reference in section 401(g) to a trust described in 401(a) shall be deemed to be a reference to a trust to which this section applies. In the case of a trust referred to in subparagraph (B) the trustee must be a bank, but a person other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). The preceding sentence shall not apply to the extent provided by regulations prescribed by the Secretary or his delegate to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively as the funding media of the trust, if the life insurance company supplies annually such information about trust transactions as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this section, the term 'bank' shall have the meaning ascribed to it by the last sentence of section 401(d)(1).

"(d) DEFINITIONS.—

"(1) ELIGIBLE BENEFICIARY.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), for purposes of this section the term 'eligible beneficiary' means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a). Such a person shall cease to be an eligible beneficiary—

"(i) if payments by the fund to him, or on his behalf, for the purposes specified in subsection (c)(2)(A) do not commence within 5 years after the date on which such person was graduated or separated from secondary school, or

"(ii) after the expiration of 10 years from the date of such graduation or separation.

"(B) SPECIAL RULE.—If on any day the fund ceases to have an eligible benficiary who is a child (within the meaning of section 151(e)(3)) of the taxpayer or his spouse, no person shall be an eligible beneficiary for purposes of this section unless—

"(i) distributions by the fund to, or on behalf of, such person for the purposes specified in subsection (c)(2)(A) had begun before such day, or

"(ii) the taxpayer designates such person as a beneficiary of the fund by notice in writing to the Secretary or his delegate within the period of 120 days after such day in accordance with regulations prescribed by the Secretary or his delegate.

An eligible beneficiary designated pursuant to clause (ii) means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a) determined without reference to the support test described in paragraph (a) of section 152.

"A person who is an eligible beneficiary by reason of a designation pursuant to clause (ii) shall cease to be an eligible beneficiary not later than 10 years after the day on which such designation is made.

"(2) INSTITUTION OF HIGHER EDUCATION.—For purposes of this section, the term 'institution of higher education' means an educational institution (as defined in section 151(e)(4))—

"(A) which regularly offers education at a level above the twelfth grade;

"(B) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c);

"(C) which is legally authorized to provide and does provide a program of postsecondary education; and

"(D) which is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education.

"(e) TERMINATION OF FUND.—

"(1) EVENTS CAUSING TERMINATION OF FUND.—A qualified higher education fund shall terminate if—

"(A) a contribution is made to the fund in excess of the amount allowable as a deduction under subsection (a);

"(B) a distribution is made by the fund other than to, or on behalf of, an eligible beneficiary for the purposes specified in subsection (c)(2)(A);

"(C) subject to paragraph (B)(ii) of subsection (d)(1) of this section, the plan ceases to have an eligible beneficiary; or

"(D) In the absence of a testamentary disposition to the contrary, upon the death of the taxpayer.

"(2) INCOME TAX TREATMENT UPON TERMINATION.—

"(A) Upon termination of a fund under paragraph (1)(A) because of an excess contribution, the taxpayer shall include in his gross income for his taxable year during which such contribution is made an amount equal to twice the value of the assets of the fund on the day on which such contribution is made.

"(B) Upon termination of a fund under paragraph (1)(B), the taxpayer shall include in his gross income for the taxable year during which the terminating distribution occurs an amount equal to twice the value of the assets of the fund immediately before such distribution.

"(C) Upon termination of a fund because of the happening of the event specified in paragraph (1) (C) or (D), an amount equal to the value of the assets upon termination, reduced by any portion of that amount which is attributable to the proceeds of life insurance contracts which are excluded from gross income by section 101(a), shall be included in gross income of the taxpayer or his estate for the taxable year during which the termination occurs. The limitation of tax provided in subsection (n) of section 72 shall apply with respect to the amount included in gross income under the preceding sentence as if such amount were an amount received to which that subsection applies.

"(f) INCOME TAX TREATMENT OF CREATOR OF A QUALIFIED HIGHER EDUCATION FUND.—Except as provided in subsection (e)(2), no amount shall be included in the gross income of a taxpayer who establishes a qualified higher education fund because of any income realized by the fund or because of any payment by the fund to, or on behalf of, an eligible beneficiary for the purpose specified in subsection (c)(2)(A)."

(g) RELATED AMENDMENTS.—

(1) AMENDMENT OF SECTION 62.—Section 62 of such code (relating to definition of adjusted gross income) is amended by adding after paragraph (8) the following new paragraph:

"(9) QUALIFIED HIGHER EDUCATION FUND.—The deduction allowed by section 218."

(2) AMENDMENT OF SECTION 501.—Section 501(a) of such code (relating to exemption from tax on corporations, certain trusts, etc.) is amended by striking out "401(a)" and inserting in lieu thereof "401(a), or a qualified higher education fund described in section 218(c)".

(h) TECHNICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such code is amended by striking out the item referring to section 218 and inserting in lieu thereof:

"Sec. 218. Deduction for contributions to qualified higher education fund.

"Sec. 219. Cross references."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective for taxable years beginning after the date of enactment of this Act.

HELICOPTER HEROES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am proud to bring to the attention of my colleagues the courage and heroism of helicopter pilot Robert F. Sidonio, a citizen of Ridgefield in my district of Connecticut.

As a member of one of our many crack helicopter teams in Southeast Asia, Robert Sidonio has distinguished himself for his bravery and skill. His actions speak for themselves. In all, his helicopter and its three teams were credited with saving 30 outposts which might have otherwise fallen. After being shot at several times, Sidonio and his helicopter, which was given the name "Tiger Surprise," were downed during some night fighting. Fortunately, Sidonio and his copilot escaped fatal injury. For his service to his country, Sidonio has received the Purple Heart and two air medals.

The exploits of the "Tiger Surprise" have become so well known across Vietnam that the Army has outfitted another helicopter to be named "Tiger Surprise" to honor the tradition and accomplishments of the original.

We are all aware of the risks that our helicopter teams must take in Southeast Asia on every flight. We can all be proud of the courage of such men as Robert Sidonio. He and others such as he are serving their country admirably and deserve our highest tribute and thanks.

I would like to place in the RECORD at this point two newspaper articles which describe the actions of Robert Sidonio as a member of the "Tiger Surprise" team. I urge all my colleagues to read these articles as testimony to the skill and courage of our Armed Forces in Indochina.

RIDGEFIELD PILOT-HERO PROMOTED

RIDGEFIELD.—Robert F. Sidonio, 21, son of Mr. and Mrs. John Sidonio of Ramapoo Road, has been promoted to chief warrant officer.

He is on duty with the 101st Airborne Division (Airmobile) in Vietnam, about 30 miles south of the demilitarized zone. The 101st is known as "The Screaming Eagles" and is considered a crack outfit.

The Ridgefielder has received the Purple Heart and two Air Medals, second one of the latter award in November.

Seeing a picture of his old helicopter, "Tiger Surprise," in a copy of the magazine, "Uptight." The helicopter was the one in which he and his copilot, W/O Edward Scuza, were shot down.

The story accompanying the picture described the details of the crash, explosion, subsequent rescue and hospitalization of the two men.

The article states: "In a war which has created few legends, the 'Tigers' can lay claim to a helicopter famous throughout the Mekong Delta. The story of the 'Tiger Surprise' is known by aviators wherever they gather.

"The legend began in 1968 when the copter, which had been used to lay smoke screens during ground assaults, was converted to a night fighter.

"The copter and its three teams of a pilot and a co-pilot has been credited with saving 30 outposts which may have otherwise fallen."

A second helicopter has been outfitted and named "Tiger Surprise" to carry on the tradition of its predecessor and its pilots.

Sidonio and his co-pilot, W/O Scuza were shot down during night fighting in the early hours of April 1, 1970. Scuza lost his toes on both feet while Sidonio, who had zippers sewed in his boots instead of laces, was able to get the boots off quicker and escaped injury to his feet. However, he did receive first and third degree burns on his arms and neck.

A wristwatch he was wearing deflected shrapnel just enough to keep it from hitting an artery. His mother said that the watch is being repaired and preserved for a keepsake.

Mr. and Mrs. Sidonio have received a letter from Major Henry T. Brown, Jr., commanding officer, attesting to the enemy fire their son had been under and his complete recovery from injuries.

Sidonio attended St. Mary School and Christ the King Preparatory Seminary in Westport, from which he graduated. He had planned to enter the priesthood.

He attended Western Connecticut State College in Danbury for one year before entering the armed services.

HIT BY GUNFIRE 3 STRAIGHT DAYS—RIDGEFIELD HELICOPTER PILOT DODGES DEATH

(By Michael Putzel)

KHE SANH, Vietnam (AP).—Maj. Jim Newman and the pilots were sitting around their briefing room—a big metal supply container—talking about Sidonio and his little bird's latest brush with death.

CWO Robert Sidonio, 21, Ridgefield, Conn., had been shot at three times in two days over Laos and was hit twice but his tiny OH1 observation helicopter had made it back both times.

Conversation broke off as the radio crackled, Lt. Martin "Slim" Pickens, Orlando, Fla., was coming in weak, but he seemed to be saying "air burst" and "maybe a chopper blowing up."

Newman jumped for the radio and his pilots for the door. Pickens came on again to report a big CH47 Chinook supply helicopter had exploded in the air, and gave the map coordinates.

Newman raced for his command ship and the Cobra gunship pilots dashed past him, and in what seemed like seconds, Charlie Troop, 2nd Battalion, 17th Air Cavalry of the 101st Airborne Division, was on the way.

There are no Chinooks in the cavalry, so it wasn't one of their own. But that didn't make any difference. Laos, in a week and a few days, has been a nightmare for everyone's helicopters.

Within minutes they were over Laos. Sidonio—skittering in over the treetops in his agile little observation craft—reported an enemy shell burst in the air near him. He thought he wasn't hit but it turned out he was—his ship riddled with holes for the third straight day.

The Cobras turned to attack the North Vietnamese gun positions and fired all of their rockets before they reached the burned spot on the ground that had been the Chinook.

A crash like that—followed by fire—offers little hope of any survivors, but Newman, 36-year-old troop commander from Fayetteville, N.C., wanted to be sure.

So they escorted Sidonio back to Khe Sanh, rearmed the Cobras and put a platoon of Vietnamese troops—the Black Panthers of the 1st South Vietnamese Division—aboard UH1 Slicks.

These jungle-wise troops are being used to secure downed helicopters and recover the crews, alive or dead. The cavalry has its own platoons for that, but they're not allowed in Laos. So they stay at Khe Sanh, filling sandbags and griping about the Army using crack troops—themselves—for menial chores.

In a few minutes, back over Laos, Charlie Troop's ships dodged between the locations of known .51-caliber and 37mm guns and the Black Panther, or Hac Bao in Vietnamese, went into the crash site by helicopter.

Vietnamese probed the ashes and recovered the remains of five of the six Americans who had been aboard the Chinook.

On the way home, the Cobras spotted an enemy truck loaded with ammunition, destroyed it, and shot up four enemy gun positions.

Not a bad day for Charlie Troop. Not as bad, for instance, as the three days earlier, when four Cobras and four Slicks went down, two Cobras destroyed, two pilots missing and two hospitalized.

That was the day when Newman couldn't find a clearing big enough to land and pick up his wounded gunship pilots, so he went into the jungle instead, clipping the treetops

with his rotor blades, while a cable was lowered, then nursing the damaged ship back to Khe Sanh with the wounded men aboard. The next day Capt. Chuck Vehlow, a 25-year-old West Pointer from Waukesha, Wis., took a .51-caliber slug in his Cobra's rocket pod and they had to call the demolition squad to disarm his pod.

That day also, CWO Robert Pascoe, Phoenix, Ariz., was flying scout for the Cobras and both radios went silent. Back at * * * to the troop to start a search just as Pascoe swooped onto the Khe Sanh airstrip, skidded to a stop and leaped out with his fire extinguisher.

"I thought I was in flames," he said sheepishly as his colleagues surrounded the helicopter, dropping to their knees to inspect the jagged hole in the main frame. Pascoe had made it, but the chopper was finished and would be shipped back to the States for repairs.

Charlie Troop has had more experience than any other air cavalry unit in the rugged border country of the northern region of South Vietnam, where the enemy gunners fire from concealed positions in the jungle-covered mountains.

The air defenses in Laos are a variety of guns designed to deal with the Air Force and Navy supersonic jets that pound the Ho Chi Minh trail. For the skilled enemy gunners, the frail slow choppers are not even good target practice.

Officials confirm 15 American and two South Vietnamese helicopters have been shot down and destroyed since the Laos incursion began. But the actual figure, including those only damaged and recovered, is higher. Still more have been shot down along the border, but on the Vietnamese side.

The pilots don't like all this and they don't pretend to. After that one bad day, a few even talked about not going back to Laos. But nobody has refused to go.

"I think the first few days were the worst," said Capt. John Stolp, 25, Bisbee, Ariz., a classmate of Vehlow at West Point.

"At one point we had only nine airplanes flying out of 27. But now the North Vietnamese know that if they shoot at us they give away their position, and it brings th whole world down on them.

"I think it's going to get better now."

ENFIELD, CONN., SELECTED AS ALL-AMERICA CITY FOR 1971

(Mrs. GRASSO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GRASSO. Enfield, Conn., a town of 50,000 residents in the Sixth Congressional District, has been selected by Look magazine and the National Municipal League as an all-America city for 1971. This yearly award designation is limited to 11 cities throughout the Nation which have brought about major improvements to their community through vigorous civic action. The distinguished panel of Government, foundation, and business leaders selected Enfield from among thousands of cities and towns throughout the Nation as an example of what involved and concerned citizens can do to improve their community.

This award is a considerable source of pleasure to me as I have seen Enfield grow from a small suburb of 20,000 to a burgeoning regional commercial center of 50,000. Many communities have experienced such growth and found that the outmoded governmental structures and municipal services were incapable of handling the increased size. A number of years ago Enfielders recognized the coming crisis and acted. A citizens government reform group convinced the community to adopt a modern council-manager plan based on the National Municipal League model. The school system, once adequate for a small community, was expanded by $23 million to include 10 new schools. An $18 million sewer construction program, a drug advisory council and a mental health center were also established.

These costs are high, but the citizens of Enfield recognized that the investments of money and energy made now would pay the dividend of a livable community in the future.

I join my colleagues in saluting Enfield, Conn., the all-America city.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD (at the request of Mr. PRICE of Illinois), for 60 minutes, on March 10, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEMP) to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 15 minutes, today.

Mr. QUILLEN, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 20 minutes, today.

Mr. O'HARA, for 20 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL, and to include pertinent matter.

Mr. WYMAN, immediately following the remarks of Mr. BURKE of Massachusetts, today.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. PRICE of Texas, in two instances.
Mr. TERRY.
Mr. SCHERLE in 10 instances.
Mr. MCCLURE.
Mr. HOGAN.
Mr. ROBISON of New York.
Mr. STEIGER of Wisconsin.
Mr. BROWN of Ohio.
Mr. WYMAN in two instances.
Mr. ZWACH.
Mr. SPENCE.
Mr. MCCLORY in two instances.
Mr. DERWINSKI in two instances.
Mrs. DWYER in five instances.
Mr. BOB WILSON.
Mr. POWELL.
Mr. MINSHALL in four instances.
Mr. WHITEHURST in two instances.
Mr. ARENDS.
Mr. FORSYTHE.
Mr. HILLIS in two instances.
Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. WILLIAM D. FORD in three instances.
Mr. LONG of Maryland.
Mr. MCCORMACK in five instances.
Mr. ASPIN in two instances.
Mr. CORMAN in five instances.
Mr. EDWARDS of California.
Mr. BADILLO.
Mr. BERGLAND in three instances.
Mr. JACOBS.
Mr. NIX.
Mr. REES in two instances.
Mr. RANGEL.
Mr. JAMES V. STANTON.
Mr. MATHIS of Georgia in two instances.
Mr. WOLFF.
Mr. RYAN in three instances.
Mr. MIKVA in six instances.
Mr. BINGHAM.
Mr. BRINKLEY.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN.
Mr. OBEY in eight instances.
Mr. PATTEN in two instances.
Mr. JONES of Tennessee.
Mr. MADDEN in three instances.
Mr. DRINAN in two instances.
Mr. HUNGATE.
Mr. MILLER of California.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 8, 1917, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 16. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; and

H.J. Res. 337. Joint resolution authorizing the President to proclaim the second week of March 1971 as "Volunteers of America Week."

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 10, 1971, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older (Rept. No. 92–37). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules.

H. Res. 276. Resolution providing for the consideration of H.R. 4246, a bill to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization (Rept. No. 92–38). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. H. Res. 277. Resolution providing for the consideration of H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes (Rept. No. 92–39). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself and Mr. WATTS):

H.R. 5732. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ASPIN:

H.R. 5733. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

H.R. 5734. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement or participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit Congressional authorization; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H.R. 5735. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms, by restricting the availability of such firearms for law enforcement; military purposes and for certain approved purposes including sporting and recreational uses; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5736. A bill to provide for the temporary suspension of duty on certain granulated and ground cork and on certain natural and composition cork cut or molded into rods; to the Committee on Ways and Means.

H.R. 5737. A bill to provide for the temporary suspension of duty on regranulated cork; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 5738. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. GAYDOS):

H.R. 5739. A bill to amend the Social Security Act to increase OASDI benefits by 25 percent (with a $100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to increase widows' and widowers' benefits, to pay wife's and widow's benefits without regard to age in disability cases, and to liberalize eligibility for disability benefits; to make disabled beneficiaries eligible for medicare without regard to age, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5740. A bill to amend the Emergency Rail Services Act of 1970 to authorize the Secretary of Transportation to purchase a railroad and its equipment in the event of a default in the payment of principal or interest with respect to a certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 5741. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 5742. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

H.R. 5743. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 5744. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 5745. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.R. 5746. A bill to amend title II of the Social Security Act to increase, in certain cases where an individual entitled to a widow's or widower's insurance benefit remarries, the portion of such benefit which such individual may continue to receive after the remarriage; to the Committee on Ways and Means.

H.R. 5747. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 5748. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

H.R. 5749. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. JOHNSON of Pennsylvania, and Mr. MCCLORY):

H.R. 5750. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 5751. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guaranty provision; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 5752. A bill Voluntary Military Service Act; to the Committee on Rules.

By Mr. JONES of North Carolina:

H.R. 5753. A bill to amend title XVIII of the Social Security Act so as to include among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 5754. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 5755. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 5756. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 5757. A bill to terminate the authority of the President to suspend the Davis-Bacon Act; to the Committee on Education and Labor.

By Mr. MCCLURE:

H.R. 5758. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. MCCLURE (for himself and Mr. HANSEN of Idaho):

H.R. 5759. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 5760. A bill to prohibit the use of funds appropriated by Congress to support the use in combat zones of persons inducted under the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. BURTON, Mrs. CHISHOLM, Mr. CONYERS, Mr. MATSUNAGA, Mr. RYAN, and Mr. CHARLES H. WILSON):

H.R. 5761. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BRASCO, Mrs. CHISHOLM, Mr. DIGGS, Mr. WILLIAM D. FORD, Mr. FRASER, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HATHAWAY, Mr. MOORHEAD, Mr. PODELL, Mr. RODINO, Mr. ROSENTHAL, and Mr. HALPERN):

H.R. 5762. A bill: National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 5763. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. REID of New York, Mr. GALLAGHER, Mr. BROOMFIELD, Mr. ZABLOCKI, Mr. MONAGAN, Mr. MORSE, Mr. HORTON, Mr. MACDONALD of Massachusetts, and Mr. GUDE):

H.R. 5764. A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961

to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam; to the Committee on Foreign Affairs.

By Mr NELSEN (for himself and Mr. FUQUA):

H.R. 5765. A bill to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSEN (for himself, Mr. CARTER, and Mr. HASTINGS):

H.R. 5766. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5767. A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas (for himself, Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COLLINS of Texas, Mr. GIBBONS, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KUYKENDALL, Mr. MANN, Mr. MAYNE, Mr. MICHEL, Mr. RAILSBACK, Mr. RARICK, and Mr. BOB WILSON):

H.R. 5768. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 5769. A bill for the relief of persons who suffered damages as a result of the sonic boom test over Oklahoma City, Okla., in 1964; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 5770. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 5771. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contribution Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 5772. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 5773. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 5774. A bill to provide for a national inventory of mineral deposits, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5775. A bill to prohibit the use of enzymes in detergents; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 5776. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5777. A bill to protect funds invested in series E U.S. savings bonds from inflation and to encourage persons to provide for their own security; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself, Mr. GERALD R. FORD, Mrs. DWYER, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. MCKINNEY, Mr. LENT, Mr. FRENZEL, Mr. REUSS, Mr. ASHLEY, Mr. STEPHENS, Mr. GETTYS, and Mr. ANNUNZIO):

H.R. 5778. A bill to authorize insurance in connection with loans for the preservation of residential historic properties; to the Committee on Banking and Currency.

By Mr. YATRON:

H.R. 5779. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.J. Res. 447. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

H.J. Res. 448. Joint resolution to establish the Commission for Re-establishing Constitutional Principles; to the Committee on the Judiciary.

H.J. Res. 449. Joint resolution providing that the United States shall not participate in any civil action except as a party to such civil action; to the Committee on the Judiciary.

By Mr. CONTE:

H. Res. 278. Resolution to authorize the Military Operations Subcommittee of the Committee on Government Operations to conduct an investigation and study of any alleged military surveillance of Members of Congress and other public officials; to the Committee on Rules.

By Mr. DULSKI (for himself and Mr. CORBETT):

H. Res. 279. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 217; to the Committee on House Administration.

By Mr. STEED:

H. Res. 280. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 281. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

H. Res. 282. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

By Mr. WHITTEN:

H. Res. 283. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 284. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: A memorial of the Senate of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; to the Committee on Foreign Affairs.

54. Also, a memorial of the House of Representatives of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALBERT:

H.R. 5780. A bill for the relief of Leda Morassutti; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5781. A bill for the relief of Carmine Corrado; to the Committee on the Judiciary.

H.R. 5782. A bill for the relief of Giacomo F. Pettito; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 5783. A bill for the relief of CWO Gordon C. Knight; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5784. A bill for the relief of Lucrezia Adragna and her children, Gioacchino Adragna and Luciano Adragna; to the Committee on the Judiciary.

H.R. 5785. A bill for the relief of Dr. Edgardo S. Alday; to the Committee on the Judiciary.

H.R. 5786. A bill for the relief of Iginio Cammarota; to the Committee on the Judiciary.

H.R. 5787. A bill for the relief of Salvatore Carollo and his wife, Antonina Carollo; to the Committee on the Judiciary.

H.R. 5788. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

H.R. 5789. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 5790. A bill for the relief of Maria Luchi; to the Committee on the Judiciary.

H.R. 5791. A bill for the relief of Judith Novella Matthew; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5792. A bill for the relief of Santo and Serafina Accurso; to the Committee on the Judiciary.

H.R. 5793. A bill for the relief of Maria Ciccone; to the Committee on the Judiciary.

H.R. 5794. A bill for the relief of Leandro Napoleone; to the Committee on the Judiciary.

H.R. 5795. A bill for the relief of Lydia and Salvatore Santarella; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 5796. A bill for the relief of Mrs. Amy M. Allen Haqq; to the Committee on the Judiciary.

H.R. 5797. A bill for the relief of Bruna Molinari; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 5798. A bill for the relief of Giuseppa Cordaro; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 5799. A bill for the relief of the estate of Katharine A. Seaward; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONSCRIPTION IN EARLY AMERICAN HISTORY

HON. WILLIAM A. STEIGER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, supporters of conscription often justify their opposition to the all-volunteer force on the grounds that the American tradition is one of a universal obligation for military service. This belief is not supported by the facts, which show that conscription is the exception rather than the rule in our Nation's history—and when the draft has been used, it has been selective and discriminatory rather than universal.

An excellent treatment of conscription in America was prepared for the Gates Commission by Jack Rafuse, of the Center for Naval Analysis. Writing of the militia tradition, Mr. Rafuse notes that—

In its origins militia service meant *home* defense in its most narrow sense. A militiaman fought in his town, or later, his state. He did not fight elsewhere. Militia conscription was never meant to provide soldiers for distant wars . . . the colonial draft was local in function and execution. It was highly selective, infrequently used, and administered by the smallest units of local government.

According to Mr. Rafuse:

During the Revolutionary War, when too few were willing to volunteer for long periods of time or at great distances, the states reluctantly resorted to conscripting militiamen to serve with the Continentals . . . However, payment of a fee, procurement of a substitute or marriage exempted a militiaman. In other words, many civilians were entirely exempt from the militia draft.

In part 1 of this paper, the colonial tradition, the experience during the Revolutionary War, and the militia structure of the early Republic are examined. I commend this item to your attention:

U.S. EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES—PART I

(By John Rafuse, Center for Naval Analyses)

THE TRADITION OF CONSCRIPTION

The polemics of conscription in America abound with references to history and tradition, but present little data or analysis. This paper examines American history with special regard for military manpower recruitment practices. One purpose of the study is to provide a historical survey of conscription in America and to convey some of the contextual flavor of the past debates. The second and principal purpose is to contrast the debates with factual data to permit judgment on the credibility of the debates and on the extent to which conscription is or is not in the American tradition.

The United States has used conscription to provide military manpower only in wartime or as an emergency expedient. Conscription was used during the Civil War, World War I, and World War II. Controversy and demonstration erupted each time. Since World War II there has been only one brief hiatus in the draft. The present draft has been in existence almost without interruption for thirty years. More than half of the U.S. population is under thirty so it has never known a time when there was no draft. Thus, the draft is now considered the natural state of affairs, though in 1940 such a situation would have been inconceivable to most people.

Prior to 1945, the only peace-time draft in this country was in 1940, when the world was not at peace, and when the United States had chosen sides. Europe went to war in 1939, but in 1940 conscription was one of the great political issues because the United States was not at war. On the other hand, it was argued that the international situation would not allow us to continue peacetime armed forces while other nations were mobilizing on a gigantic scale. The World War II draft was truly universal, a lottery which determined not who would serve, but rather in what order men would serve. More than half of the male population of the United States between the ages of 18 and 45 served in the armed forces during that war.

Today's draft dates from the Universal Military Training and Service Act of 1951, set up at a time when the manpower needs and economic requirements of the nation were much different from those of the 1960's or 1970's. Table 1 shows the demands made on the manpower pool over a 15-year period.

TABLE 1.—MILITARY SERVICE OF 26-YEAR-OLD MEN[1]

Year	Total 26-year-old men	Percent with military service
1958	1,100,000	70
1962	1,110,000	58
1964	1,190,000	52
1966	1,250,000	46
Projected 1974	1,870,000	[2] 42 / [3] 34

[1] Reference Materials from the Department of Defense Study of the Draft, Office of the Assistant Secretary of Defense (Manpower), July 1966, p. 4a.
[2] 3,000,000 military strength.
[3] 2,700,000 military strength.

The increase in numbers of men 18 to 26 years of age means that an ever-diminishing percentage serve. Despite this the draft continues, justified by "tradition." Since national conscription has existed for only 33 of the approximately 200 years since the Declaration of Independence, it is difficult to consider the draft an American tradition.

There are those, however, who feel that the real tradition is not that of national conscription, but rather of a series of laws committing every citizen to obligatory armed service. That tradition, they feel, is longer and more pervasive. If that is so, there is an important *caveat:* in its origins, militia service meant *home* defense in the most narrow sense. A militiaman fought in his town, or later, his state. He did not fight elsewhere. Militia conscription was never meant to provide soldiers for distant wars.

Probably the most complete tabulation of colonial American militia laws shows 777 provisions (laws or parts of laws) relating to militia service.[1] The total number of laws tabulated in the volume is 608,[2] of which 200 laws, and 369 provisions concern some aspect of compulsory service. Of the 369 provisions one-third (122) were delegations of authority. The remaining provisions (247) are the only ones which contain elements of compulsion, and not all of those compel citizens to serve. Further, all those laws which are compulsive also contain exemptions or exclusions.[3] In addition, several laws without provisions of compulsion increased the number of exemptions or exclusions from service. In all there were 200 laws with elements of compulsion, but 213 exempting classes such as: legislators, church officials, college faculty and administrators, Quakers, justices of the peace, doctors, lawyers, and mariners; lunatics, slaves and Papists.

The quantity of legislation reveals little, since every settlement was a separate colony with separate laws, and since no law is reenacted if it is effective as it stands. Colonial laws, once enacted, were seldom repealed though they were frequently reeanacted with modifications.[4] The quantity of colonial enactments demonstrates that earlier laws were ignored or abused. Enactment and repeated reenactment of laws, with exemptions for some, and ever-stiffer penalties for others, demonstrate that neither the letter nor the spirit of the compulsive legislation was observed. Lacking and not needing unanimous participation, the ruling body in each colony tried to force some people to serve while others were exempted. The settlements grew and combined to form the familiar thirteen colonies. At the same time, the frontier dangers became more distant, and the effectiveness of the militias and the laws of the individual settlement lessened. Muster days became less frequent and turned into local festivals. During the eighteenth century British-French wars for empire, North American colonists beside sometimes fought British regulars. However, the colonial militias proved largely unfit for distant campaigns. There were exceptions, but they were few. The militias were called upon to provide men not because of their battle-effectiveness, but because they were the only semi-organized and orderly source of wartime manpower. One historian has said:

The militia proved less useful when they were not fighting directly and obviously in defense of their own homes. The New England expeditions that took Port Royal in Acadia in 1690 and 1710—facing weak opposition—and the famous expedition that seized the fortress of Louisbourg in 1745—despite much stronger opposition—were exceptions. In general the colonial militias were not a reliable instrument of offensive war distant from their own firesides.

The reasons are evident. Few men came to America to be soldiers. More likely, they came in part to escape soldiering. They would fight when they had to, to preserve the homes and farms and way of life they had crossed the ocean to find. But they did not wish to abandon homes and farms for months or a season, to go off soldiering in pursuit of objects only remotely connected with their own aspirations or security. Militia training did not prepare them for extended campaigns, nor did militia organization befit the maintenance of long expeditions. A long campaign to distant fields that also involved meeting Indian tactics of stealth and ambuscade was a campaign for which colonial militia, except units recruited from frontiersmen, were especially unsuited. When the French and Indian War demanded such campaigns, the militia system did not suffice. Therefore regiments of the British regular army appeared in America, to fight the French and their Indian allies and to add their contribution to the influences that were to shape the United States Army.[5]

Thus, the militia draft cannot be used as a parallel for the present draft. The purposes of the militia were completely different from the missions of today's army, and so discipline, term of service, code of behavior, means of advancement in rank, effectiveness of the force, and role of the organization in the community were all different. The colonial "draft" was local in function and in execution. It was highly selective, infre-

Footnotes at end of article.

quently used and was administered by the smallest units of local government. To speak of militia conscription as a precedent or as a part of a continuing American tradition is to misunderstand the similarities which exist and ignore the differences.

THE AMERICAN REVOLUTION

In the decade before 1775 there was a trend toward some degree of colonial unity, but it should not be overstated. Prior to the revolution, colonial militia units had cooperated with each other and with British troops from time to time, but that was the extent of colonial military experience. Much of the manpower procurement difficulty General Washington encountered in the American Revolution was due to the militia tradition, to the lack of Congressional power to follow another course, and to the individual's lack of national consciousness. Men considered themselves citizens of a state, not citizens of the United States. The United States were united in approximately the same way the members of the Organization of American States are today. The term state meant nation not merely division of a nation as it has come to mean. The United States was an alliance in a common war, not a nation.

When the Second Continental Congress assumed control of the war effort in June 1775, it appointed Washington Commander-in-Chief. However, that Congress had very little centralized authority or power. The power had been retained by the individual colonies and colonists felt they were fighting against centralization. Congress could only recommend and hope for cooperation. The recruiting and supply difficulties encountered by the Continental Army are better understood in this context. Washington was forced to rely on separate colonial militias. These drew on a small, scattered manpower pool. The male population of the colonies was approximately 1.5 million, of which perhaps 250,000 were slaves and at least 250,000 more were Tories who opposed the revolution in varying degrees, and others were simply indifferent or were conscientious objectors. According to John Adams' estimate only about one-third of the colonists favored the revolution. We refer to them as patriots today, but the choice of allegiance was obviously a hard one, and the difficulty did not end once the choice was made. Contrary to current popular belief, volunteers did not swarm to the Revolutionary cause or drive out tyranny in an explosion of patriotic fervor.

In fact, Washington requested militia drafts and relied frequently on militia. Of the 396,000 enlistments of the Revolutionary War, 164,000 were short-term militia enlistments. They varied from a few hours to six months, with the majority for three months or less. The remaining militia enlistments included all reenlistments. Most Continental Army enlistment terms were for one or two years, though fighting from 1775 through 1781. Many men reenlisted one or more times, so that the total number of individuals who actually served in the Continental Army might be as low as 50,000 to 100,000 men. The Army was never larger than 47,000 at any one time, and was much smaller during most of the war.

Washington's 50,000 volunteers would be roughly equivalent to 3,500,000 today and 100,000 would be equivalent to 7,000,000 based simply on the fact that today's U.S. population is 70 times what it was in 1775. For later wars, this type of comparison can be more accurate. Such a computation assumes that all other things are equal; soldier's pay, popular view of the cause, and psychic compensation, etc., are all held constant.

The pay of a Continental soldier was not sufficient to support a family. For example, in 1780 Continental soldiers were paid $6.66 per month in paper: enough to buy a pound of mutton, a half-pound of coffee, 19 eggs or two loaves of bread.[6] Congress never changed the pay of troops during the Revolution, but it did vary enlistment bounties with time and need. The inducements to recruits were not as attractive as the options open to civilians, but the variations in bounty meant that efforts were made to lessen the economic penalty against service. Nonetheless, "The officers recruiting for Continental soldiers had much less to offer than the Militia recruiters, with their short-term enlistment and high bounties, or the privateersmen, with their glamorized booty inducements."[7] John Paul Jones complained about the situation as vociferously and frequently[8] as did George Washington. Congress officially disapproved of bounties on December 6, 1775 when American troops were paid more than European regulars. But, by June, 1776 (when some colonies offered bounties of $150 specie) Congress authorized a Continental bounty of $10 scrip. Subsequently the Congress provided for bounties of $20, then $80, $100, and $200, in addition to land grants, clothing and pensions.

Congress periodically recommended short-term militia quotas to each state. When too few were willing to volunteer for long periods of time or at great distances, the states reluctantly resorted to conscripting militiamen to serve with the Continentals. This was the militia draft. However, payment of a fee, procurements of a substitute, or marriage exempted a militiaman. In other words, many civilians were entirely exempt from militia obligations and many militiamen were exempted from the militia draft: a second set of exemptions saved them from "federal" service.

MILITARY LEGISLATION AFTER THE REVOLUTION

After the Revolution, American policy was to maintain the smallest national military establishment possible. By 1784 Congress had reduced the Army to 80 men and placed full reliance upon the militias. Under the Articles of Confederation, the lack of central authority perpetuated the separate states, rather than the United States.

The new Constitution gave Congress the central authority and the power and right to raise and support armies and to provide and maintain a navy. Congress was separately authorized to organize, arm, and discipline the militia, and call it to suppress insurrections, *repel invasions*, and enforce the law. Officers and militia training, on the other hand, were to be provided by the individual states "according to the discipline imposed by Congress."

The Constitution replaced the previous confederations with a central government. However, the double military system adopted because of tradition and lack of centralization during the Revolutionary War was perpetuated under the Constitution. The central government held the authority to maintain professional forces, but the separate states retained compensatory power in the militias. The power was checked and balanced between the federal governmnet and the states, and so the competition between the two continued.

An Act of April 30, 1790,[9] recognized the established federal military service, as opposed to the state militias. The militia was defined to include every able-bodied man, and the President was authorized to call the militia into service. The law and the practice were two different things, however.

The Knox Plan—Universal Militia Service

At the same time, to strengthen the defense of the United States, Washington's Secretary of War, Henry Knox, submitted to Congress a plan for universal militia training, with only ". . . such exceptions as the legislatures of the respective states may think proper to make, and all actual mariners . . ."[10] All 18- and 19-year-olds would train for one month, and 20-year-olds for 10 days, each year. This "Advanced Corps" would constitute the first line of defense in war and would be unpaid. At 21, each soldier would be given a certificate of attainment of full citizenship. Because citizenship and service were linked, and service was to have been universal, the Knox Plan did relate the "right" and "duty" to bear arms.

Under the Knox plan, the militias would have been divided into sections, which would respond to requisitions for men to form an army for state or federal purposes. In a rebellion or war, Advanced Corpsmen who had been requisitioned could be moved anywhere within the United States while the Main Corps (all men between 21 and 46) would be called up. The Reserve Corps (men 46 to 60) would be called only when the Advanced and Main Corps had been exhausted. Knox would have broadened the role of the militia but kept it at home. Though President Washington actively endorsed it, the plan never became law. The only American armed service proposal which combined universality with the right and duty concept remains merely a discarded idea.

In 1792, the Uniform Militia Act was passed. It stated that "each and every free, able-bodied, white, male citizen" should be enrolled in the militia. Intended to establish uniformity and universality among all the state militias, the law divided responsibility several ways. Free, white men, 18-to-45 years old, were to furnish their own kit and enroll in the local militia unit. States were to appoint the officers and to reach the agreements necessary to achieve true uniformity. Congress held no compulsory power of enforcement. This act remained on the books until 1903. Even today the law states that all male citizens between 18 and 45 are a part of the militia. The words mean no more nor less now than they did in 1792, though some people find in them proof of the tradition of obligatory service.

Through the 1790's and early 1800's, the American military establishment fluctuated in size with the pressure of the foreign affairs, but the basic theory remained the same—maintain only the smallest possible federal standing force, to be reinforced by militia units in crisis.

FOOTNOTES

[1] Selective Service System Special Monograph No. 1, *Backgrounds of Selective Service*, 2 volumes, Washington, D.C., 1947. Volume II, *Military Obligation: The American Tradition*, p. 15 contains the table.

[2] *Ibid.*, pp. 34–69 lists, but does not count, the laws.

[3] For example, though Pennsylvania has eight provisions concerning compulsion, that Quaker colony never had compulsory militia service.

[4] *Op. cit.*, Vol. 1, *A Historical Review of the Principle of Citizen Compulsion in the Raising of Armies*, p. 34.

[5] Russell F. Weigley, *History of the United States Army*, New York, The Macmillan Company, 1967, pp. 11–12.

[6] Prices taken from U.S. Department of Labor, Bulletin of the United States Bureau of Labor Statistics No. 604: *History of Wages in the United States from Colonial Times to 1928*. Washington, Government Printing Office, 1934, p. 18.

[7] Lt. Col. Marvin A. Kreidberg and Lt. Merton G. Henry, *History of Military Mobilization in the U.S. Army 1775–1945*. Department of the Army Pamphlet No. 20–212, Washington, D.C., GPO, 1955, p. 14.

[8] Samuel Eliot Marrison, *John Paul Jones*, pp. 34–35, 66–72, discusses the problem, then quotes Jones' thoughts on pp. 66–67.

[9] The Act detailed the size and organization of the army and its pay. John F. Callan, *The Military Laws of the United States*. Philadelphia, 1863, pp. 85–86.

[10] *American State Papers*, 1789–1790, Vol. I, *Military Affairs*, contains the Knox Plan, pp. 6–13.

SUSPENSION OF DAVIS-BACON ACT, AND SOME INTERESTING FACTS ON CONSTRUCTION WAGE RATES FROM THE ST. LOUIS CARPENTERS DISTRICT COUNCIL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mrs. SULLIVAN. Mr. Speaker, the House later this week is to take up the bill, H.R. 4246, to extend standby powers of the President to stabilize wages and prices, and to extend the authority of the Federal Reserve Board and the Home Loan Bank Board to establish flexible interest rates on time deposits.

This bill was reported last Friday by the Committee on Banking and Currency after a rollcall vote of 30 to 3. What was an extremely controversial measure when recommended by our committee last year, and was bitterly debated last July 31 on the House floor, now appears to be largely noncontroversial. Secretary of the Treasuary John B. Connally testified before us on February 23 that the administration is now willing to "accept" section 2 of the bill dealing with standby price and wage control authority, even though the President had denounced us for giving him this power last year. But Secretary Connally added that the President has no intentions under present circumstances of establishing "general wage-price controls without a specific mandate from the Congress."

However, in answer to questions, the Secretary said that while there were no present plans for a general price and wage freeze without further mandate from Congress, he did not "rule out—I don't rule that out at all" that it might be used in a specific situation such as in the construction industry. This was in response to questions dealing with then-current newspaper articles that a wage-price freeze in the construction industry was imminent.

To our surprise, the President that afternoon announced not that he was invoking price and wage controls in the construction industry, but instead was suspending the Davis-Bacon Act, which provides for the payment of prevailing wages on government construction projects.

QUESTIONABLE EFFECTIVENESS OF SUSPENSION OF DAVIS-BACON

As a result of the President's action on Davis-Bacon on February 23, our subsequent hearings on the price-wage control legislation that week included numerous references to the Davis-Bacon Act action, and the questionable effectiveness of such a step in combating inflation.

In fact, Mr. William E. Dunn, executive director of the Associated General Contractors of America, the major trade association in the heavy construction industry, said the President's action in suspending Davis-Bacon "may have some benefit in years to come but it will certainly not stop the terrible inflation with which we are now confronted." Mr. Dunn stated that, in his opinion, Davis-Bacon should have been repealed or suspended "years ago", terming it a depression-era statute. A question of mine then led to the following colloquy:

Mrs. SULLIVAN. If the suspension of the Davis-Bacon Act will have no real effect on construction in the major industrial centers, where will it have any consequence—only in the areas where wage rates are already much lower than the national average?

Mr. DUNN. I think it will have effect in those areas that border on the industrial areas. We have kind of analyzed it this way, Mrs. Sullivan.

In the metropolitan areas like New York, Chicago, San Francisco, Boston, the union agreement will take care of the rate that will be paid regardless of what the Government says.

In the South where it is largely open shop and in the South and Southwest very much it will be the prevailing rate regardless of the Davis-Bacon. But in the inbetween you will find the Mason-Dixon line area, I think in the areas away from the metropolitan area, and the gray area, you will find it will have some difference.

There will be difference in competition and there might be some strong reaction to it. That is where it will have some effect.

Let me make one thing clear. It will have no effect on the increases for 1971 anywhere, anyplace, and we expect $1 billion inflation increase; $1 billion in our industry will go up in inflation or down in inflation. It will be wasted unless the controls are put on this year and Davis-Bacon will take hold 2 or 3 years from now.

DECLARATION OF A NATIONAL EMERGENCY

Mr. Speaker, I am not a lawyer and would make no attempt to judge whether the President had the power he claimed on February 23 to suspend the Davis-Bacon Act. The act provides that it can be suspended by the President "in the event of a national emergency." A footnote in the United States Code Annotated indicates that this act could have been suspended between the time of President Franklin D. Roosevelt's proclamations of national emergencies on September 8, 1939, and May 27, 1941, prior to our entrance into World War II, and the enactment of a joint resolution on July 25, 1947, terminating any state of war or national emergency. However, despite our involvement in the greatest war in history, Davis-Bacon was not suspended during that time.

According to the Department of Labor, the only time it was suspended, prior to February 23 of this year, was during a period of about 24 days in 1934 when President Roosevelt suspended it in order to clarify contradictory provision of this act and of the National Recovery Act.

What puzzles me is that in announcing his suspension of the Davis-Bacon Act, President Nixon referred to "emergency conditions in the construction industry," although in his proclamation he found that "a national emergency exists within the meaning of section 6 of the Davis-Bacon Act of March 3, 1931."

I think many people will question whether "emergency conditions in the construction industry" which are not serious enough to warrant the imposition of a price-wage freeze under the standby authority we gave the President last year to fight inflation can nevertheless constitute a "national emergency" for the purpose of suspending a law providing for fair wages on Government construction work. But, Mr. Speaker, as I said, as a nonlawyer I would certainly not consider myself qualified to make that judgment. But the circumstances do puzzle me.

LETTER TO PRESIDENT NIXON FROM ST. LOUIS CARPENTERS DISTRICT COUNCIL

I was prompted to look into this background, Mr. Speaker, on receipt today of a letter from Mr. Ollie W. Langhorst, executive secretary-treasurer of the Carpenters' District Council of St. Louis enclosing a copy of a letter he had written on behalf of the Council to President Nixon.

Mr. Langhorst told me his union members feel that if the President does not choose to use the power given him by Congress to invoke wage, price and profit controls in emergency situations, but chooses instead only to suspend protections on construction workers' wage rates on government contracts, then perhaps Congress should not extend the price-wage control authority. I disagree with that position—I think the standby controls should be continued. However, many of the points made by Mr. Langhorst in his letter to the President are extremely thought-provoking and worth reading by every Member of Congress for the information his letter imparts. Under unanimous consent, therefore, I include it as part of my remarks, as follows:

CARPENTERS' DISTRICT COUNCIL OF ST. LOUIS,
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA
(Affiliated With the American Federation of Labor)

ST. LOUIS, MO., *March 3, 1971.*

President RICHARD M. NIXON,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: As a result of your proclamation suspending the Davis-Bacon Prevailing Wage Provision on all Federally financed construction projects, I, as the Executive Officer of the Carpenters' District Council of Greater St. Louis, have been instructed by our membership to voice our objections to your action.

Recently, the Federal Government has been putting a great deal of pressure on Building Trades Unions because of alleged discrimination (employment of sufficient numbers of Minority Group workers). Yet, your action against the construction unions is precisely the same thing in reverse—discrimination against the construction unions (a minority group).

If you are serious about controlling inflation, why didn't you use the power granted to you by Congress to control prices as well as wages in an emergency situation, which you have said this is? This would have at least affected everyone equally.

We object to the fact that your action does not prevent contractors from bidding on Federally financed projects at the rate of four, five, six or seven dollars per hour for construction labor, and then, should they get the job, turn around and actually pay non-union "scabs" the minimum wage of $1.65 per hour thus allowing the contractor to pocket a handsome profit.

Your order will only enhance the position of non-union contractors and other "fly-by-night" unions who are working hard to destroy the decent wages and conditions that it has taken our unions many years to build up. Allowing this to happen would be like operating the Government in 1971 with a 1776 Congress.

You are continually referring to construction labor rates as being inflationary, but, at the same time, Department of Labor fig-

ures indicate differently. The average construction worker puts in only 1200 hours per year versus 2080 hours per year for the average factory worker. Any advantage in hourly wages by building tradesmen is more than offset by fewer hours work per year.

Although you have placed heavy emphasis on the idea that wage increases in the construction industry are adding considerable fuel to the fires of inflation, the following table shows construction workers are actually *lagging* in take-home pay compared to auto, oil and chemical workers.

Industry	1964 annual earnings	1970 annual earnings	Percent increase hourly earnings
Construction workers	$6,579	$9,822	49.3
Motor vehicles	7,814	10,393	33.0
Petroleum refining	8,447	11,175	32.3
Chemical workers	7,717	10,279	33.2

It must also be taken into consideration that construction workers face extreme hazards every day that industrial and white collar workers do not have to contend with. Surely there must be some extra compensation for these hazards.

Comparing construction wages with another group closely associated with the Presidency, namely government employees, Department of Labor figures show that federal employees have fared better than construction workers between 1964 and 1970.

In 1964 a construction worker employed on general building construction earned an average of $6,579. A government employee with comparable earnings was a grade 8 who earned $6,390. By 1970 the construction worker was averaging $9,822 while the grade 8 government employee had jumped to $10,152. Putting it another way, the construction worker in 1964 earned $189 more than the Grade 8 government employee. In 1970 the construction worker's annual earnings were $330 *less* than that of the government employee.

A recent article in the *Wall Street Journal* reiterated what the Building and Construction Trades have stated repeatedly in recent years, namely that wages are not the primary cause of higher construction costs. You cannot overlook the high cost of materials, interest rates, land values, contractors and real estate profits. The percentage of increase for these costs is higher than those for labor. This further substantiates the fact that your action is discriminatory.

Unfortunately it appears that the construction industry one again may become a convenient "whipping boy". We get the feeling that political considerations outweigh economic ones in this Administration's thinking.

You have often made the point, Mr. President, and we agree, that labor unions are among the strongest organizations in this country. We take that as a compliment, because the labor movement truly represents the people—all the people, not just union members—of this great nation. As Mr. George Meany once said, Organized Labor is the "people's lobby." Your act, Mr. President, will only work to weaken a link in our society that has worked hard to preserve the American way of life. We have watched as police and law enforcement agencies in our cities have been weakened by government actions and Supreme Court decisions. This union-busting tactic is punching yet another hole in the fabric of our society. Such holes make it easy for extremist groups—including Communists—to rush in and work that much harder in their disgusting efforts to destroy our society. We cannot in all good conscience, stand by and see that happen.

Destroy America's unions and you have destroyed the only major viable force working for the average American.

These are the objections voiced by our Council Delegates at our meeting on February 23, 1971. As requested by the Council copies of his letter have been sent to Missouri Senators and Representatives and signature sheets of the Delegates are attached. These delegates represent over 11,000 union carpenters in the Greater St. Louis area. We trust that you will seriously consider these objections and rescind your proclamation order.

Mr. President, you came too late with too little!

Sincerely,

OLLIE W. LANGHORST,
Executive Secretary-Treasurer.

HE SHOT STRAIGHT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. NELSEN. Mr. Speaker, Alan C. McIntosh, contributing editor of the Star-Herald, Luverne, Minn., has written a real "corker" of an editorial about our former colleague, Congressman Ben Reifel. I know many will find it of great interest, and I include it in the RECORD at this point in my remarks:

HE SHOT STRAIGHT AND COURAGEOUSLY

The average newspaperman doesn't have many heroes.

Why?

Because he has seen too many glamour personalities concealing feet of clay.

We have a hero . . . who is an inspiration in these days when there is an over supply of demagoguery and a shortage of intergrity.

There are too many of us who think of ourselves and our future well being first and our country last. He always thinks of America first.

Our nomination for one of the great men of America is former South Dakota Congressman Ben Reifel.

He talks and thinks as straight as a Winchester.

The "pop" song "you've come a long ways, baby" applies to Reifel.

While others sit on their rockers and cried themselves to sleep with self pity and burning resentment at America Reifel had gone from a South Dakota log cabin to a doctorate at Harvard and a seat in congress.

He remembers his Indian grandmother who never gave in to the white man's ways. She ate all her meals sitting on the floor.

There was no farm door busing to school for the Indian youth. He walked. He had to leave the reservation to attend high school 250 miles away.

He never felt downtrodden or poor.

Right now it is socially and ideologically "in" to weep and wail for the "poor Indian."

Reifel comes in conflict with some of the most violent of the red militants.

"The Indians had this whole country for 25,000 to 30,000 years and yet never had more than one million persons," he said, "and if that is ecology and if that's life, natural balance, I don't want it.

"Very few of our people are really exercising the advantages available to them under the establishment."

Reifel is all for having the Indian adopt the white American's "time work savings syndrome" and future orientation.

Many of us have grown up believing the myth that the Sioux were the mightiest, the most courageous, the most advanced of all the tribes. Reifel sets the record straight on that. The Sioux were woodsman people in Wisconsin. Then the Chippewas got guns and power while the Sioux continued as bow and arrow people, no match for the Chippewas. They conquered the horse and then the buffalo, he said, then transferred their religion to the sun.

Reifel says Indians today must adapt themselves as the tribes of old did . . . and they must turn their backs on the past if they are to succeed and survive.

Unlike so many who never know when to quit the Indian congressman, who had left such an indelible mark on South Dakota for integrity and courage, called it "finis" at the age of 64.

He will be long remembered . . . another hero who shot straight, who didn't talk with "forked tongue" and whose integrity was 18 karat.

His success in life . . . starting from a barren, wind swept, lonely reservation to success should be an inspiration for any youngster and a rebuke to those minority cry babies who moan they "never had a chance."

It was a loss to South Dakota and America when former Congressman Reifel retired from political life.

THE MEDICAID PROGRAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. WALDIE. Mr. Speaker, the medicaid program continues to be the subject of significant controversy in many States. The program in California has been embroiled in continuing crisis. I would like to submit to my colleagues some comments recently made on this subject by Dr. George Degnan, medical director of Contra Costa County Medical Services. His suggestion for a prepayment plan is worthy of note because of his long experience with health-care services. I find Dr. Degnan's comments exceptionally interesting in the light of the prospective reimbursement plan for medicare and medicaid now before the Congress.

Dr. Degnan's comments follow:

Medicaid and Medi-Cal have recently and repeatedly made the following statements to their fiscal crises:

"We must find ways to close this open ended contract.

"We must find a means of creating incentives for economies.

"We must find alternatives in the method of delivering health services."

I would like to respond to the above challenge.

I am prepared to negotiate immediately a contract on a capitation (pre-payment) basis with the State and Federal Government. This would accomplish the following:

1. Close the open ended exposure of the Federal and State Government under the present system, because obviously their commitment would then be limited under such a prepaid arrangement.

2. Sponsor built-in economies on the part of the vendor as he will be only receiving so much per head to keep people well.

3. Promote new methods in getting people well and keeping them well. The Fee-for-Service System neither promotes nor allows for prevention. The Fee-for-Service System offers no award for health maintenance.

4. Initiate comprehensive care philosophy, and consider the patient always as a whole. Fee-for-Service meets the needs not the demands and thus only considers a part of the patient.

5. Offer a challenge to the medical industry to come up with new methods in delivery. Our success on a capitation contract would pressure the medical care indutry to negotiate beyond just the amount of the fee.

6. Avoid a large expenditure in paper work required in itemization and billing in the Fee-for-Service System.

According to Medi-Cal records our County Medical Services give a more comprehensive (liberal use and choice of drugs, appliance, etc.) at 30% less cost than main stream.

In other words, we can offer for less cost a more comprehensive program including the promotion of health than presently available elsewhere in the present system.

This is not a dream. This is what we are doing.

CINDY GOATLEY WINS ARKANSAS VOICE OF DEMOCRACY CONTEST

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, it is with much pride that I place in the RECORD today a speech by a fine young constituent who has won the annual Voice of Democracy contest in Arkansas, sponsored by the Veterans of Foreign Wars and its Ladies Auxiliary.

Miss Cindy Goatley of Harrison, will represent my State in the national competition in Washington.

I commend to your attention her speech on the contest theme, "Freedom—Our Heritage."

The speech follows:

FREEDOM—OUR HERITAGE

(By Cindy Goatley)

Leading America through our blackest pages of history is freedom. She shines as a beacon in an oppressed land; she rises tall above the highest mountain; she encompasses the area of the world; and she leads our country with the bearing of greatness. Freedom has been shouted and sought in every nook of the earth. Where oppressed, she seeks to rise again, and where accepted, rules with dignity. We Americans are blessed with her presence. Our ancestors have sought and found her, died painfully for her, but been rewarded, and walked hand in hand with her through the ages. But some of us do not realize the implications of freedom. Some of us do not realize its cost and its need for preservation. Before these statements are considered, one question must first be answered: What is freedom?

Liberty, democracy, free, independence: all these ideas compose a small portion of freedom. Webster defines freedom as a state of not being subject to an arbitrary external power. This positive concept of freedom, literally practiced, would lead to anarchy, and the triumph of the strong over the weak. We cannot call this freedom; because, tyranny, triumph of the strong over the weak, is the very idea that was opposed so violently in our Declaration of Independence. Oliver Ellsworth, a proponent of the Constitution of 1787, declared that "those who wish to enjoy the blessings of society must be willing to suffer some restraint of personal freedom." This must be true, because the world is not composed of individuals, but of organized societies who exist together in an intricate network of specific relations between their freedoms. Freedom in a democracy should not be defined as doing as one desires, but as a relationship between the varied desires of different human beings. As has been said many times before, my freedom ends where yours begins.

Why do some Americans today not realize freedom's actual worth or its cost? This is, in essence, answered by the simple fact that we did not have to fight or die for our freedom. We were born with it and assume it will always be there. The early Revolutionists felt very deeply about freedom. Thomas Paine wrote, "It is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom would not be highly rated." Yes, freedom was rated highly. It was valued above all other possessions, therefore its price is high. How else could troops of untrained Revolutionaries numbering 12,000 men, defeat the mighty British soldiery numbering 18,000? Everything was sacrificed for our freedom, thousands died, acres of property were destroyed, so very much was suffered, but endured!! How firm the dauntless Revolutionaries remained in their endeavor! All this so that the bright beams of freedom might pierce the darkness of tyranny forever. As Nathaniel Niles wrote in a poem:

> "Life for my country, and the cause of freedom,
> Is but a trifle for a worm to part with;
> And, if preserved in so great a contest,
> Life is redoubled."

The observing eyes of the world are upon our nation.

They are watching us and waiting to see if we can govern ourselves and remain free. All despots await, prepared for action, ready for the moment our intricate structure begins to crumble, and when we are, in actuality, unfree. At this time, they will dethrone freedom and drag the chains of oppression across our soil. This day must never come! America is too great for any such catastrophe to undo that which all men for hundreds of years have been fighting. Our forefathers have struggled too hard to allow any one nation to destroy the hand of freedom. The people are the hope of a nation, especially our nation in which all power is vested in the people. Only we can seek to preserve freedom. She is not indestructible; but then, neither is life.

I have discussed freedom: its meaning and its greatness. I have attempted to realize the cost and worth of freedom and its need for preservation. May we all come to full realization of the joy of freedom, as it is almost as great as the gift of life. Soon may we feel as strongly toward it as did the great Thomas Jefferson who wrote of America:

> "Its soul, its climate, its equality, liberty, laws, people, and manners. My God; how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy."

HUNTING FROM AIRCRAFT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation designed to prohibit the shooting of wildlife from an airplane.

This piece of legislation would have the effect of putting an end to one of the most unsportsmanlike practices known to mankind—the hunting of wildlife from aircraft.

According to experts, there are only 5,400 of all species of wolves to be found on the North American Continent. Of that number, 5,000 are to be found in Alaska. In the past 4 years, approximately 1,000 wolves per year were killed in Alaska alone, and in 1968, one-third of that number were killed by airborne hunters.

Some species of the wolf have been classified as an endangered specie by the U.S. Department of the Interior. Yet, we continue to allow bounty hunters to kill and deplete the remaining wolves by shooting them from aircraft. In the past 5 years, hunters in Alaska have killed more wolves than now exist in our entire country.

It is obvious, I think, that there are many people who sincerely question the "sport" of shooting any animal from an aircraft. Anyone interested in preserving wildlife; anyone with a sense of fairplay, will grant that killing animals from an airplane is hardly legitimate sport.

This bill does not prohibit research by university or other qualified personnel, nor does it make it unlawful for authorized agents to use an aircraft in carrying out their regular duties in protecting land, water, and wildlife.

Mr. Speaker, we have an obligation in this country which we have not lived up to very well in the past to protect and preserve for future generations every species of animal which has inhabited this land. It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Today, the rate is one lost specie every year, for mammals alone.

I feel that this legislation will do much to protect wildlife and preserve our remaining animals for future generations.

SST: BOOM OR BUST?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HUNGATE. Mr. Speaker, the following article on the SST from Trial magazine January–February 1971, should be of interest on this current controversy:

SST: BOOM OR BUST?

With the ultimate fate of the SST still uncertain, vague hints are surfacing that the nation's airlines, already plagued by financial difficulties and declining patronage, would breathe a guarded sigh of relief if they were not compelled by competition to make the heavy financial outlay required for the "beasts of the sky."

These hints take various forms: the president of one major line describes the Anglo-French Concorde SST as a "financial loser"; another airline hedges on contracting for the Concorde by demanding a whole new battery of safety tests; a third line considers reducing the number of flights on some 'cream puff' routes because of drastic drops in patronage; yet another carrier reveals plans to reduce its fleet by public sale of some of its medium-range aircraft.

RACE RELATIONS: A NEW MILITARY MISSION FOR THE NEW AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. RARICK. Mr. Speaker, change has now befallen the Army in keeping step with the machinations of the new American revolution. Instead of training men for combat to defend our Nation and people, they are now to undergo compulsory indoctrination in social justice for the benefit of the politicians.

Apparently those in charge do not feel an American is qualified to serve his country unless or until he first understands equality and brotherhood. The training schedules will be redrafted to include basic training and drill in race relations by the numbers. Apparently it does not matter to some whether our soldiers are trained to shoot; they must be unprejudiced.

Many will recall that the Russian and German Armies had dual command officers; that is, officers for the combat mission and officers for political indoctrination of the troops. In the German Army it was the SS, and in the Russian Army it is an ideological commissar whose duty is to see that the Russian soldiers must constantly be reeducated to the works of their glorious Communist leaders. Most impartial observers have always considered that the psychological officer's principal objective was to check morale and—by brainwashing as to the political system—prevent a military backlash or coup.

Yet, as the United States is faced with the most serious threat ever to our people, our leaders give us a Kerensky-like army by denying our men their first amendment freedom of association—which under their constitutional oath they have sworn to preserve and defend. As soldiers they are to be ordered to forgo their freedoms and submit to brainwashing.

These leaders would have us believe they advocate a volunteer army. Who would volunteer? The Peace Corps and VISTA idealists? Flower children? Peace workers for a peaceful army?

Mr. Speaker, if it were not so serious, the desecration of the military by the new American revolution would be hilarious. A soldier will be subject to court martial for insubordination in disobeying an order to love.

We must remember what has happened in history to politically dominated armies.

Just wait until our young men learn that if they exercise their first amendment freedoms that they are sworn to defend, then they are disqualified for military service. One wonders how many hours of sensitivity training they must undergo without giving up their freedom before they can be classified as unfit for military service. Perhaps we need a new draft classification of 1-F for first class free men—those who reject brainwashing and choose to retain their constitutional rights.

It will not be necessary for free men to go to Canada or Sweden to avoid military service. They need only tell their commanding officer they believe in the right to discriminate and intend to exercise their freedom.

And the political leaders think race relations offers a solution to the race problem in the military. What white man would not resent being ordered to attend classes on "The Black Soldier in History," being told that black power is but a legitimate process to gain economic benefit and political power for another minority; and that the Afro haircut and dress are but evidence of this group's unity. Military duty is bad enough without troops being ordered to believe that which they know is false.

There will be no solution to the race problem in the military because many of those in command do not even understand the problem. Rather than solve the problem that they refuse to comprehend, they would only exacerbate it by political solutions at the expense of losing the army. What man can respect or have confidence in any officer or commander whose commands are false?

If there are those black soldiers who do not want to be white, there are also white soldiers who do not want to be black. If it is an alternate solution they want, why not provide for separate racial units where each race can be with their own kind. Let them compete against each other as identified units rather than in disharmony among each other.

Segregation? So what if it gives our country back an effective fighting force instead of converting the military into a compulsory civil rights task force. Time will tell but time we do not have for political games.

I insert several newsclippings:

[From the Washington Evening Star, Mar. 6, 1971]

RACE RELATIONS PROGRAM SET FOR ALL IN MILITARY

(By Thomas A. Johnson)

"The military's job is to fight and not to lead social revolutions."

This has been a common argument of professional soldiers who opposed the moves, during the late 1940's, to integrate black and white servicemen.

But a Department of Defense move yesterday—announcing a compulsory education program in race relations for the entire U.S. military—put the armed forces even deeper into a leadership role in this particular American social revolution.

And the all-important reason for the move was simply that if the now heavily integrated American military is to be prepared to fight a foreign enemy, it must first solve internal racial difficulties that have plagued the services at home and overseas for the last three years or so.

AIM SET FORTH

In a telling paragraph, Defense Secretary Melvin R. Laird declared yesterday that: "The primary purpose of the program . . . is to achieve a more harmonious relationship among all military personnel so that organizational efficiency and combat readiness will not be impaired by racial unrest, tension or conflict."

The Department of Defense program, which also includes setting up a permanent defense race relations institute, points up the integral roles played by an 11 percent black minority in the services and a "turnabout" in racial attitudes on the part of young blacks serving in today's armed forces.

The re-enlistment rates of black enlisted men usually run two to three times higher than that of whites, so that about one out of every four Army sergeants first class is black and two out of three Army basic training drill instructors are black. While black officer recruitment rose sharply during the early 1950's, it has fallen off in recent years because of competition from industry for black college graduates.

NEW ATTITUDE ARISES

But it was a new attitude on the part of young black draftees and enlisted men that brought first the military's racial difficulties and now the military's race relations education program and the institute.

The new young black soldier was not yet in school when the U.S. Supreme Court decision of 1954 outlawed segregation in public education. Television, with its incomparable capacity to raise expectations, was his babysitter and he grew to young adulthood during a time of protest demonstrations, bombings, riots and subsequently, the near-religion of the new black consciousness.

The young black took his experiences into the military, a functionally integrated establishment that had wide vestiges of institutional racial discrimination. He objected immediately, vocally and often violently to what he found.

Racial brawls—some resulting in deaths—erupted at bases at home and around the world.

SOLUTIONS ATTEMPTED

An irregular patchwork of attempted solutions followed. On one hand, the military set up race relations councils, special investigations and equal opportunity enforcement officers to settle race-related problems. On the other, field commanders tried to use special discharges, pretrial confinement in the stockade and transfers to other units to do the same.

But the major recommendations by a Pentagon task force that looked into racial problems in Europe last fall were for universal military race relations programs and stronger efforts by field commanders to push such programs.

"If it comes from the top, from commanders and from the Secretary of Defense, it makes a difference and the difference is tremendous," said L. Howard Bennett, the black director for equal opportunity in the armed forces.

Bennett predicted: "This move should have a telling effect on the civilian community also. We will have some 25 million Americans in the military undergoing repeated study of how to help solve racial problems. This must have an impact on the civilian society because there has never before been such a widespread systematic educational attack on America's most pressing problems."

[From the Army Times, Feb. 24, 1971]

FORT DIX RECRUITS RECEIVE TRAINING IN RACE RELATIONS

FORT DIX, N.J.—A new four-hour block of instruction has been incorporated into the basic training curriculum here dealing with race relations in the Army.

During the first hour of instruction most of the time is devoted to the material contained in a feature from Conarc entitled "The Black Soldier in History." This introduction is designed to highlight the considerable achievements of the black soldier. In succeeding hours, soldiers learn steps to be taken to promote racial harmony. The trainees then are familiarized with racial problem-solving agencies within the Army and how to get in touch with them.

Soldiers are taught that "Black Power" is a term used to describe a process that every immigrant and minority group in America has gone through, namely the unity of a group to gain economic benefits and political power commensurate with the group's

numbers. The soldiers gain an insight into the fact that the black power sign and salute, the Afro, and the distinctive dress are all part of the group unity.

[From the Army Times, Feb. 24, 1971]

GERMAN YOUTH LEARN OF U.S. RACE PROBLEMS

HEIDELBERG, GERMANY.— Understanding America's race problems is tough for Americans, but for Germans who have had little contact with Americans and practically no direct experience in American relations, the problems can be utterly incomprehensible.

The Heidelberg chapter of KONTAKT (a German-American Youth Activities Group) recently got together on a Sunday afternoon in an effort to share their problems.

Some 80 Germans and Americans gathered here recently for a showing of "Black and White: Uptight", a race relations film presently making the training circuit throughout USAREUR. After two showings of the movie, the group, moderated by Rich Porter, a black soldier serving on the USAREUR and Seventh Army Troops Human Relations Committee, broke into an open floor discussion of the movie and related issues.

Before its end, the discussion had touched on everything from Black Panther politics to housing in Heidelberg.

Since the program was intended primarily as an orientation session for the Germans, many Americans were surprised at the depth of some of the German's understanding of the problems. For many of the Germans, however, some questions that had previously appeared to be simple right-or-wrong moral issues, began to take on complicated and confusing overtones.

German reactions varied from "The movie was strictly a whitewash," through "Oh, those problems only occur occasionally in the Southern States," and "The problems will only begin to be solved when capitalism fades," to "You Americans really don't understand your own problems."

Most of the Americans were willing to admit that they had trouble understanding their problems and that the solving of the problems would involve a long and painful universal effort.

Although the movie had its weaknesses and the discussion participants came to more confusions than conclusions, the program was considered a success, because as Porter said during the discussion, "The most important thing we can do to bring about solutions to our problems is to wake people up to the problems and to keep them aware.

BLACKS GET BREAK IN ROTC GRANTS

(By Larry Carney)

WASHINGTON.—The Army is setting aside several hundred ROTC scholarships annually specifically for blacks and other people residing in poverty areas in an effort to attract more minority members to the officer corps.

The new minority officer procurement program—just approved by office of the deputy chief of staff for personnel—is aimed mainly at attracting more black officers. The package contains a whole host of recommendations for increasing black officer membership in the Army.

"They're the country's biggest minority group but make up only three percent of our officer corps," one Pentagon officer told Army Times.

If current trends continue, this percentage will drop still further. In 1965, 3.5 percent of the first lieutenants in the Army were black. This percentage dropped to 1.9 percent in 1970. "Other company grade statistics are comparable," officials said.

"Ideally, the Army would like to see an officer corps that represents the fabric of the country. In the case of blacks this would mean an officer corps of 11 percent to approximate the percentage of blacks in the total population," officials said.

Beginning immediately, the Army plans to:

Sharply increase the number of blacks, Spanish Americans and Mexican Americans enrolled in officer candidate school (OCS) courses.

The Army has established a procurement objective for the OCS college option program (limited to civilian college graduates) of eight percent black and four percent Mexican American or Spanish American. For in-service recruiting, it has established a recruiting objective for 11 percent blacks and four percent Mexican or Spanish American.

Make black officers "more visible" on college campuses, in ROTC recruiting, and in ROTC summer camp assignments. This means, more black officers will be assigned to ROTC duties. Four percent of the officers currently assigned to ROTC duty are black. This compares with a 2.5 percent average of black officers Army-wide.

Encourage more predominantly black colleges to host ROTC units. Of the 120 predominately black colleges, only 17 have Army ROTC units. Of those schools which do not have ROTC or who have applied for ROTC, only seven have the capacity to produce the 20 or more graduates annually to make an on-campus program worthwhile.

The Army feels the fastest way to increase black officer strength is through ROTC. The Military Academy has made great strides in increasing the number of blacks in their new classes in recent years, going from .7 percent in 1968 to 3.1 percent in 1969 and 2.9 percent or 40 cadets in 1970. Eighty-seven blacks are currently enrolled in USMA. This upward trend won't make much of a dent in overall black officer totals.

With OCS being reduced, there appears little chance that any great increase in black officers can be accomplished through this procurement source. The Army only gets about 20 black officers annually through the direct commission route—mainly doctors and chaplains.

So it's up to ROTC. Blacks currently make up about eight percent of the ROTC enrollment. This is about the same level as the national black enrollment on college campuses. Officials point out, however, that only 2.5 percent or 138 of all scholarship cadets are black. While the eight percent appears to be high, the black attrition rate is so high that only a small percentage ever complete the course and enter the Army as second lieutenants.

To get more blacks and other disadvantaged people into ROTC, the Army has approved a plan to award one four-year scholarship annually to a cadet graduate of each of the 136 Junior ROTC or National Defense Cadet Corps schools located in poverty areas designated by the Office of Economic Opportunity. Students selected must be qualified for the scholarships just like other scholarship recipients.

Approximately 110 of these JROTC and NDCC schools are located in predominantly black areas. A dozen or more schools are predominantly Mexican-American while the remaining schools are located in poor white neighborhoods. The remaining 85 four-year scholarships will continue to be awarded on a national competitive basis.

In addition to the four-year scholarships, the Army plans to award 75 of the 400 three-year scholarships it gives annually to students from low-income families. This will be to students from families who earn less than $6000 annually.

The Army has identified about 1400 active duty black E-5s and E-6s with two years or more of college who it feels are qualified to apply for OCS. "Each of these men will be counselled by his battalion commander regarding the OCS program and encouraged to apply for OCS," the Army said.

"We are also screening the records of all blacks in the lowest four grades who have two or more years of college as potential OCS students," officials said.

The Army plans to assign still more black officers to ROTC duty. Forty-seven black officers have recently been added to the staff of the professor of military science (PMS) at 47 predominantly white institutions. Black participants on the PMS staff at white institutions is considered essential to help in attracting black students to join ROTC. Although precise figures are not available, minority participation in ROTC at predominantly white institutions is low. There are no black PMSs at white schools.

Active duty commanders of ROTC summer camps are also being urged to place black officers in "high visibility" command and staff positions. To do this Continental Army Command is making plans to require black officers to attend camps rather than remain at their institutions over the summer break.

In addition, the Army has approved the assignment of 16 minority officers and 15 minority civilians to recruiting duties. Located at Department of Army, CONARC, and each of the five CONUS armies, they will have the single responsibility of organizing and supervising procurement of ethnic minorities for the Army Officer corps. The offices will have information on ROTC, USMA and OCS.

[From the Army Times, Feb. 24, 1971]

WESTMORELAND ASKS MORE COMMUNITY SERVICE WORK

WASHINGTON.—Army Chief of Staff Gen. W. C. Westmoreland has called for more commander attention to Army Community Service programs.

In a message to commanders, the Chief of Staff said "ACS volunteer service requires expansion to insure wide community participation and the development of a larger support base in order to provide greater assistance to the military community. Of prime consideration in attracting volunteers is the opportunity provided to all segments of the community to make a worthwhile contribution to the community's welfare."

Westmoreland said volunteer support must be actively solicited and encouraged on every post to insure ACS aid is available to all.

The message follows comments by the Army leader at the annual commanders conference in Washington late last year. "I wish to place far greater emphasis on the ACS program to take care of families better," he said, "and improve service attractiveness to Army wives."

Dispatched as the Chief of Staff departed on a 17-day oversea visit, the message said "the unique capability of ACS for trouble-shooting difficult family problems, identifying emerging community needs, and developing new responses to meet them must be fully exploited." To maintain flexibility, he said, ACS must complement, rather than incorporate, established programs such as survivor assistance, retired affairs, housing referral, domestic action activities and similar personnel services.

Westmoreland called on commanders to:

Make "every effort" to stabilize the assignment of key administrative and professional personnel with ACS to develop effective and continuing programs "for our highly mobile population," and

Actively support staff training programs to develop and maintain good standards of ACS service throughout the Army.

"Vigorous publicity efforts are required to make ACS a household word for all our personnel," Westmoreland said. "To this end, all, company, battery and troop commanders—at whose level requests for ACS

assistance normally originate—must be knowledgeable of ACS functions and the important role of ACS in the reduction of Army family problems.

"I firmly believe that the ACS program will play an increasingly important role in our move toward the zero draft and I expect every commander to give his personal support," the Chief of Staff said.

Reports of new and successful ACS endeavors are to be sent to the Pentagon for evaluation and Army-wide use.

[From Army Times, Feb. 24, 1971]

USAREUR UNITS SOON TO BEGIN HIRING KPs

(By Felicity Hallanan)

HEIDELBERG, GERMANY.—Civilian KPs are going to be introduced in messhalls in Europe much sooner than expected.

What's more, the recent DoD directive instructing commands to get the troops out of the kitchen may be an unexpected bonus for military families overseas who are in need of some extra cash.

With dependents included as people who can be hired locally for KP duties, hundreds of wives and teenagers who normally remain jobless while they're in Europe may have a chance at some work.

The request is now being considered by the Army, but predictions are that it faces a rocky road.

Setting up operations for the change, U.S. Army Europe (USAREUR) officials are far ahead of a Pentagon request to have civilian KPs functioning over here by the beginning of the next fiscal year.

Instead, USAREUR is ready to start hiring, and plans to spend an estimated $3.5 million during the next five months of FY 71. Cost for the following year will be around $13 million.

About 3,500 spaces are waiting to be filled in USAREUR messhalls. In some areas it may be difficult to hire local national workers for these jobs because of a general labor shortage throughout Germany.

While sufficient funds have been found to make it possible for the command to offer attractive wages, there simply are not enough people in West Germany today looking for jobs.

That's where dependents would be most welcome. The result should be beneficial for both sides, providing work for Americans who want and need it and filling slots USAREUR needs filled to get the program going.

Units which are already spending nonappropriated funds to hire civilians to handle KP will be the first to receive appropriated funds, probably by the first of March. This is logical because they already have set up a system and hired personnel for the work.

About 644 civilians are presently paid for out of nonappropriated funds, while another 400 are estimated to be hired by individual soldiers.

Requirements of messhalls differ, depending on the kind and size of establishment. As a rule messhalls should have two KPs for the first 50 people using the facility, then one for every 50 people after that.

New working hours will have to be set up for the civilian KPs, particularly those wives and mothers who take on the job and want to be home evenings.

LA GRANGE EARNS GOVERNOR'S AWARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. PICKLE. Mr. Speaker, for the first time ever, the Governor of Texas, the Honorable Preston Smith, has named a small Texas city as recipient of the Governor's Award in recognition for citizen's participation in the preparation of a comprehensive plan.

The winner—La Grange, Tex., is in the 10th Congressional District. This high honor comes as no surprise to the people who know this city to be one of the most progressive of its size in the entire State, or even the entire Southwest.

La Grange was chosen for this award, because they went several steps further than do most cities. In the preparation of the city's comprehensive plan, La Grange offered direction and guidance for their consulting engineers, whereas most cities hang back waiting for the professionals to come up with a recommendation.

La Grange, however, is blessed with strong individuals who know what is best for their own city. Mayor L. W. Stolz and his council members picked a very capable engineer to do the work, but then added their own insights to the program.

Thus, this city is the first recipient of the Governor's Award since the inception of the 701 planning program for small cities. La Grange earned the honor—its citizens will always have a strong voice in their own future and I add my congratulations to the Governor's.

OF GREAT IMPORTANCE TO AMERICA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. SIKES. Mr. Speaker, the article, Time of Action, by Kenneth B. Pomeroy who is chief forester of the American Forestry Association, appeared in the December 15, 1970, issue of Southern Lumberman. It is a very timely and needed summary of some important facets of the forestry legislative programs which I would like to bring to the attention of my colleagues:

TIME FOR ACTION

(By Kenneth B. Pomeroy)

What are we going to do about private forests?

We have talked about them since Ben Franklin noted a lack of fuel wood within wagon haul of Philadelphia.

We have counted them—4,500,000.

We have measured them—309,000,000 acres.

We have inspected them. Some need planting. Others are cluttered with useless relics of former tree crops. Only 29 per cent are in satisfactory condition.

We have weighed their role in the national economy. They must produce wood more efficiently if future needs are to be met.

All of these observations and more have been documented expertly by the Southern Forest Resource Council in its excellent report *The South's Third Forest*. Additional findings have been reviewed by "Trees For People," a national task force of conservation, industry and public advisors.

The time for talk and study has passed. No magic formula has been found. Nor is one likely to be devised. Techniques that work abroad fit different economic and social conditions. We must rely upon our own proven methods.

The initial stage is to place greater emphasis on activities that forest owners cannot handle adequately by themselves.

Why? Because private forests serve all the people—forests yield pure water; they shelter wildlife; they cleanse the air; they add beauty to the countryside; and they furnish wood for countless uses.

But these vital public services must be provided under threats of loss by fire, damage by wind and attack by diseases or insects. We can help our own cause by reducing the risks so that land owners can practice better forestry. There are several ways to do this.

1. *Protect forests from fire.*

Protection of present and future crops is basic to sound management. Yet 31 million acres, six per cent of all commercial forests, do not receive any protection at all. A much larger area, over 200 million acres, is not protected adequately.

Why does this situation exist? It exists because citizens, you and I, have not insisted that adequate funds be appropriated.

Federal appropriations for cooperative forest fire protection under the Clarke-McNary Act of 1924 have not been made at the level authorized by Congress. The Congress authorized an annual appropriation of $20,000,000, but after much prodding by state foresters, forest industries and conservationists, only provided $16,469,000 for the current year.

This key forestry appropriation should be increased to the full authorization of inincreased to the full authorization of $20,000,000. It can be and will be only if you insist upon it.

2. *Controlling diseases and insects.*

Disease and insects cause losses estimated in the billions of dollars annually. They attack shade trees in cities as readily as timber trees in forests. Dutch elm disease has changed the appearance of many communities. Gypsy moths defoliate hardwood forests in the Northeast. Bark beetles ravage pine forests in the South. Dwarf mistletoe damages trees in the West. Sawflies and tip moths deform young trees everywhere.

Some of these pests have been held in check in the past with DDT and other chemicals now known to be harmful to animals, birds, fish and people. Urgently needed are new, less-hazardous methods of control. Some promising leads have been found by research workers. Their efforts should be accelerated and intensified greatly.

Appropriations at the Federal level should be increased from the present allotment of $4,783,000 for insect research and $2,810,000 for disease research to at least $10,000,000 for both activities.

3. *Provide technical assistance.*

Technical assistance, some free and some at modest cost, has been available to limited numbers of forest owners for some time. More people should benefit from this service. But 4,500,000 owners are far too many to be aided by 800 cooperative Federal-State service foresters and 300 consulting foresters. At best one public forester can only aid about 100 owners in a year. Consulting foresters are more limited in their contacts because they usually work on larger properties. Add to these limitations the fact that tenure of ownership averages about 15–20 years and it becomes apparent why many forest owners are not receiving the benefits of professional guidance.

The Federal share of the Cooperative Forest Management program is now bumping against its authorized ceiling of $5,000,000 annually. In 1971 the Congress will be asked to raise the authorization in order to meet rising costs of operation. At the same time the Congress and the states should be urged to double man-power on the ground so that technical assistance programs can be implemented more fully.

The ranks of consulting foresters could be expanded ten-fold. These ten, spurred on by private incentive, can perform services a public forester can not provide. For example, a

consultant can work on a property as long as it takes to get the job done, whereas a public forester may be limited to three or four days in which to show the landowner how it ought to be done.

Consulting foresters, being private businessmen, face the same hurdles as young attorneys in establishing their business. It takes money to tide them over during the year or two required to create a flow of funds. For example, work done today may not be paid for until months later. Meanwhile, there are payments to make on equipment and payrolls to meet.

The Tennessee Valley Authority and the National Association of Consulting Foresters have attempted to break this bottleneck with an agreement that enables TVA to underwrite certain establishment costs during a two-year period. Two promising young foresters have been selected for the program. They will be aided with referrals from TVA and other public agencies.

This pioneering effort holds great promise. It should be initiated in other forested regions.

4. Cost-sharing.

Conversion of useless brushy areas to productive forests, planting trees to assure a future supply of wood, protection of watersheds, improvement of wildlife habitat and enhancement of the environment are public-interest activities that usually require considerable labor to initiate but do not yield cash returns on the investments for a long time. Many forest owners may not be in a position to undertake such projects, because of age or financial limitations. Yet future economic and social needs of the nation require that private forests fulfill their role.

There are two ways to solve the problem; i.e., regulation as in some other countries, or public assistance in the form of cost-sharing. Regulation was ruled out in this country two decades ago. What about cost-sharing?

Public assistance in the form of cost-sharing under the Agricultural Conservation Program has been available since the mid-1930's. Yet total accomplishments have been but a "drop in the bucket" compared to the job that needs to be done.

Seventy-five million acres of private lands *needs* to be planted. The actual acreage *planted* annually is slightly more than one million acres. The accomplishment is not enough to keep up with new areas being denuded by fire and other causes.

One hundred forty million acres of partially productive private forests need stand improvement such as thinning and removal of useless cull trees that occupy valuable growing space. Here again annual accomplishments are pitiful in comparison to the magnitude of the job.

A separate assistance program, geared to the needs of forestry, should be devised. It should contain the following key features:

(a) Be in the public interest;

(b) Emphasize long-term activities that forest owners are not likely to undertake by themselves;

(c) Require owners to commit themselves to a forest plan of long enough duration to make assistance effective;

(d) Make assistance available over a period of years;

(e) Consider cost-effectiveness in establishing priorities for assistance.

A forestry assistance program is being drafted now by the Administration for presentation to the Congress early in 1971. When its details become available, it should be studied carefully.

5. *Other incentives.*

Utilization, marketing, taxation, leasing and insurance also are important factors in an owner's forest management program. These considerations vary considerably from one locality to another and for that reason are not being discussed in detail here. But, all are important to the successful management of the small, privately-owned forest and must be dealt with before these lands can yield their full potential.

SUMMARY

Fire protection, insect and disease control, technical assistance and cost-sharing are basic elements of efforts at the Federal level to improve management of 4,500,000 private, non-industrial forests. Aggressive action should be taken immediately on each element so that owners can achieve the objectives of which their properties are capable.

ON "THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HÉBERT. Mr. Speaker, Joe Culotta, Jr., is host of a program on WTIX radio in New Orleans called "Let's Talk It Over." On February 28, 1971, he had some comments to make about the CBS program, "The Selling of the Pentagon."

Because he is a knowledgeable individual in the field of broadcasting and because his show is one of the most popular and stimulating in New Orleans, I want to insert his remarks in the RECORD at this point.

REMARKS MADE ON "LET'S TALK IT OVER," WTIX ON FEBRUARY 28, 1971

Last week, CBS presented a program entitled, "The Selling of the Pentagon." It dealt with a so-called exposé of the military complex with special emphasis on the Public Information sector of the military service. This was nothing new since exposés in this area have been much in the news as of late. Which brings up the point that possibly, just possibly, there is an organized move about to intentionally discredit the military—who would do such a thing? Well, if CBS and other groups believe that a nebulous military contingent is trying to "sell the idea of the Pentagon", doesn't it follow that another nebulous group who is anti-military just might be trying to "sell the Pentagon" also, but that their efforts may be aimed at selling it down the river. And remember if the military does dissolve into another social arm of this already massive bureaucracy, then who's going to stand vigilant from the Halls of Montezuma to the Shores of Tripoli . . . to the coasts of California and New York?

But let's look at a point or two presented in, "The Selling of the Pentagon." CBS states that the military used taxpayers' money to propagandize against the Soviet Union and the philosophy of Communism. They stated that the military-made films are still being shown with such narrators as John Wayne, Jack Webb, Walter Cronkite and even Chet Huntley putting down the Communists for world aggression. CBS states that most of these films were made in the late 50's and early 60's, and I quote, "before our official policy was changed to one of coexistence with the Communists." They went on to state that possibly the narrators had a change of posture on the Communist world since that time. I don't know about Cronkite or Huntley, but I'll bet John Wayne and Jack Webb haven't changed their posture regarding Communism. If indeed the United States has changed its posture toward Communism in the last five to seven years, then its so-called posture toward Germany since 1945 must be completely metamorphosized. Yet in the past month at least three war films made in the 60's were shown on national TV. The enemy in these films were the usual ruthless, bloodthirsty Nazis who were incidentally made up of German people. Since the end of World War II, some 26 years ago, at least a hundred or so movies have been ground out to impress in our minds what evil people those Germans are.

During the same period of time, the military has produced films on how evil the Communists are. The Germans are supposed to be our allies, but we can depict them as bloodthirsty, aggressive and bumbling; and no furor is ever heard. But show some footage of the bloodthirsty, aggressive and bumbling Russians and all hell breaks loose because our posture with Communism is coexistence and we must grind out footage consistent with our policy.

How many major films have dealt with Communism—not nearly as many as those dealing with Nazism—but then Communists must not be aggressive any longer because our "posture has changed toward them." They really don't have a fleet in the Mediterranean—that must be the imagination of the major networks. The Communists must not have provoked and armed the Arabs to break the cease fire against Israel—that too must be a delusion by the news reporters. And the Communists are not anti-semitic (they say they are not and have let us know that they are very "thin-skinned" about that charge). The reports that many thousands of Jews want to leave the Soviet Union to emigrate to Israel but are detained must be the pipe dream of Rabbi David Kahane.

The only real difference between the Nazis and the Communists is Nazism is finished—they lost but we have to be vigilant against similar movements (and indeed Communism is a similar movement). The Communists haven't lost yet. They still exist and are still the No. 1 enemy of the United States and the free world. To bury our heads in the sand and hide behind an "official posture of coexistence" is the real "me-too" attitude which CBS was accusing the military of perpetrating upon the public.

I'm happy the military is still showing films depicting Communistic aggression. I just wish the networks would show the military films on prime time TV. They could use them to pre-empt "Hogan's Heroes", after all the Americans from that German prison camp were liberated in 1945.

JOSEPH CULOTTA, Jr.

FTC COMES ALIVE—AND HOW

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1971

Mr. HUNGATE. Mr. Speaker, in time of great concern for consumer protection, some recent actions of the Federal Trade Commission should meet with public approval, as the attached article outlines:

FTC COMES ALIVE—AND HOW

Widespread benefits are forecast for consumers now that the Federal Trade Commission—once riddled with internal friction and mired in a virtual do-nothing policy—has organized in a burst of long-needed activity.

Change began January 1970 when Caspar Weinberger succeeded Paul Rand Dixon as chairman. "We're going to try to use talent wherever we can find it," Weinberger said as he proceeded to hire, among others, one of Nader's Raiders who had antagonized the old FTC staff.

The rebirth has continued under a new chairman, Miles Kirkpatrick, who moved

into the office in September when Weinberger was promoted to deputy director of the Office of Management and Budget. A Philadelphia lawyer, Kirkpatrick headed the American Bar Association study group that sharply criticized the FTC in 1969.

In recent months, the FTC has moved in on numerous problems.

Rules for car pricing. Subject to public hearings January 12 and 13, FTC would hit gimmicks that cloud auto trade-in values, price cuts, taxes and service charges in ads and on sales stickers.

Truth in ads. New sanctions would force firms found deceptive in their advertising to either stop advertising the product completely or devote one-fourth of every future ad and commercial to telling that the FTC rated previous ads false and deceptive. Actions have already been taken against Coca-Cola for advertising Hi-C as highly nutritious in Vitamin C, and Chevron gasoline for saying the additive "F-310" reduced air pollution.

Cool-off period for door sales. A drafted regulation would allow any buyer to cancel within three days any consumer goods or services costing $10 or more and bought at his door.

New credit safeguards. Stores, oil companies, credit card firms and book clubs—subject to hearings in January—could not bill customers for disputed charges until explanations are made. The creditor also could not disclose a bad credit rating until the customer himself has been notified.

Among other requirements, FTC wants companies to include on all bills the names addresses and phone numbers of employees who can handle customer complaints.

Mail order complaints. Investigations have been launched (first into Chicago-area firms frequently reported) into failures of mail order houses to deliver merchandise ordered and paid for—or to respond to queries in a reasonably prompt time.

Enzyme claims. FTC has stiff questions for detergent advertisers and manufacturers: Are ads claiming effectiveness against all stains truthful? Should health notifications be listed on products to warn that enzyme products can cause allergies, skin irritations and lung ailments?

FTC crackdown has been delayed by disagreement over which outside group should conduct an investigation.

FTC may also soon demand that cartons containing phosphate-bearing products warn that excessive use will add to water pollution.

Light bulb lifetimes. As of January 25, light bulb manufacturers must reveal the average light output and lifetime of their bulbs as well as other information essential to valid comparisons of cost savings and duration.

End business reciprocity. Although FTC has never issued a formal antitrust complaint on the old "you buy from me and I'll buy from you" practice—which bars competitive bidding—it is now openingly looking for cases to take to court.

Probe gas shortage. Because of the natural gas scarcity, the FTC staff will look for "collusion or other unlawful conduct" in the oil industry. Other broad antitrust investigation is planned for the oil, gas, electricity and coal industries.

CONGRESSIONAL IMPASSE

Consumer protection forces found victory in defeat this year in their long and vigorous battle in Congress against the proposals of an Administration-business alliance.

Although two major bills were killed, neither of the final versions contained Nixon's requirement that the proposed independent consumer agency and controversial class action suits be under Justice Department control.

LIBRARY OF CONGRESS COMPREHENSIVE REPORT ON THE CIVIL SUPERSONIC TRANSPORT PROGRAM

HON. HENRY M. JACKSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Tuesday, March 9, 1971

Mr. JACKSON. Mr. President, on September 21, 1970, the Library of Congress released a report entitled "The SST: The Issues of Environmental Compatibility." That report was prepared at the request of the junior Senator from Alaska (Mr. GRAVEL) and provided a scientific and scholarly assessment of all of the environmental issues—sonic boom, noise, and effects on world climate—which could conceivably be associated with the development of a commercial fleet of supersonic transports.

It is my view that this objective report by Mr. George M. Chatham, a specialist in science and technology in the Science Policy Research Division, was instrumental in placing in proper perspective the unfounded charges which some have made over the past 6 months concerning the impact which commercial supersonic transports might have on the environment.

In the belief that the objectivity and the dispassionate scientific inquiry of a reputable, disinterested, and prestigious body such as the Science Policy Division of the Library of Congress, should be directed at a review and an analysis of the full range of issues—environmental, economic, and technological—presented by the supersonic transport program, I requested the Library to furnish me with an up-to-date report on all aspects of the program. This report has now been completed. It is entitled "The Supersonic Transport" and was prepared by Mr. George N. Chatham and Mr. Franklin P. Huddle.

Because the printing facilities of the Library of Congress are not equipped to make copies of this report available for at least the next few weeks, I ask unanimous consent that the entire report be reprinted in the Extensions of Remarks section of the RECORD.

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

THE SUPREME TRANSPORT

SST: SUMMARY OF THE CONTENTION

(By George N. Chatham and Franklin P. Huddle)

The following statement summarizes a study by Science Policy Research Division, Congressional Research Service, Library of Congress, for issue March 1, 1971, under the title "The Supersonic Transport". The study is by George N. Chatham and Franklin P. Huddle.

Lag in commercial aircraft technology

Introductory chapters of the study trace the evolution of aircraft technology. For the first half-century of manned flight, technology of civil aircraft relied successfully on military research and development. However, by the early 1950s, military design engineering became specialized and "systems oriented." Military designs departed from lines important for civil aircraft. Technological competition of ballistic missiles jeopardized the status of the manned bomber to such an extent that no truly successful supersonic bomber has yet been commissioned. At the same time, efforts to maximize parameters of military importance slowed progress in directions important for commercial aircraft. Fuel economy, cabin space, and other commercial considerations were neglected. In particular, military engine designs failed to exploit known developments offering great promise for commercial service. The need became apparent for a separate research and development effort, explicitly aimed at the maintenance of technological advances in civil aircraft.

Plight of civil air transport in 1971

Faults of commercial air transportation began to be identified: airport congestion and inadequate terminal capacity, noise around airports, emphasis on airport-to-airport travel rather than point-to-point, and passenger-baggage separation were among these. Difficulties in coordinating the introduction of new aircraft models with use requirements put the airlines in an economic bind. After maintaining fare schedules without increase, despite inflation, for two decades after World War II, the airlines were faced with the problem of falling revenues and profits. The choice was between improved load factor and fare increases. A third alternative, used successfully in the past, was an increase in productivity of aircraft in service. It was to improve this productivity that the SST was proposed.

ADVOCACY OF THE SST BY POLITICAL LEADERSHIP

Presidents Kennedy, Johnson, and Nixon all reviewed the case for the SST as a stimulus to U.S. transportation, to strengthen civil air technological advance, and to enhance U.S. national posture in a world of technological competition. All three Presidents found in favor of the SST. British, French, and Soviet competition is already at work in this area. Foreign designs for the first generation of aircraft, while likely to appear sooner, are inferior to the U.S. SST design.

ECONOMIC ISSUES OF THE SST

Operating supersonically, the SST would be comparable to cost per seat-mile to the Boeing 747, except that the increased productivity attributable to the higher speed would enable airlines to increase service with a reduced number of aircraft. This advantage offers significant but indeterminate economies. With respect to national financial gains, the United States balance of payments would be altered to the extent of some $20 billion by producing and selling SSTs to the world market, rather than buying them from abroad.

Although the economic advantages of the SST seem clear to the advocates, it is also true that the design and management of so large an enterprise is not without risk. Much depends on management and technological skill. In any event, the large investment required for the SST inescapably calls for funding participation by the Federal Government. Although all forms of commercial transportation have received various kinds of financial assistance from the Government, aid in the development of aircraft would be a "first."

ENVIRONMENTAL ISSUES OF THE SST

Much of the study is addressed to the question of whether the SST would seriously impair the human environment. There have been many allegations as to its noise, air pollution, and possible climatic effects. After a searching investigation and analysis, the following conclusions were arrived at:

Noise

The SST requires large, powerful engines which are noisy. In addition, when traveling supersonically the SST generates a sonic

boom. The boom issue has been provisionally disposed of by an understanding that the SST will travel supersonically only over oceans or uninhabited tundra. Since Congress has passed no law to insure the continuity of the sonic boom ban, many people are dubious about the permanence of the Executive commitment in the face of economic pressure by the airlines.

Engine noise is considered in five operational modes: on the ground, sideline noise on take-off, departure (climb from one mile past the end of the runway to cruise altitude), cruise, and descent. Noise is not a factor on the ground, when only minimum power is needed or in cruise when it is too far from the ground to be heard at all. During the three noisy phases, work is needed to reduce sound level. However, much has already been achieved. In the 12 years since commercial jets have been in service, the noise generated per pound of thrust has been reduced to one-tenth of its former value, and the sound (in terms of acoustical energy) per pound of thrust has been reduced to one-hundredth. In view of past progress and future engineering expectations, the Boeing Company has announced that it is committing itself to meeting FAA subsonic aircraft noise limitations (i.e., generating less noise than the 747 does now) with the SST by the time it is certified for service.

Pollution

Judged by engineering criteria, the jet engine is highly efficient in terms of units of delivered power per unit of effluent. Except on the ground at take-off, moreover, the engine diffuses its effluent. Most of the polluting ingredients result from uneconomical practices, for which incentive already exists to hold them to a minimum. Large airports for supersonic aircraft tend to be located remotely from urban areas where air pollution is most serious. Beyond this, the question of urban air pollution is a local problem, with each locality requiring its own specific measures of reduction and prevention. The role of the SST, and of jet aircraft generally, is inherently a minor one relative to the effluent from surface transportation media.

Weather modification

Traveling in a new regime at 65,000 feet, the SST is alleged to generate a variety of effluents in such quantities relative to pre-existing ingredients of the upper atmosphere as to threaten to alter the climate below. Examination of these allegations, one by one, shows the effects of the SST on the environment to be so small in comparison to natural factors of a similar nature as to make quantification extremely challenging. There is a possibility however that planned experiments during the two-lane prototype phase can bring about some resolution. With respect to particulate matter, it was found that cosmic dust and volcano effluent far exceed any possible particulate effluent from the SST without significant climatic effect. With respect to water vapor, the injection of water from thunderstorms into the stratosphere exceeds by many orders of magnitude any possible SST effect, but the stratosphere remains both low and fairly stable in water content, indicating that there are stabilizing forces at work.

The allegation that combustion of SST fuel would exhaust the oxygen in the atmosphere is disposed of by the simple statement that the combustion of all fossil fuel (of which jet engines can never consume more than a small fraction) would temporarily tie up no more than three percent of the oxygen in the atmosphere.

The conjectural effect of the carbon dioxide generated by the SST is trivial compared with that from internal combustion engines. Long-range measurements of temperature do not disclose any climatic change attributable to a measured slight increase in CO_2 content over the past century.

There is some need for attention to the possibility of hazard to passengers from radiation from the sun, especially during severe solar flares. (The last severe one was 15 years ago). With proper instruments, the pilot could be warned in plenty of time to drop down 10–20 thousand feet where atmospheric shielding would eliminate the hazard.

The SST: Remaining uncertainties to be resolved

There are many uncertainties: as to the verity of the competition from foreign SST developments; as to whether the Boeing SST will produce the economic gains claimed for it; as to the extent of engineering risk this vehicle represents; and as to whether it can stand alone, without other supporting elements of a complete system of air transportation. Many of the defects of present air transportation have nothing to do with air speed or vehicle productivity; the ground sector, for one example, is generally conceded to have been neglected.

The environmental aspects of the SST, and especially the global aspects, have received the bulk of attention of critics. Yet, upon analysis, most of these postulated effects are found to be non existent or of a scale making detection difficult. Of course, some environmental uncertainties remain. As to these uncertainties, the point is made that it is rarely if ever possible to prove a negative.

But the greater number of uncertainties appear to lie in the field of economics. It is likely that these can be resolved only by actual experience with the product in use. Much hinges on the quality of engineering management in the development of the vehicle, and the system of which it is conceived as a component. Much hinges also upon the quality of management of the airline service and its competition. Of course, these are general considerations and are therefore imponderables beyond the scope of the study.

I. INTRODUCTION

This paper examines some of the considerations governing public acceptance or rejection of the supersonic aircraft (SST) as a commercial transportation vehicle.

Mass public transportation by air has been a development of the last half-century. It is today the primary mode of long distance commercial travel. Its primary characteristic is speed. Each successive generation of passenger aircraft has achieved higher speeds coupled with larger carrying capacity than its predecessor. The issue at hand is whether by action of the United States Government this process should be continued beyond a natural barrier, the speed of sound.

The purpose of this study, based on a review of the literature of the controversy, is to provide a factual perspective from which to assess tangible and intangible costs and benefits of the SST.

The underlying question: Static versus dynamic technology

The controversy over the SST may not be so much over the political question as to the social worth of a particular technological innovation as over the broader question as to whether the processes and results of technological innovation generally are a social good that should be continued into the indefinite future. The literature of "technology assessment" has identified this question as salient for the United States today. Studies of the issue, most notably that by the Committee on Science and Public Policy (COSPUP) of the National Academy of Sciences,[1] suggest that even if the achievement of a stable condition is the goal, the level of technological achievement of today's society is inadequate to provide it, so that further technological progress is indispensable in any event. The findings of students of technology assessment reach a consensus on two further points:

(1) Each major technological innovation needs to be assessed in greater detail than ever before, and not once but repeatedly, to assure that its second- and third-order consequences are tolerable to society; and

(2) The social consequences of a technology need to be assessed along with the technical and economic consequences.

Opponents of technology appear to take various positions: (1) that technology is itself undesirable because its side effects are inescapably adverse, (2) that the pace of technological change is too fast to be accommodated to the socio-political structures of human organization, (3) that technological innovations occur so rapidly that human organizations are unable to sort out the good from the bad, or (4) that the variety of innovations produced by technology imposes such a burden of choice in the individual as to impair the quality of life.

Any substantial body of thought that opposes technological innovation per se, would be inclined to join forces with those who oppose specific innovations on their own merits. While this study is concerned with the specific advantages and disadvantages of one technology, *viz.*, the SST, the issue as to the general merit of technology needs to be disposed of. The NAS Committee on Science and Public Policy has put the matter in perspective with its conclusion:

"The future of technology holds great promise for mankind if greater thought and effort are devoted to its development. If society persists in its present course, the future holds great peril, whether from the uncontrolled effects of technology itself or from an unreasoned political reaction against all technological change."[2]

Although the economic aspects of technology tend to be decisive in determining whether or not some particular innovation should be pursued, the ultimate values and costs—which are hard to quantify—are environmental. As the COSPUP Report notes, "* * * technology * * * is nothing more than a systematic way of altering the environment." Accordingly, the report states:

"The choice * * * is between technological advance that proceeds without adequate consideration of its consequences and technological change that is influenced by a deeper concern for the interaction between man's tools and the human environment in which they do their work."[3]

Moreover, the assessment of technology requires—

"* * * not [for society] to conceive ways to curb or restrain or otherwise "fix" technology but rather to conceive ways to discover and repair the deficiencies in the processes and institutions by which society puts the tools of science and technology to work."[4]

If it be granted that technology should not—and indeed cannot—be generally arrested and frozen in today's mold, then the question of accepting or rejecting a particular innovation rests on two subsidiary questions. One is whether the system itself is or can be economically self-supporting. Will it pay for itself? Is there an economic demand for its services, sufficient to justify the investment? This issue needs to be answered quantitatively, and if the finding is adverse, the decision usually becomes academic.

The second question is whether the adverse effects of the innovation on man and on the human environment negate the beneficial effects, and also the economic values of the innovation. Since the adverse environmental effects (unless they are unmistakably catastrophic) do not automatically generate a negative decision, the issue becomes a matter for policy determination by the Govern-

Footnotes at end of article.

ment. This decision rests nationally with the Congress. Also, there is a residual regulatory concern, now being delineated in the courts, that rests with the States and municipalities. No mechanism is yet available for the international assessment of a technological innovation.

With respect to the SST, since a substantial outlay of funds is required of the Federal Government, and since the asserted environmental effects are national—indeed global—the technology assessment decision of whether or not to proceed with this innovation rests with the Congress. It is both an economic and environmental issue. Meanwhile, two other projects are already well along toward development of commercial supersonics aircraft, one jointly by the British and French, and the other by the Soviet Union. To some extent, these competitive activities seem likely to reduce the scope of the decision: it may be not whether the global environment is to receive a civil SST, but rather whose SST.

Economic considerations of SST development

The economic questions that confront the Congress are for the most part those of straightforward cost/effectiveness and demand forecasting. They are similar, for example, to aspects of the long-range planning problem that annually confronts top management in the automobile industry.

What will be the costs of achieving commercial supersonic air transportation?

What level of engineering design risk is involved?

What dollar benefits will accrue from this capability, to the carriers, to the aircraft industry, to the using public, and to the United States Government—in other words, to the taxpayer?

How reliable are the estimates of future demand for the use of the proposed hardware?

What economic adjustments are implied by the introduction of supersonic flight, and what costs and benefits are implicit in these?

What is the proper form of management of the enterprise, if it is decided upon?

What is the appropriate method of funding of the enterprise?

What would be the effect of banning the Concorde and TU-144 from the U.S.? Would the countermeasures in international economic competition caution against such a unilateral action?

Is participation of the Federal Government in the funding of the enterprise the best use of its fiscal resoures? Is there an adequate financial return? In essence, does the SST assure an appropriate net advantage in both tangible and intangible factors, to the Nation and its citizens?

Environmental considerations of the SST

The environmental consequences of the SST appear to be both complex and controversial. Some of these tend to interact with some of the economic issues. For instance, perhaps the most salient environmental question grows out of the fact that the supersonic aircraft, by virtue of its capability to move at supersonic speeds, causes sonic booms. The question is thus raised as to whether these high-altitude effects will be an intolerable nuisance; the tacit understanding has apparently been established that the proposed aircraft would travel at supersonic speeds only over the oceans—a constraint that would seem to deprive the vehicle of a part of its potential economic advantage and flexibility.

The high power requirements for supersonic flight, and the consequent large consumption of fuel, imply that the aircraft should be large in size and carrying capacity if it is to pay its way. This requirement leads to environmental questions which involve the effects of the effluent of the aircraft: air pollution resulting from the necessarily high level of effluent during take-off, and the conjectural climatic consequences of high-altitude discharge of water vapor and particulate matter. The noise of the (necessarily highly powered) SST engines on and near the ground is also cited as an environmental degradant.

Against these allegations of undesirable effects, there are such positive factors as the reduction in number of aircraft per thousand passenger miles (or per number of passengers transported), the saving of time, the general benefits that are alleged always to result to a nation's technology from a large effort in some one direction, the undeniable benefit to the nation's technological posture where technology correlates increasingly with diplomatic influence, and the probability that the increased speed capability of aircraft in the air will generate pressure on the airlines, as well as other participants in transport services, to improve the lagging efficiency of on-the-ground operations, toward making air travel a true system.

Another consideration, often overlooked, is that a vigorous effort in the advanced technology of large-scale, supersonic flight, aiming to make it compatible with the preservation of a congenial environment for man, can be expected to yield many beneficial developments in environmental science and technology that can be useful in other problems and activities of environmental enhancement.

II. BREAKING THE BARRIER OF SOUND

The first manned vehicle to explore the regime of supersonic speed was the Bell X-1, an American aircraft piloted by Elwood Yeager.[5] During a sequence of 41 flights, all of brief duration, he took the rocket-powered X-1 to speeds exceeding Mach 2,[6] and to altitudes above 70,000 feet. The first flight through the sound barrier occurred Oct. 14, 1947.

The shape of an airplane is a combination of blunt and shallow curves, sloping planes, and edges. Air flows over each surface at a different speed, all related to the speed of the aircraft. The shape of the aircraft is designed so that the air will flow smoothly by it, whether the aircraft is moving slower or faster than the speed of sound. However, there is a critical range of speed, the transonic region, which extends a few miles per hour on both sides of Mach 1. In this region, parts of the air flow move subsonically and others move supersonically. While in this regime, the aircraft is buffeted by shock waves and turbulence. Yeager found it advisable to pass through it quickly: to remain in it too long was not only uncomfortable to the passenger but hazardous to the structural integrity of the aircraft. However, once the aircraft passed through this transonic zone," the air flow became smooth again.

Yeager's flights resolved the long debate among aerodynamicists over the possibility of controlled flight beyond the sonic barrier. Also, he opened the supersonic domain as a useful realm of any aircraft with enough power to reach it. His experiments signaled the beginning of a vigorous research program to achieve supersonic flight routinely. Military advantages of this capability seemed obvious; although the commercial advantages were less so, aeronautical enthusiasts observed that just as subsonic aircraft had drawn the four corners of the United States conveniently close, supersonic aircraft would do the same for the whole globe.

Importance of turbojet engine for supersonic flight

The key to general supersonic flight was the turbojet engine. A principal obstacle to the achievement of supersonic speeds with propeller-driven aircraft had been the aerodynamic limitations of the propeller itself. The tip of the propeller entered the transonic regime long before the speed of the aircraft did; at that point, loss in efficiency through turbulence wasted power so that a speed ceiling of around 500 mph was generally accepted by aeronautical engineers as the ultimate top for propeller aircraft.[7]

Concern over the inherent speed limit imposed by the propeller led two independent investigators to seek and find a solution in the turbojet engine. The first successful turbojet-powered aircraft, the He 178, was produced by Ernest Heinkel in 1939; soon afterward, Frank Whittle's engines were used, in 1941, to power the Gloster E-28. The Heinkel and Whittle engines both used a centrifugal compressor as a first stage: air was compressed, expanded by burning fuel in it, and then discharged through a turbine which drove the compressor; forward impetus was provided by the jet thrust of the hot combustion products after they passed through the turbine.[8]

The turbojet engine offered a solution to the problem of propeller speed limitation. Thrust and efficiency of this new system, contrary to that of the propeller, were actually increased with increased forward speed.

Early in World War II, Whittle's insistent warnings to U.S. military authorities, together with the appearance in combat of the ME 262 (a twin-engined German fighter whose top airspeed exceeded by 100 mph the speediest planes of the Allies), persuaded the Army Air Force that the turbojet was worth examining. A Whittle engine was obtained and after a brief test, the Air Force asked the General Electric Company to produce an improved version compatible with U.S. industrial practice. An airframe was designed and built to receive the engine. The project was conducted with incredible speed under high security, camouflaged by preempting the project nomenclature of another secret aircraft development, the Bell XP which was subsequently shelved. In 1942, the Bell new XP-59 received its engine, flew successfully, and introduced U.S. military and industrial aviation to the jet age.

It took 11 years from that point to bring about the first U.S. military aircraft capable of routine supersonic flight. This was the first of the so-called "Century" series, the North American F-100[9] which flew in 1953, six years after the brief flights of the rocket-powered X-1A had breached the sonic barrier for the first time.

III. SCALING UP THE TECHNOLOGY OF SUPERSONIC FLIGHT

Military efforts to extend the application of supersonic aeronautical technology to larger aircraft produced an uninterrupted sequence of misfortunes and controversies. When the Air Force undertook a supersonic replacement for the subsonic B-52 bomber, the first result was the short-lived B-58. This three-man bomber could reach Mach 2.1 at 44,000 feet; it could cover its full range of 2000 miles in less than 2 hours. However, the B-58 was marginally useful; it fell short in payload as well as in range for its intended mission as an intercontinental strike vehicle.

The development span of the B-58 overlapped that of the B-70, of which only 2 units were actually built and flown before the program was dropped. More will be said of this development, which had considerable significance for the evolving proposal later on to build a prototype commercial transport for supersonic flight.

Meanwhile, efforts of the U.S. Navy to produce a large supersonic seaplane centered on the P6M, under development by the Glenn L. Martin Company in Baltimore. This design encountered several tragic misfortunes in flight before the project was terminated.

The last stage in the sequence was the F-111, a smaller supersonic fighter-bomber system intended (in various versions or modifications) for both Air Force and Navy use.

Footnotes at end of article.

The F–111 has remained controversial since its inception.

In view of the fact that large commercial aircraft traditionally grew out of military antecedents, it may be useful to examine the fate of one of these large supersonic bombers.

The development of the "all-purpose" B–70 Bomber

Proposed as the world's first large aircraft capable of long-range, sustained, supersonic flight, the B–70 was envisioned as the logical replacement for the subsonic B–52. It was also seen as fulfilling the need for a super-performance surveillance aircraft. The further possibility was later suggested that the general prototype might be modified into a commercial version to compete with contemporary (1959) European schemes to produce a family of short-range, intermediate, and long-range supersonic aircraft for commercial service.

Initial design specifications for the B–70 were issued by the Air Force in October, 1954, with an invitation to aircraft companies to compete for the job of prime contractor. The Air Force plan was to develop and deploy a fleet of these aircraft as long-range, multi-mach bombers by the mid-1960s. The plan fell victim to prolonged controversy. At first, problems centered on the wide variety of technical approaches advanced by the bidders. Then, as these were resolved, the project next came under attack as an expensive and unnecessary military alternative to the intercontinental ballistic missile. Development of the intercontinental ballistic missile, armed with a nuclear warhead, had provided a weapon competitive in destructive capability with the long-range strategic bomber. It also reduced the striking time of an intercontinental attack from hours to minutes. The military commitment to bomber aircraft was undoubtedly lessened by this alternative technology, and with it the willingness (or necessity) to make the heavy investment required for its successful development.

Opposition to the B–70 program grew steadily from the time the Air Force released its Request for Proposal in 1954. By 1959, the embryo aircraft was under attack by both missile advocates and others who saw it consuming an increasing share of the declining aircraft budget in the (also declining) budget of the Department of Defense. Presidential action came to terminate the program, November 30, 1959, although the President later granted the Air Force permission to continue the B–70 as a minimum-cost, aerodynamic research program. Some Members of Congress were critical of this decision to drop the program. The development was viewed as both an essential replacement for the aging B–52, and a prototype for a commercial SST.[10] However, the President's decision was firm, and the program came to a close with a few experimental and test flights of the two prototype vehicles.

Efforts to commercialize the B–70 technology

The possibility of a commercial version of the B–70 was raised in 1959 when General Elwood Quesada, then Administrator of the Federal Aviation Agency, called the President's attention to plans of the British aircraft industry to build two models of commercial supersonic SSTs, one for short-range domestic service and another for intercontinental service; as well as the plans of the French aircraft industry to build a medium-range SST, to be called the "Super-Caravelle."[11]

General Quesada noted that the beleagured B–70, by then jocularly referred to as the "paper airplane which would fly in a cardboard sky," was in fact superior in technology to either the British or the French SST concepts (independent at that time). The B–70 design called for continous Mach 3 flight over a range exceeding 7000 miles; the foreign firms were proposing smaller vehicles, to cruise at speeds of less than Mach 2. He therefore urged the President to consider the possibility that a commercial version of the B–70 be designed to be the U.S. entry in the emerging international competition.

In Quesada's view, the civil application would be derived from a technology developed to satisfy a purely military requirement. This had historically been the conventional pattern of innovation of commercial aircraft. As he put it—

"Ever since the Wright brothers' memorable accomplishment in 1903 the Military Establishment has had a vigorous development program designed to meet their needs for increasingly high performance aircraft. The pressing demands of national defense have characteristically given precedence to military budgets for this purpose.

"After designs were fixed and quantity production established to meet military requirements, it was often possible to build adaptations for purchase by air carriers and use in the civil fleet. This has been especially true in the development of crucial components such as engines and propellers, as well as materials and techniques of design. Thus, for over 55 years commercial aviation has had the advantage of leaning on and borrowing from a strong military development program."[12]

Evaluation of the B–70 conversion plan

There were technical advantages and disadvantages of this proposed course. The value of the B–70 as a prototype lay in its advanced aerodynamics, control methodology, high-temperature-resistant structural design, and techniques of fabrication. These were all gains that derived from a substantial history of applied research sponsored by the Department of Defense. Application of these advances, acquired at considerable cost, would give an American SST a significant edge over the foreign competition. However, Quesada's proposal had disadvantages as well. The long, slim body of the B–70 would not convert well to civilian use. In the various proposals for this conversion, the passenger seating capacities ranged from 15 to a very crowded 100. A converted version with the required upgrading for reliability and design modifications for airline service was judged likely to cost about the same as a completely new design for the specific purpose of commercial service. A study for FAA, by United Research, Inc., reported in October, 1960, that the development of a civil SST, based on the B–70 prototype, would require about $1 billion, a figure beyond the financing capability of individual firms in the aircraft industry, even if based on a backlog of firm orders.[13]

At the close of his tenure as FAA Administrator, Quesada placed contracts with two engine companies for SST power plant studies, and recommended an acceleration of the FAA program of studies of the entire system.

When President Kennedy took office, in January, 1961, he named Najeeb Halaby as Quesada's replacement. At the request of the new President, March 3, 1961, Halaby organized a team to develop a statement of national goals for aviation in the 1960s. One of the findings of this team was a recommendation for intensified efforts to produce a "Mach 3 transport." It called for an SST design with double the possible passenger accommodation of the B–70, featuring a swing-wing concept.

As to funding, the study proposed that—

"Government funds should be utilized through the research, design, development, prototype and probably production stages. Every effort must be made to recoup the Government's financial investment through some type of royalty system to be paid by the operators.[14]

Changing role of military technology

Beginning with the aftermath of World War I, civil aeronautics in the United States (and elsewhere as well) had leaned heavily on surplus military equipment and on military-trained personnel. By November of 1918, the United States possessed 10,510 aircraft—6,972 at home—and a large inventory of engines and spare parts. Military trained personnel in the air arms, being demobilized, numbered 228,368. All this surplus aeronautical hardware deterred new development or production, but provided an inefficient means for a precarious and subsidized air transport industry. Meanwhile trained fliers and mechanics sought ways of using the skills they had been taught. Further military develpoment of aircraft in the United States lagged, and most of this activity was conducted in Europe and later Japan.

During the two decades between the two World Wars, considerable progress was made toward the development of commercial transports. Gradually, designs departed from the straitjacket of military prototypes. This trend was epitomized in the development near the end of that period, of the DC–3. This was a true trail-blazer, remarkably economical for its time to operate and maintain. It spurred the proliferation of many new feeder airlines and contributed immeasurably to the spread of air service all over the world. Although it was a far cry from combat aircraft, the military services made extensive use of it for transport purposes in World War II (the C–47).

The translation of the military advances in World War II into civil aircraft designs was more involved and complex than it had been 20 years earlier. Under the spur of military necessity the principles of aeronautical design had been vastly improved. These principles, of course, were the same, regardless of whether the function of the design was military or civilian. However, the configuration of an aircraft was profoundly influenced by its function, so that the same aeronautical design principles led to different final products. Speeds of postwar propeller-driven aircraft were not notably different for military or commercial service but cabin space was.

The power plant as key to aircraft evolution

From the Wright Brothers to the present day, developments in heavier-than-air craft have derived most importantly from innovations of engine and power-train. Without the gasoline-fueled reciprocating engine, the Wright Brothers aircraft would not have been possible. During the period following World War I, important progress was made in improving the horsepower-to-weight ratio of engines, culminating in the turbo-compound reciprocatory power plant that made Coast-to-Coast nonstop flight a commercial practicality. Again, military requirements justified and paid for the advances in engine technology. The civil market was an eager but secondary outlet for these products.

With the advent of the aircraft gas turbine engine, however, the suitability for commercial purposes of military power plants become less obvious or practical. The turbo-prop engine,[15] while first used in military aircraft, in England, in 1945, was quickly discarded for military purposes. Its efficiency was highest at moderately low altitudes. The aerodynamics of the propeller limited the speed of prop-jet aircraft to the subsonic regime. However, because of its fuel economy, freedom from vibration in flight, and capability of delivering many times the horsepower of reciprocating engines of comparable weight, it moved successfully into the commercial field. The Viscount, powered by four Rolls-Royce turbo-prop engines, became operational in 1953. The commercial utility of the turbo-prop, it should be noted, was not and still is not fully exploited because its performance characteristics did not warrant substantial military R&D investment.

The primary form of military gas turbine engine for aircraft is the turbojet.[16] This en-

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gine, which was operationally employed in both British and German military aircraft by 1942 (the Gloster Meteor and the Messerschmidt 262), derives all of its thrust from the exhaust. At low altitudes, the turbojet is inefficient but at high altitudes its efficiency is excellent. The principal problem is that it pumps in more air than it can use, so that—especially at low altitudes—adjustable restrictions are needed to limit the air intake. Although this kind of engine is now being proposed for use in the SST, which would operate predominantly at high speed and altitude, its fuel consumption at the lower speeds and altitudes of post-World War II commercial air travel have made it marginally useful for lower-performance civil aircraft. The first commercial transport to use the engine was the British Comet, in 1952. (Faulty cabin design of the Comet caused its withdrawal after two years of service; a redesigned model appeared in 1958, still using turbojet engines.) The first U.S. airliner to use turbojet engines was the Boeing 707, in 1958; it was followed in a few months by the Douglas DC 8. In the early versions, both aircraft used unmodified military jet engines. The engines were turbojets ("pure" jets) which were fine for high speed flight (speeds beyond the design capability of the 707 and DC-8) but, in stressing this vital military asset, the engines were not designed for fuel economy.

Fortunately, a sideline investigation of little military interest was to appear. One early device to deal with the surplus air which all jet engines must either use or deflect once in flight, was the "by-pass"; in this model of engine, surplus air is ducted around the combustion chamber and then added again at the tail pipe. The result is augmented thrust and reduced fuel consumption especially at moderate speeds and low altitudes.

Further increases in efficiency were offered by tapping the surplus energy in the turbine system to increase the mass flow of air by accelerating it with a large, front-end fan and then ducting it around the rest of the engine assembly. This was the turbo-fan. Now in general service in U.S. airliners, it has an engine front that is larger in diameter than the rest of the engine.[17]

A belated commercial development, the turbo-fan appeared in the United States in 1961, when the Pratt & Whitney Company modified their military engine, the J-57, by adding a fan to the front end and ducting the air stream around the body of the basic engine. This modified version, designated the JT 3D, increased thrust 50% while simultaneously decreasing fuel consumption 13%. The commercial airlines quickly moved to take advantage of the innovation. Existing equipment was retrofitted, and new aircraft were equipped with turbo-fans. By 1965, virtually all non-propeller-driven civilian jets, foreign and domestic, were using the turbo-fan.

The rapidity with which the turbo-fan was adopted, once available, suggests the importance of a substantial R&D capability for the purpose of advancing the state of the art of commercial airframes and engines. Although the military version of the turbo-fan had been investigated more than two decades earlier, its failure to offer significant military advantage had resulted in a long and costly technological lag in commercial application.

IV. DETERMINING NATIONAL POLICY ISSUES OF THE SST

When President John F. Kennedy took office, early in 1961, the SST came into sharper focus. Describing himself as determined to "get America moving again," the new President invited opportunities for active causes. Responding to this opportunity, Najeeb Halaby, FAA Administrator followed his predecessor's initiative and urged consideration of a civil supersonic transport program. He found the President receptive.

As the SST project began to take a more tangible form, three interlocked questions became salient: (1) Should the Federal Government assume responsibility for the program? (2) If so, who should be in charge? (3) What fiscal arrangements would be appropriate? All three questions, of course, hinged on the overriding issue of Should there be such a program?

Previously, in the development of aeronautical hardware the military services had made all these decisions, subject of course to ultimate congressional ratification through the appropriation process. Military procedures followed a well-worn path: preparation of a strategic requirement, survey of technological alternatives, feasibility studies, preliminary design competition, selection of a prime contractor, negotiation of a contract with time-phased target objectives, and concurrently the presentation of an over-all bill to the Congress in which the specific project would be only one small element among many. But the SST project could not take this route.

Necessarily, it was a commercial project that needed to be compatible with the commercial environment. Instead of satisfying a strategic military requirement, the SST proposal was offered to match the less structured requirements of meeting and surpassing foreign competition operating from a different economic and political base, on a different time scale, with a different state-of-the-art. It raised the kinds of questions that private business organizations normally try to answer—and profit only by answering perceptively, such as:

Would the end product find an adequate market for sufficient numbers of units to go above the break-even point?

At the time it became available for scaled-up production, would it be able to compete successfully in price, performance, and maintenance with rival aircraft already on the drawing board?

What level of improved performance would be needed for it to supersede existing subsonic aircraft and outperform the new foreign competition without incurring an excessive degree of engineering risk?

Risk is an inherent element of the commercial environment. But in the appropriation of public money, elimination of risk is a compelling consideration. With the magnitude of the SST investment exceeding the capacity of available sources of private funds, to make the project go would require Government funding. How was the aspect of risk to be dealt with?

Criteria for the decision to proceed with the SST

President Kennedy announced the SST as a national objective in a Commencement address to the Air Force Academy, June 5, 1963. He had taken time out for this visit in the middle of the delicate maneuverings that preceded the negotiation of the Limited Nuclear Test Ban Treaty. Five days later, he would deliver his detente proposal at The American University, in Washington, D.C., that he hoped would lay the groundwork for an era of global peace and understanding. It is possible that he saw in the SST a dramatic illustration of the "plowshare" principle, as well as a peaceful alternative to occupy the aerospace industry. However, he also expressly interpreted the SST as evidence that the technology of manned flight—military as well as commercial—retained its vitality. The commitment to the SST, he declared, was "* * * essential to a strong and forward-looking Nation, and indicates the future of the manned aircraft as we move into a missile age as well."

The President sketched briefly the terms of reference of the project. It should be a partnership of Government with private industry. The project management should be pressed to "develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country of the world."

"An open, preliminary design competition will be initiated immediately among American airframe and powerplant manufacturers with a more detailed design phase to follow. If these initial phases do not produce an aircraft capable of transporting people and goods safely, swiftly, and at prices the traveler can afford and the airlines find profitable, we shall not go further."[18]

Soon after his visit to Colorado Springs, the President sent a letter to Congressional leaders in which he discussed the criteria and the method of financing of a Government-sponsored SST. He enlarged somewhat on the last item.

"The cost of such a program is large [said the President]—it would be as great as one billion dollars for a development program of about six years. This is beyond the financial capability of our aircraft manufacturers. We cannot, however, permit this high cost, nor the difficulties and risks of such an ambitious program to preclude this country from participating in the logical next development of a commercial aircraft. In order to permit this participation, the United States, through the Federal Aviation Agency, must proceed at once with a program of assistance to industry to develop an aircraft."

The program proposed would call for a participation to at least 25 percent of the development costs by the manufacturers, and a further contribution (amount unspecified) by the airlines through royalty payments. The ceiling on the Government investment would be $750 million, although additional credit assistance might be extended to manufacturers during the production process. The President stressed that "participation by industy as a risk-taking partner is an essential of this undertaking." The objective was to build a commercially sound aircraft, as well as one with superior performance characteristics. The test of its economic soundness would be measured by "industry's willingness to participate in the risk-taking."

Thus, the project would be "principally a commercial venture," although it would "yield much technological knowledge." The President summarized the further objectives of the SST as—

To "maintain the historic United States leadership in aircraft development";

To "demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system";

To "expand our international trade" through both its manufacture and operation;

To "strengthen the United States aircraft manufacturing industry * * * and provide employment to thousands of Americans."[19]

The lag in U.S. aeronautical technology

The President's decision that the Government should participate in the development of an advanced civil aircraft had followed several expressions of concern that civil aviation was failing to advance at a rate commensurate with the domestic and international markets. On September 1, 1961, President Kennedy received a report prepared at his request by the Task Force on National Aviation Goals (Project Horizon).[20] The report was intended to "define the technical, economic and military objectives of the Federal Government throughout the broad spectrum of aeronautics." It identified the emergence of the space program and the reduced emphasis by the military on the development of manned combat aircraft as major causes for the lag in civil aeronautics development. Said the Task Force:

"An adequately funded, prudently managed, continually updated research and development program is essential to the maintenance of U.S. world leadership in aviation.

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Federal Government responsibility for aviation research has long been recognized and its participation in such research has been extensive. However, in the past Government-sponsored aeronautical research has largely been stimulated by military requirements for advanced manned aircraft. In recent years this stimulation has declined as a result of the growing concentration on development of missiles and space systems by the military and by the National Aeronautics and Space Administration. It is no longer possible for civil aviation to progress mainly by reliance on the byproducts of military-related research and development programs.

"There is no question that aeronautics is running a poor second to space technology in the time, talents, facilities, and funds expended on it within NASA. Steps must be taken to upgrade recognition of an activity in support of this national requirement.

"With the decline of military emphasis on manned combat aircraft, some shift toward a more centralized coordination of civil aviation research and development in the United States appears needed. This need is sharpened by the forthcoming requirement for more extensive Government financial participation in essentially civil aeronautical development programs, such as the supersonic transport." [21]

These views were echoed in Congress where a staff report of the Senate Committee on Aeronautical and Space Sciences noted that U.S. aeronautical technology was falling behind: "Other countries of the world, with less responsibility than the United States for peacekeeping and international prestige, have continued developments in aeronautics which could command substantial markets and adversely affect our balance of trade." [22] The report expressed concern over the assertedly diffused responsibility for national policies for aeronautics and particularly the want of a federal policy for sustained technological development of civil aeronautics. The need for an integrated national system of air transportation was real, un-met, and under-valued. Said the report, in part:

"An obvious contrast may be noted when the research and development program for aeronautics is compared with the total NASA appropriation ($124 million out of $5.012 billion or about 2 percent for fiscal year 1967). A more meaningful question is whether the funding and the program for aeronautics are adequate, regardless of the magnitude of the space program."

Also—

"Civil aeronautics is an increasingly important part of our economic system with great potential for our international balance of trade and technological prestige. [Moreover], There is a notable absence of national transportation system policy to define the role of various modes, to study the problems of interfaces between modes, and to choose among technological alternatives." [23]

Operationally, civil aeronautics seemed on the threshold of an unprecedented potential for growth, both in the United States and abroad. The United States dominated the world market for aeronautical goods and services, yet, aeronautical services, domestically, were steadily declining in quality as unsolved problems of congestion intensified. New development activity seemed to be stagnant. The nation could ill afford either the decline of domestic service or the relinquishing of its position in the world aeronautical market.

Representative Ken Hechler, speaking for the House Subcommittee on Advanced Research and Development, warned that the U.S. position in world aeronautics could easily be lost:

"The impact of aeronautics on our Nation and on our global society over the past two decades is dramatic. Those areas we once called independent geographic regions have vanished. Self-sufficient nations are also a part of the past. The art of flight has drawn the world together and whether we like our close neighbors or not, the effect is not reversible. To the contrary, the effects of aeronautical technology on the way our world functions will become even greater with time. This is an enviable position for a technology. It is enviable because it provides a view of the future in which the world's societies can accept nothing less than the rapid growth and improvement in all aspects of aeronautical products and services.

"This committee looks at this prospect of great growth and development with enthusiasm but also with deep concern. These bright prospects are predicated on the rising world requirements for aeronautical products and services. However, the number of participants in the aeronautical communty, competitors if you will, is also rising. This bright period, as it applies to the aeronautical future of any nation, including our own, is neither automatic nor inevitable." [24]

Studies by the executive branch and in both Houses of Congress found the rate of progress in aeronautic technology inadequate for future domestic requirements or to preserve the Nation's position as the world's prime exporter of aeronautical goods. Hitherto, the flow of advanced technology into the civil sector from military R&D had nourished civil aeronautics and had enabled it to dominate the world market; in the decade of the 1950's the flow of military R&D no longer served this function. To an increasing extent, military aircraft were being developed as one component of a completely integrated weapons system. The "systems approach" was a sharp contrast to the former practice of developing an advanced aircraft and then outfitting it with weapons. Highly specialized military aircraft as system components were inappropriate for conversion to civil uses. Moreover, missile systems were far more competitive than complementary to aircraft. Advocates of new missile systems challenged manned aircraft as obsolete. The impetus for missile development and employment was a major factor in diverting emphasis from aircraft development. (Certainly, it had contributed to cancellation of the B–70, originally scheduled to replace the aged B–52 in the early 1960's.) With demise of the B–70, Air Force interest in large supersonic aircraft was blunted for almost a decade.

Other areas of military aeronautics in which developments would have served civil needs were also set aside. These included VTOL and STOL systems for tactical fighter support, as well as for heavy aerial logistics to locations lacking conventional runways.

NASA had served both the military and the civil sector as a resource for research, but not for the development of whole aircraft. Here too, aeronautics was now being superseded by the space program.

Studies leading to the President's SST decision

President Kennedy in his Air Force Academy speech and the subsequent messages to Congress had resolved for the time being the three policy issues (1) There was to be an SST, (2) the program would be under the direction of the Federal Aviation Agency, and (3) it would be funded mainly by the Federal Government, with private industry assuming one-quarter of the risk, and the Federal funds ultimately recaptured from user royalties. Many studies and analyses had led to these decisions.

The first of these was the Task Force on National Aviation Goals. Its study, "Project Horizon," had recognized in 1961 that funding by the Government would be necessary, but also that they should be recovered:

"Government funds [said the report] should be utilized through the research, design, development, prototype, and probably production stages. Every effort must be made to recoup the Government's financial investment through some type of royalty system to be paid by the operators." [25]

Even before the Task Force had made its formal report, a separate three-member "SST Steering Group" had proposed separately that a Supersonic Transport Authority be formed either independently or within the structure of an existing agency.[26]

In November, 1961, Halaby established another advisory body to serve the SST steering group. It was called the Supersonic Transport Advisory Group (STAG).[27] This group recommended Federal management for the SST program and repeated Halaby's recommendation for a Supersonic Transport Authority, headed by an individual appointed by the President with advice and consent of the Senate. The SST Authority, it said, should be placed within the FAA.

"As between the FAA and NASA [reported STAG], we believe the choice is a close one. NASA has the greater experience in aerodynamic research and in managing large research and development programs. FAA has the greater knowledge and experience in the design criteria for efficient transport aircraft, and in the difficult problem of integrating such aircraft into the air traffic patterns already under FAA supervision. [Accordingly, FAA should assume primary responsibility for SST development, but not in the sense of competing with either NASA or private industry.]" [28]

The SST design visualized by STAG [29] was quite different from the version finally selected for construction. The Group judged speed rather than size to be the primary criterion for market competition with the Concorde, and accordingly recommended an aircraft of similar size and weight (about 175 tons) but capable of Mach 3.5 as against Concorde's design speed of Mach 2.0 (2360 mph versus 1350 mph). STAG predicted a range of 2400 miles, too short for non-stop transatlantic service. They forecast a preproduction development cost of $1 billion, recommending that industry furnish 10 percent. Finally, they suggested an early announcement by the President that the development of an SST receive the status of a national objective.

STAG's report came to the President in January, 1963, at about the time Congress appropriated $31 million for SST studies. He asked Vice President Johnson to form a Cabinet committee for a final assessment; a favorable report was returned June 1, 1963. Four days later, at the Air Force Academy, he announced the SST as a national objective.

Repeated Presidential endorsement of the SST program

Lyndon Johnson as Vice President was instructed by the President to continue the effort, which he had begun in the Senate, to foster plans leading to the development of the SST. To aid him, the President established a Cabinet-level committee, chaired by the Vice President, whose mission was the coordination of plans to initiate the national program to build an SST.

Johnson assumed the Presidency on Nov. 22, 1963, only a few months following initiation of the program. In January of 1964, adhering to the timetable established by President Kennedy, a 210-member, governmental evaluation group, drawn from FAA, NASA, USAD, Navy, CAB and the Dept. of Commerce reviewed the proposals submitted by three airframe and three engine companies. The review team found all designs inadequate and reported their findings to the President.

In April 1964, President Johnson announced the negative results and simultaneously announced the formation of the President's Advisory Committee on the Supersonic Transport to be chaired by the Secretary of Defense. He instructed his com-

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mittee and the Administrator of FAA (a member) to provide further recommendation.[30]

He received an interim report, recommending design study awards to Boeing and Lockheed May, 1964. Then, May 21, 1964, he asked Halaby, FAA Administrator to make the awards.[31]

On July 1, 1965, at the swearing-in ceremony of General Wm. McKee, to replace Halaby as FAA Administrator, President Johnson's welcoming speech to General McKee was also a mandate to proceed with the SST program. The President stressed the importance of the SST as a part of his new assignment. That assignment, he said, was "* * * to develop a supersonic transport which is, first, safe for the passenger, second, superior to any other commercial aircraft, and third, economically profitable to build and operate."[32] The President devoted most of his welcoming speech to detailed instructions for the program over the following 18 months. He explicitly reconfirmed FAA's responsibility for the guidance and full management of the program.

The final selection of Boeing and General Electric as the preferred airframe and engine suppliers for the SST was announced by McKee on Dec. 31, 1966. On April 29, 1967 President Johnson authorized the Secretary of Transportation, rather than the FAA, to award prototype contracts to these firms.[33]

This action transferred the primary responsibility for management of the SST from the FAA. Presumably it was in recognition that as a regulatory agency over air transportation, the FAA would encounter a conflict of interest if it engaged in the development of a vehicle for use in air transport which it would later be called on to certify and regulate. This problem had been foreseen by the Supersonic Transport Advisory Group (STAG) in urging that an independent office be created to manage the program. However, during President Johnson's terms of office, management of the SST remained with FAA.

The 1967 design offered by the Boeing Company encountered an unexpected setback in final design evaluation. It offered a "swing wing" or variable geometry airfoil structure which, at the present state of the art, was judged to present an insoluble problem of excessive weight. President Johnson's goal of an economically sound and competitive vehicle would be jeopardized by the design constraints imposed by the swing wing. Accordingly, the Boeing engineers asked for a year's delay to go "back to the drawing board." This delay, through 1968, ran to the end of the Johnson Presidency.

On coming to office, in January, 1969, President Nixon asserted the same favorable view of the SST as had his two predecessors in office and established an Ad Hoc Committee to review the status of the program for him.[34] On January 15, Boeing submitted a new design, calling for a "fixed wing", and FAA commenced a design review. This design satisfied the criteria and on April 1, 1969, the Secretary of Transportation sent program recommendations to the President. After further study in the Executive Office, the President sent to Congress, September 23, a request for $96 million for the fiscal year 1970 and for an authorization of $622 million for use through the fiscal year 1964, to support the SST program. In answer to criticisms that were beginning to be expressed in the Congress, the President said:

"What is involved here is not just 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it; but what is lost here is the fact that the United States of America which has been first in the world in commercial aviation from the time of the Wright brothers decides not just to be second but not even to show.

Now not out of any sense of jingoism but because this plane is going to be built, because it's going to bring, for example, Asia not only Japan but China, in the last third of this century 3 hours from the West Coast to Asia—I think the United States should build it and I believe that we can answer the arguments of the conservationists.[35]

Transfer of Government Responsibility for Management of the SST

On April 1, 1970, an Office of the Supersonic Transport was established as an independent entity within the Department of Transportation, reporting directly to the Secretary. As its Director, the President designated William M. Magruder,[35a] with a background as an aeronautical engineer and experimental test pilot, and experience in executive management with Douglas Aircraft Company and the Lockheed California Company. Formation of the new Office coincided with completion of preliminary phases of the SST design, up to the point at which commitments could be made for actual construction of prototype aircraft.

Establishment of the New Office of the Supersonic Transport was consistent with the responsibility of the Secretary of the Department of Transportation to conduct programs to advance the transportation art. It also complied with the recommendations of various presidential advisory groups that the SST should be under a separate office. The possibility of conflict of interest was also removed, since under the previous arrangement the FAA would be in the position of certifying for commercial service its own aircraft.

Although the authorization of President Johnson for prototype construction has gone to the Secretary of Transportation, the management role of FAA had not been changed in response to this redirection of authority. However, it should also be noted that the involvement of Presidents Kennedy and Johnson in the SST program had been so deep that they, in effect, along with various special advisory groups reporting to them, were practically managing the program. Both Presidents had turned to FAA as the only aeronautical office in the Department of Transportation, and as an agency under the immediate supervision of directors appointed by them, as an appropriate resources to carry the program through its formative stages without the loss of impetus that reorganization might cause. President Nixon came into office as this formative stage drew to a close. Accordingly, establishment of the new Office and the transfer of the program from FAA constituted a maturation process along lines envisioned from the start.

Change in National Aeronautics policy evidenced by the SST program

Although both NASA and FAA had long participated in or supported research, FAA in navigation aids and NASA in the proving of aircraft concepts by the use of experimental aircraft and design systems, they had always stopped short of actual development of civil aircraft. Historically, the burden of cost had been borne first by the military services, and then by the private sector of the aircraft industry. The formative years, during which aeronautical systems had developed to their present technical level and economic status, while never smooth, had been reasonably effective.

However, by the mid-1960s, parts of the air transportation network became overcrowded. Acute congestion began to distress the public and erode airline profits. Passenger safety became of concern to the public and to the Congress.

Out of this evolving concern there emerged a new national policy for aeronautics, more tacit than explicit. In essence, it called for civil aeronautical development as well as research to be funded and managed by federal agencies, for joint analytical and anticipatory studies of needs and solutions by NASA and DOT, and a redirecting of advanced research and development to meet needs and solve problems.

As the policy took concrete form, it represented a funded attack on three sets of tasks: (1) improved productivity of aircraft through the large, supersonic transport, (2) improved compatability of aircraft with the environment through improvements in engine acoustics and combustion and (3) evolution of an air transportation system on a point-to-point basis instead of from airport-to-airport; this task implied the evolution of "short-take-off-and-landing" (STOL) and "vertical-take-off-and-landing" (VTOL) aircraft. The economic and environmental aspects of the SST, the first target objective of the changed policy, is the subject of the rest of this chapter.

V. ECONOMIC CONSIDERATIONS OF SUPERSONIC FLIGHT

This section assesses the economics of the SST in the overall context of the air transportation industry, applying the cardinal principles which have determined the evolution of today's aerial transports. Since the earliest days of the SST program, the rationale for building the aircraft has been a major issue. Is the program driven by an economically wasteful desire to win in an international competition or is the SST an essential participation in a strictly practical business venture? The price tag for the Boeing SST as now envisioned is nearly twice that of the most expensive subsonic jet.[36] Can such an investment pay—or does it represent a generous gift to the affluent air passenger?

Capacity and speed as prime determinants of profit

Some of the single engined mail planes of the 1920's could carry a paying passenger. It quickly became obvious that a slightly larger plane would have about the same fixed costs, shelter, maintenance and crew, but could carry more paying passengers. Since the fixed cost would be about the same, the higher price of the plane could be weighed against the work it would do. If it could carry four fares instead of one, the higher earning rate would usually more than justify the higher purchase price.

Successful operators (those with enough available payload to merit the purchase of two aircraft) discovered another advantage of larger capacity: A slightly larger aircraft could carry the payload which now required two aircraft. The price however, might be almost double that of small ones. Even so, the larger aircraft was usually more economically attractive for two reasons: (1) a saving of about half of the fixed costs because maintenance and crew costs would be for one instead of two aircraft; and (2) flexibility because idle space in a large aircraft is less costly than the fixed costs related to owning twice as many aircraft. In essence, increased payload capability was proportionately more important than the purchase price of the vehicle, as long as the larger aircraft enabled the operator to reduce the numbers of his fleet.

Similar benefit was conferred by aircraft speed. If payload capability of all aircraft was equal and a higher purchase price bought higher speed capability, then the operator could analyze his routes and workload to learn whether the faster aircraft might make two trips per day or at least do enough additional work to permit operating a smaller fleet.

Thus, airline income was tied to aircraft productivity: numbers of passenger miles or ton miles per day. Costs were determined more by number of aircraft needed than by their purchase price.

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Maximum return on investment therefore favors owning the fewest possible number of high productivity aircraft. An operator whose payload for a given route doubled, could accept this additional business by buying a second aircraft. But a more economical solution would be to dispose of his small aircraft in favor of one with twice the payload capability. In practice, he would look for somewhat more than the doubled payload capability so as to have a margin of future growth.

Aircraft costs as minor factor of airline economics

As aircraft get larger and faster, price rises sharply. The impression may be general that the price of a new plane today has already risen completely out of proportion to its slightly smaller predecessors. But the operator is buying a piece of production equipment in which price is related to how many revenue units (seat miles and ton miles) it can produce an hour. Each time aircraft have increased their size and speed, the purchase cost per seat mile yielded in an hour has become less, not more.

The price of a Boeing 747 is about 20 million dollars, almost twice the price of the Boeing 707. Yet it is slightly faster and can haul more than twice the payload. The purchase price in terms of revenue units yielded per hour is therefore lower, not higher, than the Boeing 707. In addition, the operator has reduced his fixed costs by trading two aircraft for one.

Actual financial status of U.S. airlines

Meeting the rising market for air travel with the smallest possible fleet has merits that extend far beyond the economic health of the operator. The table shows actual passenger miles for 1959 and projects totals for future years. (It is only illustrative, being based solely on passenger-mile requirements).

TABLE 1.—NUMBER OF AIRCRAFT OF VARIOUS TYPES NEEDED FOR ANNUAL TRAFFIC

Aircraft	Number of aircraft of each type required to carry annual traffic [1]			
	1959	1971	1980	1990
DC-3	10,167	47,416	145,150	284,833
DC-6	1,794	8,378	25,615	50,265
707	469	2,188	6,699	13,146
747		786	2,406	4,721
SST (Boeing 2707—300)			1,469	2,882

[1] Office of Supersonic Transport Development, Department of Transportation. "U.S. Supersonic Transport—Grey Book." Prepared by the Office of the Supersonic Transport (July 2, 1970), p. 6, J. 5 (mimeo).

TABLE 2.—GROWTH OF AIR TRAVEL VERSUS 6 OF COMMERCIAL FLEET

	Aircraft fleet	Percent jets	Billion passenger-miles [1]
1959	1,827	16	29.3
1969	2,403	94	95.9
Increase	576		66.6
Percent increase	31		230

[1] Table derived from information contained in Air Transport Association of America official publication, "1970 Air Transport Facts and Figures," Washington, D.C., p. 43.

In spite of the fact that the increased capability of aircraft has expanded service faster than fleet size, many of today's airports and part of the air traffic control system are saturated by today's fleet of 2,500 aircraft. The growth in domestic air travel compared with that of the commercial fleet is illustrated below.

Step function gains in aircraft productivity

The first leap in productivity of the postwar transport aircraft was the transition from the small twin engine aircraft like the DC-3 to the four engine aircraft in the DC-6 class. Speed was doubled and passenger capacity was multiplied by more than five.

Growth of air transportation shows a characteristic step function. Each new generation of vehicles has produced significant increases in capacity, performance, and economy of operation over its immediate predecessor. The decade chosen for comparison in the preceding tables covers the second leap in productivity—the transition from the piston engined plane to the jets. Both passenger capacity and speed were doubled over that of the DC-6's and DC-7's. Productivity per aircraft therefore rose by a factor of 4.

In each transition period, aircraft purchase prices rose sharply, but the additional cost was small in relation to their capability to produce revenue. The effect of the more productive equipment was reduction in operating costs despite the steady overall inflationary factors which tend to drive all costs upward. The following table shows the point at which the effect of cost reduction of the new aircraft, and the effect of cost inflation cross.

TABLE 3.[1]—AIRLINE REVENUE VERSUS PASSENGER-MILES, 1959-69

	Total, operating revenues	Total, operating expenses	Revenue passenger-miles flown (millions)	Net profit or loss	Rate of return on investment (percent)	Profit margin on sales (percent)
Total industry:						
1959	$2,618,471	$2,496,122	36,371.8	$72,881	6.2	2.8
1964	4,250,838	3,780,741	58,493.7	223,172	9.8	5.3
1965	4,957,851	4,285,923	68,676.5	367,119	12.0	7.4
1966	5,745,038	4,969,541	79,889.3	427,633	10.9	7.4
1967	6,864,726	6,156,532	98,746.6	415,388	7.6	6.1
1968	6,762,683	7,247,612	113,958.3	216,130	5.0	2.8
1969	8,792,027	8,396,219	125,414.2	55,308	3.3	.6

[1] "1970 Air Transport Facts and Figures," op. cit. pp. 26-34.

The transition to the jets began in 1959 and was completed by the middle of the 1960's. Profits rose steadily and peaked during 1965. The advantage of the improved equipment and the effect of steadily rising inflationary costs crossed during 1966 and profit began to decline even though demand continued to rise steadily. By 1968 the advantage of the improved equipment, in terms of airline operating profit had largely vanished. The financial status of the airline industry in 1969 reveals a marginal status for survival.

A general decrease in the amount of service now available could preserve profit margins for a time. A decrease in the number of fights could increase the load factor on remaining flights. Single-flight-per-day routes having light loading could be cancelled. Remaining flights could be rescheduled to use the uncrowded midnight to morning hours to reduce losses due to congestion. In the long term, however, the operators face the alternative of fare increases or new aircraft designs which will permit another transition toward higher productivity/(larger and faster aircraft).

In the ten year period between 1959 and 1969, inflation decreased the purchasing power of the dollar by 28%. Nevertheless the average passenger fare remained about the same. When this factor is considered, and 1969 fares are adjusted for constant purchasing power based on the 1959 dollar value, it may be seen that the average air fare has decreased in price by more than 25% during the decade.[40]

Passenger Amenities—a Derivative Gain of Design Advances

The little mailplanes of the 1920's, with an extra cockpit for a paying passenger were replaced by larger single engine aircraft with closed cabins which would accommodate from 2 to 6 passengers. A few twin engined and three engined fabric covered planes appeared in the late 1920's, offering up to twice as many seats. Passenger comfort rose markedly with each change. One aircraft of the late 1920's even featured a toilet. (Unfortunately its only door was an exterior one. It was for use at refueling stops which might not have terminal accommodations).

Footnotes at end of article.

With the all-metal twin engined aircraft of the early 1930's, the Douglas DC-2, the Boeing 247, and the Lockheed Electra (the first Electra), the prerequisits of courage and fortitude was greatly reduced for the air passenger. With these aircraft up to 14 passengers could be carried with a fair degree of comfort, if not convenience.

In the mid 1930's the sumptuous transoceanic four-engined flying boats of Sikorsky, Martin, and Boeing appeared. These giant aircraft were limited in payload because of the fuel their flights required. Their prime function was to carry mail, passengers being allowed to use up whatever margin of payload left after loading the mail and varying amounts of extra fuel to meet expected weather. Ten or fifteen passengers might be allowed. However, they enjoyed a degree of spacious luxury never again approached on any aircraft.

The next evolutionary step in passenger capability came in 1939 with the first pressurized aircraft, the 33-passenger Boeing Stratoliner and the unpressurized 40-passenger DC-4. These aircraft cruised at speeds around 225 mph and were the first to offer the security of long-range flights; the Boeing was even able to offer "above the weather" flying.

Incremental advances followed throughout the next two decades. The DC-4 was replaced by larger pressurized versions, the DC-6 and then the DC-7. The Lockheed Constellation appeared in competition to the DC-6 and grew in size and speed until Lockheed's second Electra (turbo-prop powered) appeared. These propeller driven transports had reached cruise speeds somewhat higher than 350 mph and passenger capacities more than double that of the 40-passenger DC-4.

Both Douglas and Boeing introduced turbojet transports in 1958. In one step, these aircraft more than doubled the productive capacity of any previous propeller-driven transport. In their "high density" seating versions, either aircraft could carry 177 passengers across the country at 500 mph. The earlier model of either jet could do the work of 3 DC-7's, thus offering unparallel savings in terms of productivity.

In the mid and latter years of the 1960s, growth versions appeared, adding vehicle productivity through extra size without notable increases in speed. Similar modifi-

cations have extended the productivity of the Boeing 747, the Lockheed 1011, and the Douglas DC–10. They have more than doubled the productivity of the 707 and DC–8 through increases in size alone.

Throughout this entire period, the price of air travel has remained almost constant. The prime consequence of the growth in size and speed of aircraft has been the economic gain of higher productivity. However, the circumstance that higher productivity, throughout this history, has also yielded improved consumer appeal, comfort and safety, has been a rewarding one to both the industry and the passenger. A decade ago the passenger miles accumulated by trains and buses exceeded air travel by 137 percent; today, air passenger miles exceed those of surface travel by 300%.

The SST as the next major increment in vehicle productivity

Although in the past, major increases in productivity resulted from the combined effect of higher speed and larger capacity, future gains for the subsonic air carrier depend on larger size alone. Except for marginal[41] improvement, the modern subsonic jet has reached upper end of its speed capability. The remaining option, greater size, remains open; the Boeing 747, the Lockheed 1011, and the DC–10 exploit this option. The table which follows compares the productivity related to increased size alone with that related to increased size combined with higher speed. It also reveals the reasoning which led to the large capacity of the Boeing SST. When the SST is operating at speeds comparable to the 707 and 747, its productive capacity becomes a size comparison, and it appears midway between these subsonic aircraft.[42] When it flys supersonically, however, its productivity is 500% greater than that of the Boeing 707 and almost 300% greater than that of competing SST's under development abroad.

TABLE 4.—RELATIVE PRODUCTIVITY INDEX IN SEAT MILES PER HOUR[1]

Aircraft	Subsonic index	Supersonic index	Passenger capacity	Cruise speed, m.p.h.
Boeing 707–320	1	------	179	600
Boeing 747	2.1	------	370	600
Boeing SST 2707–300	1.7	5	298	1,786/600
Concorde I	.7	1.6	128	1,350/600
TU–144	.67	1.7	120	1,550/600
B–70	.56	1.7	100	1,800/600

[1] Subsonic cruise speeds shown are approximate. Supersonic cruise speeds may also vary slightly from these design figures. Cruise speed data furnished by the Department of Transportation.

The index in the preceding table relates only passenger capacity and speed. Other payload is not considered. For comparative purposes, the Boeing 707 is rated as "one." Turn-around time is approximately a constant for all models. Downtime for periodic maintenance is not considered but in fact maintenance is based primarily on hours flown and therefore is less of a penalty to a fast aircraft than to a slow one so that a fast aircraft can do more work than a slow one between overhaul periods.

Early economic feasibility studies of the SST

Since 1960, the FAA various manufacturers, and the airlines have conducted virtually a continuous series of studies on supersonic transportation as capability and as a market. United Research, Inc., of Cambridge, Mass., conducted a preliminary FAA study contract in 1960. In 1963, President Kennedy initiated a study aimed at providing an economic overview of the feasibility of a national program to build a supersonic transport. The study was conducted by Eugene R. Black and Stanley J. Osborne. Completed in December of 1963, the Black/Osborne report provided a review of the economic aspects of the program and included recommendations as to the roles of the manufacturers, the airlines, financial institutions, and the United States Government.[43]

The FAA consolidated the more usable portions of prior studies and incorporated their own statistical materials. Their study, the *Economic Feasibility Report, U.S. Supersonic Transport*,[44] April 1967 provided "baseline" analysis and a format that subsequent studies could update.

Two independent studies prepared as a part of the overall economic evaluation were also completed in mid 1967.

Review of the Economic Feasibility Report for the SST and Supporting Materials, 3 April 1967, Charles River Associates.[45]

This report was the result of a review of the aircraft demand sections of the FAA *Economic Feasibility Report*. It includes revised methodology from the IDA report and recalculation of certain basic input data on costs and yields for the aircraft mix expected in the 1975–1990 time period.

SST Financial Planning Study, May 1967, Booz, Allen and Hamilton

Discussion and analysis of the production financing problem in terms of order of magnitude dollar requirements to the manufacturers and airlines, risk factors, potential sources of capital, and evaluation of the various means by which the program might be financed including alternative methods of Government support.

Progress and design decisions for the final size and operating characteristics of the SST continued to replace the assumptions in the studies with firm data. Plans to use a "swing wing" were dropped in favor of a fixed wing. Payload and number of passengers as well as range and other operating data were determined.

In May 1969, Boeing issued a study of the dynamics of SST introduction into commercial operations, based on a detailed analysis of 142 international routes. Overland flights were assumed to operate below boom producing speeds and revenues were based on current economy fares, with yields varied in relation to the degree of market penetration. The study concluded that a fleet of 500 SST's by 1990 was economically feasible and that the currently defined SST would not require increases in the current fare structure to produce a reasonable profit for the airlines.[46]

The Boeing study has a special significance in that, for the first time, the SST was evaluated in terms of real, not hypothetical data. Actual routes, curfew restrictions and time zone differentials were analyzed. Operating characteristics and cost data were based on a firm design rather than a range of assumptions.

The updated study predicted a market potential of 515 aircraft, very close to the FAA estimate of 500 to be sold by 1990. (Charles River Associates had predicted that 805 would be required within this time period.)[47] It assumed a six fold traffic increase for the twenty two year period between 1968 and 1990. All studies assumed the sonic boom restrictions, barring flights at boom-producing speeds over populated areas.

There was uniform agreement among the various later studies that by 1990 the SST would constitute approximately a sixth of the world fleet. The range of these estimates has a variation based primarily on size of aircraft sold rather than available load factors. Estimates for the total fleet (Western World) of long range aircraft (short haul aircraft for flights of 700 miles or less are omitted) are as follows:

Range of 1990 market estimate

SSTs	500– 800
Concordes	200– 400
New and replacement subsonic jets	2,425–3,870
Total airplanes	3,125–5,075

Selected highlights of the physical and operating characteristics of the Boeing and foreign SST's along with the Boeing subsonic 747 are shown below:

TABLE 5.—WEIGHT, PAYLOAD, AND OPERATING COST COMPARISON OF SST'S AND THE BOEING 747[1]

	B2707–300 (281 B)	Concorde	TU–144	747
Aircraft characteristics:				
Gross weight (lbs.)	750,000	385,000	330,000	710,000
OEW (lbs.)	327,660	170,000	------	353,621
Airframe weight (lbs.)	275,260	139,600	------	320,021
Engine weight (lbs.)	13,100	7,600	------	8,400
Number of seats (10/90 split)	281	126	120	384
Total payload (lbs.)	[2] 60,200	28,000	26,400	98,200
Range, statute miles, (standard day)	4,000	4,000	4,000	4,375
Operating cost per seat-mile on comparable basis (cents):				
2,644 statute miles:				
Direct operating cost	1.12	1.54	------	0.93
Indirect operating cost	1.30	1.25	------	1.40
Total	2.42	2.79	------	2.33
3,565 statute miles:				
Direct operating cost	1.06	1.60	------	.90
Indirect operating cost	1.14	1.20	------	1.33
Total	2.20	2.80	------	2.23

[1] Data obtained from Department of Transportation, Dec. 30, 1970.

[2] Based on 200 lbs. per passenger and 4,000 lbs. cargo.

Pros and cons of international finance

Items with high export potential are viewed historically as positive[48–49] contributions to the balance of payments. The SST, as a manufactured item with high export potential, would become the latest and highest priced contribution to the world aviation market, 84% of which is now held by the United States. In the case of the SST, however, question has been raised as to whether or not the balance of payments would benefit from sales.

Some opponents of the SST program, have contended that the project would fail and thereby waste the risk capital loaned by the Government. Other opponents, expressing fear that the SST program would be successful, suggest that its very success would result in a net outflow of funds.

Footnotes at end of article.

The contribution of the proposed Boeing SST to the international balance of payments position of the United States—along with other factors, not all economic—has received considerable adverse assessment by a number of leading students of economics. Surveyed during the summer of 1970 by the Sierra Club (itself a center of opposition to the SST on environmental protection grounds), the economists [50] offered such criticisms as the following:

It had failed the test of the marketplace;

It was not necessary as an investment for the United States to achieve full employment;

Its effect on the U.S. balance of payments position would be trivial;

Its economic consequences were purely speculative;

Its speedier transit to Europe was of doubtful attractiveness to passengers;

There were alternative uses for Federal funds of greater importance, such as to fund critical social programs;

There would be adverse environmental effects;

The present program was purely opportunistic; it would be preferable to catch up with the European developments, later on, rather than to assume the lead now;

Federal funds were drawn from the whole population, while the SST would benefit only a part which was an inequity:

If the risk was too high to attract private capital it did not warrant Federal spending;

It was a subsidy for luxury spending;

It was a sophisticated version of "leaf-raking";

Its costs would be defrayed by raising fares on large subsonic aircraft.

Only Professor Wallich was ambivalent on the question. While opposed to the SST on environmental grounds, he observed that in any event the Concorde was being built, and if it proved commercially viable, then the United States should follow suit "to capture such economic advantages as are to be had by building the plane." He continued: "Failure to build would inflict lasting balance of payments damage with little compensating environmental gain." [51]

The question as to whether the U.S. balance of payments would be affected by the SST positively, negatively, or not at all, hinges on two sets of assumptions:

(1) The prospect of future overseas sales of the aircraft (or, conversely, of purchases by U.S. airlines of foreign SSTs); and

(2) The net effect on overseas travel, both business and pleasure, of the U.S. supersonic transport, with or without the existence of a foreign-made SST, and the net derivative effect of such travel on the U.S. balance of payments.

On the second issue, it seems fruitless to speculate, although many have. Perhaps the most trenchant observation to be made is that a large increase in interchange of persons across international boundaries might contribute to international understanding and thus further peace. If true, the investment in a means to facilitate international travel would be worthwhile at many times the cost. But to speculate about the future effect of crossing the Atlantic in two hours instead of six on the rate of travel or the flow of business investment can produce no useful guidance.

On the other hand, the prospect of sales of an American SST abroad is an issue of substance and consequence. Is it preferable as a matter of U.S. policy that U.S. airlines equip themselves with costly SSTs produced in England-France, or the U.S.S.R.?—Or that foreign airlines equip themselves with costly SSTs produced in the United States? If the Concorde project is abandoned should the U.S. project be also? And if one is continued, should the other be? Some measure of the quantity and flow direction of dollars associated with potential sales of the U.S. SST is shown below.

On the assumption that the American SST is competing only with the first generation Concorde (and neglecting altogether the question of the Soviet SST), it is estimated that 60 Concordes would be purchased by U.S. airlines and that 270 Boeing SSTs would be exported, yielding a net $10.1 billion in *exports*. If the Boeing SST were not built, it is estimated that U.S. airlines would acquire 300 Concordes, yielding a net $7.0 billion in *imports*. The total effect of the U.S. SST on the U.S. export-import trade balance under this assumption would be $17.1 billion.[52]

Corresponding figures under the assumption of a second-generation Concorde by 1990 are: with an American SST, $10.1 billion of net *exports;* with no American SST, $12.0 billion net *imports,* a swing of $22.1 billion.[53]

The issues of risk and the test of the market place

It is necessary to recognize that any technological innovation involves engineering risk. That such a risk is involved in the SST is obvious; the long history of military troubles with large supersonic aircraft shows this. On the other hand, the very considerable experience of the aircraft industry with such military aircraft has done much to reduce the magnitude of the engineering risk for the future.

The fact that Government funding has been found necessary for the SST—a source of criticism for some economists—is not, however, primarily attributable to the degree of engineering risk. Rather, the primary factor is the sheer magnitude of the investment required. Even if there were not engineering risk, the raising of the substantial development funds required would be difficult. In addition to engineering risk, there is also the matter of economic risk—the chance that economic conditions might be unfavorable to market reception of the SST when it is ready, chance that a superior Soviet SST or some unforeseen political development might present a future obstacle, and the sheer difficulty of managing such a large engineering development. However remote, this economic risk must be acknowledged as a possibility, and thus a handicap to low-interest-rate capital funding. These two risks and the size of the investment and the size of the project are not additive, but factors to be multiplied in assessing the difficulty of private funding.

However, the investment of Federal funds to support large-scale, high-cost, technological development beneficial to private enterprise is an activity with many precedents: agriculture, irrigation works, atomic energy, titanium, synthetic rubber, research in coal utilization, and hydroelectric projects all come under this category. Government investment to support transportation have included many commercial-type developments, of which the following are illustrative: steamships, the nuclear ship, the hydrofoil ship, the St. Lawrence Seaway, the Panama Canal, the Inland Waterways, U.S. Barge Lines, the high-speed train, the Panama Railroad and the Alaskan Railroad.

Such precedents afford assurance that U.S. funding of a potentially attractive (or essential) but high-cost technology is a reasonable course. Whether or not it is an economic success would seem to depend on the engineering skill of the builder and the managerial skill of the airlines. And whether it constitutes a serious hazard to the global environment is a question remaining to be discussed. However, it seems reasonable to conclude at this point that there is a good chance that the SST affords an economic opportunity to the airlines and perhaps also the U.S. balance of payments. Undeniably, it is an important source of job income with a tangible product.

VI. THE ISSUE OF THE ENVIRONMENTAL IMPACT OF THE SST

Whatever the nation of the aircraft that first extends supersonic travel into the civil sector, its introduction seems likely to come at a time of growing concern over the impact of technology on the environment.

The traditional use of machines and technological processes has shown little regard for the environmental burden or hazard they might offer. Today, this burden is no longer deemed acceptable as an inevitable penalty of civilization. Contaminants, unwanted noise, thermal energy, and radiation now signify impairment of the quality of life. Sentiments in favor of preserving or restoring the quality of the environment are expressed in the United States, the Soviet Union, Western Europe, Japan, and doubtless elsewhere.

In the recent past, the increasing use of civil aircraft and the increased burden of environmental consequences of such use, have brought air transportation under scrutiny—even attack. Air travel is a great consumer of space: in terms of large airports and service facilities, traffic holding patterns around large terminals, and airlanes crisscrossing the continent. Almost all engines are noisy. The soot and smell of combustion products of kerosene and gasoline fuels contribute to air pollution. Other problems are created by imperfections of air transportation as a system—the separation of passengers and luggage, the annoying sequences of transport stages, problems of aerial congestion over terminals and busy air lanes, and the conflicts over airport zoning.

With the prospective advent of the SST, attention has turned to the question as to its special effects on the environment. The question can be approached from many directions, depending on the point of view of the analyst. Not all critics of the SST are "anti-science" and not all advocates of technological advance are uncritical of its consequences. The study by the Committee on Science and Public Policy of the National Academy of Sciences of "technology assessment" encapsulates the issue in these words:

"Whereas a few years ago, for example, the idea of a supersonic transport seemed to many the obvious fulfillment of man's airborne destiny, today some who might once have greeted the SST with unbounded enthusiasm are asking whether it is truly a sign of progress to fly from Watts to Harlem in two hours, vibrating millions of ears and windows in between.[54]

This reference goes on to suggest that the rational choice facing men—

Is between technological advance that proceeds without adequate consideration of its consequences and technological change that is influenced by a deep concern for the interaction between man's tools and the human environment in which they do their work. [*Italics in original*] [55]

In other words, technology should be assessed not from the point of view of an assumption that it is guilty, but rather to identify possible problems to be dealt with in a systematic, orderly, and effective fashion, to ensure that the final product achieves an acceptable, optimum compromise among the many objectives subsumed under "environmental quality."

There have been many criticisms of supersonic aircraft as an impairment of the environment. Supersonic vehicles offer new levels of power and a new variety of sonic disturbances. They propose to occupy a stratum of the atmosphere quite new to civil aircraft. Clearly, environmental compatibility takes its place with other more traditional performance criteria to be satisfied before this new vehicle can be accepted as useful.

A tabulation of the issues that have been raised regarding the SST in its relationship to the environment would include the following:

Footnotes at end of article.

1. Micro-environmental issues: a. Sonic boom; b. Engine noise on and near the ground; and c. Air pollution.

2. Macro-environmental issues: a. oxygen balance upset; b. excess of global carbon dioxide atmosphere; c. toxic additives; d. weather modification from water vapor and particulate matter; and e. radiation hazard (ozone layer depletion).

Apparent resolution of the sonic boom issue

Sonic boom test programs[56] conducted by the Air Force have provided a practical and a theoretical understanding of the boom and its effects. These tests also gave several million civilians a practical education in the phenomenon. Even when the booms were reduced far below any destructive potential by altitude or distance of the source they proved hard for some people to tolerate.

The announced national policy and the "FAA Notice of Proposed Rule Making," issued April 16, 1970 (39 FR 6189) would prohibit operation of civil aircraft over the United States at speeds which would cause a sonic boom on the ground. The ruling is supposed to apply to all civil aircraft, domestic or foreign, but not to military aircraft over which the Authority has no jurisdiction.

A sonic boom created by a jet fighter flying "on the deck" can cause pressure changes exceeding 100 pounds per square foot, enough pressure to damage certain types of buildings. Air Force tests, in which the pressure rise ("overpressure") of sonic booms was gradually increased, revealed that damage first appeared when the overpressure reached 7½ pounds per square foot. At this pressure, several panels of glass in a greenhouse were cracked.[57] The greenhouse was the most fragile of the test structures and the over pressure of 7½ pounds per square foot[58] was therefore regarded by the Air Force at that time as the lower edge of the pressure range at which point there is one chance in 100,000 of structural damage.

The civil aircraft ruling proposed by FAA which forbids the sonic boom over land has relaxed public concern over this aspect of the SST to some extent. However, on transoceanic routes, the SST's fly supersonically and the power of the sonic boom is therefore pertinent.

The Boeing SST will reach its supersonic cruising altitude at slightly more than 60,000 feet. It will then create a boom having a nominal overpressure on the ocean of 2 to 2½ pounds per square foot.[59] This is the pressure change experienced when one rises approximately four floors in an elevator. Fish or the hull of surface vessels in the ocean experience pressure of this magnitude from the passage of a ripple about ½'' in height. This is an insignificant pressure change; however, even in the most intense of sonic booms the actual change in pressure is not particularly high. The phenomenon is noteworthy because of the suddenness with which it occurs. The low altitude pass that can damage certain types of buildings with an overpressure exceeding 100 pounds per square foot (5% of the normal atmospheric pressure) does so because the change in pressure occurs so rapidly. A far greater change in pressure, if it occurs over a longer time period, would go unnoticed. For example, a rise from sea level to 5000', the altitude of Denver, Colorado, for example, creates a pressure change of 355 pounds per square foot.

If a marked change in air pressure in 1/20th of a second or less, the change is detected as sound. The SST over-pressure of 2½ pounds per square foot occurs in milliseconds and is like a sudden clap of thunder, not painful but certainly startling, expecially when heard from a clear sky under conditions in which the boom is not masked by background noise. On an ocean voyage the startle effect would be present if the passenger was becalmed in a quiet sea. However, on an ocean liner, only those on the open deck would be likely to hear it because there its effect would largely be lost in the background sounds of the ship and the ocean.

Noise: Measuring jet engine sound

The jet aircraft engine is not only a powerful sound generator, but also a generator of sounds to which the ear is particularly sensitive. A shrill whine can stop conversation and irritate to the extreme even when its energy value is quite low. The persistence or duration of the sound also adds greatly to its irritation value.

The decibel scale, however it may be weighted to accommodate special aspects of sound measurements, is logarithmic. In essence the scale relates acoustic energy to sound perception or loudness. Each increase of ten decibels signifies a tenfold rise in energy, but because the ear responds in a logarithmic manner, the tenfold rise in energy indicates only a doubling of loudness. Conversely, if a sound is reduced by ten decibels (e.g., a reduction from 130 dB. to 120 dB.), the lower level has only 10% of its former energy, but its loudness has been reduced to only 50% of the former value.

The decibel ratings for sound energy have turned out to be inadequate in studies of jet engine noise. The irritation value of jet engines remained higher than that of the deep toned piston engines even when the decibel ratings of the jets were lower.[60]

New measuring systems were devised to scale the intensity of the tones present in accordance with the sensitivity of the ear to each tone, and also to consider their duration. The basic decibel system is still used, but when properly weighted for jet aircraft engine studies it is called *Effective Perceived Noise Decibels* (EPNdB).

When the main concern is noise intensity but not duration, the "E" is not used and the unit becomes "PNdB". The Department of Transportation uses both the PNdB and the EPNdB in its sound research. New FAA regulations limiting the intensity of jet aircraft noise apply the EPNdB.

Reduction of jet noise by categories of operation

There are three phases of flight (all of which are on or near the ground) in which the sound of jet aircraft can become objectionable. These are: 1) the approach to landing, 2) the take-off and, 3) the climb-out.

Federal Aviation Regulation part 36 (FAR 36) has limited the noise level of large subsonic jets to 108 PNdB. The regulation, however, does not apply retroactively to include aircaft certified prior to date of issuance. The McDonnell Douglas DC–10 and the Lockheed L–1011 are certified under FAR 36. However, these new aircraft are not yet in service. The familiar jets, the Boeing 707 and 747, and the McDonnell-Douglas DC–8, do not comply with the 108 PNdB stipulated by FAR 36. In some cases, such as the approach phase of a 707, the sound produced is double that permitted by FAR–36.

Existing subsonic jet noise is a continuing source of controversy. Retrofitted acoustical treatment is extremely costly, but despite the cost, the process is being considered as the only recourse to gain public acceptance.

The much large engines of the SST's, on both the Boeing and foreign aircraft, might be expected to produce much more unwanted sound than the worst of the subsonics now in service.

Several sets of unofficial decibel ratings have been associated with both the Boeing and the Concorde aircraft. No information is available concerning noise levels generated by the engines of the Soviet SST. The ratings have indeed indicated high noise levels (exceeding FAR–36) on one or more phases of flight. In the case of the Concorde, real measurements were possible, but changed as the engines and nacelles guide vanes and other devices were modified. In the case of the Boeing, the decibel ratings were either calculations or were based on tests of the engine before its installation in a prototype.

Both Boeing and the Concorde makers are aware of the necessity to quiet their high thrust engines. This seemingly formidable challenge is rapidly being resolved and noise levels equal to or less than today's subsonic jets appear to be within reach.

In a recent public disclosure,[61] Boeing commits their SST to the subsonic requirements F.A.R. 36:

"Prior to production commitment, the capability of the commercial SST to achieve noise levels consistent with those required for certification of new four engine intercontinental subsonic transport aircaft will be demonstrated."

The British Aircaft Corporation (B.A.C), are similarly encouraged with the progress of their acoustic research. In one way, their challenge is less than that faced by Boeing in that their engines are much smaller. However, in another sense, it is more difficult because their acoustical treatment must be retrofitted into a design which was "frozen" 8 years ago.

Nevertheless, their progress has already given them the assurance that their earliest commercial models will produce less noise than today's subsonic jets, and their later models will be even quieter. B.A.C. will shortly release a public statement to the effect that the Concorde will comply with all existing noise regulations at the time it enters service.[62]

So much has been said in recent times about the noise of the SST, specifically high "sideline" noise—(the sound of the takeoff) that some discussion of the statements is appropriate. The most widely quoted comment equated the sideline noise of the SST with that generated by 50 Boeing 707's departing simultaneously. The basis for the comparison was an early decibel rating of the SST engine, taken without acoustical correction.

The premature use of such a figure as a final sound rating ascribed to the aircraft, is misleading a person who is unfamiliar with the peculiarities of sound measurement systems or with the physiology of hearing would be mislead into thinking that when the SST released its brakes to depart, he would hear a sound 50 times as intense as that of a single 707. The fact is that he would not. In the situation described, he would hear a sound about twice as intense, not 50 times as intense. The figure of 50 refers, not to what the ear hears but to energy level, and energy has only a logarithmic relationship to perceived sound, not a linear one.

It must be recognized that neither Boeing nor Concorde have as yet reached their target sound emission levels. The outcome of any research cannot be known with certainty before the fact.

Acoustical correction of jet engines is a new field, about five years old. However, the early results of this research are now being applied to new jet engines. The noise of the new engines is about half that of the older ones despite a fivefold increase in thrust over the past 12 years. Boeing's confident and voluntary commitment to a target sound emission level much lower than today's subsonic jets may stem from this rapid progress and also from the fact that their schedule does not foresee commercial production for another eight years.

Radiation exposure in stratospheric flight

One environmental issue of the SST concerns only the passengers and crew in flight; this is the question of exposure to penetrating, ionizing, solar radiation at the high altitudes of supersonic flight.

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The blanket of atmosphere provides a shield that largely absorbs the changed particles and X-ray-like radiation emitted by the Sun, thus shielding the surface. But at altitudes of 60 or 70,000 feet some of this protection is removed. (Fortunately, almost ⅔ of the intensity of radiation at 80,000 feet is removed by descent to 60,000 feet.) Solar radiation is not constant, but is known to reach peaks of intensity resulting from solar flares. Variations also occur because the earth's magnetic field tends to deflect the particulate part of the solar radiation toward the poles and away from the equator and temperate zones. A "worst case" exposure would therefore be an SST flying over a polar route in sunlight at very high altitudes, and especially during a period of intense solar flare activity.

The question is whether the exposure to solar radiation in a high-flying SST would be serious enough to cause concern. In general, it can be said that except for the infrequent, intense solar flare, the risk is trivial. However, the issue is complicated enough to warrant extended discussion.

Controversy has persisted ever since the early days of the atomic energy program, as to the statistical consequences of radiological damage to man. It is generally agreed that all penetrating, ionizing radiation produces biological change in human tissue and that at some level of exposure the change is significant enough to be called "damage". What is less certain is the rate and extent to which the body is able to repair this damage. The consensus is that some repair of radiation effects does take place, and therefore the evaluation of radiological effects must be performed in relation to rate of exposure. (In other words, if the rate of exposure greatly exceeds the rate of repair, serious damage can be expected.)

The effects of ionizing radiation are measured in terms of the unit of exposure called the REM.[62] In evaluating the extent of exposure of SST passengers and crew to solar radiation, many questions need to be resolved, such as: how many flights are made? During how long a period? What is the probability of any unusually intense solar flare activity? It is also germane to ask how much other ionizing radiation the passengers might have been exposed to.

The established standards for radiation exposure used by the Federal Government deal separately with the general population and occupational exposure. X Ray technicians and others whose work exposes them to ionizing radiation may not be exposed to more than 5 REM per year. Individual members of the general public are not to be exposed to more than one/tenth of that amount.[64] Radiological health philosophy is to keep exposures well below such limits and not to regard them as "speed limits".

Wide differences in exposure from naturally present or "background" radiation on the earth's surface have been observed. Background radiation exposure varies because of the differing distributions of radioactive materials in granite, brick, monazite sands, and other stony materials. The extremes range between 0.055 REM/year in the mid-Atlantic Ocean to 17.5 REM/year at Guarapara Beach, in Brazil. Measurements taken in New York City have ranged from 0.07 to 0.13 REM; measurements in Stockholm from 0.15 to 0.52 REM.[65] (This normal background radiation level would, of course, be subtracted from the level to be encountered by an SST passenger, in order to determine the difference at high altitude flight.)

Medical x-rays constitute the largest single source of population exposure to x-ray-like radiation. The range of possible exposure varies from 0.05 REM for a chest x-ray to as much as 60 REM for a gastrointestinal examination by fluoroscopy.[66] The U.S. average annual medical x-ray exposure per person is probably between 0.05 and 0.07 REM/year according to the National Council on Radiation Protection and Measurement.

The "worst case" exposure for an SST flight over the polar regions at an altitude of 70,000 feet would represent an average inside exposure of .0018 REM/hour or about .005 REM for a three-hour flight at altitude. A pilot flying all year long on such a route would be in the air for about 900 hours, and at cruising altitude about half the time. His dose per year would be significantly less than 1 REM/year.[67] A passenger who accompanied this "worst case" pilot on half of his flights would not exceed his "maximum permissible dose" of 0.5 REM/year.

The most severe solar flare recorded, 23 February 1956, would have resulted in a significant increase in dose rate. A flight during such an event would have resulted in a dose rate as high as about 4 REM/hour. Although such events are infrequent, it would be necessary to provide against them. This can be accomplished by the use of radiation monitoring instruments aboard the aircraft. Should such an event occur, the increase in solar radiation would be immediately detected and the aircraft could descend to a lower altitude where the atmospheric shielding would be sufficient to keep the intensity within acceptable limits.

The problem of air pollution

Within the city, the work efficiency obtained from fuel becomes a matter of environmental quality. The table below compares fuel consumed per horsepower/hour for various types of power sources.[68]

TABLE 6.—*Power Source vs. Fuel Efficiency*

Power plant	lb. fuel/hp. hr.
1. Draft Horse	10
2. Coal fired locomotive	4
3. Automobile	0.9
4. Diesel-Electric Locomotive	0.6
5. Aircraft Piston Engine	0.5
6. Fan Jet (Subsonic Aircraft)	0.4
7. Jet engine (supersonic aircraft)	0.3

Aerial commuter systems such as VTOL and STOL offer the city high production vehicles equipped with higher-temperature, cleaner-burning engines as compared with standards for surface vehicles. Of more importance to the city is the fact that exhaust from these vehicles, except while landing and taking off, is released at an altitude which gives the normal air movement a much more effective dilution rate than it can have for slow moving, densely packed, surface vehicles. It should also be noted that pollution from surface vehicles, while related to efficiency, is even more related to speed of traffic movement. Traffic congestion multiplies the running time (hence effluents) of all vehicles involved. Aircraft are not immune to the problem of traffic congestion, but increased capacity of aircraft works to reduce numbers required.

The effluents of combustion emitted outside of a city do not present a serious pollution problem when compared with those allowed to concentrate within a city. However, they can not be ignored.

Aircraft, particularly jet engined aircraft, emit the lowest quantity of pollutants in relation to the weight of fuel used of any vehicle. Also their effluents are released high in the air where they are readily dispersed.

The following table shows the pollutant yield for various vehicle engine systems, based on using the same quantity of fuel.

TABLE 7.—POUNDS POLLUTANT EMITTED PER 1,000 POUNDS FUEL CONSUMED [1]

Vehicle	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Auto	200.0	20.0	40.0	1	1	262.0
Piston airliner	100.0	50.0	15.0	2	1	168.0
Ocean liner	(2)	10.0	.01	1	20	31.0
SST	.9	3.5	.5	1	1	6.9
Subsonic jet	.1	3.0	.5	1	−1	6.5

[1] Table furnished by Department of Transportation.
[2] Negligible.

To compare the work potential obtained, that can be done from the same fixed amount of fuel, the next table places the comparison on the amount of effluents released per 1,000 seat miles for the same vehicles.

TABLE 8.—EMISSIONS PER 1,000 SEAT-MILES; POUNDS OF POLLUTANTS EMITTED PER 1,000 SEAT-MILES [1]

Vehicle	Fuel [2]	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulphur oxides	Total (rounded)
Auto	100	20	2	4	.1	0.1	26.0
Piston aircraft	133	13.3	6.6	2	.2	.1	22.3
Ocean liner	660	(3)	6.6	.1	.6	13.2	20.5
SST	193	.17	.68	.10	.19	.19	1.3
Subsonic jet	170	.17	.51	.1	.17	.17	1.1

[1] Table furnished by Department of Transportation.
[2] Pounds per thousand miles.
[3] Negligible.

Finally, the more productive a vehicle becomes, the lower the number of vehicles required to handle a given work load. A reduction in the number of vehicles required is of great importance to transportation economics as explained earlier. It is also a pollution variable.

In all comparisons, the turbine engine powered aircraft is superior to other systems considered. The piston engine, particularly when used in automobiles, is clearly the worst.

Jet aircraft account for 3 times the intercity passenger miles of all other carriers combined. In local travel and commuting however, the automobile remains unchallenged.

Research to develop low cost automobile exhaust treatment systems is progressing, but must necessarily be regarded as a first step. These systems will improve air quality by removing a percentage of the more toxic effluents from the exhaust. However, they do not alter the total quantity of fuel consumed nor the extremely low vehicle productivity.

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The comparative data shown suggest that the technology of the high temperature turbine used in modern aircraft if applied to automobiles, would significantly reduce exhaust concentration and toxicity. The aircraft turbine, as compared with the automobile engine, produces less than 3% the toxic effluents for the same amount of fuel consumed. The amount of fuel required per hp/hr is also reduced by more than 50%.

The approach taken in the preceding discussion of the impact on the urban environment of transportation effluents has employed the criterion of effluent quantity per unit of transport service. From the engineering point of view, this is a valid approach. It poses for the city dweller the question: if technology has maximized transport service with minimized effluent, but the service still produces unacceptable pollution, the city dweller has only the remaining option of foregoing whatever amount of service required to restore an acceptable quality of environment.

However, from the political point of view a different set of criteria may be judged preferable. Different economic classes use different categories of transportation. Residents use different patterns of transportation from non-residents. Economic interests in the Central City have different transportation values from interests elsewhere. Claims of these different groups for transportation services are unlikely to relate to the engineering criterion of least effluent per seat-mile. The suburbanite, for example, cannot substitute SST service for his automobile, any more than the central city dweller would prefer an auto to the faster and cheaper rapid transit system.

In spite of these considerations, there is still merit in establishing the engineering criteria of effluent/service. It serves the purpose of putting a price tag, in terms of environmental quality, on each transportation mode, so that political claims can at least be evaluated against tangible degrees of environmental degradation. On this basis, the SST does not appear to impose an unreasonable penalty relative to the service it provides. The same statement would apply to all aircraft.

Elimination of urban air pollution

Congestion in cities results in local concentrations of airborne pollutants from industry, households, electric power stations, and transportation systems. Local microclimates differ widely; some of these tend to concentrate and others to disperse the effluents produced locally. Still other urban areas trail a wide band of polluted air downwind. The air has long been regarded as a "free good," that can accept limitless pollution and quickly restore itself by rain and wind. However, as cities have grown in size and in the volume of pollutants they generate, the self-purification capacity is sometimes exceeded and local smog conditions result.

It is not evident that the airplane, whether subsonic or supersonic, is a significant contributor to air pollution over American cities, or that it needs to be. There have been episodes of air pollution caused by aircraft: emergency dumping of fuel, soot trails from badly adjusted engines, clouds of smoke from coolant injection on take-off, and even normal operation at busy airports during conditions of temperature inversion. Some of this effluent is preventable by proper regulation. Location of airports warrants closer attention to conditions of local microclimate. But size and speed of aircraft can contribute significantly to reduced pollution. As the tables in the preceding subsection demonstrated, fuel consumption per seat mile declines with increasing size of aircraft.

Another consideration is the relationship between rate of pollution and air speed. The faster an aircraft (or any vehicle) moves through the air, the less the quantity of effluent per mile traversed.

In simplest terms, if there could be less transportation, then the machines used for transportation would consume less fuel thereby reducing the quantity of pollutants released into the air. If, on the other hand, the movement of goods and people has become an essential part of our ecological systems then the causes of cleaner air are best served by fostering technologies which raises the productivity of transportation systems and equipment so that less of it will be needed. Simultaneously, improvements to power sources can be made which will reduce the release of noxious combustion products in relation to the quantity of fuel consumed.

The SST as a cause of unwanted weather modification

In the last five years ago or so, the attitude of an outspoken public segment toward the environment has emerged to challenge the idea of the environment as an immutable free good, and to contend that the environment is a delicate and fragile structure that man's technology threatens to shatter. There are cases where man has unwittingly or callously damaged ecological balances. The interdependence of dwindling wild-life shows this. The introduction of the water hyacinth into Florida (purposeful); the rabbit plague in Australia (accidental); the proliferation of the prickly pear cactus in Australia (purposeful); the war waged against the remora fish in the Great Lakes; all serve warning of the serious consequences of uninformed tinkering with sensitive aspects of ecological balances.

Accordingly, the public has been led to the conclusion that many impacts of man's technology on the global environment offer the possibility of disaster. They stress the need for proper management of "Spaceship Earth."

Something of this attitude has lead to the conclusion that the flight of 500 SST's across the stratopshere may threaten to alter some sort of fragile balance upon which the earth's climate depends. Extreme statements offer such possibilities as the following: That clouds of contrail vapor will shut out the sun or seal in the Earth's heat; that combustion of petroleum fuels will release enough carbon dioxide to turn the atmosphere into a sultry greenhouse, in which ferns will replace firs, and ice caps will melt to swell the oceans and inundate the lowlands; or that particles of solid effluent from jet exhausts will disrupt a presumed delicate thermal balance between earth and sky, perhaps to cause the onset of a new ice age. Since past geological eras have witnessed such extremes of climatic condition, and since their causes are not fully understood, these apprehensions have received some credence.

But the point should be made that the important balances in the atmosphere are remarkably durable. Examination of the effects of water vapor, carbon dioxide, and particulate matter from a flight of SSTs, and comparison of the magnitude of these effluents with those of recent historical diastrophisms is one way to testing this durability. Another is the analysis of the quantitative relationships of air, water, and carbon dioxide. Still another is the functional analysis of the physics of meteorology.

Of course, one can never point to any variable and say that "there is no effect from this item". The reason for this is known in philosophy as the impossibility of proving a "universal negative". It is also virtually impossible to prove such a negative scientifically as many researchers have discovered. For example the AD–X2 Battery Additive Case—Chapter 3 in Technical Information for Congress. Science is probabilistic. Events or effects are considered trivial or important to varying degrees based on their probability of occurrence, the entire analysis based in turn on a given state of knowledge. As knowledge is gained, estimates of probabilities become more reliable. New questions may be answered.

However, when it is shown that some specific effect of a technology under study is quantitatively trivial in comparison with the same effect from some other source, and when the derivatives of *that* effect is also shown to be trivial, it would seem appropriate to write off the issue as closed, and to turn to other issues less fully resolved.

The Boeing SST, weighing 350 tons, carrying 170 tons of fuel and 30 tons of payload 1800 miles an hour at an altitude of 62,000 feet, over regularly scheduled routs, introduces new conditions into the discussion of technology versus environmental quality. With some 500 of these vehicles in service,[69–71] some of their effects on the environment have been viewed as global in scope, advers in character, and persistent if not indeed irreversible in duration.

The SST is designed to operate at high altitudes. The stratosphere begins about 8 miles above the earth and subsonic jets usually operate a few thousand feet below this height. However, the SST's will operate best at altitudes from ten to twelve miles above the earth, four miles above the subsonic jet traffic and well within the lower part of the stratosphere.

The freedom from traffic and from this kind of weather experienced at lower altitudes makes the stratosphere an attractive location for supersonic airline routes. However, will this high stratum be adversely effected by the products of jet engine combustion? It is known that the stratosphere receives water from thunder storms, meteoric debris and dust, as well as complex chemicals and gases from volcanic emissions. What is the rate at which these substances are received by the stratosphere? How soon are they cycled out? Is the cycling-out rate of the stratosphere a constant or does it vary with the quantities of material inserted? What is the quantitative relationship of these ingredients of the stratosphere to the potential SST effluents?

Such questions are typical of many, the answers to which constitute an assessment of environmental impact. They are complex questions and in some cases require new research to derive answers.

It has been suggested that the water vapor released from the SST into the stratosphere will cut off the thermal energy from the sun, causing the surface of the earth to cool off and bring back an ice age; or alternatively, that this same insulation will capture and retain solar heat, causing a possibly lethal rise in global surface temperature. The possibility of enlarged atmospheric content of carbon dioxide is alleged to contribute to the latter effect. Another notion is that water vapor in the stratosphere might destroy the ozone layer.) The ozone layer stops certain lethal frequencies of the ultra violet spectrum, which if allowed to penetrate to the earths surface might challenge the survival of land life.) One somewhat extreme view is that the consumption of fuel for industry, electric power generation, and surface transportation will consume all the oxygen in the atmosphere.

Global atmospheric pollution versus local air pollution

To generalize from the conditions in a smoggy urban area to the whole earth disregards the enormous differences in the scale of the two classes of situation. In the city, man's technology is the primary and indeed virtually the only source of air pollution. But globally, man's technology is only one of many sources of pollution—a relatively minor one—while a number of natural phenomena contribute vastly larger quantities of pollutants than any from human activity.

There are several ways to analyze the

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causes, effects, and rates of global atmospheric pollution. One way is to compare the contaminants released by human activity with similar contaminants natural to the earth's atmosphere, or contributed by natural events.

Another criterion is the relationship between the quantitative effect of some specific pollutant from a particular source in question and the range of differences measured in the naturally-occurring level of the same pollutant. (The rates at which the natural occurrences or concentrations of particulate matter, gases, ice particles, aerosols, and the like fluctuate yields information on the tendency of the stratosphere to retain or reject them.) Oxygen and carbon dioxide occur naturally in the atmosphere, but are constantly in the process of being recycled, in nature. Plant decay combines oxygen from the atmosphere with carbon from the organic matter, producing carbon dioxide; then, in the presence of sunlight, green plants consume carbon dioxide and water to produce more organic material, with oxygen as a by-product of this process. Thus, the average content of oxygen in the atmosphere remains very nearly a constant in nature, but man's consumption of fossil fuels (coal and petroleum products) has been thought to upset this balance. One measure of global pollution, therefore, is the relationship between the amount of oxygen consumed in the burning of fuel versus the total available supply of oxygen, and conversely, the total amount of carbon dioxide in the atmosphere. Evidence of a secular (sustained one-way) change in either oxygen or carbon dioxide content of the atmosphere would be a serious matter, especially if it were shown to be substantial or increasing exponentially.

Still another measure of the significance of the seriousness of a particular pollutant is to examine historical episodes in which, by naturally-occurring events, very large quantities of this same pollutant were injected into the atmosphere and then to ascertain whether the consequences were significant and adverse.

Man's use of oxygen vs. the atmospheric oxygen supply

Oxygen accounts for 20.95% of the total atmospheric mass, and weighs about 1.3×10^{15} tons. All remaining recoverable fossil fuel reserves total 2.97×10^{12} tons. If man were to burn all of this fuel, the total recoverable reserves, he would consume 3% of the available atmospheric oxygen. The percentage of oxygen in the atmosphere would be reduced from 20.95% to 20.32%. The concentration of oxygen available for breathing reduces by an amount six times greater than this when one travels from Washington, D.C., to Denver, Colorado, due to the lower air pressure in Denver. Man is therefore incapable of exhausting, or even significantly reducing his oxygen supply.

As to the role of plant life in sustaining this reservoir, Wallace Broecker[72] offers the following comment:

"First of all, each square meter of earth surface is covered by 60,000 moles of oxygen gas. Plants living in both the ocean and on land produce annually about 8 moles of oxygen per square meter of earth surface. Animals and bacteria destroy virtually all of the products of this photosynthetic activity; hence they devour an amount of oxygen nearly identical to that generated by plants. If we use the rate at which organic carbon enters the sediments of the ocean as a measure of the amount of the photosynthetic product preserved each year we find that it is about 3×10^{-3} mole of carbon per square meter per year. Thus, animals and bacteria are destroying all but 4 parts in 10,000 of the oxygen generated each year. The net annual oxygen production corresponds to about 1 part in 15 million of the oxygen present in the atmosphere. In all likelihood even this small amount of oxygen is being destroyed through the oxidation of the reduced carbon, iron, and sulfur being exposed each year to weathering processes. Thus, in its natural state the oxygen content of our atmosphere is exceedingly well buffered and virtually immune to change in a short time scale (that is, 100 to 1000 years).

"Man has recovered altogether about 10^{16} moles of fossil carbon from the Earth's sedimentary rocks. The fuels bearing this carbon have been combusted as a source of energy. The carbon dioxide produced as a by-product of this enterprise is equal in amount to 18 percent of the carbon dioxide contained in our atmosphere. Roughly 2 moles of atmospheric oxygen was required to liberate each mole of this carbon dioxide from its fossil fuel source. By so doing we have used up only 7 out of 10,000 oxygen molecules available to us. If we continue to burn chemical fuels at our currently accelerating rate (5 percent per year), then by the year 2000 we shall have consumed only about 0.2 percent of the available oxygen (20 molecules in every 10,000). If we were to burn all known fossil fuel reserves we would use less than 3 percent of the available oxygen. Clearly a general depletion of the atmospheric oxygen supply via the consumption of fossil fuels is not possible in the foreseeable future."

The effects of increasing atmospheric carbon dioxide

When carbon dioxide (CO_2) is released as a combustion product, it is distributed throughout the entire atmosphere. Where and how it is released does not affect this dispersion. It is absorbed by the ocean and partly by plants and other life, and part remains in the air. The division of CO_2 among these three reservoirs holds a fairly constant ratio. Its distribution and absorption rate, therefore, seems to be a function of atmospheric concentration. That is, the more CO_2 there is to absorb, the more is absorbed. The atmosphere, all living organisms, and the ocean thus become reservoirs for CO_2 and the available quantity released to the air is "partitioned" among them.

Accurate measurements of the partitioning were made for the first time during the period 1958 through 1963.[73]

Beginning in 1958 and extending through 1963, two nearly continuous series of measurements of atmospheric CO_2 content were made. One of these series was taken at the U.S. Weather Bureau station near the top of Mauna Loa Mountain in Hawaii (Pales and Keeling, 1965), the other at the United States scientific station at the South Pole (Brown and Keeling, 1965). The measurements were carried out on an infrared gas spectrometer, with a relative accuracy for a single measurement of about $=0.1$ ppm. The observing stations are located near the centers of vast atmospheric mixing areas, far from uncontrollable sources of contaminants. Because of these nearly ideal locations, together with the high precision of the instruments, and the extreme care with which the samples were taken, these measurements make it possible to estimate the secular trend of atmospheric CO_2 with an accuracy greater by two orders of magnitude than ever before. Some fifteen thousand measurements were carried out during the five-year period.

The data show, clearly and conclusively, that from 1958 through 1963 the carbon dioxide content of the atmosphere increased by 1.36 percent. The increase from year to year was quite regular, close to the average annual value of 0.23 percent. By comparing the measured increase with the known quantity of carbon dioxide produced by fossil fuel combustion we see that almost exactly half of the fossil fuel CO_2 apparently remained in the atmosphere.

The table below shows the increase in CO_2 as a result of the complete combustion of all recoverable fossil fuels.

TABLE 9.—ESTIMATED REMAINING RECOVERABLE RESERVES OF FOSSIL FUELS[1]

	10^9 metric tons	Carbon dioxide equivalent, 10^{15} gms.	As percent of atmospheric CO_2 in 1950
Coal and lignite[2]	2,320	5.88	252
Petroleum and natural gas liquids[3]	212	.67	20
Natural gas[4]	166	.43	18
Tar sands[4]	75	.24	10
Oil shales[4]	198	.63	27
Total	2,971	7.85	336

[1] Ibid., p. 120.
[2] Assumed to be 20 percent lignite containing 45 percent carbon, and 80 percent bituminous coal containing 75 percent carbon.
[3] Assumed carbon content of petroleum, natural gas liquids, and hydrocarbons recoverable from tar sands and oil shales=86 percent.
[4] Assumed composition of natural gas by volume: CH_4=80 percent, C_2H^0=15 percent, N_{o2}=5 percent.

Source: Computed from data given by M. King Hubbert "Energy Resources, a Report to the Committee on Natural Resources of the National Academy of Sciences—National Research Council," NAS Publication 1000-D, 1962, pp. 1-141

From this data the following conclusion is reached:

We may conclude that the total CO_2 addition from fossil fuel combustion will be a little over 3 times the atmospheric content, and that, if present partitions between reservoirs are maintained, the CO_2 in the atmosphere could increase by nearly 170 percent.[75]

The atmosphere now contains CO_2 in the ratio of 3 parts in 10,000 by volume. Complete combustion of all fuel reserves would increase this by 170%. It would then become 8 parts in 10,000. Since no more CO_2 could be added (from further combustion) the amount would then show a yearly decline as it is partioned to the biosphere and to the ocean through time.

Estimates of atmospheric CO_2 have been made for the year 2000 based on various rates of fuel consumption. These calculations are summarized as follows:

Assuming further that the proportion remaining in the atmosphere continues to be half the total quantity injected, the increase in atmospheric CO_2 in the year 2000 could be somewhere between 14 percent and 30 percent [of the amount now present].[76]

In other words an increase of 30% would change the ratio from 3 parts in 10,000 to almost 4 parts in 10,000. This can be regarded as a trivial effect, and quantitatively less than the margin of error in typical field measurement.

Carbon Dioxide and the Weather: the "Greenhouse Effect"

In the quest for understanding of the mechanisms of the climate and the weather, meteorologists sometimes separate out one constituent and explore theoretically the consequences of an increase or decrease in its proportion to the other ingredients of the atmosphere. This has been done with carbon dioxide (CO_2). One conclusion of the exercise is that an increase in the CO_2 content of the atmosphere sets in motion a complex process that results in the heating-up of the lower atmosphere or "troposphere". This is called the "Greenhouse Effect". The hypothesis is described in the SCEP report in the form of a conclusion as follows:

Radiative equilibrium computations, including a convective adjustment, suggest that [an] 18 percent increase of the carbon dioxide concentration by the year 2000 * * * would result in an increase of the surface temperature of about one-half degree and a stratospheric cooling of 0.5° to 1° C. at 20

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to 25 km.; a doubling of a carbon dioxide concentration over the present level would result in an increase of the surface temperature of about 2° C., and a 2° to 4° decrease in the stratosphere at the same level.[77]

However, the study follows this comment immediately with the following warning, that other factors complicate the calculation and raise doubt sufficient to destroy the hypothesis:

We would like to emphasize [said the report], however, that these computations neglect the important interacting dynamics and thermodynamics of the atmosphere, as well as the ocean-atmosphere interaction. This neglect makes the computed temperature changes very uncertain.[78]

Carbon dioxide, like water vapor, absorbs infra-red radiation. Heat from the sun or heat reflected from the earth can pass through the oxygen and nitrogen in the atmosphere without being absorbed, hence without warning these transparent gases. But both carbon dioxide and water vapor are opaque to infra-red, absorb this heat, and cause the atmosphere to warm up. They differ sharply in the range of their proportions that occur in the atmosphere and hence in the amount of heat they can retain. The concentration of CO_2 in the atmosphere tends to remain fairly constant despite changes in air temperature, while warm air can hold much more water vapor than cold air can. Therefore the ratio of CO_2 to water vapor varies widely with air temperature, hence with latitude and with altitude.

Water serves as a heat pump both to air masses and to differentially heated areas of the earth. As water droplets change into water vapor (a gas) energy is absorbed. When it reaches a cooler point in the atmosphere, the water vapor condenses and releases this energy. The energy is then radiated equally in all directions, about half into space. The condensate, as a cloud, also reflects downward the heat energy radiated upward from the earth and reflects upward the incoming solar energy. The cloud may then descend as rain or it may revaporate, thereby absorbing more energy which can then be carried to still another point.

Seventy percent of the earth's surface is water and most of the earth's weather is produced by this air-water-energy exchange. There is no controversy over this role of water.

The basic role of CO_2 in the atmosphere is similarly undisputed as to its heat absorbing and re-radiating capability. However, the effect of this action is much harder to measure because the warming action of CO_2 is always confounded with other and larger heating and cooling mechanisms. It should also be noted that the net energy absorbed by the earth is related more to the reflectivity of the earth than to air temperature.

Heat absorbed by molecules in the atmosphere is re-radiated, not stored. The radiation is emitted in every direction and part of it is radiated back into space.

Both CO_2 and water vapor produce similar effects in absorbing and re-radiating heat and in warming of the air.

Were it not for the stabilizing and counterbalancing effects of larger variables such as water vapor, surface reflectivity, cloud formation, and perhaps others, the warming role of CO_2 in the atmosphere could indeed be computed as suggested in the SCEP quotation above to produce the so-called "greenhouse" effect. But this is a large "if". Moreover, the long-range history of climate and CO_2 content do not confirm but tend to confuse, if not actually to refute, the hypothesis altogether. The overall warming of the atmosphere between 1885 and 1940 was generally felt to be related to rises in the concentration of atmospheric CO_2. Unfortunately, for the hypothesis, although CO_2 insertion has increased markedly since then, temperatures have slightly declined.

As Mitchell * * * has shown, atmospheric warming between 1885 and 1940 was a worldwide phenomenon. Area-weighted averages for surface[78a] temperature over the entire earth show a rise in mean annual air temperature of about 0.5°C (0.9°F). World mean winter temperature rose about 0.9°C (1.6°F). Warming occurred in both hemispheres and at all latitudes, but the largest annual rise (0.9°C or 1.6°F was observed between 40° and 70°N latitudes. In these latitudes, the average winter temperatures rose by 1.6°C (2.8°F).

The pronounced warming of the surface air did not continue much beyond 1940. Between 1940 and 1960 additional warming occurred in northern Europe and North America, but for the world as a whole and also for the northern hemisphere, there was a slight lowering of about 0.1°C (0.2°F) in mean annual air temperature * * * Yet during this period more than 40% of the total CO_2 increase from fossil fuel combustion occurred. We must conclude that climate "noise" from other processes has at least partially masked any effects on climate due to past increases in atmospheric CO_2 content."[79]

The demonstrated overall stability of the earth's temperature (a rise of one to two degrees between 1885 and 1940 and a fall of a few tenths of a degree over the next 20 years) suggests strongly that the role of CO_2, or the potency of a "greenhouse" effect, is trivial.[79b]

In sum, increasing concentrations of CO_2 have not been shown to be a significant variable affecting the climate. It is necessary to conclude from the history of CO_2 in the atmosphere that its effect unknown, not for lack of knowledge of the infra-red absorption and heating values of CO_2, but simply because the effect of CO_2 in the context of all other atmospheric variables and stabilizing factors, is trivial.

Effects of miscellaneous toxic effluents from the SST

In assessing the relative pollution of various vehicles, three considerations dominate: 1) quality of fuel for a unit of work, 2) quantity of pollutants released per unit of fuel consumed, and 3) the impact of the pollutants on the biosphere.

The turbojet engines of the SST are essentially the same as those of subsonic jet aircraft. However, when the afterburners of the SST engines are in use, on take-off, fuel consumption and exhaust emission per passenger mile rises by about 14% above those of the subsonic jet.

Where the toxic effects of combustion products are of interest, the following points may be considered:

1. Toxic conditions require a concentration of exhaust effluents. This condition occurs only when exhaust emission rates exceed the rate of dilution due to air movement. Some studies[80] have shown that aerial commutation as opposed to surface modes would reduce city pollution by 87%. Communication with the investigators revealed that the conclusion was based on relative efficiency of surface and aerial power plants. The most significant variable was omitted: viz., dilution of the exhaust from aircraft by the flight of the vehicle at an altitude where natural air movement is not constrained by buildings and surface topology. In other words, the results of the study were understated, apart from the relative efficiency of the propulsion systems.

2. A comparison of the toxic effluents of the turbo-jet engine with the conventional automobile piston engine is relevant, however. The following comparison is made on the basis of a seat mile with the automobile moving steadily at 60 mph, while the figures for the turbo-jet engine are based on the SST engine with after-burner in use.[81]

	Turbo-jet engine	Auto engine
CO	1	109
NO_x	1	3
SO_x	2	1
Hydrocarbons	1	40

The comparison illustrates the relatively primitive technology of the conventional surface vehicle power plant. Even with improvement, however, exhaust products from surface vehicle must still be identified as the primary vehicular source of pollution to the biosphere due to the inherently lower dilution power of the atmosphere at the surface.

The foregoing analysis is essentially a "worst case" approach. It considers the toxic contaminant effect near the ground, with afterburner, an operational mode in which the jet engine is least efficient. It should be evident that these same effects when the aircraft is operating at high altitude, and at supersonic cruising speed, would be vastly more diffused. Moreover, the turbulence and cross-currents always present in the stratosphere would assure the functioning of the process of atmospheric self-purification through intermingling with the tropospheric layer and the subsequent scrubbing effect of rainfall.

Possibility of climatic changes from water vapor vented by the SST

A normal fleet of 400 supersonic transports making 4 trips per day will release 150,000 tons of water per day into the stratosphere. In addition to the water, the exhaust gases contain particulate matter, carbon dioxide, sulphur dioxide, and other gaseous products.

Speculations as to the consequences of this intrusion into a relatively unused layer of the atmosphere have included a conjecture that it might induce climatic changes. Both a lethal rise in temperature and a new ice age have been offered as possibilities, both based on the same assumption that the SST would cause a permanent cover of high clouds. Another hypothesis is the destruction of the ozone layer with a subsequent intensification of ultra violet solar radiation flux at ground level.

The stability of the stratosphere has also been questioned. On the assumption that the steady state of the stratosphere may depend on a critically sensitive balance of natural forces, it is suggested that the water vapor injected into the stratosphere from the combustion products of many SSTs might destroy the critical balance and trigger vast changes.[82]

The National Academy of Sciences, NRC Committee on Atmospheric Science, has evaluated this possibility and concludes that it is without foundation.

Our tentative conclusion, based on an assumed traffic volume of four flights per day for 400 supersonic transport planes, is that neither additional cloudiness (contrails) nor watervapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties of the large-scale circulations that are influenced by its thermodynamic state.[83]

An analysis of the problem by the Office of Meteorological Research, ESSA, has produced a similar conclusion:

Although an equivocal answer cannot be offered, the general opinion of a large group of scientists almost unanimously rejects any significant threat to modification of the weather.[84] The reasoning in support of their conclusions merits examination.

During 1967, three common sources of combustion in the United States poured about 1.2 billion tons of water into the air,[85] as follows:

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TABLE 10.—*Fuel consumption: powerplants, automobiles, and aircraft*

Source and hydrocarbon fuel burned, millions of tons	
Powerplants	447
Automobiles	220
Aircraft	25
Total	692

Since each pound of fuel burned produces about 1½ lbs. of water, the burning of 692 million tons of hydrocarbon fuels will produce approximately a billion tons of water. This water, ejected as vapor, becomes a factor in the equilibrium of water absorbed or released by the atmosphere.

The average moisture content of the air weighs approximately 150 trillion tons. If the billion tons of water generated in a year by the sources cited could be added to the air in a single second, it would add 1 part in 100,000 to the water normally found in the atmosphere.

A projected fleet of SST's would traverse a relatively unused part of the Earth's air envelope. The cruising height of 12 mi. would be four to five miles above that of conventional jet transports. Consequently, the atmospheric volume used for air travel would be almost doubled. The useful volume of air space is now about 1.2 billion cubic miles. With the SST the useful volume would rise to about 2½ billion cubic miles.

The ratio of the water produced by fuel consumption of the fleet of SST's to the water normal to the air, would be only 1 part in 1 billion. However, the water in the atmosphere is concentrated in the warmer and more dense air near the Earth's surface. The 200,000 tons or so of water expelled by an SST fleet would be ejected over a flight path of some 2 million miles. The water would therefore be dispersed at the rate of about 200 pounds per mile.

If the relative humidity happened to be near saturation in a particular section of the stratosphere, a contrail could form. It would exist until it was dispersed into a volume of somewhat dryer air and then, as water vapor, it would become invisible. However, the stratosphere is normally dry, with only 2 to 3 percent of relative humidity. Accordingly, it is highly unlikely that such a contrail could form.

The diffusion of the water vapor behind the aircraft is rapid and continues until equilibrium with the surrounding air is achieved. Water vapor, like CO_2, absorbs energy in the infrared region of the spectrum. If one attempts to measure the change in radiation intensity on a square foot of Earth's surface within about two minutes of the fly-over, he will be seeking a change in sunlight resulting from the light penetrating an expanding band of water vapor which by that time would have merged with the wing tip vortices. These two rotating tubes of air would have a total cross section of about 200,000 square feet.

The SST requires two seconds to fly a mile. Therefore, two minutes after passage the expanding water vapor would occupy a volume of a billion cubic feet of air per mile. Measuring solar energy intensity on a square foot area directly beneath one of the tubes (about 350 ft. in diameter), existing at this instant would require detecting changes associated with the filtering efficiency of .0024 ounce of vapor (if weighed as water). Measurement would be most uncertain, if possible at all.

Gradual accumulation of water in the stratosphere

However small the daily effect may be, the question needs to be considered as to whether it would be cumulative. The SST, once in service, would remain in service. Would the year-by-year deposits of water cause a gradual accumulation which could eventually affect the normal environment? That is, would this normally dry, high layer of air preserve its equilibrium? Would the water from the SST accumulate with time or be disposed of by the natural mechanisms which now preserve the equilibrium of the stratosphere?

A recent symposium at Williams College to study critical environmental problems tentatively concluded that in polar areas, the stratosphere could accumulate enough water to produce an increase in cloudiness during the winter season. In expressing their concern, the symposium recommended that tests and research be conducted to determine, first, whether or not additional clouds would occur, and second, what effect these clouds might have.[86]

It should be noted that the stratosphere possesses natural mechanisms which tend to hold its conditions fairly constant. The higher strata of the atmosphere are not immune from the effects of low-altitude weather. A single, large, cumulonimbus (thunderstorm) cloud can inject as much water vapor into the stratosphere as would a fleet of SST's making 1600 flights on a given day.

For each 500 large cumulonimbus clouds [87a] that occur each day the stratosphere receives, but also releases, seventy-five million tons of water. The water injected by a fleet of 500 SST's would be 0.002 of this amount; this small increment would also be subject to the same cycling mechanisms. The stratosphere is dry, not because it lacks exposure to huge quantities of water, but because natural mechanisms tend to unload excesses so as to stabilize its water content at a low level.

How long does foreign matter remain in the stratosphere? The period of 18 months is often used. The figure was derived from fallout detection following a nuclear test.[87] The nuclear decay of the fall-out indicated an 18 month period from the initial explosion. This experience has provided meteorologists with a basis for their assumption that water from the SST will remain in the stratosphere for 18 months. Yet the cycle time of water placed in the stratosphere would have little bearing on stratospheric humidity because the water released each day is approximately equal to the amount received. It is neither likely nor necessary that the water either released or absorbed in a given day be the same water. When air is circulated into a cooler region, it becomes less able to carry water. A temperature change can cause condensation of water to occur, and the water will condense without regard to how long it has been there.

If it be assumed that the water placed in the stratosphere by the SST actually did take 18 months to be cycled out, the storage of water in the stratosphere would rise steadily to reach a maximum in 18 months of 8.1×10^7 tons. The Study on Critical Environmental Problems (SCEP), estimates that this quantity would increase the water concentration in the stratosphere from its present average of 3.0 ppm to a global maximum of 3.3 ppm.[88]

The hypothesis of a rise in stratospheric humidity based on a residence time assumption for water is at variance with the observation that the stratosphere does not retain the water to which it is exposed, except for the amount which sustains its steady state humidity. The increase based on assumption of a residence time is therefore a "worst case" hypothesis.

Finally, should the "worst case" be true, the increase would represent a change only one-fifth as great as the normal fluctuation noted by ESSA over the past five years.[89]

Stability of the ozone layer

The possibility has been raised that the water released by the SST could cause a degeneration of stratospheric ozone. The consequences of this loss have frequently been described as the opening of the atmosphere to the penetration of lethal ultra violet radiation, capable of killing all living things except marine life.

Molecules of ozone are diffused through a deep layer of the stratosphere, showing a peak concentration at the mid-point of the layer, which is about 80,000 ft. above sea level (about 4 miles above the cruise altitude of the SST).

Over any given point on Earth, seasonal variations in O_3 (ozone) concentration average about 25%. Daily fluctuations over any single point on Earth are at least 10% on a given day. Over a year's time the ozone concentration above a single point would therefore vary by a third or more. (The intensity of ultraviolet radiation reading at the earth's surface on a "clear" day varies even more widely since haze and dust are more efficient than ozone in blocking short wave length radiation.) The ozone density over different parts of the earth varies through a range of more than 100%. In particular, it increases with latitude, the polar regions having double the average concentration of the tropical areas.

However, over the past five years, the steady state water content of the stratosphere has increased by 50% of its former value, from 2 ppm to 3 ppm. According to ESSA scientists, ozone measurements made by ESSA weather stations since 1962 show no correlation or change in ozone density associated with the higher levels of water vapor in the stratosphere.

The S.C.E.P. examined the potential of ozone destruction as a function of the insertion of water and other combustion products into the stratosphere. Their study of this issue included the "worst case" assumption of an 18 month cycle for all materials deposited by the SST. They concluded that if any effect could be detected, the effect would be well within the daily variation and would be of no significance.[90]

In summary, the stratosphere is not dry because it lacks exposure to water vapor. It maintains a state of low humidity due to natural mechanisms. Similarly, there is no evidence that stratosphere states or other climatic conditions are dependent on a "critical" or "delicate" balance of forces. To the contrary, much evidence exists (see section on particulates and volcanic action) that the stratosphere as well as the ozone layer (and the earth's climate) remain stable despite insertions of water and other materials in quantities vastly beyond the remotest capability of any conceivable fleet of SSTs. And, in fact, the amount of water inserted by the "standard fleet" of 500 SSTs is trivial compared with the quantity cycled in and out of the stratosphere each day.

Effects on climate of solid particles from SST effluent in the stratosphere

A solid particle is opaque to most of the spectrum of solar radiation. Solar energy impinging on the particle is partly reflected and partly absorbed by the particle as heat. The warmed particle releases its energy by re-radiating it omnidirectionally and by convection with surrounding air molecules. In essence, the solar energy intercepted by the particle is largely lost to the earth's surface [90a] but can contribute a warming effect to the surrounding air molecules.

One hypothesis derived from this observation is that particulate matter ejected into the stratosphere from SSTs might become extremely voluminous or concentrated. The stratosphere might then absorb so much of the sun's warmth that the lower atmosphere and earth's surface would at worst freeze over or at least experience undesirable climatic alteration.

The conclusion of the discussion to follow is that the hypothesis is highly improbable. Reasons for the conclusion are: 1) that cosmic dust constantly falling into the atmos-

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phere exceeds in volume the quantity expelled from any conceivable fleet of SST's; 2) that historically recorded volcanic eruptions have projected into the stratosphere vastly larger quantities of dust than any fleet of SST's could provide; and 3) that in any event, the thermal mechanism of water vapor—clouds—rain is much more influential in directing or altering the effects of solar flux than dust could possibly be. Any weather satellite photograph will show about half the earth's surface to be shaded by highly reflective clouds at all times.

Cosmic dust varies in rate of fall from season to season and year to year. Yet its effect on climate has been negligible. The earth has experienced great volcanic eruptions which have sent enormous quantities of dust aloft but the climatic effects, while validating the theory of the cooling effect, do so only to the extent of a few degrees and for a year or two.

In short, the stabilizing effect of atmospheric water has demonstrably operated to refute the hypothesis of particulate effects on weather, under repeated and sustained conditions vastly more severe than the SST or any fleet of SST's could create.

Magnitude of SST particulate effluent

The General Electric Co., manufacturer of the SST engines, estimates that carbon particles from the SST engine will total five pounds per engine per hour. The total carbon emission (20 lbs./hr./plane) would be dispersed over a distance of about 1800 miles.

The highest concentration of carbon would exist about an hour after passage of the aircraft through a calm section of the sky. Most of the exhaust is drawn into the tip vortices formed by the wing. The lift generated by the wing imparts momentum to the air. The energetic air departs from each wing tip as an expanding, whirling mass of air. These two air masses rotate in opposite directions and horizontally to the ground. They depart in a downward direction and spread away from each other. In calm air they will eventually stagnate below and to either side of the flight path. The final diameter of the becalmed horizontal columns throughout which the carbon has been mixed would be a few thousand feet across.

If all the carbon emitted is contained within these two air columns, each will contain 10 lbs. in an hour's flight. Based on a maximum diameter of 1000 feet, each column will have a volume of 7×10^{12} cu. ft. through which 19 lbs. of carbon are dispensed, or 7×10^{11} cu. ft. of air per lb. of carbon. This is not a detectable quantity. Moreover, the material is chemically inert.

The smaller the particle, the slower it will fall to the earth. As size decreases, gravitational forces become less and less important compared with convective air movements and eddy currents. Finally, particles of extreme fineness become responsive to the random movement of air molecules. The gravitational pull of the tiny particle mass is so trivial relative to the forces in the surrounding air that the particle becomes entrained, its greater density showing only as a slight downward bias in its general random movement.

Unless a stratospheric particle becomes larged [90b] for some reason a year or more could pass before its earthward bias will allow it to settle. However, the floating lifetime of the particle is shortened, perhaps ended, if it becomes a condensation nucleus.

A "normal" fleet of 500 SST's, operating ten hours per day would release a total of 50 tons of carbon per day. If an average stay time of 18 months is assumed for particulates placed in the stratosphere, then the ready state density of the carbon following an 18 month build-up is of interest. Based on an average residence time of 18 months, the carbon particulates would reach a peak concentration of less than 28,000 tons and stabilize at that level. (550 days times 50 tons per day equals 27,500 tons.)

The S.C.E.P. study added to this figure for particulate carbon a considerably larger figure for "particulate" combustion products of sulfur. The analysis offered in that study may be open to challenge on that account because sulfur in the exhaust is released as sulfur dioxide, a gas. To become a particle the sulfur dioxide must be either disolved into a droplet of water or chemically converted into a solid sulfur compound after being released. The S.C.E.P. study considered the case of a 100% conversion of all sulfur released into particulates.

For these and other reasons [91] the S.C.E.P. assumptions as to sulfur emission products must be considered to represent a "worst case" treatment of the problem. Thus, accepting these generous estimates and considering, as was done, all sulfur products as "particulate", and with a cycle time of 18 months (to reach the stable peak level) the peak concentration of sulfur products would reach 181,500 tons and the carbon total would reach 28,000 tons, a combined total of 209,000 tons of "particles". This sounds like quite a lot of dust to be scattered along the stratospheric airlanes. However, it is considerably less than the dust already there.

Comparison of SST particles with cosmic and volcanic dust

The dust from space, mostly particles ranging in size from a millionth of a micron to several microns, joins the earth's atmosphere in dependably steady and surprisingly high quantities. The micro size of the particles causes them to fall slowly, like the dust from volcanoes.

The infiltration of meteoric material does not occur at a constant rate but is relatively uniform if compared with volcanic insertions. It is a relatively uniform dispersion to which volcanic material must be considered an occasional, albeit huge, addition.

The quantity of dust received from space has proved difficult to measure and calculations of the total vary through several orders of magnitude. The assumption that a series of measurements taken in one part of the world during a given time period can be generalized to the entire globe is probably not a safe one. Also, some collection and detection methods seem more effective than others. Among the more complex of these are the remote sensing methods employed on satellites. Although the satellites remove all doubt that the materials detected are cosmic and not of earthly origin, interpretation of the sensor signals has introduced new uncertainties.

Estimates of the daily accumulation of cosmic dust now vary through five orders of magnitude (from 100 tons per day to 10 million tons per day).

Rosen and Ney [92] obtained results in the mid-range of this variation:

The particle flux with the photo-electric particle counter is about 4×10^{-2} cm^{-1} sec^{-1} for diameters between 0.5 and 2 u. This implies a mass flux of about 4×10^8 meteoric tons per year over the earth.

Studies showing much heavier quantities were summarized by T. Grjebine.[93]

According to a research summary by Grjebine in which a variety of stratospheric sampling methods were correlated, the earth receives enough micron range particles (metallic) from space to show a stratospheric concentration (between 15 and 25 km altitude) of 2×10^{-4} grams per cubic meter. In other words a column of air one meter on a side and 5000 meters high would contain one gram of metallic dust. This is not a significant filter as far as solar energy is concerned. Yet, the quantity of cosmic dust is between 4000 and 5000 times as large as that suggested for an SST fleet under a "worst case" assumption.

Of course, cosmic dust is assumed (for want of better information) to be more or less evenly distributed. By contrast, SST flights would presumably be mainly in the northern hemisphere along established routes. This would mean repeated dispositions along relatively narrow bands in the stratosphere. This flight pattern could be expected to result in more localized concentrations of particles.

Such concentrations however are not likely to occur. The reason for this is as follows:

In their calculations, the SCEP considered the particulates as inserted in a stagnant rather than from high speed flight.[94] The instantaneous mixing characteristics of the SST (not considered by the SCEP) should also be taken into account. Assuming that all the SO_2 would become particulates, the total sulphate and carbon deposition is 67 kg./hr. The mixing vortices of air into which this material is placed totals $4 \times 10''$ cubic meters of air per hour. The concentration per flight is calculated to be 1.6×10^{-7} grams/m^3.

For the SST effluent to achieve the particulate density suggested by the SCEP of 330 parts per billion would require two hundred flights over precisely the same flight path during which time (50 days) absolutely natural atmospheric movement along the flight path would be assumed to occur.

These conditions are quite impossible. For example, a (very reasonable) velocity of the upper air of no more than 1/6 mile per hour would prevent the residue left by one flight from mixing with that of the next. Air movement in the stratosphere varies with attitude but is almost never still. Wind movement varies from 25 m.p.h. up to several hundred m.p.h.

The SCEP, in considering the problem of particulate concentrations resulting from repeated use of regular routes, made a comparison with the band-like dispersion resulting from the volcanic eruption of Mt. Agung. The following conditions were noted:

1. Prior to the eruption, particulate sampling by Junge showed a concentration of 12 parts per billion.

2. In 1969, several years after the eruption, Cadle et al. measured 360 parts per billion (5.8×10^{-5} grams/m^3 [94a].)

The point insertion of volcanic action can, of course, cause vast increases in stratospheric dust which may persist for several years Mt. Agung, for example, inserted large quantities of sulphates which diffused around the earth in a stratospheric band located in the tropical latitude. The concentration of the Agung sulphates was great enough to cause a detectable rise in stratospheric temperature along the track of the dust. The amount of energy required to heat this dust and all of the air containing it would be about 0.0005 of the solar flux for each degree rise in temperature. Such an absorption of energy was not great enought to cause measurable effects at lower levels of the atmosphere, nor on the surface, and none were noted.

In the Agung eruption, a quantity of particulate matter was ejected into the stratosphere in concentration about comparable to that given in the "worst case" analysis developed by the SCEP study. No significant climatic effects were detected. In fact, the National Center for Atmospheric Research (NCAR) cites six volcanic events in recent time which injected enough material to cause a decline in world temperature through reflection or absorption and reradiation of solar energy.

Volcanic dust has been held responsible for several more recent dips in world temperature means, such as the notable temper-

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ature decline in 1787, 1816 [the "year without a summer"], 1837, 1884, 1893, and 1912.[95]

But in all of these cases, the volume of materials ejected was vastly larger than that which could accrue from any conceivable SST fleet. For example, the greatest burden placed on the stratosphere in recent times occurred at Krakatoa on August 27, 1883. The Krakatoa eruption replaced an island containing 14 cubic miles of rock with a flat plane a mile across on the ocean floor lying beneath 1000' of water. Dr. Melvin A. Cook, an authority on explosives, computes the energy released by Krakatoa as equivalent to 5,000 megatons of TNT.[96] The column of efflux left the Earth's surface at velocities exceeding mach 3. The resulting sonic boom was audible 3000 miles away.

The shock wave, detectable on barographs, traveled around the earth, reflected from itself, and returned, repeating the cycle four times before dissipating below the sensitivity of available instruments.

Estimates by Ernst Behrendt indicate that the efflux included a cubic mile of sea water in the form of super heated vapor. Behrendt's account was published by the American Nature Association.[97]

Sightings at the time produced estimates of the altitude achieved by the blast as 150,000 feet. Several cubic miles of materials, rock, lava, steam and water were pulverized and blended by shock waves and heat, and brought night-time darkness to areas within a hundred miles radius.

The residue circled the Earth, giving the moon a green tint and turning the setting sun blue, gray or green for the better part of a year. Sunsets were noticeably more brilliant all over the world for several years.

Here again it would appear that several cubic miles of water, chemicals and solids, interacting with the sunlight for over a year, as they cycled out of the air, caused no noted or dramatic effects on long term temperature cycles, world weather, or life on earth due to ozone disturbance.

In summary, particulates in the effluents of a fleet of SST's do not approach the magnitude of routine natural insertions of particulates. Further the effects on the earth's climate, even of truly massive volcanic insertions (quantities that no conceivable number of SST's could approach) have been identified as being slight and transient.

Summary of assessment of weather modification possibilities of the SST

Man's technology has been shown to have many different possible effects on his environment. It is not possible to foresee all effects of any innovation. Moreover, as basic scientific research accumulates more knowledge and develops more sensitive measuring devices and techniques, new opportunities and dangers appear. This has been increasingly the course with all environmental questions over the past quarter-century. Skill in detection has disclosed the existence of mercury in many previously unsuspected places. It has identified the presence of pesticides in food chains. It has inspired development of a new science of environmental or ecological chemistry for the analysis of degradants. It has recognized the significance of both acute impacts and long-time, low-level impacts. These undeniable and important contributions of man's ability to preserve and restore his environment have also sensitized the scientific community and the public at large to the many ways in which the environment can be impaired. It is likely that this knowledge can do a disservice in the possession of those anxious to prove an *a priori* case or prone to emotional overreaction. The possibility that an innovation may be harmful in some specific way is not the same as the certainty. Science deals in probabilities, and in the relative significance of variables, but not with certainties.

With respect to the weather modification aspects of the SST, it might serve a useful purpose to consider how difficult it has been for man to achieve any positive results when he was trying to. Weather modification is difficult, precisely because the mechanisms that determine the weather and the climate are so functionally positive and on so large a scale. They have a built-in stability that is extremely difficult to alter.

Evaluation of the possibility of unintended modification should perhaps be examined by those technologists seeking to achieve purposeful modification.

It has not yet occurred, apparently, to those assessing the environmental impacts of the SST to speculate on the possibility that the combined effects of all SST effluents discharged along the airlanes in the temperate zone could establish a permanent pattern of rainfall along these itineraries. Not that this is very probable, but it is no less so than some of the apprehensions that have been expressed.

One approach to the further assessment of the weather modification potentialities of the SST might be to select that aspect of the atmosphere that is most sensitive and at the same time most dynamic, for a searching functional analysis. This is the air-water balance. It is well established that interactions based on this balance control most of the phenomena of the weather and climate. It is also the conclusion of those engaged in the study of purposeful weather modification that the manipulation of the air-water balance offers the best hope of achieving measurable results with least expenditure of effort. The results to date of this effort may not be promising, but they are the least unhopeful. Therefore, examination of the potential SST effects on weather and climate in this context, possibly in synergistic relationship to efforts at purposeful modification, might help to put the issue into clearer perspective. But as with all such issues, this one cannot be completely disposed of. It is not possible to prove a negative—only to indicate its order of probability. The present state of the knowledge is that weather and climate effects of the SST thus far investigated turn out to be trivial.

VII. OBSERVANCE AND CONCLUSIONS

This paper has reviewed the technological evolution of the commercial airliner from the 1920s to the present day, to provide a basis for the evaluation and assessment of the technology of the proposed supersonic transport. In tracing this history, it became evident that much of the early technology of commercial aircraft leaned heavily on military-sponsored developments. There was, in fact, a dependency relationship. It was also apparent that the goals of military developments were not necessarily compatible with the requirements of competitive commercial vehicles.

The deviation in military vs. civilian requirements widened with time, resulting in a decrease of technology useful to the civil sector. Civil aeronautics began to develop at too slow a pace to satisfy rising domestic and international requirements.

The lag in civil development gave rise to an important issue: whether or not the development of commercial aeronautics should become a direct function of the Federal Government as distinct from the traditional indirect support (funding military aeronautics and waiting for the technology to diffuse into the civil sector). The long time lag in the development of power plants appropriate for commercial jet airliners was cited as a cost of the failure to do this. The long history of Federal participation in the encouragement of transportation facilities, domestic and international, suggests that this function has proved acceptable in the past and warrants consideration for the future.

Another issue is the national attitude toward technology itself. A study by the National Academy of Sciences was cited to suggest that in the future technology can neither be turned loose to proceed untrammeled, nor constrained by arbitrary measures to preserve the status quo. Defects in present-day technology are acknowledged. The importance of screening and assessing further innovations, the subject of this entire study, appears to be an intermediate, balanced compromise between these two extremes. It calls for systematic and thorough examination to maximize the benefits of a technological innovation, while detecting and correcting the undesirable, second-order consequences. Criticisms and assertions of technological imperfections can be expected to be voiced throughout the development of any such large project; they need to be dealt with forthrightly and factually as they appear.

Review of economic aspects of the supersonic transport

Attention was focused on the productivity of commercial aircraft as the primary consideration in the development of competitive transport systems. Productivity is a factor of speed and carrying capacity, while the requirements of maintenance and "downtime" are a negative factor. Historically, each major increment of innovation in design that increased the positive factors or reduced the negative factors provided impetus for growth and increased efficiency of the airlines. Up to about 1968, those innovations had been frequent enough to keep air fares about constant in the face of a general inflation of the economy.

Specifically, each generation of airliners achieved higher levels of speed, and larger payloads; downtime was reduced by the improved engineering of the reciprocating engine, and even more by the advent of the turbojet engine.

On the negative side, the trend to larger aircraft meant that the airlines needed schedule changes to improve the load factor. The problem they encountered was that competing airlines running large aircraft found their planes operating at half-capacity. The immediate alternative seemed to be to raise fares or reduce the number of flights.

The hypothesis in support of the economic benefit of the SST is essentially that size alone, with its associated problems of load factor, will not accomplish the next evolutionary step in productivity. An aircraft of intermediate size, halfway between the capacity of the 707 and the giant 747, with three times the speed of these subsonic jets, would be required.

Since the constraint of avoiding sonic booms over land has been accepted—at least unless and until this environmental effect can be shown to be negligible from an aircraft at 65,000 feet altitude—the primary gain in productivity will be for trans-oceanic flights. It is claimed that the SST retains its gains in productivity on such flights, even if they originate in Chicago or perhaps St. Louis, and fly subsonically over land.

The international financial considerations of the SST center on the comparative advantage of selling American-produced aircraft to foreign-owned airlines versus buying foreign-produced aircraft for use in American-owned airlines. Stated in simple terms, as a pure case, the advantage for the United States appears to be a plus of some $20 billion by 1990 for the successful production of the Boeing SST, if the market analyses are reasonably valid. However, there remain a number of uncertainties that cloud the picture. The recent rise of the international corporation, owned jointly by stockholders in many countries, complicates the flow of value. Another uncertainty is as to the probability of economic success of either of the foreign SST projects. This success is called into question by the fact that the foreign SSTs are smaller and slower than the Boeing version, even though they are scheduled for earlier entry into service.

One critically important variable in mar-

Footnotes at end of article.

keting is airport accessibility and congestion. Although the problem is general to all commercial aircraft, the congestion and surface access problems have steadily grown worse with time. The SST schedule calls for its introduction in eight years. With no change in airport accessibility trends, the SST will be introduced at a time when the number of passengers carried is no longer governed by market growth but has become fixed due to system limitations.

Through the years, plans to relieve the bottleneck of air terminals have made little progress. The nature of the problem requires that planning be national (or at least interstate), but the implementation requires State and local action. Historically, coordinate action of Federal-State-local jurisdictions has proved difficult.

The more promising plans to relieve terminal congestion propose to make use of VTOL/STOL aircraft linking large terminals with smaller and dispersed satellite terminals. This scheme provides directly for the short-haul passenger, the largest single component of air passenger service. By providing for point-to-point travel for the short-haul passenger, the proposed system would alleviate the pressure of passengers and aircraft at the large terminals serving long-haul transportation. If some arrangement of this kind is not incorporated in the U.S. air transportation system, the congestion at major airports will jeopardize the marketability not only of the SST but of all other larger airliners.

The various issues of noise from the SST

The question of noise is, of course, an environmental issue. However, it differs in character from other environmental insults in that it is of brief duration and hence localized in relation to the aircraft that generates it.

Noise from the SST is of five types: (1) the sonic boom, generated when the aircraft moves at supersonic speed at cruising altitude; (2) the engine noise while the aircraft is motionless, taxiing into position for take-off, or holding; (3) the side-line noise while the aircraft is moving down the runway and taking off (up to one mile from the end of the runway); (4) the departure noise, from one mile past the end of the runway until it gains cruising altitude and reduces power to cruise level, and (5) the approach noise made as the aircraft approaches the field to land.

The question of sonic boom has presumably been disposed of for the time being by the assurance that the SST will cruise subsonically over populated land. This issue has raised considerable controversy because of the experience of the U.S. population with military jets flying supersonically at lower altitudes.

Engine noise on the ground before take-off does not appear to be a significant factor. During this phase, engines of the SST can run as quietly as those of any other aircraft. Only enough power is required to move the aircraft slowly.

Engine noise while the aircraft is moving down the runway, and up to a mile beyond, presents the principal problem for designers of aircraft and engines of the SST. Without acoustical correction the noise generated during this phase is excessive. However, the Boeing Company has offered assurances that before the SST is certified, its noise level during this phase will be brought within limits judged acceptable for new subsonic aircraft (FAR 36). Similar assurances are offered by the makers of Concorde who say that the Concorde will comply with all pertinent noise regulations extant at the time it appears on the market.

These assurances, of course, do not completely dispose of the issue. It remains to be seen whether the companies can make good on their promise, or whether they will seek an exception or interim adjustment at a later date. On the other hand, the point is made that airports are often located in areas remote from urban centers, with much open land around them. If the land is subsequently occupied by persons seeking to take advantage of convenience, economic opportunities, or sheer rise in land values attributable to the airport, it is at least a reasonable question as to whether they should not be expected to take the bitter with the sweet.

Departure noise is another question. It extends well beyond the immediate locality of the airport. Presumably, the same assurances are offered by the aircraft and engine designers as to noise reduction in this phase. The importance of this phase is that it affects a larger area, and is not associated with any of the advantages of land ownership relative to take-off noise. Since engine efficiency is likely to be impaired by innovations to reduce noise, particularly when retrofitted, there will be an inevitable trade-off between noise comfort and engine efficiency. Determination of this point can be expected to be a source of future controversy. However, the present evidence is that the designers are taking quite seriously the public concern over noise pollution, and are making strenuous efforts to alleviate it.

The micro-environmental issues of the SST

Apart from noise, two broad categories of asserted environmental effects of the SST have come under consideration. One set involves the consequences of its operation as an added pollution-producing element in the urban/suburban air environment. Public dissatisfaction with deteriorating conditions of greasy residues, corrosive chemicals, particulate matter, smog, and other noxious gases, has been exacerbated by the prospect of effluent from the big, high-powered engines of the SST.

It is incontrovertible that turbojet aircraft, whether subsonic or supersonic, add to air pollution around airports. It is not evident that they contribute a significant fraction to the total pollution load in and around cities, with the possible exception of infrequent, unintended effects such as fuel dumping and badly adjusted engines. The economics of aircraft management dictate that these should be avoided.

The questions to be resolved in the category of micro-environmental effects relate to the local geographical, meteorological, and urbanized circumstances rather than to the specific aspect of SST effluent. It is necessary in the local environment to consider such matters as—

The nature of local air movement and its capacity to diffuse pollutants;

The local tendency toward inversion layers in the atmosphere that obstruct upward diffusion of pollutants and smog;

The traffic density at airports;

The load of pollutants from other sources;

The insulation of the airport and departure lanes from housing.

As a general proposition, it rests with the local metropolitan area to insist upon a tolerable level of pollution of the air from all sources, including aircraft. Presumably, the designers of aircraft and engineers are mindful that failure to maintain progress toward cleaner engine effluents would invite the risk of costly regulatory inhibitions at airports prone to high levels of pollution.

The marco-environmental issues of the SST

The other category of asserted environmental effects of the SST encompasses global or climatic consequences. A long list of allegations have been raised as to possible adverse second-order consequences in this area. The distinction is made that the micro-effects of the SST contribute to other effluents generated by man's technology, while the macro-effects of the SST should be related to the pollutants resulting from large scale natural phenomena.

One allegation is that the big engines of the SST will contribute disproportionately to the consumption of atmospheric oxygen. This issue is not impressive, however, in view of the fact that if all the known organic matter (coal, lignite, petroleum, and standing timber, for example) were to be oxidized to ash, the reduction in atmospheric oxygen would be something like 3 percent. Moreover, there is some reason to believe that one of the products of oxidation—the carbon dioxide—when present in the atmosphere in increased percentage stimulates the process of plant photosynthesis. The process consumes CO_2 and water (the products of combustion) and generates oxygen. How precisely this reverse process counterbalances the process of oxygen depletion from combustion is not a critical problem in terms of the oxygen supply for reasons stated above.

A related allegation is that the percentage of carbon dioxide in the atmosphere will be increased by SST effluents to such an extent that the absorption of the infra-red radiation from all sources by CO_2 would cause a rise in the temperature of the troposphere (that part of the atmosphere below about 40,000 feet altitude). However, this "greenhouse effect" has not been confirmed in recent minor changes in atmospheric CO_2 content. Moreover, there are other mechanisms at work in the atmosphere that are much stronger in their effects than is the content of CO_2 and minor changes in it.

Still another contention is that the particulate matter in the SST effluent might reach so high a density as to enable the stratosphere to absorb enough solar radiation to cause the troposphere and the ground beneath to cool. An examination of the quantity of particulate matter that might be generated by the SST (a fleet of 500 on regularly scheduled service) shows that it does indeed reach the impressive figure of 209,000 tons of particles under a "worst case" assumption before stabilizing. (At that point, losses of particles would equal gains.) However, the earth's daily intake of cosmic dust is estimated to be much larger than this. Measurements of the fall of cosmic dust, taken at different times and places, show quantities which vary through three orders of magnitude, the smallest of which is much larger than the stabilized quantity from the SST fleet under a "worst case" assumption.

Another basis of comparison is the climatic effect of the very large quantities of particulate matter injected into the stratosphere by major volcanic eruptions in recent history. Although these natural effluents are many orders of magnitude larger than any conceivable accumulation from an SST fleet, no significant climatic consequences appear to have resulted from them. It might also be noted that the power of dust to affect the solar flux (hence the climate) is minuscule as compared with the reflectance of a cloud, and clouds cover about half the earth's surface at all times.

By far the largest single component of SST effluent is water. A number of possible consequences have been conjectured for this effect. As with CO_2 the hypothesis is that the absorption of solar radiation by water vapor would warm the upper atmosphere, perhaps at the expense of the lower atmosphere so as to cool it and also the Earth's surface. An opposite effect resulting in possibly lethal heating of the troposphere and ground is also conjectured to result from this same source. Certainly it is true that the water balance in the atmosphere is the most significant element in determining temperature and climate. It is also the most variable. For this reason, much of the effort in weather modification has centered on techniques to manipulate this balance. However, as far as the SST is concerned, the issue turns on the degree of stability of the water content of the stratosphere: to what extent does the operation of an SST add significant and lasting quantities of water to it?

Analysis of all apparent factors of SST water discharge suggests that the quantity of water normally held in the stratosphere is very low: normally on the order of 2 to 3 percent relative humidity. It is for this reason that high-flying supersonic jets do not make contrails in the stratosphere except on rare occasions in the polar regions where solar radiation is least significant as a factor of climate. Moreover, the quantity of water emitted per mile by a supersonic aircraft would be so small that once it underwent the diffusing action of air turbulence caused by passage of the aircraft it would amount to only .0024 ounces of vapor per square foot column of air.

The final question is: does this water vapor remain in the stratosphere, to be added to by each successive passage of other SSTs? On the basis of the evidence of what happens to the water vapor and droplets injected into the stratosphere by thunderstorms (500 [9] of the some 5,000 storms that occur daily around the earth inject some 75 million tons of water into the stratosphere) it appears that the water content of the stratosphere stabilizes at a low level with surplus rejected downward. Over the past few years, the average water content of the stratosphere has risen by 50% (from 2 ppm to 3 ppm). This increase is from 5 to 10 times as great as the maximum possible from a fleet of SSTs. The increase from natural causes has produced no detectable effects on climate or radiation. What has caused this change in water vapor content in the stratosphere is not known. One possibility is that the content of water in the stratosphere fluctuates above and below some very low figure. Another possibility is that the observed increase can be accounted for by errors in measurement. It would be desirable that periodic measurements of this variable (if it is a variable) be made so that if any significant trend can be established, it can be properly analyzed and interpreted.

Recapitulation

Ultimately, the issues of the SST, as with all assessments of technology, depend upon political attitudes and values rather than on the technical issues of the innovation itself. How important is air transportation for the national welfare? How important is the encouragement of the export of high technology for the national economy of the United States? How significant is technological achievement in the civil sector for U.S. international influence? Is technological advance to be arrested, whatever the consequences?

There are many uncertainties: as to the verity of the competition from foreign SST developments; as to whether the Boeing SST will produce the economic gains claimed for it; as to the extent of engineering risk this vehicle represents; and as to whether it can stand alone, without other supporting elements of a complete system of air transportation. Many of the defects of present air transportation have nothing to do with air speed or vehicle productivity; the ground sector, for one example, is generally conceded to have been neglected.

The environmental aspects of the SST, and especially the global aspects, have received the bulk of attention of critics. Yet, upon analysis, most of these postulated effects are found to be trivial. Of course, some environmental uncertainties remain. As to these uncertainties, it has been pointed out several times, earlier in this study, that it is rarely if ever possible to prove a negative.

But the greater number of uncertainties appear to lie in the field of economics. It is likely that these can be resolved only by actual experience with the product in use. Much hinges on the quality of engineering management in the development of the vehicle, and the system of which it is conceived as a component. Much hinges also upon the quality of management of the airline service and its competition. Of course, these are general considerations and are therefore imponderables beyond the scope of the present study.

FOOTNOTES

[1] U.S. Congress. House. Committee on Science and Astronautics. "Technology: Processes of Assessment and Choice." Report of the Committee on Science and Public Policy, National Academy of Sciences, July 1969. (Washington, U.S. Government Printing Office, 1969), page 118.

[2] Ibid., page 118.

[3] Ibid., pages 2–3.

[4] Ibid., page 15.

[5] Numerous claims were made by World War II pilots that they had broken the sonic barrier with their propeller-driven aircraft in full power dives from high altitude. Speeds as high as 800 mph, sometimes accompanied by sonic booms, were reported. However, during World War II, methods were not available for measuring accurately the speed of diving aircraft. Although these claims seemed plausible at the time, knowledge of compressibility effects was limited, and nothing was known about the transonic regime. Subsequent analysis has established that none of the World War II propeller-driven aircraft, designed for subsonic flight, could have exceeded 550 mph, a speed well below the speed of sound.

[6] Speed is often given in multiples of, or fractions of, the speed of sound. Mach 1 is the speed of sound. The name is that of the Austrian scientist, Ernst Mach, 1838–1916. The speed of sound (m–1 or Mach 1) in air is not a constant; it varies primarily as a function of temperature and to a lesser extent as a function of pressure. With increasing altitude, the air pressure declines lineraly, but temperature reverses direction several times. As temperature declines, so does the speed of sound. The relationship is expressed by the formula:

$$\text{Mach 1 (in mph)} = 83.5 \sqrt{T \text{ (in degrees Rankine)}}$$

At cruising altitude of 60,000 feet, (the cruising altitude proposed for the SST), the normal temperature is minus 70°F. Mach 1 at this temperature is 680 mph. At an altitude of 150,000 feet, temperature has risen again, and is normally about 50°F. At this temperature, Mach 1 is about 750 mph, which is nearly what it would be at the earth's surface on a 50°F day.

[7] As of August 16, 1969, the official speed record for propeller-driven aircraft was 483 mph. The record was achieved by a modified Grumman F8F "Bearcat". Almost 7 feet of wing was removed, leaving a span of 27.5 feet; weight was reduced from a normal gross of 10,400 to 5,800 pounds, of which almost half was contributed by the oversized engine. The prior record, 469 mph, had been established 30 years earlier by the German ME 209R, which took it from the Italian Macchi Mc 72 seaplane (440 mph in 1934). Thus in 35 years the speed of propeller-driven aircraft had been raised 43 mph. The heroic measures required to accomplish this small increment of extra speed make further advances with piston-engined, propeller driven aircraft, unlikely.

[8] The Italian engineer, Campini, in 1940 tried a workable but impractical alternative in the Caproni N–1. He used a piston engine to drive a large air compressor, air from the compressor was discharged through the open tubular body of the aircraft where additional fuel was sprayed into the air blast and ignited. This was a true jet, but the system was inefficient and was abandoned.

[9] The North American F–100 was a single seat fighter powered by a Pratt & Whitney J57 turbojet. Its top speed was 925 mph at 35,000 feet altitude. Its engine could produce 10,000 pounds of static thrust in cruising, and was equipped with an "afterburner" which increased the thrust to 16,000 pounds for short periods, such as on takeoff. (An afterburner is a tubular extension or tailpipe, added to a jet engine. In its use, fuel is sprayed into it and ignited: the already hot exhaust gas is thus further heated and expanded, greatly increasing the exhaust velocity and resulting thrust of the system.)

[10] For example, the Preparedness Investigating Subcommittee of the Senate Armed Services Committee, chaired by Lyndon B. Johnson, reported at the time: "Transportation of people and cargo at three times the speed of sound and above the weather could be attained through the utilization of B–70 technology in a commercial air vehicle." (Cited in "Congress and the Nation, 1945–1964," Congressional Quarterly, page 307.)

[11] The Caravelle, built by the Sud-Aviation company, was France's first commercial jet transport airplane. Its first flight was May 27, 1955. It entered commercial service May 18, 1958, with Air France. The world's first commercial jet transport was the De Havilland Comet, DH–106, which first flew in 1949 and entered commercial service with BOAC May 2, 1952.

[12] U.S. Congress. House. Committee on Science and Astronautics. "Supersonic Air Transports", Hearings before the Special Investigating Subcommittee of the . . ., 86th Cong., 2nd sess. May 18, 1960, (Washington, U.S. Government Printing Office, 1960) page 43.

[13] Don Dwiggins. "The SST: here it comes, ready or not." (Garden City, New York, Doubleday and Company, 1968), page 117. (294 pages.)

[14] This was "Project Horizon," a report of a task force consisting of Fred. M. Glass, Stanley Gerwitz, Selig, Altschul, Leslie A. Bryan, Gerald A. Gusch, Frances T. Fox, John F. Loosbrook, and Paul Reiber. The report of Project Horizon was submitted to the President Sept. 5, 1961, and made public Sept. 10, 1961.

[15] The turbo-prop engine has a propeller attached through a gear box to the front end of the shaft that extends through a compressor stage, a fuel burning stage, and a turbine stage. The turbine provides the power to rotate the entire assembly. There is also some residual thrust from exhaust gas emitted from the turbine into the tail pipe.

[16] The turbojet, or true jet engine, derives all of its thrust from its exhaust. Air is scooped into an intake aperture, is compressed by a compressor, has fuel injected into the compressed air and ignited, and then the combustion products force their way through a turbine stage which powers the compressor stage. (Compressor and turbine are tied directly to the same central shaft.) Finally, the combustion products are expelled through the tail pipe to provide the jet thrust. Some versions attach still another stage—an "afterburner" after the turbine. The afterburner is simply an extended pipe into which more fuel is injected and burned, to augment the volume and temperature of the exhaust; thus increase the thrust. Since it is a heavy consumer of fuel, the afterburner is used only when augmented thrust is needed, such as on take-off.

[17] The turbo-fan was introduced by the British Metropolitan-Vickers Company, in 1943. This was done by modifying a turbojet engine, adding a two-stage, contra-rotating fan. This rather primitive engine increased the thrust of the basic turbojet by 66 percent, without additional fuel consumption. However, for military purposes, this concept was not attractive. The large frontal area would have too much drag for speeds approaching Mach 1. Conversely, the economy and power provided by the turbo-fan at lower speeds made it important for commercial applications. But since the development of gas turbine engines was funded almost

entirely by the military services, the turbofan was late in coming into use.

[18] U.S. President. John F. Kennedy. "Remarks at Colorado Springs to the Graduating Class of the U.S. Air Force Academy, June 5, 1963." Public Papers of the Presidents of the United States, 1963. (Washington, U.S. Government Printing Office, 1964), page 441.

[19] U.S. President. John F. Kennedy. "Letter to the President of the Senate and to the Speaker of the House on Development of a Civil Supersonic Transport. June 14, 1963." Public Papers of the Presidents of the United States, 1963. (Washington, U.S. Government Printing Office, 1964), pages 475–77.

[20] U.S. Task Force on National Aviation Goals. "Project Horizon." Report of the . . . Federal Aviation Agency. September, 1961. (Washington, U.S. Government Printing Office, 1961), 239 pages. See especially page 17.

[21] Ibid., pp. 48–49.

[22] "Policy Planning for Aeronautical Research and Development, op. cit., page 1.

[23] Ibid., page 3.

[24] U.S. Congress. House. Committee on Science and Astronautics. "Aeronautical Research." Hearings before the Subcommittee on Advanced Research and Technology of the . . . December 1, 2, 4, 8, 9, 10, and 11, 1969. 91st Congress, first session. (Washington, U.S. Government Printing Office, 1970), pages 2–3. (400 pages.)

[25] Don Dwiggins. "The SST: Here it comes ready or not." (Garden City, New York, Doubleday & Company, Inc., 1968), page 122. Members of the steering group were Najeeb Halaby, FAA Administrator; John Stack, NASA Director of Aeronautical Research; and Brockway McMillan, Assistant Secretary of the Air Force for Research and Development.

[26] "Project Horizon", op. cit., page 17.

[27] STAG was chaired by Orval R. Cook, General, U.S.A.F. (ret.), president of the Aircraft Industries Association.

[28] "The SST: Here it comes ready or not", op. cit., p. 123.

[29] The STAG report discussed an SST of Mach 6.5 as against 2.7 for the current SST version, the Boeing 2707–300. Aside from this difference, the STAG report envisioned lower estimated performance criteria. In fact, the current Boeing version under consideration at the close of the calendar year 1970 is designed to have twice the range and payload of the model judged feasible by STAG in 1963.

[30] U.S. President. Lyndon B. Johnson. "The President's News Conference of April 25, 1964." Public Papers of the President's of the United States, Lyndon B. Johnson, 1963–64. Book I. (Washington, U.S. Government Printing Office, 1965), pages 550–1.

[31] U.S. President. Lyndon B. Johnson. "Statement by the President in response to A Report on the Supersonic Transport Program." *In* Ibid., page 702.

[32] U.S. President Lyndon B. Johnson. "Remarks at the Swearing In of General McKee as Administrator, Federal Aviation Agency." July 1, 1965. Public Papers of the Presidents of the United States. Lyndon B. Johnson, Book II. 1965. (Washington, U.S. Government Printing Office, 1966), page 714.

[33] U.S. President. Lyndon B. Johnson. "Statement by the President Upon Authorizing Construction of a Prototype Supersonic Transport Aircraft. April 29, 1967". Public Papers of the President, 1967, Book I. (Washington, U.S. Government Printing Office, 1968), page 478.

[34] "Supersonic Transport Program", February 27, 1969. Weekly Compilation of Presidential Documents, (March 3, 1969), pages 329–330.

[35] "The President's News Conference of December 10, 1970." Weekly Compilation of Presidential Documents, (December 14, 1970), page 1652.

[35a] From 1967 until he joined the SST Program, Mr. Magruder was Chief Preliminary Design Engineer of Lockheed's TriJet L–1011 program. Prior to that he served as Technical Director of Lockheed's SST design in competition for the prototype contract, awarded in 1967 to Boeing Company.

[36] The SST is estimated to cost about $42 million (with spares) as compared with $22 million (with spares) for the Boeing 747 (1968 dollars).

[37-40] "1970 Air Transport Facts and Figures", op. cit., page 16.

[41] NASA research on the "Whitcombe wing" is expected to prove the feasibility of transport applications which permit operation within the transonic region. This would add from 50 to 100 mph to the cruise speed of transport aircraft.

[42] Eugene R. Black, and Stanley deJ. Osbornee, "Supersonic Transport program." (New York, 1963), 105 pages.

[44] Federal Aviation Administration. "Economic Feasibility Report, U.S. Supersonic Transport." Report of the ___ (April 1967, Mimeo).

[45] Charles River Associates, Incorporated. "Review of the Economic Feasibility Report for the SST and Supporting Materials". (Cambridge, Mass., Apr. 3, 1967).

[46] Data furnished by DOT.

[47] Charles River Associates, Incorporated. "Review of the Market for the Supersonic Transport, Methodology and Sensitivity Analyses." (Cambridge, Mass., April 1969), 87 pages.

[48-49] "Positive" contributions add to the export account and "negative" one add to the import account. Neither word has a good or bad connotation. Most economists prefer whatever balance of visible and invisible imports and exports facilitates desired flows of goods, services, and capital without undue strain on prices, employment, and fiscal stability among all the nations affected. In general a high total value of reciprocal trading indicates economic health. In essence, the concept is that high productivity and high employment go with a high total in reciprocal trading.

Goods produced for domestic as well as foreign sales are produced in higher quantities than goods intended for only one of these markets. High quantity production tends to lower the cost of most items. Hence, they become available to more people and may contribute to a higher standard of living.

Conversely, the lack of an export market results in a lower production of perhaps costlier goods. If the same items are available at a lower price overseas, there is a temptation to increase imports, which could reduce domestic manufacturing even more. The nation may then seek to sharply encourage the development of exportable goods, or to limit imports. Often both are done.

[50] They were: Kenneth Arrow, Francis Bator, John Kenneth Galbraith, and Wassily Leontief of Harvard University; Richard R. Nelson, Merton J. Peck, James Tobin, and Henry C. Wallich of Yale; W. J. Baumol of Princeton; Milton Friedman of the University of Chicago; Walter W. Heller, of the University of Minnesota; Robert M. Solow, Paul Samuelson, and C. P. Kindleberger of Massachusetts Institute of Technology; and Arthur M. Okun, former chairman of the President's Council of Economic Advisers.

[51] "The SST." Remarks of the Hon. J. W. Fulbright on the floor of the Senate. Congressional Record, (September 15, 1970), pages S15398–405.

[52] "U.S. Supersonic Transport—Gray Book," op. cit., page–G–12.

[53] Idem.

[54] "Technology: Processes of Assessment and Choice," op. cit., page 1.

[55] Ibid., page 3.

[56] For example, "Sonic Boom Experiments at Edwards Air Force Base." Prepared under contract by Stanford Research Institute, For the United States Air Force through the National Sonic Boom Evaluation Office, (Arlington, Virginia, July 28, 1967).

[57] John A. Blume and Associates Research Division, "Structural Reaction Program National Sonic Boom Study Project." Report prepared for the Federal Aviation Agency, April, 1965. (Clearinghouse for Federal Scientific and Technical Information, Springfield, Virginia, 1965), pages 11–12. (Report no. AD–474–778).

[58] The dimension is in pounds per square foot and not per square inch, which is the more familiar measure of pressure. Thus sonic boom units are 1/44 of those usually encountered in air pressure reports.

[59] Under certain atmospheric conditions, the boom pressure could be amplified to double the normal 2 to 2½ psf over pressure.

[60] The problems of correlating sound energy levels with human perception are discussed in "Noise abatement: summary of the issues", by Migdon R. Segal, (Multilith Science Policy Research Division, Legislative Reference Service, Library of Congress, November 4, 1970), 44 pages (See especially "Quantifying noise: sound vs. loudness", pages 4–11.)

[61] Boeing Corporation. "The Supersonic Transport and the Environment," (Boeing Corporation, January 1971 (revised)), page 6.

[62] Letter from B.A.C. to G. Chatham, Feb. 9, 1971.

[63] The REM, or "Roentgen Equivalent, Man", is derived from the RAD, multiplied by a bio-damage constant. The RAD is equal to 100 ergs of absorbed radiation energy per gram of matter. The biodamage constant depends on the measured amount of bio-damage resulting from each specific kind of radiation. Numbers of REM indicate, directly, the extent of damage resulting from the exposure, per indicated time period, expressed as REM per year or millirem per hour .

[64] The exposure rates set by various Federal agencies are based upon guidelines prepared by the Federal Radiation Council in 1960 and subsequently approved by the President.

[65] Comparative Evaluation of the Radiation Environment in the Biosphere and in Space. Hermann J. Schaefer, Naval Aerospace Medical Institute and NASA, December, 1968, NAMI–1054, p. 2.

[66] Fundamentals of X-ray and Radium Physics, Joseph Solman, M.D., third edition, Charles C. Thomas, (date) (where) p. 329.

[67] This exposure includes "normal" solar flare activity but does not include the giant flare of 23 Feb. 1956.

[68] Table furnished by Department of Transportation.

[69–71] The figure of 500 SSTs has been accepted and used by the Department of Transportation as a conservative average of a series of independent marketing projections.

[72] Broecker, Wallace S. "Man's Oxygen Reserves," Science, (Vol. 108, No. 3939, June 20, 1970), pages 1537–1538.

[73] U.S. President's Science Advisory Committee, Environmental Pollution Panel "Restoring the Quality of Our Environment" (The White House, November 1965) pages 115–116.

[74–5] Ibid., page 126.

[76] Ibid., page 119.

[77] "Man's Impact on the Global Environment." Report of the Study of Critical Environmental Problems, op. cit., page 88.

[78] Idem.

[78a] I.e., air temperature measured by weather stations as opposed to air temperature measured by balloons or other high altitude systems.

[79] "Restoring the Quality of Our Environment," op. cit., pages 122 and 123, citing: Murray J. Mitchell, Jr., "Recent secular changes of global temperature," Annals of New York Academy of Sciences, (Vol. 95,

1963), pages 235–250, and Murray J. Mitchell, Jr., "On the world-wide pattern of secular temperature change." *In* Changes of Climate, Rome Symposium by UNESCO–WHO, Published in Arid Zone Research Volumes, (Paris, Vol. 20, 1963), pages 161–181.

[79b] In the broadest sense, all meterological phenomenon may be regarded as a reactive interface between two heat sources (the earth's internal heat and the solar flux) with the energy sink of outer space. Among these three factors, the most critical and also the most variable is the solar flux. Although short term climatic changes can be coupled to catastrophic volcanic events, longer term changes correlate closely with cyclic variations of the sun. This agreement was shown by S. J. Johnson, W. Dansgaard and H. B. Clausen, in their paper "Climatic Oscillations 1200–2000 AD," Nature, (August 1, 1970), pages 482–483.

[80] Rutgers University, Center of Transportation, "Study on pollution reduction potential of aerial commutation," FAA report, (July 1970).

[81] Data furnished by Department of Transportation.

[82] See also the section of this paper dealing with particulates and volcanic action, pages 109–120.

[83] U.S. National Academy of Sciences. "Weather and climate modification: problems and prospects; vols. 1 and 2." Final report of the Panel on Weather and Climate Modification to the Committee on Atmosphere Sciences, National Academy of Sciences, National Research Council, (Publication No. 1350. Washington, D.C. 1966), page 11.

[84] "Memo report to the Administrator of ESSA," (October 4, 1965.)

[85] Table furnished by Department of Transportation.

[86] "Man's Impact on the Global Environment." Report of Critical Environmental Problems SCEP, op. cit., page 17.

The number of thunderstorm injections per day is estimated to be between two thousand and six thousand. Seasonal variations and low altitude weather changes give a wide range to this daily insertion of water from natural causes.

The number of stratospheric penetrations within the continental United States is estimated to be 505 per year, 55 of which reach attitudes higher than 18 km. [R. F. Jones, et al. "World Meteorological Problems in the Design and Operation of Super Sonic Aircraft." *In* World Meteorological Organization, Publication No. 216. (Geneva, Switzerland, 1965).]

The water content of the stratosphere, however, remains quite stable and very low. ESSA data show that over the past five years the water content of the stratosphere has shown a slow increase and is now 50% greater than it was five years ago. In numbers, however, this 50% increase is the difference between 2 parts per million (ppm) and 3 ppm.

About 20% of the atmosphere lies above 38,000 feet. This quantity of air weighs 11.4×10^{14} tons. Stratospheric water would therefore be approximately:

at 2 ppm—22.8×10^8 tons

at 3 ppm—34.2×10^8 tons

Some idea of the water cycling capability of the stratosphere can be obtained by comparing the relatively stable amount of water present in the stratosphere with the amount received from thunderstorms each day.

If we use the ESSA estimate of approximately 150,000 tons of water inserted into the tropical stratosphere from a simple large cumulonimbus cloud, then for each 500 such daily events (a conservative estimate) the stratosphere would receive 75×10^6 tons of water.

This rate of water insertion (500 cumulonimbus clouds per day) would require 45 days to place in the stratosphere an amount of water equal to that now present. This consideration is less important than the fact that the water level in the stratosphere is extremely constant. To remain constant, or approximately so, the stratosphere *must release all the water it receives each day above that normal to its stable state.*

[87] Ibid., page 103.

[87a] The figure of 500 storms per day was selected as an arbitrary but conservative number for illustrative purposes. Estimates of the actual number of daily storms of a magnitude to penetrate into the stratosphere ranged between 5,000 and 6,000.

[88] Man's Impact on the Global Environment." op. cit., page 16.

[89] Communication from ESSA.

[90] Man's Impact on the Global Environment," op. cit., page 16.

[90a] The amount of the sun's energy actually reaching the surface of the earth is largely determined by the angle (latitude and time of day) of the earth's surface to the sun, and the clarity of the low altitude atmosphere (determined mostly by weather conditions). The absorption of solar energy by the stratosphere is minute.

[90b] Reactive particulates of sulphur (e.g. sulphurous or sulphuric acid or ammonium sulphate) may grow in size due to photochemical forces which may steadily add additional atoms to the original molecule (e.g. adding nitrogen and hydrogen to a sulphate radical to form ammonium sulphate).

[91] Among the others: fuel consumption was improperly assumed to be a constant, instead of decreasing steadily during a trip; the figure used was 66 tons/per hr./aircraft whereas a more accurate estimate would be the average consumption of 53 tons/hr. Also, an average sulfur content of .05% was used. Present-day fuels range between .09% and .004%. Sulfur is undesirable in jet engines because it produces corrosive combustion products that shorten engine life. The producers of jet fuel have been steadily reducing sulfur content and the trend is expected to continue. On the basis of past experience with this progress, a sulfur content of somewhere between .01% and .005% would be a reasonable expectation by the time the Boeing SST could become operational. The removal of sulfur from fuels of all kinds may be accelerated by the President's proposed graduated tax on sulfur bearing fuels. (Described in New York Times, (February 2, 1971), page 24).

[92] S.M. Rosen and E. P. Ney. "Vertical Distribution of Dust in the Stratosphere." *In* "Meteor Orbits and Dust." Proceedings of a symposium sponsored by the National Aeronautics and Space Administration and the Smithsonian Institution, Cambridge, Mass., August 9–13, 1965. (Washington, U.S. Government Printing Office, 1967) page 347.

[93] T. Grjebine. "Concentration of Magnetic Dust in the Stratosphere." *In* "Meteor Orbits and Dust," op. cit., pages 361–364.

[94] Personal communication with S.C.E.P. numbers.

[94a] 5.8×10^{-5} grams/^{3} based on weight of air at 60,000 feet which is 120gm/m^3.

[95] NCAR Quarterly (February 1969, No. 22), page 12.

[96] Melvin A. Cook. "The Science of High Explosives." (New York, Reinhold, American Chemical Society Monograph Series), 1958, page 1. (21 pages).

[97] Ernst Behrendt, "Earth's most awful blast", Nature Magazine, v. 39, No. 3, March, 1946, pp. 121–124, 160.

[98] The figure of 500 was selected as an arbitrary but conservative number for illustrative purposes. It represents about 10% of the estimated total of the daily storms capable of penetrating the stratosphere.

"THE MAN WITH THE HOE"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ZWACH. Mr. Speaker, Dave Gallagher, writer for the Montevideo American News in our Minnesota Sixth Congressional District, wrote a very thought-provoking editorial in the March 4 issue of that newspaper.

In order to share Mr. Gallagher's thoughts with my colleagues and all of the other people who read it, I would like to insert his editorial in the CONGRESSIONAL RECORD:

"THE MAN WITH THE HOE"

It has become an unpopular thing of late to champion the cause of the underdog, the little guy, the multitudes of people who are less fortunate than most.

Washington is full of people representing labor unions, education, agriculture and a myriad of other causes, but nowhere in the lobbies can be found a true champion of the world's downtrodden masses.

"Bowed by the weight of centuries, he leans upon his hoe and gazes on the ground, the emptiness of ages in his face, and on his back the burden of the world." Edwin Markham began his poem, "The Man With The Hoe" in this way.

He goes on. "Who made him dead to rapture and despair, a thing that grieves not and that never hopes, stolid and stunned, a brother to the ox? Who loosened and let down this brutal jaw? Whose was the hand that slanted back this brow? Whose breath blew out the light within this brain?"

And then Markham makes a comment that is as valid today as it ever was. "Is this the dream He dreamed who shaped the suns and marked their ways upon the ancient deep? Down all the caverns of hell to their last gulf there is no shape more terrible than this—more tongued with censure of the world's blind greed—more filled with signs and portents for the soul—more packed with danger to the universe."

And then he speaks to us and asks us a question that no man can answer. "O masters, lords and rulers in all lands, is this the handiwork you give to God, this monstrous thing distorted and soul-quenched?

"How will you ever straighten up this shape; touch it again with immortality; give back the upward looking and the light; rebuild in it the music and the dream; make right the immemorial infamies, perfidious wrongs immedicable woes?"

How indeed? For as our society has vaulted higher and higher with each passing year, as our homes and lives reflect a standard of living men in years past would not dare dream of, how, with all that we have can we answer the cries of those we have mangled along the way?

But there is a warning issued by Markham that we would do well by considering.

"O masters, lords and rulers in all lands, how will the future reckon with this man? How answer his brute question in that hour when whirlwinds of rebellion shake all shores? How will it be with kingdoms and with kings—with those who shaped him to the thing he is—when this dumb terror shall rise to judge the world, after the silence of the centuries?"

We can close the book and put the poem away and be done with it, but the question lingers on. The whirlwinds of rebellion are ripe in our country today and we are having to contend with peoples we do not know.

What will happen when the masses of the

world's people who have been oppressed, exploited and made to live in servitude to a "better class of people" rise up to claim what is rightfully theirs?

The Indian, the black man and countless other minority groups have been improperly treated and maligned for centuries; they have been silent for centuries, but the whirlwinds of rebellion are shaking our shores.

O masters, lords and rulers in all lands, how will the future reckon with this man? And how will the future reckon with us?—Dave Gallagher.

FIFTY-THIRD ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. TERRY. Mr. Speaker, it is fitting that during this month of February, the birth month of the Father of our Country, George Washington, we take note of the 53d anniversary of the Lithuanian Declaration of Independence. We Americans have not fought a war on our soil since the Civil War, nor have we suffered from the ravages of a foreign invader since the War of 1812. Lithuania on the other hand was invaded by the Soviet Union in 1940. She then was under German Nazi occupation from 1941–44. In 1944, the Soviets again occupied Lithuania.

From 1944–52, the people of Lithuania fought an incredible guerrilla war against the Soviet NKVD units, as well as regular units of the Red Army. Unfortunately, the free world allowed this struggle to go unnoticed and the weight of Soviet manpower and weapons gradually overcame these heroic people. The Lithuanian nation was forced into sullen silence as the weight of the Secret Police—NKVD—and Communist Party apparatus settled down to the grim business of rooting out ideological heresy or the slightest form of deviation. Up until recently, very few non-Soviet citizens were ever permitted to travel to these areas, so very little information on the true feelings of the Lithuanians was available to the free world. However, earlier this year, the startling and tragic attempted defection of Simas Kudirka brought this almost forgotten nation back into the headlines. This, indeed, is one of the purposes of my remarks, because all too often we only think about these people languishing behind the Iron Curtain, when some startling incident like that of Simas Kudirka puts Lithuania on the front page of our newspapers. We should all realize that the people of Lithuania are not permitted to hold noisy demonstrations filmed by television camera crews, but their opposition to Soviet tyranny exists and we support their continued yearning for freedom.

It is my view, and I intend to urge this upon the State Department, that our delegate to the United Nations should continuously remind the Soviet Union of the desires of the various peoples of that nation for self-determination.

REMARKS MADE BY JROTC CADETS BEFORE THE NATIONAL COUNCIL OF THE RESERVE OFFICERS ASSOCIATION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 9, 1971

Mr. THURMOND. Mr. President, it is a pleasure for me to bring to the attention of my distinguished colleagues and all Americans the fine remarks made by Junior Reserve Officer Training Corps—JROTC—cadets before the National Council of the Reserve Officers Association's—ROA—midwinter meeting at the Sheraton Park Hotel in Washington, D.C., on February 19, 1971.

Several of the cadets were invited to address the council and to express their views about the JROTC program. Their remarks are most impressive. It is refreshing and reassuring to hear about their high regard for the program. I wish anti-ROTC youth in America could hear how these young men feel about patriotism, dedication to country, and how this program helps mold leaders physically, mentally, socially, and spiritually.

Mr. President, I ask unanimous consent for the remarks of these cadets and a biographical sketch of them to be printed in the Extensions of Remarks.

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

REMARKS BY CADET LT. COL. JOSEPH V. TRUHE

Mr. President and members of the National Convention: The problems confronting the military establishment in the United States are complex and varied. A generation of young people has emerged and is challenging institutions and values accepted as inalterable as recently as five or ten years ago. There is a tension in America between those who believe these challenges are just and those who reject criticism, either because it threatens to upset their long-established security or reveal to them the fundamental weaknesses in the positions they take. The military establishment, if it hopes to maintain its role in a democratic society, cannot go this same route. It cannot, nor should it, rely on its established strength to weather the storm of revolutionary feeling, since this very strength relies upon the support of these people as well as those who now defend the military establishment. It must be able to criticize its own failings with a sincerity and objectivity that will satisfy the valid criticisms of those who attack it.

To explain how the military is to do this it is necessary to look at the roots of the student unrest that has given rise to the criticism of the military. Education has played the primary role in making youth more aware, perceptive, and discerning people than their counterparts of preceding generations. The improvements in education have not resulted in merely more knowledge sooner. Rather, the change in American education has been a shift from knowledge of details to an emphasis on the ability to imaginatively analyze situations and facts, and from this analysis, the modern student is prepared and willing to make value judgments on the behaviors of past societies and apply them to today. They draw comparisons between the secret diplomacy and monumental stupidity of world leaders that resulted in World War I, and the conduct surrounding the War in Vietnam. They do not want to fall victim to manipulation by politicians and become tools in their hands for the settlement of petty quarrels that do not in any way concern the welfare of the common people, as was the case in Europe for many centuries. Students demand answers to questions like: Why are cost overruns of 100 to 200% not seriously questioned in Congress? How can top enlisted men and officers be raking in money from the exploitation of soldiers in Vietnam? What is the justification for a mammoth defense budget that dwarfs social concerns? These questions, and innumerable others like them, remain generally unanswered, and add to the major credibility loss that has affected all government, but the military establishment in particular. Students are entitled to the answers to these questions and demand a frankness and sincerity on the part of those they question that does not insult their intelligence. They cannot be satisfied or silenced with half-truths and contrived rationalizations of conduct that cannot be defended. And they will not tolerate the desperate criticism of those who vainly search faults in youth with which to justify their own closed-mindednes.

Some say that the radicals are a minority, but the vocal are only the spokesmen for the sympathetic, and I believe that the extent and potential implications of the intellectual revolt among students are rather more underestimated than otherwise. They will take the positions of leadership in the years to come, and if the military establishment believes in its own vital function in the world that these young people will live, the military must assume the burden of proof; it must prove itself by actions as well as words if it is to be allowed a place in their society, for it will not be blindly accepted and followed. This requires that the military establishment take a long hard look at itself to determine whether it will face up to a challenge more demanding than any war, a challenge of its own country to serve that country according to its true purposes.

To this end, the vast educational resources of the military system have a very clear job in the near future. In Junior ROTC especially, there exists an opportunity to gain the attention of the minds of our youth and establish a belief in the necessity and potential benefit to the country of a vital and vigorous defense establishment. Success in this endeavor will be an accomplishment at least equal to the maintenance of world peace, for it will mean success in the defense of the democratic system in America, one of the primary goals of the defense establishment.

BIOGRAPHICAL SKETCH OF CADET JOSEPH V. TRUHE, JR.

Cadet Lieutenant Colonel Joseph V. Truhe, Jr., is a student in his senior year at St. Johns College High School, Washington, D.C. He ranks first in his class academically, is the Regimental Executive Officer of the Junior Reserve Officers' Training Corps unit at St. Johns, and attended a Junior ROTC camp at Fort George G. Meade in the summer of 1970. Cadet Truhe has received numerous awards for academic excellence and participation in school activities. He played a leading roll in a recent production by the Mask and Wig, the school's dramatic club. Following graduation from St. Johns he plans to continue his education at one of the leading colleges or universities. Cadet Truhe is 18 years of age and currently resides in Falls Church, Virginia.

REMARKS BY CADET CAPT. RICHARD A. BAUMAN, JR.

Mr. President and members of the National Council: It gives me much pleasure to be the spokesman for all Marine Corps Junior ROTC units. I bring to you the greetings of the 3400 Marine Corps Junior ROTC

Cadets who compose the twenty five organized units that are located in 19 states of the nation.

Pride is a simple word with many complicated meanings. The dictionary gives six different definitions for pride, but to the Marine it has but one meaning. This meaning is not often expressed in words, it is rather an idea, an idea which is common to all who wear the "eagle, globe and anchor of the corps". The *Marine Corps Junior Reserve Officer Training Corps* is attempting to instill this pride, this understanding of one's country and what it stands for, into the youth of today.

Pride and tradition are but a part of the lesson taught. The major purpose is to produce "first class" citizens, men who will be credits to their school, community and country.

The official mission of the Marine Corps Junior ROTC is: "to develop informed citizens, strengthen character by the teachings of discipline, develop an understanding of the military responsibilities of each citizen, and promote an appreciation of and motivation for careers in the U.S. Marine Corps.

Even though only in my second year of training, I have developed some specific thoughts on the program. It is my opinion that benefits far outweigh the administrative difficulties encountered.

The benefits of the Junior ROTC program are many and varied. The nation will profit from improved citizenship among its young. The armed forces of the United States will find within its ranks Junior ROTC trained personnel willing to take on responsibilities and to perform assigned duties well. Also, the school and community will be improved by the pride which the cadet shows for all in which he is concerned. Most important, the individual cadet will profit from the loyalty and self-confidence he has learned through Junior ROTC.

However, much like our nation's armed forces, recruiting is a difficult problem for the ROTC, yet this is not as large a problem as it could be.

It is interesting to note that even with the large number of anti-ROTC movements in colleges today, the high school Junior ROTC cadets enjoy a pleasant relationship with their fellow students.

Through a recent poll taken by our school newspaper, I was pleasantly surprised to find that a majority of the students favor Jr. ROTC in our school. This kind of support can only improve the individual cadet's performance and add to the pride he has in his unit.

In an effort to help you visualize a Marine Corps Jr. ROTC unit, I will now tell you something about the average JROTC cadet. He is a young male American citizen between the ages of 14 and 18. This age group covers grades from the foolish high school freshman to his learned senior counterpart. With a wide variety of talents and academic skills, he may come from the affluent society of an urban area or the hills of rural America.

One of the major objectives of the Jr. ROTC is to help the cadet find the best way to serve his country. This aid is based not upon background but upon individual ability.

It is the hope of the Jr. ROTC to encourage and assist its most talented cadets in gaining commissions as officers in the United States armed forces.

This assistance goes beyond providing information to those interested in military careers. Today the Marine Corps Jr. ROTC unit can offer to the cadet a direct nomination to the U.S. Naval Academy or a chance to compete for a full Naval ROTC scholarship.

In direct support of the attempts to obtain all volunteer armed forces, the Jr. ROTC encourages the cadets who are unwilling or unable to seek commissions, to seek the many advantages of an enlisted career. The Marine Corps JROTC cadet who enlists in the regular Marines is guaranteed an advanced rating if he has finished the full three year course. It is difficult to conceive of anyone joining another service after a three year Marine Corps indoctrination, however, should a cadet choose to do so we won't consider him a complete loss.

The cadets who do not qualify for military service as either officers or enlisted will benefit from the improved patriotism and citizenship which the Jr. ROTC program encourages.

The Reserve Officers Association is known to have a long standing interest in the ROTC programs. It is hoped that we may look forward to the ROA's continuing support.

I am sure that many of you here today received your first taste of military life in ROTC. I hope that you will continue to support the Junior ROTC in order to further this important program in our nation's high schools.

In conclusion I would like to say that I have found Jr. ROTC to be a most worthwhile program. I am sure that the students who turn to long hair and the "anti-establishment" philosophy will never find the pride and sense of accomplishment that I have found in the Marine Corps Junior ROTC.

BIOGRAPHICAL SKETCH OF CADET CAPT. RICHARD ARNOLD BAUMAN JR.

"Rickie", the son of CDR Richard A. Bauman, USCG, and Mrs. Bauman, was born 4 June 1953 in New Bedford, Massachusetts. He is a senior at Churchland High School in Portsmouth, Virginia.

When the Marine Corps Junior Reserve Officer Training Corps was instituted at Churchland High School in June 1969, Rickie became a "plankowner" in the 18th Marine JROTC unit in the country. He rose through non-commissioned and commissioned ranks to cadet captain and senior cadet officer of his unit. In June of 1970 he was awarded the American Legion Bronze Medal for Military Excellence.

Active in school, church and community activities, he is an Eagle Scout and Junior Assistant Scout Master of Troop 260, BSA, Portsmouth, Virginia. He was a member of the President's Portsmouth Council on Youth Affairs.

Cadet Captain Bauman has long been interested in following the sea as a career. He has made ocean patrols in Coast Guard cutters, including a Florida Straits patrol which resulted in the rescue of thirteen Cuban refugees. To further this interest, he has sought and received nomination for appointment to the Federal Merchant Marine Academy at Kings Point. Should he receive this appointment, Rickie intends to enter the Navy upon completion of his schooling.

In addition to the Military Excellence Medal, he holds the ROTC II Scholastic Achievement Award and the Longevity Ribbon.

Rickie has a sister who is a student at Lynchburg College, Lynchburg, Virginia and two younger brothers at home.

REMARKS BY SQUADRON COMDR. THOMAS MICHAEL FARAH

Mr. President and members of the National Council: It is a great honor for me to be here today to speak to the members of the Reserve Officers' Association, and represent the Air Force Junior R.O.T.C. program.

This is my last year in the program, and I can say, quite confidently, that there is a great deal I have learned that will be very useful to me in the future—as a citizen of this country.

I am convinced that our form of government works best when the people are knowledgeable enough about issues to question their leaders and make intelligent and independent decisions. The system fails when, due to ignorance, the people must simply follow the lead of public officials. By broadly educating nearly every American citizen, this country has created one of the most well-informed electorates in the world, and, as a by-product, one of the most opinionated.

The time in which we live, however, by its progressiveness, is threatening the quality of government and public decisions. New technological advancements are being made every day in every area, and the public, for the most part, is unable to keep up. One of the areas in which advances are being made at a fantastic rate is aerospace. Think of the major issues surrounding such projects as the ABM, the MIRV, the SST, the F-111, and the manned space effort. If Americans are to formulate intelligent opinions concerning such costly projects, they must know something about space and aeronautics in general; yet, the average high school curriculum does not even touch upon it.

Air Force JROTC is in the forefront of developing the teaching methods, the literature, and the enthusiasm for this entirely new subject area. It has been very interesting for me to be a part of this beginning in aerospace education—as interesting as it must have been to attend one of the first algebra or chemistry classes hundreds of years ago.

There is something else that JROTC has given me—the opportunity to really understand leadership and people. Anyone can read about human behavior, motivation, and abilities, but ROTC is an operating leadership laboratory involving real people and real situations. We learn to respect one another, to work together, and to be proud of the Corps of cadets. One thing leads to another, and before you know it l'esprit de corps sets in.

Last May, during the public unrest following the American incursion into Cambodia, our JROTC unit was given a chance to test its unity. Our squadron had scheduled its annual review for the latter part of May, and several rumors and threats were circulating around the school that certain students would attempt to disrupt the event. Our instructors, Lt. Col. Paviakis and M. Sgt. Tatman, put the question to the whole squadron—to cancel the review or go ahead with it as planned. The result was a unanimous vote to proceed with the review, and the event was held without incident.

In my opinion, there were three reasons why there was no trouble. First, was the solidarity of the cadets; second, the students at Oxon Hill Senior High who oppose the war realize that our involvement in Vietnam is not to be blamed on the military but elected public officials; and third, there is a great deal of rapport between cadets and the rest of the student body.

Our nation lives through three basic institutions—political, economic, and military. All are vital to our survival. We study politics and basic economics in our Civics, history, and Problems of Democracy classes. However, we tend to ignore the military—which I feel is a cause for the many misconceptions the public has today. I think that I have gained a more complete understanding of the military's place in our society through the JROTC program, and I think the cadets have carried this understanding to much of the student body.

I am convinced that JROTC is essential—essential to all those who seek a more complete education with respect to the structure of our nation.

BIOGRAPHICAL SKETCH OF SQUADRON COMDR. THOMAS MICHAEL FARAH

At the present time Tom is a member of: President of the National Honor Society; Vice-President of the Band; Student Council Representative; President of the ROTC Club; Member of the Constitutional Revision Com-

mittee; Member of the debate team; and a Member of the Coffee House Production.

In the past he has been: Member of the chess club; Homecoming Chairman 1970; and the Junior Class Float chairman.

In the summer of 1970 he was: Elected senior senator at Boys State; and Appointed Sec of Commerce at Boys Nation.

Tom is also a major in the corps of cadets and is the squadron commander.

REMARKS BY CADET LT. COMDR. THOMAS DIGGS

Mr. President and Members of the National Council: It is indeed an honor to be addressing you on behalf of the N.J.R.O.T.C. Program. The topic I will be speaking on is, "What N.J.R.O.T.C. means to me and to my school." Before starting I would like to give you just a short word of encouragement concerning my speech. Last night I was reviewing it in the living room. My parents were interested and asked to hear it. I delivered it to them. My father was asleep before the end of my first point.

N.J.R.O.T.C. means a lot to me because it has done so very much for me. It has helped to round me out physically, mentally, socially, and spiritually. One thing that means a lot to me is what the program is doing for my friends. I believe that many of my friends who are in the program will make good career officers. Some of them who want to go to the Naval Academy faced the problem of not being able to get an appointment because they didn't know the right people. There are now appointments allotted to N.J.R.O.T.C. graduates; my friends will be able to compete for these. N.J.R.O.T.C. has also helped many of my friends to decide in favor of military careers. One of them has an appointment to the Naval Academy and one has an appointment to the Military Academy at West Point.

We have been taught to love this country. We were not just told to love this country because we should, but rather we were given reasons. The years of hardship, the monetary expenditures and, most important, the blood of our fellow countrymen which was shed in defending our country: these are some of the reasons given. Before entering the program I had no definite reasons for loving my country. Now that I have gone through most of the program, I do. Along with a love for this country comes a strong feeling of patriotism and a desire to serve it.

We are taught to respect authority on all levels, something that is important for all citizens.

Team spirit is encouraged. We have squad and platoon competition. This type of competition is helpful in producing a strong esprit de corps. Friendly competition also teaches us how to work with, get along with, and respect others in the team.

The military training has helped me, as I said earlier, in my spiritual life. It has helped me by improving my self-discipline and self-control. These are important attributes in the service of Christ or in any other type of service. When standing in ranks being told very politely how to stand or how to hold a rifle correctly by our unit drill instructor or by a friendly, fatherly Marine drill sergeant we can't help but to gain self-control.

Our instructors cultivate our self-reliance by encouraging us to think for ourselves. Self-reliance is importance but should always be preceded by a reliance upon God. This is implied in our course.

Mr. Pfaender, our Senior Class Vice Principle, said of N.J.R.O.T.C., "It has added a dignity and respect to our school, a dignity and respect that we might not have if we did not have our unit here at Northwestern."

Mr. Reed, our Principal, is a retired Naval officer; he is very happy that the N.J.R.O.T.C. program is at Northwestern and that it was one of the original Navy units in the country. The faculty is proud of the performance of the cadets inside the classrooms, as well as outside them. Several teachers have told our Naval Science Instructor, Capt. Theobald, that the cadets look better, try harder, and are more polite than most of their other students.

In closing, I would like to say that the community appreciates and stands behind our program. The families in the Northwestern area are very proud that the school and government are jointly instilling feelings of patriotism in today's young people.

Thank you very much for your time and may God bless you.

BIOGRAPHICAL SKETCH OF LT. COMDR. THOMAS DIGGS

Thomas is the younger of two children. His sister is married and is a second semester senior at the University of Maryland. She will be a special education teacher after some graduate work. Tom's father is a Vice Principal at Northwestern High School. His mother is a homemaker.

Presently, Thomas is a senior at Northwestern High School. He was in the N.J.R.O.T.C. Ceremonial Guard in his sophomore year, and the Flag Detail in his sophomore and junior years. Thomas has been a member of the School Light Crew for two years, also the chairman of the School Sound Crew for two years. Currently, he is serving his second term as president of the Bible Club at school. In the Spring of his junior year, he was inducted into the National Honor Society. His class rank is 21 out of 720.

Thomas was the Leading Petty Officer of the U.S.S. Skipjack Division of the U.S. Naval Sea Cadet Corps until it disbanded due to unavoidable circumstances.

He is very active in his church. He sings in the Senior High Choir, participates in weekly visitation, works as an audio-visual technician, and he is a photographer for the youth department.

Tom's interests and hobbies are precision and trick military drill, boating, and photography. He enjoys creative work, such as building patios and backyard fishponds.

Thomas plans to attend the Baptist Bible College in Springfield, Missouri, starting next August. He plans to take the Pastor's Course. Upon graduation Thomas plans to start a church, or become a Navy Chaplain, depending upon how the Lord leads.

ILLINOIS DAIRY FARMERS DESERVE FAIR TREATMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLORY. Mr. Speaker, during 1970 the Food and Drug Administration seized countless tons of foreign cheeses for reasons ranging from "inaccurate contents statement" to "filthy, unfit for food." Important to the people of the 12th District of Illinois is the fact that thousands of pounds were barred for the latter reason by FDA inspectors in Chicago on April 29, and another 260 pounds were barred in Chicago for the stated reason that the cheese was "decomposed, held under insanitary conditions." These frightening facts alone would compel me to support legislation which would provide a more definitive set of standards to be applied to foreign cheeses.

Last year, dairy imports amounted to almost 2 billion pounds milk equivalent—almost twice the import goals previously set by both the Nixon administration and the Johnson administration. The reason for this flood of imports is basically attributable to the fact that foreign cheeses selling at more than 47 cents per pound are presently exempt from the import program, which is designed—supposedly—to protect American cheeses. If the American dairy producer must place his superior products in competition with such inexpensive foreign products, it would seem incumbent upon the Federal Government to insure that such products are at least safe for human consumption.

Mr. Speaker, the American dairymen produce some of the most nutritious products in the world. At the present time they are not enjoying a very favorable price support level. In 1970, that level was set at 85 percent of parity, but increasing dairy costs reduced the parity ratio to 81 percent, with the result that dairy income continues to lag behind the remainder of the economy. By the act of 1949, Congress authorized the Secretary of Agriculture to provide price supports of up to 90 percent of parity. It would appear that some increase is now needed to keep these intelligent, hardworking citizens in the business of providing us with the most basic of foods.

Mr. Speaker, I would urge that the Congress promptly and seriously consider imposing a requirement that foreign cheeses, at a minimum, meet the standards currently set for domestic dairy products.

FUTURE FARMERS OF AMERICA

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. JONES of Tennessee. Mr. Speaker, while I was on leave of absence, because of a death in my family, the country observed National Future Farmers of America Week in honor of a truly outstanding organization of young men.

Since its beginning in November 1928, in Kansas City, the FFA has spread to all 50 States and to Puerto Rico. Today the organization has more than 9,000 local chapters with a total active membership of over 450,000.

The theme of this year's observance was "Involved in America's Future," and I can testify from firsthand observation and experience that no group of youngsters could be more thoroughly involved in our Nation's destiny.

Through the vocational agriculture programs in their local high schools, these young men receive not only vocational instruction, but they also receive training and encouragement in leadership, citizenship, and patriotism as well. This is commendable, for in a very few years our people will be depending on these very boys to provide our Nation's supplies of food and fiber.

As a former member of the FFA and as the recipient of the organization's Alumni Service Award last year at its national convention in Kansas City, I

know that FFA is indeed "involved in America's future." I salute the Future Farmers of America and commend the organization to the entire country.

SGT. GORDON R. ROBERTS OF LEBANON, OHIO, AWARDED THE MEDAL OF HONOR AT WHITE HOUSE CEREMONY

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. POWELL. Mr. Speaker, on March 2, 1971, I had the privilege of attending the Medal of Honor ceremonies at the White House and witnessed the awarding of this high honor to Sgt. Gordon R. Roberts of Lebanon, Ohio.

This young man demonstrated courage and dedication to his country and to his men which should make every American proud. In particular, his mother and father, Mr. and Mrs. Al Russell, his friends, relatives, and all have much to be grateful for and reason to take pride in his actions.

The heroic deeds of Sergeant Roberts are described in the citation presented to him by the President and I insert the text of that citation at this point in the RECORD:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Gordon R. Roberts, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty.

Sergeant (then Specialist Four) Gordon R. Roberts distinguished himself on July 11, 1969 while serving as a rifleman in Company B, 1st Battalion, 506th Infantry, 101st Airborne Division, during combat operations in Thua Thien Province, Republic of Vietnam. Sergeant Roberts' platoon was maneuvering along a ridge to attack heavily fortified enemy bunker positions which had pinned down an adjoining friendly company. As the platoon approached the enemy positions, it was suddenly pinned down by heavy automatic weapons and grenade fire from camouflaged enemy fortifications atop the overlooking hill. Seeing his platoon immobilized and in danger of failing in its mission, Sergeant Roberts crawled rapidly toward the closest enemy bunker. With complete disregard for his own safety, he leaped to his feet and charged the bunker, firing as he ran. Despite the intense enemy fire directed at him, Sergeant Roberts silenced the two-man bunker. Without hesitation, Sergeant Roberts continued his one-man assault on a second bunker. As he neared the second bunker, a burst of enemy fire knocked his rifle from his hands. Sergeant Roberts picked up a rifle dropped by a comrade and continued his assault, silencing the bunker. He continued his charge against a third bunker and destroyed it with well-thrown hand grenades. Although Sergeant Roberts was now cut off from his platoon, he continued his assault against a fourth enemy emplacement. He fought through a heavy hail of fire to join elements of the adjoining company which had been pinned down by the enemy fire. Although continually exposed to hostile fire, he assisted in moving wounded personnel from exposed positions on the hilltop to an evacuation area before returning to his unit. By his gallant and selfless actions, Sergeant Roberts contributed directly to saving the lives of his comrades and served as an inspiration to his fellow soldiers in the defeat of the enemy force. Sergeant Roberts' extraordinary heroism and intrepidity in action at the risk of his life were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

ANGELO G. GEOCARIS RECEIVES ABRAHAM LINCOLN CENTRE'S HUMANITARIAN SERVICE AWARDS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BRADEMAS. Mr. Speaker, on February 12, 1971, the Abraham Lincoln Centre in Chicago conferred its Humanitarian Service Award for 1971 on Angelo G. Geocaris.

Mr. Geocaris joins a distinguished list of recipients, including former Senator Paul H. Douglas, Senator CHARLES H. PERCY, Chicago Mayor Richard J. Daley, and former Illinois Governor Otto Kerner, who have been honored previously by the Abraham Lincoln Centre.

Mr. Speaker, it has been my pleasure to know Mr. Geocaris for many years. He has been an outstanding businessman and attorney in the metropolitan area of Chicago for nearly three decades, and throughout this period he has shared his time and resources to work for equal rights and opportunities for all Americans.

Indeed, the Humanitarian Service Award citation to Mr. Geocaris recognizes "his concern for and commitment to the welfare of all persons without regard to race, sex, creed, color, or economic condition." The citation goes on to state:

His contributions to better race relations have been demonstrated in his business practices and by his active participation on such boards of directors as the Abraham Lincoln Centre and the Chicago Urban League. He has given his time, effort and money to better and gladden the lives of minority groups and the underprivileged through his actions in support of agencies dedicated to such ends.

Mr. Speaker, I certainly concur with this statement and know of no one deserving of this honor.

Mr. Geocaris received the award at a Lincoln's birthday dinner in Chicago. I was very pleased to attend the dinner and to hear Mr. Geocaris' eloquent remarks regarding his commitment to equal opportunities for all citizens.

The distinguished chairman of the dinner honoring Mr. Geocaris was Newton N. Minow, lawyer and former Chairman of the Federal Communications Commission.

Among the other outstanding leaders attending the dinner were:

Robert A. Wallace, Vice-Chairman, Exchange National Bank of Chicago; Robert A. Uihlein, President and Chairman of the Board, Jos. Schlitz Brewing Co.; Hon. Paul Simon, Lt. Governor of the State of Illinois; Hon. George W. Dunne, President of Cook County Board; Edwin C. Berry, former Executive Director of the Urban League and Assistant to the President of Johnson Products; Hon. Ralph H. Metcalfe, United States Congressman; Hon. Cecil A. Partee, president Pro Tem of Illinois State Senate; Henry W. McGee, Postmaster of Chicago; Dr. Michael J. Bakalis, State Superintendent of Public Instruction; and Louis H. Martin, Executive Editor of Chicago Defender.

Mr. Speaker, I believe Mr. Geocaris' address offers many constructive thoughts and I include the text in the RECORD:

ADDRESS BY ANGELO G. GEOCARIS, THE ABRAHAM LINCOLN CENTRE HUMANITARIAN SERVICE AWARD DINNER, FEBRUARY 12, 1971, CHICAGO, ILLINOIS

I am concerned, deeply concerned, about the course of our lives in the years ahead and on toward the end of this century. The pressures for change are mounting. They are building to a point where one of two things must happen.

First, the legitimacy and moral worth of the demands causing the pressures will be recognized by those of us in control and fundamental reform will be made.

Second, the cry for change will grow and go unheeded. The fragmentation of our society will continue toward ultimate breakdown, and a government of law and order will emerge. Individual dignity and freedom will be remembered as an historical accident.

Or, as a variation of this, repressive measures will accelerate as demands for basic social change gather force and a police state will be upon us before most of us become aware of it.

DRIVE FOR EQUALITY

The course is clear. Led by blacks emerging from years of bondage and discrimination and given tremendous impetus by the best educated generation in the history of man, the press for a more equitable share of our national wealth and increased regard for the quality of life must be met by the established group with generosity and understanding.

We are the managers of the Chicago community. Do we have enough confidence in American democracy's capacity for change, or do we view our American life today as something set and sacred, to love it as it is or to leave it as it is.

The ideal we were taught and, in turn, taught our children—the ideal our black brothers and sisters learned is that America is a dynamic ever-changing system—that there is or at least should be, no such thing as vested interests or status quo—that all persons born into it have an equal chance at the starting line, and an opportunity to exercise the fullest degree of their capacities and talents.

The young look at America and say how much greater, how much more just it can be and should be. Some of us jaded, and perhaps, a bit tired of the struggle, say isn' this the best nation in the world today, or for that matter, the best in recorded history? The young evaluate against the ideal that we apply relative standards. But it is only through constant striving toward lofty ends that improvement can be realized.

SOME ARE TOO CONTENT

The goals man has always sought have not changed. Perhaps the frustrations many of us feel today in comprehending these goals—charity, freedom and knowledge—is because most of us have acquired such a substantial portion of material goods, we are afraid of charity because more for the deprived may mean less for us. We are afraid of freedom because the demands of those in need, or those of social conscience are heard too often and too loudly. We are afraid of knowl-

edge because it shakes the shell into which we have withdrawn.

The goals and the truths are here. They have been on the bookshelves, in the Bible, in the Great Books, in the classrooms for centuries.

The first of these is *Charity*—a society where no person is permitted to fall below a certain level of subsistence, where food and shelter, medical care and legal aid are available.

The second of these is *Freedom*—where above this floor common to all, each person can rise to any levels of excellence a free, unfettered creativity may carry him. The guarantee of the first need not curtail the realization of the second.

The third of these is *Education*. We must develop, and ever maintain, a top quality system of education at all levels.

And today in America we must add a fourth—*Equal Opportunity*. Charity, freedom and education must be on an equal basis to all, without regard to race, ethnic origins, sex or the affluence of parents.

We here of the Chicago community must fervently and wholeheartedly recommit ourselves to the achievement of these goals.

WAY IS NOT EASY

Because the way ahead is unknown, anxious and greedy men will not want to risk it. One of our founding fathers has said, "Timid men prefer the calm of despotism to the turbulent seas of liberty."

We must cast aside outmoded customs and institutions; the seniority system in Congress; undemocratic means of selecting delegates to our National Conventions; archaic and unfair election requirements and procedures. In short, we must update and revise the rules of the political game so every individual and any group has an equal chance.

We must adopt a plan for funding welfare, and nationally, the guaranteed annual income—or in the alternative, government as the employer of last resort.

We must adopt new aproaches in law, in business, in education, in labor—an attitude of "compensatory justice." Too many begin life far behind the starting line, because of circumstances of birth. Government must review and revise procedures and systems at all levels—national, state, and local. Industry must apply all of its vaunted ingenuity in opening more opportunities in jobs and business, and new ideas in education must be developed and financed to meet the requirements of our bulging black, inner-city school population. Labor must look anew at its by-laws and practices justified in bygone years as reasonable to protect job security and review this to ascertain if they shield some by excluding others. There is no problem in identifying goals. There they are—four of them—Charity, Freedom, Education and Equality of Opportunity. The programs implementing these goals are available or can readily be developed by our Universities and Industry.

COMMITMENT NECESSARY

My dear friends of the Chicago Community, there is lacking but one element, just one step removed from one of the most inspiring and exciting breakthroughs in the history of man, and that is commitment—profound, overriding, unqualified, uncompromising, fervent commitment.

If we do pledge ourselves—young and old, black and white, business and labor, leaders of the public sector and leaders of the private sector, then nothing can defeat us—nothing can deter us—we shall be sustained.

If we so pledge ourselves, all else can be seen in proper prospective. The war in Indo-China becomes a costly mistake which we cannot afford to continue, either in terms of material resources or in terms of our moral integrity as a nation.

If we so pledge ourselves, the young will follow us. They will believe when we counsel countries, that we are not selling their and our ideals short, but are exercising judgment born of experience in leading and working in a democratic system. When we say we must have order to achieve progress, our black fellow citizens will see that there is heavy emphasis on progress because the program will be underway.

What are we doing today? Do we delay in order to mobilize thought and program and means, or do we delay out of fear and anxiety and lack of commitment? Are we gathering the army to do battle against bigotry and discrimination, ignorance and poverty, or are we fighting a delaying action in the hope the problems will fade away?

TIME FOR ACTION

The question is being called. America over the next 30 years will, through greed and fear and shortsightedness, develop into a police state or we shall live up to the promise set forth by Jefferson in our founding papers.

My commitment to these goals has been, I like to think, of some significance. In the days and years remaining to me, my devotion to them shall be of increasing intensity.

I want to be able to "go home again," to walk the streets of 69th and Wentworth, of 63rd and Halsted, where I was raised, where I sold newspapers and shined shoes. I want to be able to drive through the Cabrini & Green houses along Division Street and not worry lest some hate-ridden black youth has me in his rifle sight as a symbol of the white establishment who kept his great grandparents in bondage and his parents and grandparents down in the basement of our national life.

We can go home again. We can reach back to the Constitution and the Bible and once again be moved by the words, "equal opportunity" and "all men are brothers unto one another and equal in the eyes of God."

I accept this generous award of the Abraham Lincoln Centre in the hope and with the praper that God grant me the physical stamina and mental discipline, the moral courage and spiritual strength and perception to rededicate myself and be sustained in the struggle to attain these noble ends.

Thank you.

THEY ARE DOING SOMETHING IN GRANT COUNTY, IND.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HILLIS. Mr. Speaker, today, I want to spend a few moments to pay tribute to the Jaycees of Marion and Gas City, Ind.

They have started a unique program properly and simply called, Do Something.

This program is designed to provide volunteer manpower for the various agencies and organizations which are attempting to help Grant County, Ind.

There are many civic organizations with outstanding plans in Grant County, but who lack the manpower in carrying out these plans.

The Do Something program will furnish this manpower.

The Jaycees have obtained a downtown office in Marion and are at the present time conducting a manhunt for some 1,250 volunteers who will do something.

I want to personally congratulate the Jaycees for undertaking this ambitious and very worthwhile program.

And I would like to pay special tribute to Jim Pence, the chairman of Do Something and Max Garriott, the vice chairman.

HERBERT R. RAINWATER, COMMANDER IN CHIEF, VFW

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BOB WILSON. Mr. Speaker, this morning the distinguished chairman of the Committee on Veterans' Affairs, the Honorable OLIN TEAGUE, very graciously gave me permission to introduce the commander in chief of the Veterans of Foreign Wars, my longtime friend and adviser, "Chief" Herbert R. Rainwater. He has done an outstanding job in working on behalf of veterans and their families. I want to tell you all about him:

HERBERT R. RAINWATER

Herbert Ray Rainwater, 5250 Mountain View Avenue, San Bernardino, California, where he served as Assistant City Administrator the past three years, was elected Commander-in-Chief of the Veterans of Foreign Wars of the United States at the organization's 71st Annual National Convention held August 14–21, 1970, in Miami Beach, Florida. He was elected Senior Vice Commander-in-Chief at the V.F.W.'s 70th Annual National Convention August 15–22, 1969, in Philadelphia, Pa., and Junior Vice Commander-in-Chief at the 69th Annual National Convention August 16–23, 1968, in Detroit, Michigan.

During the years he served as Junior and Senior Vice Commander-in-Chief, he made extended visits to Vietnam and the Far East.

Born April 15, 1919, in Morrilton, Arkansas, of Irish-German parents, Rainwater attended public schools in Arkansas and Oklahoma. After graduation from high school, he took special courses in business administration and management sponsored by the U.S. Office of Emergency Planning. During World War II he served with the U.S. Army Field Artillery in China and later in the Burma-India campaign as staff sergeant, aiding in construction of the famed Burma Road.

Returning home, he owned and operated a public relations and marketing firm from 1946 to 1958 in Southern California, Arizona and Nevada, specializing in sales, promotion, merchandising and advertising. From 1959 to 1960, he served as Regional Coordinator for the California Disaster Office and was appointed Special Consultant to the California State Legislature on finance, banking and insurance committees by Governor Brown.

Prior to moving to San Bernardino in 1967, Rainwater was Vice President of Sierra Cable Corporation and President of C.A.T.V. Television Cable Service.

The Commander-in-Chief first joined the ranks of the V.F.W. while serving with the Army overseas. He is currently a member of Ship No. 1774 in San Diego, California. He served on all levels of the V.F.W. As Department of California Commander in 1959–60 he was named an All-American Commander by the National Headquarters for his efforts in organizing 32 new Posts in his home state.

Rainwater has held many offices on the V.F.W. National level, including Inspector General and Chairman of the National Community Activities and National Voice of Democracy Committees.

He was nicknamed "Chief" by V.F.W. com-

rades because of Cherokee Indian blood in his ancestry. His wife, Erma, who also has Cherokee Indian blood in her ancestry, has served as State President of the V.F.W. Ladies Auxiliary in California and as National Council member from California and Oregon. They have two children, Mrs. Walter Schneider, San Diego, whose husband is a member of the Scripps Institute of Oceanography, and John Kevin 11, a student in San Bernardino. The Rainwaters have two grandchildren.

SANE NATIONAL PRIORITIES

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BRINKLEY. Mr. Speaker, in an address to the Middle Georgia Chapter of the U.S. Air Force Association, at Warner Robins, Ga., on February 25, 1971, Mr. John B. Amos, president of American Family Life Assurance Co., delivered a well-reasoned, clear-eyed analysis of the role of the military as it relates to the well-being and safety of our country.

The message, framed in a two-fisted fashion, is properly hard hitting; it is timely with national insight and perspective; it is deserving, Mr. Speaker, of the thoughtful, alert consideration of the United States of America:

TALK BY JOHN B. AMOS TO THE U.S. AIR FORCE ASSOCIATION, WARNER ROBINS, GA., FEBRUARY 25, 1971

Tonight, I want to talk about the subject of "Sane National Priorities."

Within the framework of that title, I would like to point out that there are forces at work within, and outside, our Government that are destined to weaken our defense posture through budget restriction.

Since the founding of the Republic, the American fighting man has kept a rendezvous with destiny. In the past three decades that rendezvous has taken him from Europe and Africa through the island-hopping campaigns in the Pacific to defeat hostile forces threatening the survival of liberty and democracy. Once the hard-won victories were gained, he remained behind to guard freedom's frontier in foreign lands thousands of miles from home. He is still there on a front that has grown wider with the passing of years—a front that is at times uneasily quiet or, as today in Vietnam, erupts into actual warfare. Our fighting man, like his forefathers, is ready to fight to be free.

The overriding reason for the existence of our military forces is clearly to provide this Nation with the combat readiness that will guarantee our national security and give us the military strength to safeguard and to sustain our international commitments. The Defense Department is not primarily in the business of saving the Nation's money. The military is primarily in the business of saving the Nation's life: its security, and its ultimate survival. The cost comes high in a tense and turbulent world. No President since Hoover has really believed that the cost of maintaining our military establishments can be arbitrarily limited to any pre-planned percentage of the federal budget. The instructions to our Secretary of Defense should be to procure and support whatever forces are necessary to guarantee our security—but to do it at the lowest practical cost.

There are those who say that we cannot deal simultaneously with both our defense and domestic problems—that we cannot curb communist aggression abroad and move to cure city ills and domestic problems at home at the same time. This thinking is a defeatism unworthy of this great and powerful Nation. Our defense expenditures today are a lesser percentage of the GNP than they were a decade ago. Thus, our security requirements are clearly not preventing us from meeting our needs in our society. Our urban problems are admittedly tangled and thorny—and do require action. And, that is why Congress is working on creative and concrete proposals to meet those problems.

Our own American security is at stake. Today, the threat to world peace is militant, aggressive Communism with its headquarters in Peking and Moscow, and its tentacles extending around the world. The aggression of the Communist in Southeast Asia is but the most current and immediate Communist threat. Let us not forget the global threat that Communism poses to this Hemisphere.

Si Vis Pacem—cried the Ancient Romans—Para Belum. "If you want peace, prepare for war." It is a lesson that Ancient Rome itself came, in time, to neglect. And, Ancient Rome fell.

As I mentioned earlier, there are elements of our society that want to see our defense activities curtailed. The National Urban Coalition issued last Saturday an alternative federal budget in the hope it stirs public debate on rearranging national priorities. Although Coalition officials say they are not stressing any particular point, that they want to get the issues out for public discussion, I have read this document. This is their counterbudget for the years 1972–1976. There are 400 pages here. It boils down to this. A big cut in spending for national defense and military assistance and a big increase in funds for health, income support and education, and enforcement of civil rights and equal opportunity.

The Nixon budget is far from satisfactory to me and should not be to you. It allocates only 6.8% of our Gross National Product to Defense. It spells possible doom, but this counter budget spells certain doom to our security and our society. It spells eventual enslavement by the Reds.

Let us look at this allocation to national security over the past 20 years. In 1950 it had dropped to 4.5%, and as a result came the Korean War. It was as a result of that war raised to 12.3% in 1952 and 13.3% in 1953. Since 1955 it has hovered in the high 8 and 9 with few exceptions. A cut to 6.8% is indeed drastic and dangerous—but, if I must choose between possible death and certain death, I shall choose the former—but it's a damned poor choice. Who is responsible for this choice. You and I, Mr. Civilian, because the military has a vested interest that impeaches their creditability when urging budgets. In matters of money appropriations and attendant taxes to pay the bills—it is you and me that will be heard.

Now, let us look at evil number one—this counter budget—this certain death. What does it specifically propose to do with the dollars that are taken from National Defenses.

$90 million would be spent immediately on federal civil rights enforcement.

The budget of the Office of Equal Opportunities legal service would be doubled, doubling the number of projects it is involved in, doubling its staff . . . it now has 800 field offices and employs 2,200 lawyers.

Parole and probation for criminal offenders rather than imprisonment would be subsidized in a very peculiar fashion . . . by a federal grant of $2,500 to local probation systems for, quote, "each offender placed on probation who, because of the seriousness of the offense, could have been sent to a state prison . . . an incentive for states to rely more upon and improve probation systems . . . we estimate nearly 1.3 million offenders will be placed on probation in 1976" this proposal reads. They estimate the first subsidies as costing about $650 million. They include a $500 no questions asked grant for *any* offender granted probation in this, to make the program apparently apply to illegal duck hunters or speeders on a military reservation.

Now, let me state that I am 100% in sympathy with the goals of the minorities, the poor, and the ill and my entire personal history proves it . . . but, I do not believe there would be anything accomplished for anyone if civil rights and equal employment were accomplished at the cost of taking all Americans back to the human enslavement that existed in America before President Lincoln signed the Emancipation Proclamation. You've heard the expression of the Communists—two steps forward and one step back—well, gentlemen, this is one step forward and one hundred years back—back to slavery.

In my lifetime I have heard the terms Communist, pink and fellow traveler used. I think such terms are outmoded when used to refer to Americans. The authors, financiers and supporters of this counterbudget I would term red-blooded patriotic Americans, but useful fools who can see the forest but not the trees. Useful, yes, in that their stupidity is useful to Hanoi, Peking and Moscow because they deny the danger and destroy our will and ability to resist.

But, gentlemen—let us not take this counterbudget lightly. It could well be the platform of the Democratic Party in 1972. It is today the platform of the liberal establistment—the useful fools—who are the forerunners of official Democratic Party Policy. I am a Democrat. I shall fight within the structure of that party, but I shall also fight outside that structure, if necessary, to preserve my freedom and that of my children and my children's children.

Call this *counterbudget* what you will—but to me it is the replay of a tired and worn record—isolationism. A doctrine that has repeatedly been found wanting and unrealistic in this Country. It is a head in the sand doctrine. I see no evil, I feel no evil, I fear no evil—I need not spend the money to defend against evil.

All Americans cannot help but wonder what might have happened if there had been no Paul Revere, or the frontiersmen of Maryland and Virginia, or the Army of the Potomac under General Washington. What might the alternatives have been? One also wonders what would have happened if Hitler had been allowed to march unchecked across the face of Europe in the early 1940's and then spring with his ally, Mussolini, to the south across Africa and South America—if he had been allowed to go with his Japanese ally across the Pacific, the Far East and the Middle East. He almost was, you know.

By only a single vote in the House of Representatives on August 13, 1941, selective service and the 800,000 new men it had given the Army were retained. What a blessing that was. On December 7, 1941, the Japanese struck Pearl Harbor. Four days later, Germany and Italy declared war on us.

Do we learn nothing from history—how many times in our own lifetimes has this doctrine backed our Nation into a war for which we were not prepared. In those cases we won because time was on our side. Time to mobilize our tremendous spiritual, human and economic resources. I ask you to think clearly and ask yourself—in this day of atomic and hydrogen missiles—will time be on our side? The isolationists of the past said, we've got it made and we don't need nobody and nobody can reach our shores—these modern day isolationists to the contrary say, we're so sick, we're so poor, we're polluted, our society is so run down that we can't afford to defend ourselves against an aggressor who won't even exist if we close our eyes.

The castration of the military in this

counterbudget is primarily in the area of research and development and procurement of new hardware. There is a time lag of several years between research and development and usable hardware.

Rather than military scientists they propose that the money go to social scientists. They would add about 25% to the present research programs which we are funding, for what social results you can judge for yourself, which would add to the great army of social scientists already probing the mysteries of the urban community, family planning, public housing, public health programs, etc.

And to guarantee their program of research and development, they add 100 million dollars to the Nixon budget of 1972 for administration of the whole thing.

Our internal problems are great, but no greater than those faced by previous generations of Americans—the War of Independence from England, the Indian Wars, the conquest of the frontier, the Civil War, the great Depression—but, first and foremost, we must be sure that we survive as a free Nation of free men before we can hope to solve them.

SWEDEN: DEMISE OF THE WELFARE STATE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HALL. Mr. Speaker, going almost undetected in the American press is the labor and social unrest in Sweden. For many years the group that composes the "left of center" of American politics would have us believe that the Swedish experiment with the welfare state was the "wave of the future." This "wave" is certainly being dashed upon the rocks of economic realities, and the Swedish people are now finding out that there is no such thing as a "free lunch."

The highly respected weekly, Barron's, graphically describes the plight of the Swedish welfare state in an article that appeared in their March 1, 1971, issue. The article, entitled "Caught in the Middle," follows:

CAUGHT IN THE MIDDLE: THE WELFARE STATE IN SWEDEN IS WAGING CLASS WAR

STOCKHOLM, February 23.—The Swedish Government, facing the most severe labor conflict in the postwar years, announced tonight that 3,000 army officers would be locked out of their bases next week in a move to bring pressure on striking Government employees. The lockout, to start March 4, would bring the number of striking and locked-out Swedes—including teachers, railwaymen and civil servants—to 50,000. It was believed that this would be the first time that a government has locked out members of its own armed forces in a labor conflict.

Defense Minister Sven O. M. Andersson said that all key officers manning radar stations and holding key mobilization positions in the army, air force and navy would be exempt from the lockout to insure the nation's security. "In a crisis situation we would, of course, call off the lockout immediately," Mr. Andersson said.

Apart from occasional lapses like granting Nazi forces transit to Norway, harboring GI deserters and furnishing economic aid and comfort to Castro's Cuba and the Vietcong, Sweden has cherished its neutrality for a century and a half. While the rest of the free world might look askance at the foregoing tactics, such a peaceful sanctuary perhaps won't even miss three thousand army officers. One way or another, however, the Swedes of late indeed have been deprived. According to the Swedish Information Service, virtually all railroad traffic has come to a halt since February 5. Customs officials have abandoned their posts, thereby sharply curtailing air freight shipments from abroad. Owing to a lockout of teachers, classes have been suspended for 700,000 students in high schools and universities. Since 2,500 members of the Swedish Confederation of Professional Associations (SACO) went on strike a month ago; walkouts and lockouts have spread far and wide, encompassing meteorologists, librarians, social workers, pilots, physicians, dentists and planning engineers. Nor is an early end to the unprecendented turmoil in sight.

In the land of the enlightened middle way, where in theory nobody has too little or too much and everyone lives at peace with his neighbor, this might be called a striking turn of events. Though sadly neglected in the American press (which could not ignore the headline making military lockout), the month-old dispute—and the Swedish government's uncompromising response—suggest that in perhaps the most overtouted workers' paradise of all, something has gone wrong. So it has. As more than one collective has learned to its cost, "equality and solidarity," watchwords of the newly elected regime of radical Socialist Olof Palme, come high. In Sweden they have led to a step-up in the rate of inflation, to a barely tolerable 6%-7% per year, as well as to heavier levies on people already burdened by a back-breaking tax load. Again, in an ominous break with tradition (not to mention the homely wisdom in the fable of the goose that laid the golden eggs), Stockholm has plunged into direct ownership and control of companies and industries. Doctrinaire passions, finally, have spawned egalitarian extremes in wage negotiations and income policy, which, in turn, have triggered the bitter reaction of underpaid professionals and public servants. In the mixed economy, by a kind of Gresham's Law, the bad inevitably drives out the good. In the 20th Century, as in the 19th, no nation can exist half-slave and half-free.

Measured in terms of what people keep of their earnings after taxes, that roughly describes the state of Sweden today. One invariably reads about the Utopian aspects of Scandinavian life: low unemployment, free university education, paid vacations for weary mothers. The cost is rarely mentioned. Yet it is very high and perennially on the rise. Swedish taxation last year exceeded 41% of the gross national product (compared to 27.7% in the U.S. and 21.8% in Switzerland). Shortly after the September elections (the Social Democrats, while losing their majority, stayed in power by making common cause with the Communists), new taxes were imposed. For 1971, a steeply graduated national and municipal income tax exacts a punitive 87% at the $29,000 salary bracket, while a new net wealth tax has been piled atop it. Furthermore, the value-added tax on home appliances, passenger cars and boats went up from 11%-14% to 15%, the levy on private consumption of electric power from 7% to 10%. To worsen the pinch, prices in 1970 advanced nearly 7%, according to official statistics, which, in Sweden as elsewhere, doubtless understate the case.

On balance, the system for a long time somehow seemed to work. Over the years, with a big assist from neutrality in two world wars, Swedes acquired a standard of living ranked (despite a miserable housing shortage) fairly close to that of the U.S.; one way or another, the Social Democrats have remained in office for a generation. Perhaps emboldened by success—or, more likely, pushed by the political imperative of their credo—the Socialists lately have taken a harder line. While professing neutrality, Stockholm has furnished economic aid to both Cuba and North Vietnam; anti-Americanism, contrariwise, has been rampant. On the domestic scene, the powers-that-be, breaking with wise and time-honored practice, have refused to settle for merely sharing (lion's share, to be sure) in the fruits of industry and labor; instead, despite a virtually unbroken record of failure, bureaucracy has opted for aggrandizement of the public sector.

On this score, a Swedish correspondent recently wrote us: "A state-owned nuclear power plant, built at a cost of, I think, around $100 million, turns out not to be usable at all, no doubt the largest white elephant in Swedish history. The government claims, with some accuracy, that technology had not developed sufficiently by the time the project was started; other authorities say the government had clear warning of the risks, but chose to ignore them. In any case, the failure does not do anything to help an already poor record. Events in recent months add to the debit side. At one point, it was discovered, (much to everyone's consternation) that one part of the sprawling state-owned-industrial sector was planning to build a plant for production of disposable hospital supplies, while another part had signed a joint-venture agreement with American Hospital Supply for that very purpose. More serious has been the failure of Kalmar Verkstads AB, a company taken over by the state some years ago with the intention of re-directing it into more promising lines in order to maintain employment in that area. One of the new products developed was an automatic parking apparatus, a kind of Ferris Wheel device that would allow several cars to be parked in one parking place. Not one of the gadgets was sold, despite considerable fanfare, and that product was abandoned.

"More solid was the development of an ultra-mini car, the 'Tjorven,' intended for use as a delivery vehicle in cities. Some of these have been sold (mainly thanks to the state's aggressive sales efforts to itself in the form of the post office), but not enough—last week it was announced that 200 employees were being laid off because of insufficient Tjorven orders. Perhaps the most embarrassing failure has been the collapse of a company which was mainly intended to promote efficiency in state enterprises and elsewhere—Rationell Planerings AB, a kind of consultant operation. Results have been so bad that the company is now being liquidated. . . ." The name of the ill-fated company, by the way, means "rational planning."

Where ideology is concerned, evidently, failure doesn't count. "Equality and solidarity" lately have thrust their way into the realm of collective bargaining. In progress for some time in heavy industry, where an effort to narrow wage differentials paid skilled labor precipitated a long and bitter dispute in a state-owned iron ore mine, the movement lately has spread from mine and mill to office. Variously dubbed the College Graduate Walkout and the Luxury Strike, the mass shutdown now afoot plainly reflects the widespread, and mounting, discontent of Swedish professionals and civil servants. Owing to lagging wages and rising prices, both groups in the past two years have forfeited an estimated 7% of their purchasing power. To make up the ground already lost (and that threatened by persistent inflation) their unions are seeking a 22% raise. The government, through its agent, the Collective Bargaining Office, has offered 7%, and, in a kind of Boulwarism with a gun, refuses to budge. Last Friday an aide to Premier Palme (whom The New York Times described as "seated beside a table on which rested Charles A. Reich's book, 'The Greening of America'")

observed: "We are not an egalitarian society but the aim is to create one." Gunnar Myrdal, who has done as much as any man to further the cause, was quoted as saying: "The organized welfare state has gone mad . . . It's become a class struggle."

As the Swedes, Belgians (whose middle classes recently staged a one-day demonstration of their economic clout) and even a few Americans have begun to suspect—and as Gunnar Myrdal ought to know—it was never anything else. Stripped of philosophic camouflage and political pretense, the welfare state is a modern version of one of the oldest con games on earth, robbing Peter to pay Paul. Perhaps in Sweden, at long last, the game is up.

CBS ATTACKS MILITARY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HÉBERT. Mr. Speaker, Lt. Gen. Ira C. Eaker, U.S. Air Force, retired, writes a weekly syndicated column for various publications. He is respected in military and journalistic circles.

General Eaker has written a column about the CBS program, "The Selling of the Pentagon," which I want to insert at this point in the RECORD.

It is most interesting to note what a distinguished retired military officer, who is now a member of the press corps, has to say about the program.

The article follows:

COLUMBIA BROADCASTING SYSTEM ATTACKS THE MILITARY

(By Ira C. Eaker)

Any observant citizen must be aware that there has for some time been a concerted attempt to destroy the morale of our armed services and disarm the country.

A recent example of this campaign, which has now become a left-wing crusade, was the Columbia Broadcasting System's one hour television program called "Selling the Pentagon."

It began with a disarmingly admirable preamble, "Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion and propaganda all interrupt that flow." It then proceeds, in its so-called "Report," to violate every single tenet of this creed.

Included in this program were untruths, half-truths, distortions, innuendos, misleading statistics and comments and falsely constructed interviews. Highly selected editing gives only one side of most arguments. Selection of biased spokesmen and distorted camera angles and compositions are commonplace.

The entire program is a not too subtle form of biased "reporting" that cannot be viewed as anything other than propaganda. In fact, the entire tone of the program is consistent with long standing antiwar, anti-military attacks on Pentagon public affairs programs.

It was dedicated to the charge that the military services spend $30 million or more of appropriated funds to sell the taxpayers a favorable image of the military.

The facts are that the military services spend less on public relations, as a percentage of their over-all budgets, than many other departments of government. They also spend much less on creating a favorable public image than all big corporations spend on advertising their product or public service.

Most corporations spend at least 10% of their annual budget on advertising. Some go much higher. The $30 million the Columbia Broadcasting System charges the Pentagon on spending for creating a favorable image is much less than 1% of its $75 billion annual budget.

The Pentagon and its subordinate services rightly believe that they must, especially in these times, convince our citizens and the Congress of the importance of their mission and their requirements in men and munitions if they are to accomplish their assigned tasks.

For example, unless the military career can be represented to our people as a desirable career for able young men and women, there is not the slightest chance that the Administration's plan to substitute a volunteer army for the inequitable and indefensible conscript system can succeed.

If the Army, Navy and Air Force spent less on public relations, that section of the news media which now condemns such expenditures would be the first to charge that this silence was a deliberate cover-up.

It is noteworthy that those members of Congress now most critical of the military are the most demanding for complete denouement and full explanations about every prospective operation and military plan well in advance of its execution.

The Pentagon spends much less in a whole year for promoting the popular image of its people, weapons and mission than the tobacco companies spend on cigarette advertising in a single week.

Whatever the Pentagon is spending to create a favorable image is not enough, since it is not getting the 300,000 volunteers needed annually and our defenses are steadily declining in modernization, effectiveness and credibility.

For good or ill, image building is the name of the game today. Politicians who create popular images get elected. Corporations which create favorable images for their products survive and prosper.

My hope is that CBS with this distorted, inaccurate and venomous attack on the military may have overshot its mark and have exactly the opposite effect to that intended—to destroy the confidence of our people in their defense forces.

DR. CHAPMAN H. BINFORD PRESENTED 1971 DAMIEN-DUTTON AWARD

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PATTEN. Mr. Speaker, on February 16 I had the honor of presenting the 1971 Damien-Dutton Award to Dr. Chapman H. Binford, medical director of Leonard Wood Memorial Hospital here in Washington, D.C. This award is made for outstanding contributions in the area of leprosy research.

During the ceremonies, which took place in the Rotunda of the Capitol beside a statute of Father Damien, Dr. Binford made a very startling statement about leprosy. He said:

According to the World Health Organization there are approximately 11 million people in the world today with leprosy and there is no evidence that the disease is being checked.

Mr. Speaker, this disease affects so many people and yet we know so little about it. It was a dreaded disease back in the early history of our civilization, and it is still a dreaded disease today.

One of the finest organizations that we have today actively fighting to control and cure leprosy is the Damien-Dutton Society. The society has its national headquarters in New Brunswick, N.J., which is in my congressional district. I have the honor of serving on the board of directors where I have a wonderful opportunity to work with Mr. Howard E. Crouch, founder and present director of the society.

Much remains to be done in the fight against leprosy, but with organizations such as the Damien-Dutton Society and dedicated people like Dr. Binford and Howard Crouch we can still have hope that a cure may be found.

In closing, I would like to insert in the RECORD the full remarks of Dr. Binford at the presentation ceremony. May I urge my colleagues to hear his plea for help which is echoed by millions the world over:

FEBRUARY 16, 1971.

MR. CROUCH, CONGRESSMAN PATTEN, AND FRIENDS: I am greatly honored to be the recipient today of the Damien-Dutton Award. It is with great humility that I stand here by this memorial statue to Father Damien. Those of us who knew leprosy before the report on the sulfone drugs by Dr. Guy H. Faget and his staff at the U.S. Public Health Service Hospital, Carville, La., in 1943, can appreciate the horrible conditions of patients living in the leprosy settlement on Molokai in 1873. At that time Father Damien, a vigorous young Belgian priest, age 33, went there.

For the first 11 years there was no doctor regularly assigned to the settlement. Father Damien therefore had to minister to the physical as well as the spiritual needs of the patients. You know how well he carried out these duties. At that time the majority of the Hawaiian patients had the malignant form of the disease which we today call lepromatous leprosy. Without any medical treatment that could check leprosy, patients in the terminal stages of the disease suffered severely. Lepromatous nodules covered their skin, many were blind, masses of infected tissues prevented breathing through the nose. Many died of laryngeal obstruction. Their bodies were covered with ulcerated nodules. There were the patients with whom Father Damien worked day and night, seven days a week. And you know he later succumbed to this severe form of the disease.

It was three years before Father Damien's death that Brother Joseph Dutton, as a volunteer layman, went to work with him in caring for the people at the leprosy settlement on Molokai. For 45 years he worked efficiently and effectively carrying out in his quiet way the ministration to their physical and spiritual needs. Leprosy during Brother Dutton's years of service was still the dreadful disease that it was at the time of Father Damien.

Today in 1971, almost 100 years after Father Damien went to Molokai, we know very little more about leprosy than was known then. We do not know how to cultivate the bacillus, therefore vaccines cannot be produced. We do not know why around 5% of people like Father Damien, who are intimately exposed come down with the disease, while others, about 95%, like Brother Dutton, that are equally exposed, do not become infected. We have no way other than complete physical examination of each patient to detect the disease at an early stage. The sulfone drugs, while very useful in preventing lepromatous leprosy from advancing,

must be taken for years before the disease can be considered arrested.

Sustained intensive research must be continued before the basic problems of leprosy are solved.

According to the World Health Organization there are approximately 11 million people in the world today with leprosy and there is no evidence that the disease is being checked. There is need for continuing work by organizations such as the Damien-Dutton Society to bring relief, light and help to those who are afflicted with leprosy.

I thank you.

A RESOLUTION CONCERNING THE MANNER AND TIMING OF THE WITHDRAWAL OF OUR ARMED FORCES FROM VIETNAM

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the Georgia House of Representatives recently adopted a resolution concerning the manner and timing of the withdrawal of our Armed Forces from Vietnam.

As a U.S. Representative from the State of Georgia, I feel it is my responsibility to bring this action to the attention of the American people.

Recognizing the fact that the war in Vietnam has affected every county, city, and citizen of Georgia, to some degree, the resolution recommends that the President of the United States:

Attempt to obtain, through negotiations, a cease-fire and exchange of prisoners of war and, if necessary, set a date certain for the withdrawal of American ground troops from Vietnam in order to bring this about.

I would like to share this resolution with my colleagues and others who read the CONGRESSIONAL RECORD. The complete text of the resolution follows:

A RESOLUTION

Expressing the opinion of the Georgia House of Representatives on the manner and timing of the withdrawal of the armed forces of the United States from Vietnam; and for other purposes.

Whereas, the war in Vietnam has affected every county, city, and citizen of Georgia, to some degree; and

Whereas, Georgia has had almost 1,500 of her citizens killed and many thousands wounded, and at least 67 families in Georgia have loved ones who are prisoners or missing as a result of the war in Vietnam; and

Whereas, the United States is beginning the second decade of the longest war in its history; and

Whereas, the war in Vietnam has been exceeded only by the two world wars and the Civil War in terms of human sacrifice; and

Whereas, it is the publicly announced policy of the United States not to seek a military victory in Vietnam, to cease the bombing, and to withdraw its armed forces, apparently without any reciprocal concession on the part of North Vietnam; and

Whereas, Georgians are still being killed, wounded and captured, and there appears to be no progress being made in the peace negotiations now taking place in Paris; and

Whereas, the Georgia House of Representatives feels that it has the right, if not the duty, to express an opinion on such a vital matter affecting the people of this State.

Now, therefore, be it resolved by the House of Representatives that this body hereby recommends that the President of the United States attempt to obtain, through negotiations, a cease-fire and exchange of prisoners of war and, if necessary, set a date certain for the withdrawal of American ground troops from Vietnam in order to bring this about; and

Whereas, the Georgia House of Representatives recognizes that the President might have already attempted this, but, because of classified information available only to him, might have decided that such action is inadvisable or impossible to accomplish.

Now, therefore, be it further resolved that if such a situation does exist, this body hereby requests that the President explain, insofar as it does not affect national security, why this cannot be accomplished.

Be it further resolved that this Resolution is in no way to be taken to support the government of North Vietnam or to reflect on military actions by members of the armed forces of the United States who are now serving, or who have served, in Vietnam.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States and to each member of the United States Senate and House of Representatives from the State of Georgia.

BUS TRIP A TRUE LEARNING EXPERIENCE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. WHITEHURST. Mr. Speaker, at a time when so much thought is being given to the vital need for more and better day care centers, I was delighted to learn that in Norfolk, Va., there is a gentleman to whom driving a bus means more than just transporting warm bodies from one place to another.

Mr. Richard Hassell uses his bus as an extension of the concentrated employment program day-care center. He tries to make the trip a true learning experience for the children, but more than that, he fills it with love.

Mr. Speaker, I commend to the attention of my colleagues this article by Mrs. Martha Gagliardi which appeared in the March 5, 1971, Virginian-Pilot:

CALL THIS BUS A HAPPENING

(By Martha Gagliardi)

NORFOLK.—When Richard Hassell stops his yellow school bus and beeps his horn, preschoolers come running.

Those who can't run are carried by their mothers to Hassell's bus which is literally a "show and tell" on wheels.

Hassell drives children whose mothers are training in the Concentrated Employment Program to day care homes and centers. About a month ago, he decided the bus needed brightening up.

So one Sunday morning, he decorated the bus with pictures cut from magazines, children's games, and health and safety posters.

Hassel, who has been driving the bus for five months, said, "I put up anything I thought was good for the children. I really love little children."

Hassell, the father of two married daughters and the grandfather of two little girls, indicated that children and religion are the most important things in his life.

"I decorated the bus on Sunday before going to church. I always clean and maintain the bus every Sunday," Hassell said. "The decorating was something I took up on my own because I love children. When you love the Lord, you want to do nice things for children because God loves them so."

Hassell printed name cards for each child and put them over the seats.

He hung a toy on the rail behind the driver's seat, beside a car seat used by this youngest passenger, who is six months old. Three other car seats are hung nearby.

Hassell has 22 daily passengers, ranging from six months to five years.

The youngest children go to day care homes, while the older ones attend a CEP day care center in Christ and St. Luke's Church.

Hassell tries to make the daily ride to the day care centers a learning experience for the children.

His 89-mile round-trip route covers the city from Berkley to Lambert's Point. During the ride, he plays music for the children on a tape deck by his seat. Favorites include the Jackson Five, and inspirational songs.

He also leads the children in songs they've learned at school.

Every morning Hassell stops the bus for 15 minutes to read stories or talk about nutrition and safety. He has a large color chart showing the four food groups and what constitutes a well-balanced diet at the front of the bus.

Hassell said he has never had any problems with the children. "Even the little ones never cry," he said.

Hassell is always looking for new things to delight his passengers. "I put balloons up on the ceiling this week, and often roam through the five and ten cent stores looking for surprises."

Mrs. Edith R. Hammond, CEP day care supervisor, said the reaction to Hassell's bus from both children and parents has been one of delight. "We are primarily concerned with the welfare of the children in the program, and Richard takes a real human interest in them. He makes riding the school bus a happening," she said.

VOICE OF DEMOCRACY STATEMENT BY THOMAS L. LEDGERWOOD

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCORMACK. Mr. Speaker, tonight at the annual conference of the Veterans of Foreign Wars being held here in Washington, D.C., the national winner in the competition for the Voice of Democracy contest will be announced. Candidates from most States will be participating. These young people are outstanding citizens of whom all in this Congress and in this country can be justifiably proud.

It is my great honor this year to have as the winner from the State of Washington a young man from Clarkston, Wash., in my congressional district. His name is Thomas L. Ledgerwood. Mr. Ledgerwood is a student at Charles Francis Adams High School in Clarkston, Wash. Mr. Ledgerwood is an outstanding young man in every way. He is a member of his student government, active in debate and oratory, a cross-country and track man, a ham radio operator, a member of the yearbook staff, and a philatelist.

Mr. Ledgerwood's father, W. Troy

Ledgerwood, is a lift truck operator; his mother, Mrs. Ann M. Ledgerwood, is a student nurse. Mr. Ledgerwood is the winner of a number of contests in oratory and script writing. Last year he was a member of the American Legion Boys' State.

Sometimes the pride that a Congressman expresses in the accomplishments of his young constituents is a matter of form; but, Mr. Speaker and my fellow Members of Congress, I can tell you without reservation that Tom Ledgerwood has sincerely impressed me as an outstanding citizen whose understanding of our democratic heritage can be an inspiration to us all.

So my pride, Mr. Speaker, lies not only in the fact that I am a member of the Veterans of Foreign Wars, and not only that the Veterans of Foreign Wars sponsors such an outstanding program as the Voice of Democracy contest, but that Tom Ledgerwood's speech is one in which all other Americans can certainly take pride. It is with great pride that I insert Tom Ledgerwood's Voice of Democracy speech into the CONGRESSIONAL RECORD:

FREEDOM—OUR HERITAGE

The longest journey a man will ever take is the one he takes looking for freedom.

You could set out looking for freedom.

You could cross and recross this giant nation without ever finding it.

Because it wouldn't be there sewn into the stars and stripes waving up there in the breeze.

You couldn't find freedom chipped into Mount Rushmore.

You couldn't find freedom riveted into the Statue of Liberty.

Nor could you find freedom molded in the Liberty Bell.

No,—if you really wanted to find freedom all you'd have to do is to stop that wandering around and take a good look at yourself.

Because that's where freedom is.

It's in *you*—and in the minds and hearts of human beings everywhere, where it can't be ripped, cracked, torn, rusted or melted away.

Freedom is an *idea*, a belief, a way of life—something you can't touch or grasp or hold onto. And for some people, freedom will remain only in the mind.

But our forefathers had a dream.

Their dream was to take freedom out of the mind and incorporate it into a government. And one and three-quarter centuries ago, a lot of people gave everything they had, including their lives, to establish that way of life.

They never dreamed that the nation, they were trying to create would prosper and grow into a giant, space-age nuclear power.

They didn't know whether it would last for ten years or ten thousand years.

They didn't know you, and they didn't know me, and they didn't know what we'd do with this thing they were trying to create.

All they knew was that here was something they believed in, something that meant so much to them that they were willing to offer and even give their lives for it.

But the most important thing was that when our forefathers took freedom out of the mind and established it into a government, a way of life, they found that *freedom ceased to be free*. That in order to live freedom, you had to pay a price, and that freedom is the most priceless thing on earth . . . so priceless, in fact, that we'll always be paying for it.

We'll never hold a deed to freedom, say that it's ours, that we own it.

We'll never be guaranteed it from one moment to the next.

We'll just keep paying.

And yet, men feel a supreme satisfaction when they pay a tremendous price for freedom. For the defense of freedom is the ultimate sacrifice. The laying down of one's life for one's country is the most priceless privilege that we could ever have.

In Arlington National Cemetery, near Washington, D.C., there is a beautiful tomb. The inscription on it reads, "HERE RESTS, IN HONORED GLORY, AN AMERICAN SOLDIER KNOWN BUT TO GOD." It's there as a testimonial to him and to 385,000 other Americans who died in the defense of freedom—many of them on foreign soil—so that we, their descendants, can feel the liberty breathing in us that they felt in themselves.

And so, as I live a free and prosperous life in this great nation, and live my day-to-day existence in freedom, I can't help but wonder if my country will some day call upon me to make that supreme sacrifice.

God willing, I'll be able to realize that what Charles Dickens said in his book, "Tale of Two Cities", is true, when he talks about men giving up their lives, making the supreme sacrifice for something they believe in. He says:

"It is a far, far better thing that I do, than I have ever done; it is a far, far better rest that I go to, than I have ever known."

DRAFT REFORM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, great amounts of energy have been expended over the past few years by citizens and elected officials around the country in a continuing effort to bring the Vietnam war and the Army under control. Everyone now agrees that we must terminate this incredible executive adventure, and must see that never again can a President, along with a handful of advisers and military brass, commit half a million American troops to an undeclared land war.

To that end, various proposals have been put forward, including a number of proposals to reform the entire structure of military procurement. There is an intimate relationship between the number of men in the Army and the extent to which the military feels free to overextend themselves around the world. Obviously, there is an equally direct relationship between the manner in which the Army recruits troops and the number of men in the military. There is little doubt in my mind that extensive American involvement in the Vietnam war could not have occurred had there not been a system of compulsory conscription by which sufficient numbers of young men could be drafted to carry out that adventure. Some therefore look upon the draft as the culprit and call for complete abolition. This is to misplace the blame. It was the availability of an unrestricted peacetime conscription system, which could be utilized to fight an undeclared war, that caused the tragedy. For that reason, I am introducing today a bill to prohibit the military from sending draftees into combat zones, except when Congress has declared war.

One alternative to the present draft system which has been suggested by some of my colleagues is a system of compulsory national service. Upon reaching a certain age, each individual would be required to spend a certain number of years serving his or her country, either in the military or in some nonmilitary volunteer capacity such as the alternative service work presently done by conscientious objectors. I firmly believe that every citizen ought to serve his country to the extent he is able and in the manner which he finds appropriate. But I firmly oppose the idea that the Government should require every individual to perform "national service" as the Government defines and approves it. The entire concept of conscription, whether for military or nonmilitary purposes, is antithetical to the fundamental principles of a free society.

Another suggestion has been the abolition of the military draft, and its replacement with a volunteer army. Quite frankly, the thought of a standing army of 3 million professional volunteers scares the hell out of me. Once freed from its reliance on millions of unwilling conscripts, who knows what the limits would be of the endeavors the army would undertake at home and abroad. The only volunteer standing army I could support would be one which is drastically smaller in size than our present force levels—so much smaller that it could not, as a practical matter, entertain any notions of large scale military intervention either at home or abroad. Conventional actions, which are still the principal means of international violence today in spite of nuclear capabilities, would be out of the question unless Congress declared war, at which point the President would be empowered to invoke involuntary conscription. In summary, a volunteer army would be acceptable only if it were accompanied by first, a drastic reduction in authorized manpower levels, and second, contingent draft powers in the event of a declaration for war. Without the former, it would threaten our free society; without the latter it would be unworkable.

In the meantime, while the national debate continues as to the type of military structure we wish for the future, my proposal would prohibit the military from sending any draftees into a combat zone unless Congress has declared war. The intention of this interim measure is twofold: first, it provides some measure of protection to those men caught up in the present system which everyone agrees is unfair; second, it forces the army to reduce its self-proclaimed warmaking adventures to a level which can be supported by volunteers.

One way or another, Mr. Speaker, the people of America will wind down the war-happy proclivities of the executive branch, and the concept of compulsory conscription on which it has relied.

MIKE ROYKO

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HUNGATE. Mr. Speaker, one of my constituents sent me the following article which he seemed to think had some relationship to Vietnam. I insert it in support of the proposition that we need to increase our expenditures for mental health:

MIKE ROYKO: HERE'S HIS PLAN TO GET IN . . . OUT

I was visiting a sanitarium the other day when a man strolled up to me, moved both his hands in a chopping motion and said:

"I would like to make one thing perfectly clear."

Startled, I said: "What?"

"I would like to make one thing perfectly clear," he repeated.

A doctor whispered: "Just humor him. You know who he thinks he is, don't you?"

"But I thought they always think they are Napoleon," I said.

"Times change," the doctor said. "You can chat with him. He's harmless."

So I did.

What do you want to make perfectly clear? I asked.

"Let me make this point perfectly clear," he said. "I am trying to get out of here. I have a plan." He patted his robe.

Don't you belong here?

"Of course I belong here," he snapped. "I wouldn't be here if I didn't belong here. I belong anywhere I am."

Then why do you want to get out?

"Because if I don't get out, I'll never get back in."

Have you asked them to let you leave?

"Oh, they want me to leave."

But I thought you said they were keeping you here?

"They are."

How?

"They keep me here by trying to make me leave."

I don't understand.

"Then let me make it perfectly clear: Every time I decide to get out of here, they try to make me get out of here. That is why I stay."

Oh, I see. You really want to stay here.

"Of course not. I want to get out of here, and I will get out of here, I promise you that."

But if you want to get out of here and they want you to get out of here, why don't you go?

"The answer to that is perfectly clear: I will stay here until they stop trying to get me out of here."

Then you must like it here.

"No. I don't like it here."

Then why did you come here?

"I came here because I belong here."

I see. But you don't belong here any more?

"Let me make that clear: I belong anywhere I am, and anywhere I am is where I belong."

Then you do belong here.

"Yes, but I do not want to stay here."

Oh, you want to go somewhere else?

"I have already gone somewhere else. I went there to get out of here."

Then why did you come back?

"I never left."

How can that be?

"Let me make that perfectly clear. The only way for me to get out of here is to go somewhere else. So I went."

Then you were gone from here?

"No, I was still here, because I can't leave here until they stop trying to make me leave. I thought I made that perfectly clear."

I'm sorry, I forgot. So you went somewhere else while you were still here and then you came back here from somewhere else.

While you are here?

"Of course. I went there to get out of here, and I'm still there."

How do you like it there?

"I've got to get out of there."

How do you like it there?

"The same way I got out of here. By going somewhere else."

Where will you go?

"Maybe I will come here."

But you are already here.

"Yes, but I'm going to get out of here. You see, I have a plan. Let me make that perfectly clear."

On the way out, I asked the doctor how long the poor fellow has been a patient.

"Patient?" the doctor said. "Why, he's the superintendent."

ONE EARTH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. REES. Mr. Speaker, hardly a day passes without another grim fact appearing about environmental damage. The tragedy of the oil slicks on our beaches, the thunder of jet planes over our homes, the pall of smoke over our cities, and the degraded state of our rivers and our seashores shows the necessity for urgent national action against pollution.

One way to increase public knowledge of these problems has been to set aside a special time for the Nation to study, to discuss, and to observe the environment. To this end I have cosponsored a resolution in Congress to designate an "Earth Week."

Last year more than 3,000 universities and more than 10,000 high schools participated in "Earth Week" and "Earth Day" discussions covering the entire range of problems regarding the environment, and suggesting new solutions and policies.

Similar efforts are being planned this year and one such event, to be held the first day of spring, March 21, has been scheduled by the National Council for Survival Research and Education which encourages worthwhile environmental projects and inventions and serves as a clearinghouse for environmental information.

The national council contacted a very talented writer from west Los Angeles, Mrs. Shirley Solmon of Pacific Palisades, a member of ASCAP and the Dramatists Guild, and asked her to write a strong lyric for "Earth Day" festivities, calling for national and international action to assure that the earth remains livable.

She wrote "One Earth," and Scott Seely, an ASCAP composer and arranger, wrote the music. Arrangements are now being completed by the national council for the song to be introduced at other national "Earth Day" ceremonies.

Mrs. Solomon has long been concerned about environmental problems and the preservation of the California coastline. She recently completed the book and lyrics of a musical play, "Heads Up," for which Mr. Seely wrote the score, and she is now working on the libretto of a political musical, "The Senator's Shadow."

The following lyrics to her song, "One Earth," may be of interest to my colleagues:

ONE EARTH

One Earth . . . to have and hold.
You can't buy it with gold,
So cherish it and love it
And take care of it.

One Earth . . . one world to share.
We all breathe the same air,
So honor and respect it
And let's protect it!

Our lakes and rivers are grimy.
Bulldozers level hills and trees.
Noises grow harsher and more booming
Our wild life and fish
Will soon be absentees!

It's our last chance . . . no time to lose.
It's up to us to choose.
There is no substitution,
No place to run—
One Earth, one chance—
One earth, just one!

Lyric by Shirley Solomon, A.S.C.A.P.
Music by Scott Seely, A.S.C.A.P. Copyright, 1971.

DISCRIMINATION AGAINST WOMEN

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mrs. CHISHOLM. Mr. Speaker, because of the personal feelings I have on discrimination against women and the national and international impact felt by all women, I feel it a grave importance to include in the RECORD the highly significant statement expressed by Mrs. Daisy K. Shaw before the Special Subcommittee on Education of the Committee on Education and Labor.

It is as follows:

STATEMENT OF MRS. DAISY K. SHAW, DIRECTOR OF EDUCATIONAL AND VOCATIONAL GUIDANCE OF NEW YORK CITY, AND PAST PRESIDENT, DIRECTORS OF GUIDANCE OF LARGE CITY SCHOOL SYSTEMS OF THE AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

Mrs. SHAW. Representative Green, distinguished members of the committee:

It is a great privilege for me to testify before you today with regard to section 805 (prohibition of discrimination) of H.R. 16098, the Omnibus Postsecondary Education Act of 1970.

Although women represent a majority of 51 percent of our population, they suffer from many of the same barriers to economic and social progress as do the minority groups in our society. They are paid less than men for comparable work, are often consigned to menial or routine jobs, are passed over for promotion, have a higher unemployment rate than men, and are grossly underrepresented in decisionmaking posts in politics, business, and the professions. These facts are well

documented in numerous reports published by the Department of Labor, the Department of Commerce, the Women's Bureau, and various commissions and task forces.

Now, as never before, discrimination against women calls for strong new legislative action as well as vigorous enforcement of existing statutes. However, legislative remedies alone are not enough. What is needed is a thoroughgoing reappraisal of the education and guidance of our youth to determine what factors in our own methods of child rearing and schooling are contributing to this tragic and senseless underutilization of American women. For, as long as women perceive themselves as inferior, and as long as men cast them in subservient roles, legislation alone, though helpful, will not produce any substantive change in the status of American women. Fifty years after women's suffrage was won in the United States, we find only one woman in the Senate and 10 women in the House of Representatives. At the risk of being accused of female chauvinism, may I add that their quality is very high.

How do perceptions of sex roles develop? There is an old popular song of the forties that starts: "You have to be taught before it's too late, before you are six or seven or eight * * *." From their earliest years, children are introduced to picture books which practically condition them to accept males as the commanding, dominant figures in their lives. In a fascinating article published recently in the children's section of the *New York Times* book review, Elizabeth Fisher found that there were five times as many males in the titles of picture books as females, and that even animals in books are male for the most part. Furthermore, says Miss Fisher, even when females are depicted, their activities are quite limited—

They do not drive cars. Though children see their mothers driving all the time, not a single description or picture of a woman driver could I find. In the world today, women are executives, stockbrokers, taxidrivers, steelworkers; in picture books these are nonexistent—Though there have been women doctors in this country for over a hundred years, and pediatrics is one of their preferred specialties, there is not a single woman doctor to be found. Women are nurses, librarians, teachers—but the principal is always male....

Let us move from the preschool years to the kindergarten. Here little girls are still encouraged to "play house" in the homemaking corner, while little boys are building, firefighting, or policing. If one examines the primers used in the first three grades of elementary school, one searches in vain for a woman depicted as a worker (except for the omnipresent teacher and an occasional nurse, waitress, or secretary). Even the most up-to-date basal readers, issued in endless series by the leading publishers, are still presenting Dick and Jane types having endless fun, while mommy waits innocuously at the garden gate or in the apartment to welcome daddy home from a hard day at the office. (By contrast, the wicked queens of the old fairy tales at least displayed some executive talent.) It is true that there has been an effort during the past few years on the part of some publishers to update reading material used in the elementary schools. However, these changes have been largely confined to presenting a more balanced view of ethnic diversity in the urban environment. With a few outstanding exceptions, as in the Bank Street readers, women are still being portrayed in the same old stereotyped roles.

I have brought with me copies of three popular basal readers. If one looks through them, one searches in vain for an illustration of a woman who is engaged in some meaningful occupation. If you will examine these and any others of dozens of similar books, you will find the same pattern.

Rarely do we find a story about a working mother, although 35.3 percent of all mothers with children under 18 were in the labor force—as of 1967. Children who read stories depicting idyllic family scenes must feel somewhat deprived if their own mommies are out working rather than baking a cake at home. Thus, we continue to nurture the "feminine mystique," the image of women developed during the Victorian era, which limited the culturally approved role to that of wife and mother.

These subtle concepts, imprinted on children's minds in the early school years, are reinforced during adolescence by the communications media. Girls are constantly reminded of the need to be attractive, so that they can acquire a mate who will provide them with all the material comforts. Labor-saving devices are advertised as easing the lot of the housewife, rather than that of the working woman—or man, for that matter. Plenty of men use laundromats, but you never see one proclaiming that his wash is "brighter than bright." With the constant and prolonged emphasis on the need to please rather than the need to be someone, it is small wonder that many girls choose easier or less time-consuming courses of study than boys, and frequently give more attention to the social rather than the intellectual aspects of college life. (There has been some deviation from this trend in the recent past, it should be noted.)

Women themselves sometimes help to perpetuate sex-related career stereotypes. For example, note this recent release from a Woman's Program Newsletter:

ATTENTION, ALL BOSSES!

"If you've been looking for a way to express special appreciation to your secretary, here's a suggestion from the State Commerce Department Woman's Program—how about saluting her during Secretaries Week, April 21–26, with the State flower to brighten her desk?"

How can it escape even a woman executive that the "boss" is "he" and the "secretary" is "she"?

American girls who are now in school will constitute 40 percent of the future labor force in our economy. Whatever their reasons for working—whether to support themselves or their dependents, to supplement family earnings, to achieve wealth or status, or to seek self-fulfillment—they will need special help from counselors in career planning. For most girls, work will be supplemental to their major responsibilities of wife and mother during a significant portion of their lives. Their career patterns will include various combinations of work, school, and marriage. Their ability to carry out their dual role successfully will be complicated by two factors: the discontinuity of their attachment to the labor force and the occupational concentration of "women's" jobs.

The sex label would seem to be a cultural rather than a biological factor in the labor market. The concentration of women in clerical occupations, teaching, nursing, sales, and service occupations is based on cultural factors and societal expectations rather than on sex-linked characteristics or aptitudes.

The broadening career opportunities which should be opened to women place upon counselors a special responsibility to raise the aspirations of girls, to assist them in achieving a satisfactory identity both as women and as workers, and to help replace past occupational stereotypes. Counselors must be continually alert to the changing values of the society for which young people are being prepared. While training for a career continues to play a central role in the education of boys, the importance of career planning for girls is less clearly understood. As the role expectations of American women continue to change in this era of technological progress and automation, counselors are faced with an important question: "Should counseling be different for girls than for boys?"

Thirty years ago, before we had counselors in most cases at all, it would not have been uncommon for a well-meaning teacher to say to a girl: "Your work in physics is excellent, but you may as well be practical. In a few years you'll be married and raising a family. Why go into a field which requires so many years of preparation." To another he might have said: "Your grades are high enough to get you into a premedical course, but you know what chance a girl has of getting into medical school. Besides, it would take you 9 or 10 years before you would be ready for private practice. Why not go into nursing instead? It's a wonderful profession now, and when you are married, you'll be able to give the best of care to your family." And to a third: "Why don't you take a business course? You'll only be working a few years anyway before you have a home and family."

The "self-image" of the individual girl is strongly influenced by society's expectation of her role. Although labor market analysts estimate that 9 out of every 10 girls in school today become workers at some time in their lives, many are still indoctrinated with the idea that work will be an optional, incidental part of their lives, if indeed they will ever work at all. Some still believe a Prince Charming will carry them off and they will live happily forever after.

Your action to assure equal opportunity for women through section 805 of the Omnibus Postsecondary Education Act of 1970 will encourage the full utilization of our human resources. May I respectfully offer for your consideration several other recommendations directed toward the same objective:

1. The formation of a commission to study the educational needs of girls with special reference to current practices in preschool and early childhood education, the adequacy and relevance of the curriculum in the light of expanded opportunities for women, and the provision of guidance and counseling for both girls and boys in elementary and secondary schools.

2. Authorization of grants to establish guidance institutes (on the NDEA model) for the in-service training of school counselors in the special guidance needs of girls.

3. Support for increased appropriations for guidance and counseling so that both girls and boys will receive adequate educational and career guidance from qualified, professionally trained counselors.

A few weeks ago, I represented our association before Senator Magnuson's Appropriations Subcommittee to request an additional appropriation of $217,500,000 under title III for guidance and counseling. At the present time, the House figure for guidance is $17 million: the Senate figure is $24,500,000. While even the latter figure falls far short of the actual need, it is our fervent hope that you and your colleagues on the House Appropriations Committee will support the higher figure.

There is great interest in the development of innovative programs in education. The greatest innovation of all would be to provide enough counselors to enable us to reach our young people, so that we could help them cope with the multiple problems which they encounter today. The pupil who comes from a disadvantaged environment plagued by discrimination, marginal subsistence, and disruption of normal family relationships, is least prepared to take advantage of cultural and educational opportunities.

In a recently completed survey conducted

by our association, we found the following average counselor-pupil ratios:

City population:	Average C-P ratio
100,000–250,000	1–751
250,000–500,000	1–857
500,000–1,000,000	1–815
1,000,000 and over	1–750

However, in many cities the average was substantially higher (up to 1–2,600). The professionally trained counselor is uniquely qualified to work with the individual student, to encourage educational achievement and career development and to maximize human potential. To accomplish this, the counselor must have a realistic caseload. Ten years ago, accepted professional standards called for a counselor-pupil ratio of 1 to 250 in the secondary schools. An even lower ratio is required for students with special needs.

Today we recognize that girls must be prepared for their dual role as homemakers and as workers. The new life pattern of the modern women will include school, work and/or marriage, home, and a career. The two periods when women are most likely to work are during their early twenties and again starting in their early midforties until the age of retirement. Career exploration and planning for girls has equal importance with career exploration and planning for boys. Girls must be encouraged to select careers which will challenge their abilities and bring them self-fulfillment. At the same time, neither boys nor girls should be restricted to stereotyped choices based on traditional male or female role models.

We are not advocating special counselors for girls but, rather, are underscoring the need for adequate guidance for girls and boys. The lack of expert counseling can have devastating results for both, but girls are at a special disadvantage because they are so often frozen into stereotyped roles by social expectations. (Boys are also confronted by subtle psychological barriers when they seek to enter fields which are traditionally feminine, for example, nursing, early childhood education, dancing, secretarial work.) What we seek is an open society, one which offers equal opportunity and freedom of choice to all. If many, or even most, women should eventually select careers as homemakers, nurses, or office workers, it should be as a result of personal decisions, reached after careful consideration of all options, not because they feel restricted to "women's jobs." In the same spirit, those girls who opt for business, politics, or the professions should meet with no obstacles to self-realization. In summary, we plead for good guidance for all, with special attention to the disadvantaged in our society—both the disadvantaged minorities and the disadvantaged majority—our girls.

Mrs. GREEN. Thank you very much, Mrs. Shaw.

On page 3 you give some statistics about the number of women working with children under 18. I have been looking for the source. I came across it recently and forgot to write it down. I wonder if anyone in the room today has it. The figure was that 60 percent of all children in families where the mother is the head of the household are living in poverty.

Mrs. SHAW. This is the reference. It is from the manpower report of the President, January 1969.

Mrs. GREEN. I have that.

Mrs. SHAW. That is the labor force status of married women with children under 18 and the number of children involved as of March 1967.

Mrs. GREEN. I do not think that figure is in there.

Mrs. SHAW. Which particular figure?

Mrs. GREEN. Not too long ago I read—and it seems to me if this is true, that it has tremendous implications in terms of congressional legislation—that 60 percent of all children who are living in families headed by a woman are living in poverty as defined by the Government. The median income for women, of course, is much less than the median income for men.

It seems to me if this is fact it has tremendous social implications as well as implications for title I of the ESEA and some of the other programs. If any of you have that information or can provide it for me, I would like to have it.

Mrs. SHAW. There is an article in *U.S. News & World Report* published in April which offers statistics. I am surprised that the figure is as low as 60 percent. I thought it was even higher.

Mrs. GREEN. I thought 60 percent was pretty startling.

Mr. ERLENBORN. I would join with the witness in saying I would think that figure is rather low, particularly with the type of welfare program we have, which puts a premium on the family without the father. Sixty percent sounds to me as though it might be low.

Mrs. SHAW. Here is a reference from the U.S. Women's Bureau. "Nearly all of the 5.8 million women workers who were divorced, widowed or separated from their husbands were found to be working for compelling economic reasons. In addition, the 4.8 million married women whose husbands earn less than $5,000 per year were presumed to be working in order to provide their families with a better standard of living."

Mrs. GREEN. Let me ask you two or three things in terms of what the schools can do.

Has any attention ever been given in the New York City schools by the guidance and counseling people to the questionnaires that the children bring home from school to be filled out? They are almost always phrased in terms that I think do psychoiogical damage to a child if the mother is in fact working and the father perhaps is unemployed or AWOL. I think it makes the child feel that somehow his family has a social stigma or they are not quite satisfying or conforming to the social norm. It always asks first, "What is your father's occupation?" Very seldom—in fact, I do not think I have ever seen one that puts on an equal basis "What is your mother's occupation?" There may be no reference to the mother—or written in a rather slighting way to the mother—as "Has your mother any other occupation than housewife?"

I have known of instances where small boys especially see this as somehow destroying the father image or giving the impression their family is looked down upon because the mother is the real breadwinner?

It seems to me guidance and counseling should pay some attention to these questions.

Mrs. SHAW. Yes; you are quite right, Representative Green. I would further comment that in most role books, which are printed official documents, they always call for the father's name first, if they call for the mother's name at all.

Mrs. GREEN. Many times the mother is not even to be listed.

Mrs. SHAW. It is generally understood that when the parent's name is called for, unless the father is listed, the family is deemed to be without a father. If a mother is listed as the parent, then this must be a broken home. That is the general assumption.

In our guidance bureau, of course, we constantly alert counselors to the importance of career planning for girls. We issue endless mimeographed brochures, statements, pamphlets, about careers for women.

Mrs. GREEN. We cannot legislate on this, but guidance and counseling people could do a study of questionnaires that are sent out which give the child the definite impression that the only person who is working is the father and that the mother is unimportant—as if the father is unemployed—somehow he is worthless. I also agree with your statement that girls are counseled right out of positions. They are told "You must not take these courses, because a woman couldn't get a job in this area anyhow." This has happened through the years.

One other question which, again, it seems to me the schools can do something about. I ran across a figure not too long ago that of the 278,000 registered apprentices under the Bureau of Apprenticeship Training, less than 1 percent are girls. It seems to me that an effort should be made to rectify this. It seems inexcusable. The highest unemployment rate of any group in the Nation is among nonwhite girls between 16 and 21.

Mrs. SHAW. I would say the unions are quite resistant. Many unions, especially in the construction area, have been 100 percent male.

Mrs. GREEN. And too frequently 100 percent white-Anglosaxon male.

Mrs. SHAW. Yes. It probably would create a furor if a girl wished to be an apprentice plumber, for example, although there is a rather amusing television commercial currently being shown where a little girl asks Jane Withers, the perpetual detergent advertiser, "Can I be a plumber when I grow up?" That struck me as a rather interesting question. In reply to her, I think the adult said, "Why, certainly. You can also help remove all the stains from your sink by using this marvelous detergent," whatever it is. As I watched that, it occurred to me that there are practically no women plumbers.

Mrs. GREEN. It seems to me it is important that every person have the opportunity to be whatever he or she wants to be, rather than to force him into a particular area. Many women do and will continue to choose to be in the home. Many will not; they are asking for the same options that men have.

Aside from the apprenticeship program, I was shocked 2 or 3 years ago when we had visiting school superintendents testifying. They spoke of special classes that were available to boys who were potential dropouts and how successful they had been. In fact they had been so successful they were doubling the number of classes for boys, and were "even starting ONE for girls." I thought this unequal treatment in public schools was a violation of civil rights and I wrote to the Equal Employment Opportunity Commission and the Office of Education. The high unemployment and dropout rate among girls is ample evidence of the need for similar classes—but schools are exempt under title VI.

There was absolutely nothing I could do about such discrimination at that time—since it was and is legal. I hope to correct this in the current bill which is pending before the committee.

I would also think people in the schools as well as the administration could do a better job of bringing girls in the Job Corps up to 50 percent. Legislatively, the highest I have ever been able to get it as far as the law is concerned is 30 percent, over the violent opposition of some of my colleagues. It seems to me 50 percent of the places should be filled by girls if they want in. At times, the waiting list for approved girls has been long.

In the new Conservation Corps there is no quota written in for girls, and I will be amazed if they have any program for them. I repeat these matters that, I've discussed in previous hearings because I believe guidance personnel should be aware of them.

Let me ask you one other question, if I may. Last night I watched a program called "The Advocates."

Mrs. SHAW. I saw the last part of it.

Mrs. GREEN. What is your reaction to that proposal? Let me ask it in two parts: (1) if

it were optional, if it were encouraged; and (2) if it became mandatory. Did you see it?

Mr. ERLENBORN. No.

Mrs. GREEN. In the program the suggestion was made to make half-time work available so the man is at work half-time and the woman is at work half-time, and each would spend half of the time at home. They would still have the same income as they had before when the wife was not working.

Mrs. SHAW. I think in theory it is a very good proposal, but practically it would be ineffective for the following reason: As we find the hours of work being decreased in any given occupation, whether it be professional or blue collar, we find people taking second and third and fourth jobs in order to increase their income. Such an option seems quite reasonable and, in fact, it is an ongoing practice, because many firms have part-time workers, but the effect of this would not be to equalize the homemaking responsibilities of men and women, which I gather is the rationale for the proposal. At least, so I gathered from the discussion which followed.

Wasn't it your feeling that there was a sort of hidden agenda that men should participate in child-rearing to the same extent as women and should contribute to the running of the home, and that this would be possible if men and women both worked half-time and gave half their time to the home? If it worked that way, it would be fine. But, again, I can only speak from experience in the field of education where I see a great many people having more than one job.

People who are ambitious and mobile seem to want to do all that they can do.

Mrs. GREEN. I thought one of the main objectives was that with greater flexibility, more women would be able to work half-time or part-time and still fulfill their obligations at home. In so doing they would attain greater personal fulfillment. I thought that was the second major objective. It would also make it possible for fathers to spend more time with their growing children.

Mrs. SHAW. I agree. There is one very important aspect. While there is a good deal of part-time work available today, it does not carry with it the benefits of full-time work. It does not carry pensions, sick pay, health care, and other fringe benefits that the full-time worker enjoys. If half-time work involves those additional benefits, then I think such a practice might be more effective.

Mrs. GREEN. It would seem to me that our schools, which in past years have had a shortage of personnel, could have recruited a great many highly qualified women who would be willing to come back for half a day. Today, when we still have a terrible shortage of health personnel, I do not know why hospital schedules have to be so inflexible. I do not know why nurses and social workers cannot work half-time.

Mrs. SHAW. I think in many instances the practice is in effect. I recall something of the type even in New York City a few years ago, although I have not heard about it recently. I think they have had such a flock of applicants for teaching positions that they did not find it necessary to extend this practice. I believe that this was proposed.

Mrs. GREEN. Mr. Erlenborn?

Mr. ERLENBORN. Might I ask you, Mrs. Shaw, just one question.

On page 6, you say "Thirty years ago it would not have been uncommon for a well-meaning teacher to say to a girl," and you give several examples girls were, in essence, discouraged from entering certain professions. Do you mean to indicate by that that it is uncommon today?

Mrs. SHAW. That is a good question. There are many teachers who are still speaking in those terms. Let me amplify.

A few decades ago, most teachers and whatever few counselors there were counseled in terms they considered realistic. They were deeply devoted to the children's interest. They did not want to see children hurt. So, it would not have been unusual, for example, to hear someone say to a young Jewish boy "Look, you have a great deal of talent for engineering, but why break your heart? You know perfectly well that there is so much antisemitism in that field that you will never get very far. Go into something else where you can succeed."

In the same way some counselors spoke to black students in this vein. William Booth, who is now a judge in New York, was a high school student probably 30 years ago and he frequently tells the story of how 30 or so years ago in high school he told his teacher or counselor that he wanted to become a radio announcer, and this person said to him "Why prepare to be a radio announcer? There are no black radio announcers. Go into something else. Go into law." He offers that as an example of the discriminatory attitude through the counseling of students, and of course to a degree that may have been true 30 years ago, teachers and counselors did do that sort of thing 30 years ago but they weren't doing it from malice. They were doing this in an effort to spare their students from future hardships. Today there is an entirely different attitude.

Never, for example, would a qualified counselor say to a girl "Don't go on to a Ph. D. because in a university such as Columbia only 2 percent of the tenure professors are women." As a matter of fact, the percentage of Ph. D.'s among women has dropped from about 20 percent in the 1940's to about 10 percent in the 1960's.

I am making a distinction between counselors who have special training in a study of occupations in the changing labor market who are able to reach girls and point out opportunities to them, whereas teachers reflect more or less the same attitudes as parents and other members of society. They advise girls to do what seems practical, and what may seem practical at the moment may result in a tragic underutilization of women's talent eventually. That is why I attach so much importance to the provision of adequate counseling in the schools.

In a central New York City high school a counselor will be responsible for over a thousand students. Under those circumstances the counselor cannot reach them, neither the boys nor the girls. It is only where we have these special programs, such as the college discovery program, the college-bound program, where we have counselors in a ratio of 1 to 100 that both the girls and boys succeed. They do not drop out. We have demonstrated over and over again through these special Federal projects under titles I, III, and V, and other titles that through a program of counseling the students do well, but having demonstrated that we cannot replicate it because of the lack of funds.

Right now there are 15,000 high school students in New York City who are getting superb counseling at a ratio of about 1 counselor to about 100 students but the remaining 267,000 are getting it in the ratio of about 1 to 1,200. If you lumped them together you get an overall average of about 1 to 800, but this average is meaningless. Ninety-five percent of our students are getting inadequate counseling and while boys suffer from this also there are adequate outside forces which help project boys into career planning. A boy knows that he will have a career some day; girls are not really made acquainted with all the opportunities that there are for them.

That is why we would strongly urge that a special commission or task force be appointed not so much from the civil rights aspect of looking into discrimination against women but looking into the educational practices starting with Headstart and kindergarten to see what practices we engage in that brainwash girls from an early age to see themselves in a subservient role. Why, for example, is there a homemaking corner in preschool and the nursery school, for girls, while there are building blocks and fire trucks for boys?

Mrs. GREEN. While I am in agreement with what you are saying and I feel very strongly on this, my judgment would be that it would be a small percentage of the American people that would agree with the two of us and that therefore such a commission is impossible. I would like to have your comments in terms of the Congress. I don't think it would be receptive. I think the majority of our colleagues see this as the woman's role and why have a commission to study it. I suspect, from public opinion polls, that that sentiment is shared by the American people.

Mrs. SHAW. The American people are disturbed that such a small percentage of lawyers happen to be women——

Mrs. GREEN. Not at all.

Mrs. SHAW (continuing). And that a small percentage of doctors happen to be women. They aren't?

Mrs. GREEN. No.

Mrs. SHAW. I am disturbed by it.

Mrs. GREEN. A small minority of women also are Members of Congress, if the public were really concerned they would vote differently. I think the answer is no in all of the cases you cite—though not to use women's full potential in education, law, medicine is a loss to the Nation.

Mrs. SHAW. You see, women themselves are their own worst enemies, because they are brainwashed from this very early age to see themselves in this role.

Mrs. GREEN. I want to go off the record—as I've seen some studies that dispute this.

(Discussion off the record.)

Mr. ERLENBORN. I have no further questions.

Mrs. SHAW. I agree with you as far as saying that women do like women, but I question the interpretation of that survey. It may be that women did not see themselves as favoring someone because of sex and that men didn't see themselves as favoring or not favoring someone because of sex. It is a question of identification. When people think of a leader they more generally tend to think of a man in that position because of a long process of conditioning. I see this in school systems all over the country. The majority of teachers in any given school are usually women and the principal is usually a man.

Mrs. GREEN. More recently this has been the case. At one time women were predominantly the principals in elementary schools but now they are in the minority.

Mrs. SHAW. I noted, for example, in our own Board of Education that male superintendents usually select male executive assistants. Now, surely there are just as many capable women executives. Even though these superintendents are all for women's rights, when it comes to selecting assistants they feel more comfortable working with men

Mrs. GREEN. I think this is true.

Mrs. SHAW. And you have heard the expression from both men and women at times that they dislike working for a woman.

Mrs. GREEN. This is the same statement as against the minority—it's been repeated through the years: "How would you like to work under a Negro boss?"

Mrs. SHAW. Yes.

Mrs. GREEN. I thank you very much, Mrs. Shaw. You have been extremely helpful to our committee.

Mrs. SHAW. Thank you very much for hearing me.

(The following letter was submitted for the record.)

BOARD OF EDUCATION
OF THE CITY OF NEW YORK,
Brooklyn, N.Y., July 13, 1970.

Representative EDITH GREEN,
U.S. House of Representatives, Committee on Education and Labor, Special Subcommittee on Education, Washington, D.C.

DEAR MRS. GREEN: This is in response to an inquiry about the counselor-pupil ratio in our public schools, which was transmitted to me through the office of your counsel, Mr. Harry Hogan. In speaking before your Committee, I alluded to the fact that the counselor-pupil ratio in special Title I programs, such as College Bound, College Discovery and Development and similar programs, was excellent, averaging one counselor to 100 pupils, whereas the counselor-pupil ratio for the general population of high school students was totally inadequate. Following are the statistics showing the ratio of full-time guidance counselors to pupils in Title I programs as compared with the regular programs in the New York City high schools:

RATIO OF FULL-TIME COUNSELORS TO PUPILS

	Regular program	Special programs [1]	Total
Number of counselors	220	124	344
Number of pupils	267,224	15,528	282,752
Ratio	1 to 1,215	1 to 125	1 to 822

[1] See the following table:

	Number of counselors	Number of pupils	Ratio
College bound	85	9,000	
College discovery	10	1,166	
Correlated curriculum	13	1,612	
Aspiration search	16	3,750	
Totals	124	15,528	1 to 125.

The Title I programs referred to above have been cited as "exemplary." Indeed, they have produced the most encouraging results. For example, in the College Discovery and Development program, which provided one counselor to every 100 students as well as other educational services, 95% of the class graduating in June 1968 and 93% of the class graduating in June 1969 were admitted to degree-granting institutions. These disadvantaged students, most of whom would have become high school dropouts without this special help, were able to overcome their academic lacks because of the individual attention which they received in this program.

The problem is that special programs of this type reach only about 5% of our high school population, the remaining 95% among whom a majority need the same kind of help, do not have access to the services of full-time, professionally trained counselors. Let me cite an example in a typical high school with such a program. In Brandeis High School which has a population of 5,264, there are three counselors serving 300 pupils in the College Bound program, while the remainder of the school population, 4,964 students are served by only three other counselors, in a ratio of 1 to 1,600. The fact is, however, that the 4,900 students are just as disadvantaged as the 300 in the special program and yet do not receive the help they need. Over and over again, we hear the same plea from students: "There is no one whom we can talk to. The counselors do not have enough time for us." The counselor-pupil ratio in our elementary and junior high schools varies from about 1 to 850 to 1 to 1,600. In a recent survey completed by the school authorities in Milwaukee, the following data regarding the counselor-pupil ratios for 20 large cities were shown:

	Counselor-Pupil ratio
Portland	1–250
Detroit	328
Dade County (Miami)	350
Minneapolis	350
St. Louis	369
Baltimore City	371
Chicago	375
Buffalo	377
Boston	400
Seattle	400
Cincinnati	410
New Orleans	428
Cleveland	430
Pittsburgh	446
Broward County (Fort Lauderdale)	466
Milwaukee	488
Indianapolis	500
Los Angeles	513
Houston	600
New York	794

Except for the affluent suburbs, the lack of guidance and counseling in most of our large cities is woefully apparent.

As you know, although guidance and counseling had its origins in the first decade of the century, its real growth took place in the 1950's and 1960's, largely as a result of the impetus provided by "seed money" through NDEA and similar programs. Today, a good many counseling programs are funded under Title I and other Titles, but the "seed money" concept no longer works for the simple reason that cities and municipalities lack the funds to replicate these exemplary programs. What is most urgently needed, if we are to provide every American boy and girl with adequate counseling, is general support for counseling services rather than funds for pilot projects. It has been demonstrated over and over again, in every part of the country, that when intensive counseling services are provided, pupils make dramatic advances.

I would therefore urge your support of full funding for guidance and counseling services for all pupils in elementary and secondary schools. We know that you are a staunch friend of the guidance profession and we appreciate your continuing efforts in behalf of educational improvements.

Very sincerely yours,

DAISY K. SHAW, *Director.*

FREEDOM—OUR HERITAGE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLURE. Mr. Speaker, Tim Coughlin, a senior at Bishop Kelly High School in Boise, was the State winner in the Idaho Voice of Democracy contest this year.

This is the week when all of the State champions in the annual contest sponsored by the Veterans of Foreign Wars gather in the Nation's Capital. I would urge my colleagues in the House to take a look at these youngsters. Those who have given up on the next generation would be surprised at what they both see and hear.

I am especially proud of Tim Coughlin. His speech demonstrates so vividly that he truly understands the meaning of democracy and the type of man who has kept us free for two centuries—men with integrity and courage, with a sense of responsibility and an awareness of his era. I comment to you Tim's speech:

FREEDOM—OUR HERITAGE

(By Tim Coughlin)

Webster's dictionary defines freedom as the absence of necessity, coercion, or restraint 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.

EDITORIAL COMMENT ON REVENUE SHARING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. OBEY. Mr. Speaker, the Milwaukee Journal took a recent editorial look at some revenue sharing proposals and found merit in the one proposed by Congressman HENRY REUSS and Senator HUBERT HUMPHREY.

Their proposal differs from others by requiring Governors in the second year of revenue sharing to come forward with plans for modernizing State and local governments.

How to improve the financial prospects of State and local governments is of more than passing interest to residents of Wisconsin, which supplies 1.98 percent of Federal tax revenues—excluding social security and other trust fund receipts—while receiving only 1.58 percent of categorical Federal grants paid to States.

The text of the editorial of February 25 follows:

REVENUE SHARING ON THE MOVE

The way appears to be opening for a compromise on President Nixon's far reaching revenue sharing proposals, with the administration backing down on its "no strings attached" grants to state and local governments. In Congress, too, there seems to be recognition that in the face of the need for revenue sharing of some sort it would be fatal to have a knock down, drag out battle over how to get the job done.

Secretary of the Treasury John Connally, in the first interview he has granted, told David Broder of the Washington Post that the president's goals could be accomplished by broadening present federal grant in aid programs should Congress reject the controversial $5 billion no strings attached plan.

Murray L. Weidenbaum, an assistant secretary of the Treasury, indicated to the Joint Economic Committee of Congress that the administration might accept a revenue sharing program of a different size than it has proposed and with some new restrictions. Asked about an alternative plan proposed by two Democrats, Sen. Hubert Humphrey of Minnesota and Rep. Henry Reuss of Wisconsin, he said: "They have introduced a good bill, and I will not attack it." However, Weidenbaum said later that he hoped the administration bill would be adopted and that if there were any compromise it would have to come from the White House.

Reuss and Humphrey have indicated that they want to find accommodation with the administration on the matter of revenue sharing.

The Reuss-Humphrey measure would not place any more restrictions than the administration would on how state and local governments spend any new money. But it would impose significant new requirements and restrictions in other ways. They would require governors, in the second year of revenue sharing, to come forward with plans for modernizing state and local governments. They recommend such reforms as annual legislative sessions, eased restrictions on borrowing and taxing powers of local governments, elimination of small units of government, formation of regional governmental bodies.

Reuss and Humphrey would also offer incentives for states to enact more "progressive" tax systems under which wealthy people would carry a higher share of the burden. This would entail instituting income tax systems in states that do not have them and raising such taxes in states that do. And, ultimately, the Reuss-Humphrey plan contemplates a federal takeover of welfare costs.

Revenue sharing on an increased basis seems inevitable. The administration and Congress seem to be moving toward a system mutually agreeable. No system that does not carry some restrictions or does not give incentives for better local management is desirable. It is here that compromise must come.

CONGRESS SHOULD VETO THE SST

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the following editorial, which appeared in the Cleveland Plain Dealer on March 7, raises questions about the proposed SST project that its supporters have never completely answered. I believe this editorial will be of considerable interest to my colleagues in the House who also question the priority of the SST:

CONGRESS SHOULD VETO THE SST

The SST debate is on again in Congress. Supporters of the supersonic transport, including President Nixon, are back for more federal funds to continue development of two prototypes.

We think Congress should say "no."

The arguments for continuing the development of this plane now, when so many questions remain unanswered, are not strong.

The proponents say the work must go on to preserve jobs in the aviation industry. Cutting off federal support would cost 150,000 jobs, they say.

We agree it is important to maintain employment, but we think the capital, the design talent, the engineering genius and the work skills involved in the SST program would be better directed at other goals than production of an aircraft that could cut the trans-Atlantic flight time in half for the benefit of a relatively few jet-setters and businessmen.

Would it not serve a far greater public interest to put aviation experts at work designing short take-off aircraft that could help solve urban flight problems? Couldn't some of the managerial talent in the aviation industry be used to solve mass transportation problems on the ground? Couldn't engine designers make a far more valuable contribution to society by fashioning a pollution-free auto engine?

We are sure America would earn the world's gratitude for halting the SST if it turns out, as some scientists suspect, that flights in the stratosphere could alter the world's climate or disturb the ozone layer that screens out harmful radiation from outer space.

No country should permit large-scale flights at SST altitudes until these environmental questions are answered. And it does not take two SST prototypes to find the answers. Existing supersonic military aircraft could be used for research.

A third argument advanced, weakest of the lot, is that the nation has already sunk more than $90 million into the SST, and should continue funding the plane to protect the investment.

Many a poker player has lost a bundle following that philosophy. Sticking with a bad hand is not a good investment, but just the opposite. And the SST is a bad hand, a plane that very likely cannot be flown at a profit. British and French airline experts have the same doubts about their SST, the Concorde.

The Senate last year asked 16 leading economists—such men as Paul Samuelson, Walter Heller and Milton Friedman—what should be done about the SST. Fifteen of them said the U.S. should cut its losses and get out.

We think W. J. Baumol, one of the economists, put it well. "Neither the government nor private enterprise should be tempted to throw in good money after bad," he said. "Everything necessary should be done to facilitate the transfer of the capital and labor tied up in the development of the SST to other activities that do serve the public interest."

IN MEMORIAM TO NEW JERSEY STATE SENATOR, THE HONORABLE EDWARD M. SISCO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ROE. Mr. Speaker, during this past weekend the residents of my congressional district and the State of New Jersey were shocked and saddened by the sudden untimely death of one of our outstanding and distinguished statesmen and my dear personal friend, the Honorable Edward M. Sisco of Wayne, N.J. Our condolences are extended to his wife Evelyn; his daughters, Nancy and Lori; and his son Mark.

Senator Sisco suffered a stroke on February 26, 1971, and passed away on March 6, 1971, at the height of his public service career at the young age of 47 years. Let the history of his service to his fellow man, his dedication, devotion, and sincerity of purpose be forever remembered through this historical journal of the House of Representatives of the U.S. Congress.

He was born in Paterson, N.J., and was a resident of my hometown, Wayne, for almost 19 years. He was a graduate of the Paterson public school system—Paterson School 5 and Central High

School—and elected to the New Jersey State Senate from our Passaic County district in 1967 and concurrently continued to serve out his term as mayor of Wayne to which he had been elected in 1964. He was named delegate to the State Constitutional Convention in 1966 and was nearing the end of his initial term as State senator at the time of his demise.

A stanch Republican, Senator Sisco joined the Wayne organization in 1958 and was party leader before being elected Wayne's Sixth Ward Councilman in 1962. He also became the first council president that year under a new form of government, and served two terms.

A member of the Wayne Planning Board and the Wayne Library Board, he was also past president of the Lions Club and past public relations director of District 16A Lions International. He was an active member of the Elks, the Wayne Post of the American Legion, Passaic County Republican Organization, Black Oak Ridge Homeowners Association, Pica Club, Wayne Township PTA, and the Wayne Musical Theatre group. He served as Passaic County special deputy sheriff, and treasurer of the Quad-City Incinerator Solid Waste Disposal Committee.

Senator Sisco was a former employee of the Erie Railroad Co. and served 5 years as a labor representative of the Order of Railroad Telegraphers. He was a representative with the Maryland Glass Co. and president of the Lor Mark Packaging Co. and T-Bowl International. He was director and member of the executive committee of the Ramapo Bank.

The Wayne Elks Lodge, of which Senator Sisco was a member, conducted services at the Moore's Home for Funerals, Wayne Chapel, and with State policemen as honorary pallbearers and Reverend Robert Grant of Embury United Methodist Church of Paterson, where Senator Sisco had served on the board of trustees, officiating, the Senator was laid to rest this morning in Laurel Grove Cemetery, Totowa, N.J.

I ask my colleagues to join with me in a moment of silent prayer to the memory of a distinguished American, Senator Edward M. Sisco from the Township of Wayne, County of Passaic, State of New Jersey. May his wife and children soon find abiding comfort in the faith that God has given them and the knowledge that Ed is now under His eternal care.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INVASION OF LAOS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an excellent document prepared by the Lawyers Committee on American Policy Toward Vietnam. This committee of which Mr. William L. Standard and Joseph H. Crown are co-chairman has an advisory council made up of distinguished scholars such as Professor Stanley Hoffman of Harvard University, Professor Hans J. Morgenthau of the University of Chicago, and Professor Richard A. Falk, Milbank Professor of International Law at Princeton University.

The statement below is a clear, cogent and compelling statement on the errors and evils of the invasion of Laos by the Nixon administration.

I include the statement as follows:

LAWYERS COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM

The Administration's argument that Congressional restrictions on the use of American ground combat troops in Laos and Cambodia authorize, by implication, the air war in those countries is sheer sophistry. War, under our Constitution, cannot be authorized by implication; military operations are valid only by affirmative action by Congress. In the present constitutional crisis, members of Congress have seemingly overlooked the National Commitments Resolution overwhelmingly adopted (70 to 16) by the Senate on June 25, 1969. This Resolution states (so far as here pertinent):

"Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, * * * and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment."

It is indisputable that the President's use of American armed forces (warplanes, helicopter gunships, etc.) in Laos and Cambodia has not been authorized by any treaty, statute or concurrent resolution (specifically providing for such use). Indeed, our Government has solemnly signed the 1962 Geneva Accords, agreeing to respect the neutrality and territorial integrity of the Kingdom of Laos. The President's actions in ordering American armed forces into Laos and Cambodia flagrantly contravenes the National Commitments Resolution which was adopted to preclude such Presidential unilateral action.

In the absence of affirmative action taken by Congress specifically authorizing military measures, the President's constitutional powers under the commander-in-chief clause do not authorize him to wage war. The Founding Fathers vested in Congress alone the sole power to commit our armed forces to hostilities abroad—to safeguard our nation against unchecked executive decisions to commit our country to a trial of force. The commander-in-chief clause merely placed the President at the top of the pyramid of military command—making him, in Alexander Hamilton's words, "first general and admiral of the Confederacy."

President Nixon cannot even rely on the Tonkin Gulf Resolution on which President Johnson relied as a legal basis for waging war in Vietnam for that Resolution has been repealed and indeed the repealer was signed by President Nixon himself. There is therefore not a vestige of Congressional authorization for committing American forces to hostilities on foreign territory (Laos, Cambodia).

The national commitments resolution reflected an accurate description of the constitutional responsibilities of the President and Congress, adopted toward the end of restoring the proper constitutional balance. We believe the Foreign Relations Committee should take all measures necessary to assure compliance with the national commitments resolution and to bring to a halt the violation thereof.

Since Congress has not authorized military hostilities in Southeast Asia, President Nixon, in continuing to wage war in Indochina, has been violating the Constitution. President Nixon's constitutional powers, as Commander-in-chief, to protect the lives of American troops do not authorize him to wage war, but are limited and restricted to measures necessary to the safe and expeditious withdrawal of these troops. Two years are far too long a period within which to have fulfilled that constitutional responsibility. The best way to protect the lives of American troops is to remove them from Vietnam—not to retain them to continue military operations.

Madame Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, has officially proposed at the Paris Conference that if President Nixon will establish and abide by a date for the complete withdrawal of all U.S. troops, the P.R.G. will assure the safe withdrawal of our troops as well as immediate discussion for the release of prisoners of war. President Nixon has failed to explain why he rejects this offer and prefers instead a policy that jeopardizes the lives of our troops and postpones indefinitely the release of American prisoners of war. President Nixon's refusal to establish a timetable for complete U.S. withdrawal makes continuation of the war inevitable—as does his persistent support for Thieu and Ky, who have emphatically stated their opposition to the withdrawal of American military support. They wish to retain their present position as heads of a narrowly constituted military regime maintained by a massive foreign presence. But as Ambassador Harriman has so pointedly said, "Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate no matter who he is." (*Look*, November 17, p. 39.)

Congress, in enacting the Cooper-Church amendments, made clear that, whatever the asserted powers of the President as Commander-in-chief, no ground troops or advisers were to be sent into Laos or Cambodia. The Cooper-Church amendments were intended to restrict American involvement in Indo-China not to exacerbate it. The air war being waged in Laos and Cambodia is contrary to the intent and spirit of Congressional restrictions as pointed out by Senator Mansfield in the T.V.-Radio program, "Face the Nation" (Jan. 4)

Since President Nixon lacks any constitutional power to wage war in IndoChina, Congress should act to halt such unconstitutional activities. If the President persists in violating the Constitution, it is Congress' responsibility to institute impeachment proceedings. Andrew Jonson was impeached for acts much less iniquitous.

We have been told that we are defending American honor; but many Americans and most of the world's nations feel that the spectacle of the enormously destructive U.S. military arsenal, especially in the case of the virtually unchallengeable power of the U.S. Air Force, arrayed against peasant soldiers, has defiled American honor as never before in our history.

We urge the Foreign Relations Committee

to forthwith endorse legislation prohibiting all offensive military action in Southeast Asia and setting an early deadline in 1971 for the withdrawal of all American forces.

We believe it would be a mistake to adopt the Javits bill designed to "regulate undeclared war" for under the guise of "protecting American lives" it could be construed to place a stamp of approval upon the military operations in Laos and Cambodia. In our view, it detracts from the force of the national commitments resolution.

Lamentably, too many members of Congress have accepted as valid the insidious false notion projected by the Administration that the President is authorized under the Commander-in-chief clause to do "anything, anywhere" merely by pronouncing the magic words—"for the protection of our troops". In *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 641–42 (1952), the Supreme Court rejected similar claims made by the Executive as to the scope of power conferred by the Commander-in-chief clause. The Administration's claims would confer upon the President unlimited executive power to wage war—an evil which the Founding Fathers decided to exorcise when they vested the war making power in the Congress—in the body most broadly representative of the people. The tragedy in Southeast Asia bespeaks the calamitous price we have paid for the Presidential transgression of our Constitution. We urge this Committee to take the action we have proposed.

Respectfully,

WILLIAM L. STANDARD,
Cochairmen.

PROFESSOR ROBERT LEKACHMAN'S INCOMES POLICY RECOMMENDATIONS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RYAN. Mr. Speaker, fashioning a sound economic policy which would control inflation without increasing unemployment constitutes one of our most critical problems. Robert Lekachman, professor of economics, State University of New York at Stony Brook, in testimony before the Joint Economic Committee on February 25, 1971, and the House Committee on Banking and Currency on February 26, 1971, showed his usual perspicacity and incisive analytical powers in examining this issue.

In outlining his proposed incomes policy, Professor Lekachman commented:

Wherever private economic power threatens public policy, Congress and the President must take pains to regulate the people and the organizations which exert the power. The more concentrated the power is, the greater is the menace to public purpose and the more immediate is the necessity of public intervention.

I include in the CONGRESSIONAL RECORD the full text of Professor Lekachman's testimonies, which I commend to my colleagues:

TESTIMONY BEFORE THE JOINT ECONOMIC COMMITTEE OF ROBERT LEKACHMAN, PROFESSOR OF ECONOMICS, STATE UNIVERSITY OF NEW YORK AT STONY BROOK, FEBRUARY 25, 1971

There is no need here to reiterate the failures of the initial Administration game plan. Mr. Nixon's original promise to control inflation without significantly increasing unemployment has been translated in real life into 6 per cent unemployment and consumer price inflation of approximately the same figure. The tale is as familiar as it is dispiriting.

I intend today to identify the reasons why Nixon economic policy Mark II is only marginally superior to its discredited predecessor. Here the President's cerebrated remark, "I am now a Keynesian in economics", ought to be evaluated within the context of the present adequacy of Keynesian policy. Keynes himself had an opinion worth recalling about the durability of economic ideas and the relationship between such ideas and political action. In the closing paragraph of "The General Theory of Employment, Interest and Money," published in England at the end of 1935, he had this to say:

". . . the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite exempt from all intellectual influences, are usually the slaves of some defunct economist."

It would not have shocked Keynes, the owner of one of the century's most agile minds, to observe that after a third of a century his theories of economic behavior and economic policy required drastic revision. Were he still alive, he would no doubt be leading the revisionists.

Certainly this Administration's Keynesianism is timid at least even by the criteria of 1935. The Administration now estimates a budget deficit of $18.6 billion in fiscal 1971. Obviously this substantial sum was too small to overcome the forces of recession, as the unemployment and output statistics demonstrate. Hence it is not intuitively obvious why a substantially smaller deficit of $11.6 billion for fiscal 1972 should be the salvation of the economy. The difficulties in the path of aspiring true believers are accentuated by the refusal of both the Council of Economic Advisers and the Office of Budget and Management to make the detailed sectoral forecasts upon which administration economists have in the past relied.

One explanation of the omission might be the presence in the White House of a powerful surrogate for Dr. Milton Friedman, the puissant Dr. George Schultz. An alternative explanation is the pessimism which such detailed inquiry is highly likely to instill. The respected University of Michigan continuing survey of consumer attitudes and intentions identifies few signs that ordinary Americans, afflicted by uncertainties about prices and jobs, are about to turn cheerful, run to the stores, and happily increase their burden of debt. Indeed wistful expectations that consumers will save less and spend more appear to be based on little more than the historical observation that in most years consumers have saved smaller percentages of their disposable income than lately they have been doing.

Will business investment be the answer? According to recent surveys, business spending on capital goods, a key element in any sustained expansion, will increase only moderately during the rest of 1971. If, as is now anticipated, dollar expenditures on capital goods rise by under 2 per cent, real investment will of course shrink, possibly by as much as 3–4 per cent. Nor are the revised depreciation rules a panacea. At Harvard, Professor Dale Jorgenson's econometric inquiries lead to the conclusion that in the short run the new rules will have little impact. I might observe parenthetically that this new $2.5 billion boon to corporations deserves inclusion in the next compilation of tax expenditures made by the Treasury. Although the tax expenditure notion was a parting Democratic gift by Stanley Surrey to the incoming Administration, its usefulness transcends partisan considerations.

The insufficiency of budgetary stimulus and the implausibility of consumer and investment revival, compel me to share the widespread skepticism in my trade about the ability of the economy to travel within hailing distance of the President's three 1971 targets, GNP of $1,065 billion, inflation tapering to 3 per cent by year's end, and unemployment obediently declining by the same date to below 5 per cent. Unless Congress, as I believe and hope it will do, supplies the additional budgetary stimulus, there is nowhere visible the expansionary forces upon which the Administration rather mysteriously is counting.

Here I come to the major signs of decrepitude in the Administration brand of simple-minded Keynesianism. If by some chance the rate of economic expansion picks up speed, in dutiful accord with the projections of the magical new monetarist model in high favor in the Office of Budget and Management, the White House will collide with a major uncertainty, the willingness of Dr. Arthur F. Burns and his Federal Reserve Board colleagues to underwrite a new inflationary impetus by expanding the money supply at the minimum 6 per cent rate favored by Dr. McCracken and his colleagues at the Council of Economic Advisers. What is unhappily quite possible is a scenario of the following variety: an acceleration of price inflation, a reduction by the Federal Reserve in the rate at which it creates new money, and finally either a replay of the Treasury-Federal Reserve confrontations of the Truman era or a retreat by the White House from fiscal expansion. Either outcome is guaranteed to nip an emerging recovery long before it flowers. Once faith and hope are excluded, there is no special reason to anticipate a noninflationary expansion of the character predicted by the Administration.

II

The contours of workable economic policy are not very difficult to sketch. Sensible economists and politicians accept the death of laissez-faire and do not flinch from the facts of economic power. Prices, incomes, and employment are heavily influenced by the decisions of the giant oligopolies which dominate manufacturing, the major unions which face them across collective bargaining tables, and the AMA-teaching hospital complex which determines the structure of medical costs. The potentates who run these organizations are of course influenced by market forces.

Nevertheless, typically they exercise considerable discretion in their responses to market exigencies. Thus it was that Bethlehem Steel, in the middle of a spell of flagging sales and fierce competition from foreign steelmakers, could propose to raise many of its prices over 12 per cent. It was securely protected from any unseemly price competition from its rivals in the American industry and certain that these rivals would speedily follow Bethlehem's price lead. Although Presidential intervention halved the projected price escalation, there remains something odd about increasing prices in the face of declining sales. Equally odd from the standpoint of competitive theory has been the ability of construction unions to bargain for wage increases as large as 25 per cent despite 11 per cent unemployment among building trades workers.

Both cases are almost random illustrations of the realities of market power. The concentration of this power enabled Bethlehem to choose higher prices and smaller sales in preference to lower prices and larger sales. The same circumstances permitted the construction unions tacitly to bargain for fewer jobs at higher pay rather than more jobs at lower wage rates. As Adam Smith wrote in 1776, what renders the greed of businessmen harmless and even socially beneficial is the pressure of competitive markets upon costs and prices. Where this pressure is absent for want of competitive markets, the

argument is compelling either for militant anti-trust enforcement and consequently fragmenting of large corporations or for vigorous incomes policy. Since I take public support for radical anti-trust to be imperceptible but public approval of wage and price control to be substantial, I find economic logic and political feasibility in harmony.

Effective incomes policy in 1971 implies a good deal more than a revival of jawboning or even a combination of jawboning with the resurrection of the wage-price guideposts. Although there is growing evidence that the guideposts did have a perceptible anti-inflationary impact, they operated at their best in an era different from ours, a period which trailed after eight years of slow economic growth, three recessions, and high average rates of unemployment. Although the social costs of Eisenhower economic policy were too high to encourage repetition of the experience, it must be conceded that eight years of frugality certainly did rid Americans of inflationary expectations.

However, inflationary expectations remain a fact of life in the present. The need arises, therefore, for stronger medicine, in the shape of mandatory controls. My own preference combines a dash of Robert Roosa with a dram of J. K. Galbraith. Which is to say that to me it makes sense to freeze wages and prices for six months and employ the time to design a set of selective wage and price controls a la Galbraith. I share Galbraith's view that the place to impose the controls is where the markets are least free. This is of course administratively convenient: it is far easier to regulate *Fortune's* elite list of the top 500 industrial corporations and the unions with which they deal than it is to supervise myriads of small businessmen and merchants.

If the economy in 1971 is to move into a vigorous recovery, monetary and fiscal policy must march in step. It is almost certain that the prerequisite for such disciplined harmony of movement is administrative restraint of the key wage and price decisions. Such restraint will allay the inflationary fears of the central bankers and encourage the White House to persevere in its promise of budgetary stimulation.

The final component of successful post-Keynesian economic policy focuses upon employment. My co-panelist Dr. George Perry has recently conducted an important inquiry into recent changes in the Phillips curve trade-off between unemployment and inflation. The labor force is now composed of a growing percentage of female and young workers. Both groups suffer from higher than average unemployment rates. An implication of this demographic shift is the tendency of prices to stir menacingly at overall rates of unemployment which are unacceptably high, on the order of 5 per cent. A decade or so ago, the danger point was 1 or even 1½ per cent lower.

What follows is not the counsel of despair that we should give up on either employment or inflation. The moral is different. Sophisticated policy which successfully reconciles low rates of unemployment with successful price strategy requires attention to manpower as well as to incomes. Unfortunately the President vetoed a promising Congressional initiative, last session's attempt to authorize a modest number of public service jobs in hospitals, parks, museums, law enforcement agencies, and schools. Only a few years ago, President Johnson's automation commission estimated that there were over 5 million unfilled jobs in the public sector at existing levels of staffing and administration. In 1971 the number is unlikely to be smaller. A good public employment program would serve two desirable ends. It would alleviate the chronic manpower shortages to which public agencies are prey and it would cope with a component of unemployment peculiarly intractable to monetary and fiscal policies.

III

Briefly to recapitulate my four recommendations, I begin with the identification of a need for substantially more fiscal stimulus from the federal budget than the President contemplates. At a guess, a full-employment budget deficit of $10 billion would make a proper target. After Congress has done its work. I hope that Paul Samuelson will be moved to repeat the praise of your body which he expressed last year in the wake of Congressional additions to White House budget requests.

The rate of monetary expansion should rise to something over 6 per cent, possibly as high as 8 per cent.

An incomes policy fully equipped with sharp teeth is essential partly to mollify the monetary authorities, but still more to mitigate the inequities which attend continued inflation.

Finally, the assault upon unemployment must contain structural as well as aggregative elements, notably manpower training and public sector employment. As a Democrat I recall with a certain pleasure that the 1968 platform of my party incorporated a pledge to move toward a condition in which the federal government would become the employer of last resort. Even though the 1968 presidential race turned out badly, the voters were prudent enough to retain Democratic majorities in both houses.

It is something, I suppose, that that practical man, Mr. Nixon, has attached himself to an economic policy which was quite up-to-date two or three decades ago. This is not enough. The post-Keynesian universe demands attention to the facts of economic power and the circumstances of groups unable to protect themselves in markets partly free and partly privately dominated.

TESTIMONY OF ROBERT LEKACHMAN, PROFESSOR OF ECONOMICS, STATE UNIVERSITY OF NEW YORK AT STONY BROOK BEFORE THE HOUSE COMMITTEE ON BANKING AND CURRENCY, FEBRUARY 26, 1971

In preparation for my appearance before this Committee, I took the sensible precaution of examining the record of your Hearings on June and July of last year. As I suspected, I discovered that I was in the slightly embarrassing situation for an academic economist of finding myself in substantial agreement with two of your earlier witnesses, Dr. Robert Roosa and Professor J. K. Galbraith. I am consoled by the reflection that they are two of the wisest and most ingenious members of my profession.

Like them I judge that the best feasible incomes policy commences with a freeze of wages, prices, and, I would add, dividends. While the freeze is in force, the President, in consultation with leaders of the major private interests involved, should design a workable scheme of wage, price, and dividend regulation. The President shall be required to present his proposed plan of operation to Congress for approval. After such approval is registered, the President will be empowered to release from the freeze the vast majority of enterprises which operate in competitive markets. Remaining under control will be prices, wages, and dividends in industries dominated by large corporations engaged in bargaining with national trade unions.

Although I bring no new wisdom in support of these conclusions, old arguments remain persuasive. It is a hobby of conservative politicians and a majority of my professional brethren to exaggerate the extent to which the American economy is directed by free market forces. Although there is admittedly a sphere in which competition organizes economic activity and generates wages and prices, it is equally certain that the public utilities and much of manufacturing are organized as monopolies or oligopolies. And there are services, notably medicine, whose cost and fee structure has been decisively shaped by the professions capacity to regulate the training and inflow of new entrants, influence the running of hospitals, and determine the character of the medical marketplace.

Free markets produce socially tolerable results not because businessmen are particularly astute or exceptionally altruistic but because the pressure of rivalry curbs avarice and promotes efficiency. Such was the wisdom of Adam Smith. Such is much political and economic wisdom in 1971. A logical corollary is not always emphasized: in the many instances where markets are not competitive, the checks to avarice and the stimuli to efficiency operate with varying degrees of imperfection. It follows also that the price and wage policies which private market power allow are not necessarily in the public interest. The Nixon Administration's almost theological reverence for free markets leads its members to overlook the scarcity of such markets and the determination of many wages and prices by a comparatively short list of quite identifiable corporations, trade unions, and professional societies such as the American Medical Association.

Although the men of power who manage the affairs of such entities are less than totally insulated from demand and supply conditions in the markets where they hawk their wares, it is simple common sense to note that the price setters and the wage negotiators enjoy considerable discretion in the ways they choose to respond to their economic environment. Two illustrations underline the generalization. Bethlehem could rationally propose to raise structural steel prices over 12 per cent because it was protected by the knowledge that, faithful to ancient practice, the remainder of the industry would follow the price leader. Although the White House in what some suspect to have been a charade talked the increase down to 6 per cent or so, there remains something odd about any increase at all for an industry whose sales have been flagging and whose domestic markets have been invaded by agile foreigners, from whom the industry's leaders cry for protection. On the wage side, there are as usual the construction unions which, undeterred by 11 per cent unemployment among their members, have negotiated wage settlements in the 25 per cent range. Such behavior is not wicked. Market power enables the steel industry to choose a combination of higher prices and lower tonnage rather than a package of lower prices and larger tonnage. The construction unions exert similar power to select fewer jobs at higher wage rates in preference to more jobs at lower wages. One could very readily argue—indeed I do so, that neither steel nor construction supports a public interest which is much better promoted by lower prices, larger output, higher employment, and greater economic activity.

I draw a simple moral. Wherever private economic power threatens public policy, Congress and the President must take pains to regulate the people and the organizations which exert the power. The more concentrated the power is, the greater is the menace to public purpose and the more immediate is the necessity of public intervention.

II

For the reasons that immediately follow, I believe 1971 economic policy to be threatened by the probable exercise of private economic power.

Let us consider the character of 1971 needs and the responses to them by the Administration. In one of the more remarkable conversions of our day, Mr. Nixon has de-

clared himself a Keynesian in economics. With the usual triumphant rhetoric, the President has promised the conutry many good things—notably GNP of $1,065 billion, less than 5 per cent unemployment by year's end, and 3 per cent inflation by the same date. As far as the outsider can judge, the success of these forecasts is premised upon a revival of consumer spending, the stimulus of an $11.6 billion federal deficit, and the cooperation of the Federal Reserve in the greening of America with new money and credit.

These forecasts are perilously close to wishful thinking or faith healing. Th~ signs of a consumer boom are faint. The fact that Americans are squirreling away savings at historically high rates does not logically nominate 1971 as the year when they will resume their free spending habits. Apart from housing, the marks of an impending investment boom are equally difficult to decipher. And if an $18 billion deficit in fiscal 1971 failed to spark recovery, why should a smaller deficit in fiscal 1972 constitute economic salvation?

The most substantial hope of early recovery is in Congressional action to appropriate funds for such essential public purposes as education, housing, health, manpower training, and, almost most important of all, public service employment, substantially in excess of the President's request. Recovery and social priorities will both be promoted by such Congressional action. An appropriate target, I suggest, might be a full employment budget deficit of $10 billion.

The Administration's timid venture into fiscal expansion and still more Congressional action of this magnitude require for their success the cooperation of the monetary authorities. Yet it is implausible to expect Dr. Burns and his colleagues to enlarge the money supply at the 6–8 per cent rates that this much fiscal stimulus might require, if at the same time inflation fails to slow, or, as is highly probable, once more accelerates, as unions and corporations continue to wield in inflationary ways their discretionary powers.

The case for effective incomes policy does not rest solely upon the need to complement fiscal and monetary initiatives. In general private power cries for guidance and control by public authority. Moreover, inflation's inequities press hardest upon the elderly and the beneficiaries of public services. Within the context of immediate economic policy, I would flatly assert that rapid expansion of economic activity and speedy reduction of intolerably high levels of unemployment are equally unlikely events in the absence of the kind of wage-price regulation which soothes central bankers and encourages responsible legislators to enact the programs and appropriate the sums which serve the needs of recovery and the starved public sector.

III

Your Committee, I understand, is currently contemplating the extension of the stand-by powers over wages and prices which Congress last year granted the President. Notoriously Mr. Nixon has failed to exercise his right "to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970." Of course, not having done so, he has been spared the pains of "making such adjustments as may be necessary to prevent gross inequities."

If Edwin Dale's summary of Administration attitudes in the February 14 New York Times is as accurate as it appears to be, neither persistent inflation nor the smoke signals sent up by Dr. Burns in his December Pepperdine College address has weakened the devotion of the White House to noninterference in private economic decisions. Apparently guidelines are out. In their absence jawboning will be confined to instances where the government can have direct influence through variation in tariffs and quotas, shifts in regulatory policies, or purchasing sanctions. Mr. Dale concluded his story with this depressing paragraph:

"In short, Washington is not going to bother the generality of Americans in their daily economic decisions. The Government is a little more 'active' than it was, but there is less there than meets the eye. Mr. McCracken is honest: 'Anything along this line,' he said last week, 'will be only a marginal contribution.'"

By my lights this is utter folly, the result of the attachment of economic fundamentalists to a vision of a society uncannily different from our own United States in 1971.

I am, therefore, led to wonder whether in the light of the President's aversion to price regulation simple extension of these stand-by provisions will serve anything other than the political purpose of attaching the blame of continued inflation to Mr. Nixon. As a partisan Democrat, I cannot find it in my heart utterly to denounce such a motive. Error deserves electoral punishment and as soon as possible.

Under the circumstances, it is apparent that if Congress wishes this year to take concrete action against inflation, its members will need to direct the President into a course of action which he detests—presumably not the first occasion that a Congress has imposed its will upon a President. As a Roosian and a Galbraithian, I am pleased to find the prescription for legislative action all but written for me. I quote with approval a portion of Dr. Roosa's testimony before this Committee on June 17, 1970:

"My own proposal is for a three-phase approach. And I would suggest that all three proceed simultaneously.

"The first is temporary freeze of prices, wages, rents, and dividends.

"The second, the initiation of an incomes policy.

"And the third, establishment—and this is a newer approach, something I at least have not suggested earlier—the establishment of what I am calling a 1970 version of the landmark of the late 1930's the Temporary National Economic Committee."

Dr. Roosa proceeded to suggest that the first phase, the freeze, last only a few months, that the second phase, incomes policy, endure 2–3 years, and the third mechanism, the TNEC-like inquiry, produce its fruits, "a fuller basis for improving the long-run functioning of the economy," by 1972 or 1973.

Taking into account the fuller record of Administration intransigence on this issue, I should adapt Dr. Roosa's program in the following fashion:

(1) Congress shall direct the President to freeze prices, wages, dividends, and possibly rents at the levels which obtained on February 1, 1971 or on such subsequent date as Congress prefers.

(2) The freeze will continue in effect until:

(a) The President after consultation with business, financial, and labor leaders promulgates a workable plan for the regulation of key private decisions which affect wages and prices;

(b) Congress approves the President's regulatory scheme;

(c) Congress appropriates the funds needed to administer incomes regulation.

(3) As long as the freeze lasts, the President will be empowered, as under the current legislation, to make "such adjustments as may be necessary to prevent gross inequities."

(4) The President shall promptly report to Congress the adjustments he makes pursuant to this authorization and the criteria which guided his decisions.

(5) Congress should authorize a new TNEC charged like its predecessor with sketching the map of private economic power, as well as with an additional mandate to design a long-run framework for the guidance of those who exercise private economic power. The Commission's membership should be drawn from Congress, the executive branch, and the public.

I do not offer this sketch of a policy so much as a panacea as a mode of experiment with a difficult problem.

No advanced industrial society has satisfactorily resolved the price-employment dilemma. It is worth noting, however, that for varying periods of time the Scandinavian countries, the Netherlands, and West Germany, have been able, following diverse strategies, to enjoy high levels of employment and reasonable approximations to price stability. It is tempting and possibly not entirely fruitless to wonder what our own experience would have been, save for the monstrous distortions of resources and activity imposed upon our land by a monstrous war. During the brief moment when the New Economics enjoyed its flirtation with public acclaim, circa 1961 to mid-1965, the American economy did expand steadily, prices barely stirred, and, as recent investigations suggest, the wage-price guideposts moderated the decisions of the powerful.

No one can know whether a continuation of those policies, possibly reinforced by statutory legitimization of the productivity guideposts, would have pointed the way to the reconciliation of price and employment objectives. Since no democratic society can calmly accept either high unemployment or serious inflation for any but a brief period, the search for better policy must continue. The collapse of Nixon Game Plan Mark I is a convincing demonstration of the imperfections of monetarist doctrine. The probable failure of Nixon Game Plan Mark II will pass a similar verdict upon the inadequacies of simple-minded Keynesian fiscal stimulus, unaccompanied by structural interventions into the places where private market power distorts national economic policy.

Since it is more important to rescue the pensioners, the unemployed, the schools, and other public services than it is to increase the prospects for the President's early surrender of his White House lease, I fervently hope that this Committee will report to the House of Representatives a strong legislative mandate for an effective incomes policy.

I thank the Committee for the opportunity to present these views.

NATIONAL PUBLIC EMPLOYEE RELATIONS ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, today I reintroduce the National Public Employee Relations Act, to provide basic collective bargaining rights for more than 10 million Federal, State, county, and municipal workers who have to date been denied rights we have come to consider as fundamental for working men and women.

Years of experience in the private sector have proven that labor, management, and the public interest, are best served when orderly, fair, and enforceable procedures are available for the peaceful resolution of employer-employee problems. This bill would do for public employees much of what the National Labor Relations Act did for workers in private industry, by guaranteeing the right to organize and to bargain collectively, and providing a framework within which those rights can be effectively exercised.

The major provisions of the bill are as follows:

The rights of public employees are defined to include the right to organize, bargain collectively, and engage in other activities for the purpose of mutual aid or protection without interference or restraint.

Employees are free to join a labor organization and any interference by an employer with the exercise of these rights is declared an unfair labor practice.

Provision is made for deduction of union dues from wages if authorized by the employee.

A 5-man National Public Employee Relations Commission is established to administer the provisions of the Act.

The Commission is empowered to oversee elections by which representation is determined.

A grievance procedure is established to resolve complaints of employers and employees alleging violations of the Act, with court review upon application of either party.

Provision is made for mediation and fact-finding by the Federal Mediation and Conciliation Service.

Once passed, the act would apply to all Federal, State, and local employees, but any State could by law establish its own procedures for public employee-employer bargaining which, if substantially similiar to the Federal law, would then apply.

Mr. Speaker, public employees in this country through no fault of their own have been bypassed by the rest of the fast-moving labor force. In 1935, Congress adopted the National Labor Relations Act, determining that the best guarantee of fair wages and decent working conditions was to allow employees to organize and actively represent and defend their own interests. How incongruous that these same reasons should not be applied to those who perform public services. While trade unions have provided untold benefits to millions, the public sector has been locked into an antiquated, bureaucratic freezer.

Those who oppose the idea of collective bargaining for public employees will inevitably object that the right to bargain collectively ultimately means the right to strike. Although this bill neither creates nor prohibits the right to strike, it should be noted that the present system has not avoided strikes by public employees, even though such strikes are illegal. What the existing practice has proven is that when no adequate mechanisms exist to protect the interests of employees and to speak to their grievances about wages, hours, and working conditions, even the threat of jail is ineffective to keep them at their jobs. Clearly all parties can best be served by a system which recognizes public employees as employees, with all the rights and responsibilities shared by employees in the private sector.

SCOUTING SURVEY OF THE CONGRESS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BROWN of Ohio. Mr. Speaker, one of the most influential youth organizations in the free world and in America today is the Boy Scouts of America.

In this Nation more than 4½ million boys of Scouting age are members of Cub Scouts, Boy Scouts, and Explorers—one of every four eligible. The Cub packs, Boy Scout troops, and Explorer posts exist in every corner of the Nation, open to America's youth of every race, creed, and social and economic station. Each opens up to the young men in its area an opportunity for the leadership and character training that are the basic principles of the whole Scouting movement.

In addition to the boys involved in Scouting, the leadership opportunity involves more than a million and a half adults, dedicated to assisting America's youth to become better citizens through the programs offered in Scouting.

That Scouting can be one of the most valuable ingredients in the character and leadership training of our citizens is exemplified in outstanding fashion here in the halls of Congress. As during each of the past three Congresses, I have surveyed each new Member of the 92d Congress. The completed results show that 65 percent of all of the male Members of the current House and Senate have participated in Scouting, either as Scouts, volunteer leaders, or in both capacities. And if participation in Scouting can provide one measure of the quality of the legislative branch of Government—and I believe that it does—the quality for this Congress is higher by 1 percent than during the 91st Congress.

The results of my Scouting survey of the Congress have been turned over to the Boy Scouts of America for their use and distribution throughout the BSA organization and to others interested in the Scouting movement. As I have in the past, I also am inserting the results in the RECORD for use by my colleagues:

SURVEY OF 92D CONG., 1ST SESS., RELATIVE TO PARTICIPATION IN BOY SCOUTS OF AMERICA, CONDUCTED BY CONGRESSMAN CLARENCE J. BROWN, OHIO

	Representatives	Senators	Total
Scout (only)	156	37	193
Scout and leader	84	15	99
Leader (only)	43	6	49
No participation	139	41	180
Total eligible Members[1]	422	99	521
Women Members	12	1	13
Vacant	2	0	2
Total Members[1]	436	100	536

[1] Includes Puerto Rico Representative.

Total Members who have participated in Scouting: 341 (65% of eligibles).

Total who were Scouts: 292.

Total who were leaders: 148.

EAGLE SCOUTS

Senators Frank Moss, Utah (D), Richard Schweiker, Penn. (R), Lloyd Bentsen, Tex. (D), and Hubert Humphrey, Minn. (D).

Representatives: Bill Alexander, Ark. (D), Burt Talcott, Calif. (R), Victor Veysey, Calif. (R), Charles Bennett, Fla. (D), Roger Zion, Ind. (R), John Culver, Iowa (D), Keith J. Sebelius, Kans. (R), Larry Winn, Jr., Kans. (R), Patrick T. Caffery, La. (D), Gerald R. Ford, Mich. (R), John A. Blatnik, Minn. (D), and Durward Hall, Mo. (R).

John E. Hunt, N.J. (R), Barber B. Conable, N.Y. (R), Mark Andrews, N.D. (R), Clarence J. Brown, Ohio (R), J. William Stanton, Ohio (R), Tom Steed, Okla. (D), John R. Dellenback, Oreg. (R), Daniel J. Flood, Penn. (D), Bill Archer, Tex. (R), J. J. (Jake) Pickle, Tex. (D), John O. Marsh, Jr., Va. (D), and Henry S. Reuss, Wis. (D).

SILVER BEAVER

(Local Council Award for outstanding volunteer service)

Senators: Clinton Anderson, N.M. (D), Everett Jordan, N.C. (D), and Mark Hatfield, Oreg. (R).

Representatives: Del Clawson, Calif. (R), Larry Winn, Jr., Kans. (R), Durward Hall, Mo. (R), John McCollister, Nebr. (R), Page Belcher, Okla. (R), John N. Happy Camp, Okla. (R), and John Ware, Pa. (R).

SILVER ANTELOPE

(Regional Award for outstanding volunteer service)

Senator Mark Hatfield, Oreg. (R), Representatives Durward Hall, Mo. (R), and John Ware, Pa. (R).

CUB SCOUT DEN MOTHER

Representatives Florence P. Dwyer, N.J. (R), Louise Day Hicks, Mass. (D), and Ella T. Grasso, Conn. (D).

Scout denoted by "S"; Leader or Adult Volunteer denoted by "L"; Scout and Leader denoted by "S & L":

Alabama

Senator John Sparkman (D), S & L.
George W. Andrews (D), S.
John H. Buchanan, Jr. (R), L.
William Dickinson (R), S.
Walter W. Flowers (D), S & L.

Alaska

Senator Mike Gravel (D), S.
Senator Theodore F. Stevens (R), S, L.
Nick Begich (D), S & L.

Arizona

Senator Barry Goldwater (R), S.
Senator Paul Fannin (R), S.
John J. Rhodes (R), S.
Morris K. Udall (D), S & L.

Arkansas

Bill Alexander (D), S.
John Hammerschmidt (R), S.
Wilbur Mills (D), S & L.
David Pryor (D), S.

California

Senator Alan Cranston (D), S.
Senator John Tunney (D), L.
Alphonzo Bell (R), S.
Del Clawson (R), S & L.
James Corman (D), S.
George Danielson (D), S.
Ronald Dellums (D), S.
Don Edwards (D), S.
Barry Goldwater, Jr. (R), S.
Richard Hanna (D), S & L.
Craig Hosmer (R), S.
Harold Johnson (D), L.
Robert Leggett (D), S & L.
John McFall (D), L.
William Mailliard (R), S.
Bob Mathias (R), S.
Paul McCloskey (R), L.
John E. Moss (D), S.
Ed Reinecke (R), S & L.
John Rousselot (R), S.
Edward Roybal (D), S.
H. Allen Smith (R), S & L.
Burt Talcott (R), S & L.
Charles Teague (R), S.
Lionel Van Deerlin (D), S.
Victor Veysey (R), S & L.
Jerome Waldie (D), S.
Bob Wilson (R).

Colorado

Wayne Aspinall (D), S.
Donald Brotzman (R), S.
Frank Evans (D), S & L.
James McKevitt (R), S.

Connecticut

Senator Lowell Weicker (R), S.
Senator Abraham Ribicoff (D), S.

William Cotter (D), S.
Robert Giaimo (D), S.
Stewart McKinney (R), S.
Robert Steele (R), S.

Delaware

Senator J. Caleb Boggs (R), S, L.
Senator William Roth, Jr. (R), L.

Florida

Senator Edward Gurney (R), S.
Senator Lawton Chiles (D), S & L.
Charles Bennett (D), S.
J. Herbert Burke (R), S.
Dante B. Fascell (D), S.
Louis Frey (R), S.
Don Fuqua (D), S & L.
Sam Gibbons (D), S.
James Haley (D), L.
Paul Rogers (D), S.
Claude Pepper (D), S & L.
Robert Sikes (D), S.
C. W. Young (R), S & L.

Georgia

Benjamin Blackburn (R), S & L.
Jack Brinkley (D), L.
John Flynt, Jr. (D), S & L.
G. Elliott Hagan (D), L.
Phil Landrum (D), S.
Dawson Mathis (D), S & L.
Robert Stephens, Jr. (D), S & L.
W. S. (Bill) Stuckey, Jr. (D), S & L.
Fletcher Thompson (R), L.

Hawaii

Senator Hiram Fong (R), S & L.
Spark Matsunaga (D), S.

Idaho

Senator Frank Church (D), S.
Orval H. Hansen (R), S & L.
James McClure (R), S.

Illinois

Senator Charles Percy (R), S & L.
Frank Annunzio (D), L.
Leslie Arends (R), S.
Harold Collier (R), S.
Philip Crane (R), S.
Edward Derwinski (R), S.
John Erlenborn (R), L.
Robert McClory (D), S.
Ralph Metcalfe (D), S.
Morgan Murphy (D), S.
Roman Pucinski (D), S.
Dan Rostenkowski (D), S & L.
William Springer (R), S.
Sidney Yates (D), S.

Indiana

John Brademas (D), S & L.
William G. Bray (R), S.
David Dennis (R), S.
Lee Hamilton (D), S.
Elwood Hillis (R), S.
Andrew Jacobs, Jr. (D), S.
Roger Zion (R), S & L.

Iowa

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Senator Jack Miller (R), S.
John C. Culver (D), S.
John Kyl (R), L.
Fred Schwengel (R), L.
Wiley Mayne (R), S.
Neal Smith (D), L.

Kansas

Senator Bob Dole (R), S.
Senator James Pearson (R), S.
Keith Sebelius (R), S.
Garner Shriver (R), S & L.
Joe Skubitz (R), L.
Larry Winn, Jr. (R), S & L.
William R. Roy (D), S.

Kentucky

Senator John S. Cooper (R), S.
Senator Marlow Cook (R), S.
William Natcher (D), S.
Gene Snyder (R), S.
Frank Stubblefield (D), S.
John C. Watts (D), S.

Louisiana

Hale Boggs (D), S.
Patrick Caffery (D), S.
Speedy O. Long (D), S.
Otto E. Passman (D), S.
Joe D. Waggonner (D), S.

Maine

Senator Edmund Muskie (D), S.
William Hathaway (D), S.
Peter Kyros (D), S.

Maryland

Senator Charles McC. Mathias (R), S.
Senator Glenn Beall (R), S.
Goodloe Byron (D), S & L.
Samuel Friedel (D), S.
Lawrence Hogan (R), L.
Gilbert Gude (R), S & L.
Clarence Long (D), S.
Paul Sarbanes (D), S.

Massachusetts

Senator Edward Brooke (R), S.
Michael Harrington (D), S.
Thomas O'Neill, Jr., (D), L.

Michigan

Senator Robert Griffin (R), S & L.
William Broomfield (R), S & L.
Garry Brown (R), S.
Elford Cederberg (R), S.
John D. Dingell (D), S & L.
Gerald R. Ford (R), S.
Edward Hutchinson (R), S.
Lucien N. Nedzi (D, L.
Philip Ruppe (R), S.

Minnesota

Senator Hubert Humphrey (D, S L.
Senator Walter Mondale (D), S.
Bob Bergland (D), S.
John Blatnik (D), S.
Donald Fraser (D), S.
Bill Frenzel (R), S.
Joseph Karth (D), S & L.

Mississippi

Thomas G. Abernethy (D), S & L.
G. V. Montgomery (D), S.

Missouri

Bill D. Burlison (D), S & L.
William Clay (D), S.
Durward Hall (R), S & L.
W. R. Hull, Jr. (D), L.
William L. Hungate (D), S.
William J. Randall (D), S.

Montana

Senator Lee Metcalf (D), S & L.
Richard Shoup (R), S.

Nebraska

Dave Martin (R), S & L.
John McCollister (R), S & L.

Nevada

Senator Howard W. Cannon (D), S.
Walter S. Baring (D), S.

New Hampshire

Senator Norris Cotton (R), S.
Senator Thomas McIntyre (D), L.
Louis C. Wyman (R), S.

New Jersey

Senator Clifford Case (R), S.
Senator Harrison Williams, Jr. (D), L.
Cornelius Gallagher (D), S.
James J. Howard (D), S.
John E. Hunt (R), S & L.
Joseph Minish (D), S.
Charles Sandman (R), S.
William Widnall (R), S & L.

New Mexico

Senator Clinton Anderson (D), L.
Manuel Lujan (R), S & L.
Harold Runnels (D), S & L.

New York

Herman Badillo (D), S.
Hugh L. Carey (D), L.
Barber Conable, Jr. (R), S & L.
John G. Dow (D), S & L.
Thaddeus Dulski (D), S & L.
Hamilton Fish (R), L.
James Grover, Jr. (R), S.
Seymour Halpern (R), S & L.
James F. Hastings (R), S.
Frank Horton (R), S & L.
Jack Kemp (R), S.
Carleton King (R), L.
Robert McEwen (R), S.
Otis Pike (D), S & L.
Bertram Podell (D), S & L.
Ogden Reid (R), S.
Howard Robinson (R), S & L.
John Rooney (D), S.
Henry Smith III (R), S & L.
Samuel S. Stratton (D), S & L.
John Terry (R), S.
John Wydler (R), S.

North Carolina

Senator B. Everett Jordan (D), L.
James Broyhill (R), S.
L. H. Fountain (D), S.
Nick Galifianakis (D), S.
David Henderson (D), S.
Walter Jones (D), S.
Charles Jonas (R), S.
Alton Lennon (D), S&L.
L. Richardson Preyer (D), S&L.
Earl Ruth (R), S.
Roy Taylor (D), S&L.

North Dakota

Mark Andrews (R), S.

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Senator William Saxbe (R), S.
Senator Robert Taft, Jr. (R), S, L.
John Ashbrook (R), L.
Jackson Betts (R), S&L.
Clarence J. Brown (R), S&L.
Samuel Devine (R), S.
William Harsha (R), S.
Wayne Hays (D), S&L.
Delbert Latta (R), S.
Clarence Miller (R), S.
William Minshall (R), S.
Charles Mosher (R), L.
Walter Powell (R), S.
J. William Stanton (R), S.
Louis Stokes (D), S&L.
Chalmers Wylie (R), S&L.

Oklahoma

Senator Fred Harris (D), S.
Carl Albert (D), S&L.
Page Belcher (R), L.
John N. Happy Camp (R), S&L.
Ed Edmondson (D), S.
John Jarman (D), L.
Tom Steed (D), S&L.

Oregon

Senator Mark Hatfield (R), S&L.
Senator Robert Packwood (R), S.
John R. Dellenback (R), S.
Al Ullman (D), L.

Pennsylvania

Senator Richard Schweiker (R), S&L.
Senator Hugh Scott (R), S.
Edward Biester (R), S.
Frank Clark (D), S&L.
Robert Corbett (R), S.
R. Lawrence Coughlin (R), S.
Joshua Eilberg (D), S&L.
Daniel Flood (D), S.
James Fulton (R), S.
Albert Johnson (R), L.
Joseph McDade (R), S.
Thomas Morgan (D), S.
Fred Rooney (D), S.
John Saylor (R), S&L.
Herman Schneebeli (R), S.
John Ware (R), S&L.
J. Irvin Whalley (R), S&L.
L. G. Williams (R), S.
Gus Yatron (D), S.

Rhode Island

Senator Claiborne Pell (D), S.
Robert Tiernan (D), S.

South Carolina

Senator Ernest Hollings (D), S.
Senator Strom Thurmond (R), S&L.
John McMillan (D), L.
Floyd Spence (R), S&L.

South Dakota

Senator Karl Mundt (R), SL.
Frank Denholm (D), S.

Tennessee

Senator William Brock III (R), S.

William Anderson (D), S.
Ray Blanton (D), S&L.
John Duncan (R), S&L.
Richard Fulton (D), S&L.
Ed Jones (D), S.
Dan Kuykendall (R), L.

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Senator Lloyd Bentson (D), S&L.
Bill Archer (R), S.
Omar Burleson (D), S.
Earle Cabell (D), L.
Bob Casey (D), S&L.
James Collins (R), S.
John Dowdy (D), S&L.
O. C. Fisher (D), L.
Eligio de la Garza (D), S&L.
Henry Gonzalez (D), S&L.
Abraham Kazen, Jr. (D), S.
Wright Patman (D), L.
J. J. (Jake) Pickle (D), S.
W. R. Poage (D), L.
Robert Price (D), L.
Graham Purcell (D), L.
Ray Roberts (D), S&L.
Olin Teague (D), S.
Richard White (D), S&L.
James Wright, Jr. (D), S&L.

Utah

Senator Wallace Bennett (R), S.
Senator Frank Moss (D), S.
Sherman Lloyd (R), S&L.
K. Gunn McKay (D), S&L.

Vermont

Robert T. Stafford (R), S.

Virginia

Senator William B. Spong, Jr. (D), S, L.
W. C. Daniel (D), L.
Thomas Downing (D), S&L.
J. Kenneth Robinson (R), S&L.
David Satterfield III (D), S.
William Scott (R), L.
William Wampler (R), S.

Washington

Senator Henry Jackson (D), S.
Brock Adams (D), S.
Thomas Foley (D), S.
Lloyd Meeds (D), S&L.
Thomas Pelly (R), S.

West Virginia

Senator Robert Byrd (D), S.
Senator Jennings Randolph (D), S.
Ken Hechler (D), S.
James Kee (D), S.
Robert Mollohan (D), S.
John M. Slack, Jr. (D), S.
Harley O. Staggers (D), L.

Wisconsin

Senator William Proxmire (D), S.
Glenn R. Davis (R), L.
Robert W. Kastenmeier (D), S.
Henry S. Reuss (D), S. & L.
William A. Steiger (R), S.
Vernon W. Thomson (R), S.

Wyoming

Senator Gale W. McGee (D), S.

Puerto Rico

Jorge L. Córdova (New Progressive), S.

NIXON'S HEALTH CARE PLAN GLOSSES OVER PROBLEMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an excellent editorial appearing in the Saturday, February 20, 1971, Detroit, Mich., Free Press entitled "Nixon's Health Care Plan Glosses Over Problems." This excellent editorial on a clearly inadequate program to meet the Nation's health needs merits careful consideration:

NIXON'S HEALTH CARE PLAN GLOSSES OVER PROBLEMS

President Nixon's health care proposals would undoubtedly plug some holes in the present system of medical care, but they seem to offer relatively little that is new and constructive, and they raise some basic problems.

The goals of any change in the system of paying for medical care should be, it seems to us:

To provide more nearly equal access to good medical care.

To improve cost control.

To reorganize methods of delivering medical care to make them more efficient and effective.

To cover those kinds of services that now, even for persons with medical insurance, pose a major burden.

To finance the cost of medical care in the most equitable and tolerable method.

Mr. Nixon's plan has at its heart a government-mandated program paid for mostly by employers, partly by employes. A portion of the cost would be recoverable through income tax deductions, but the cost would pose a substantial added problem for small companies that do not now provide medical insurance programs. The plan would broaden coverage for many of those people who do now have medical insurance to include such things as preventive child-care medicine, plus a catastrophic illness feature.

In addition, Mr. Nixon would provide a government-financed program of protection for the poor, which would supplement the medicaid program now in effect. Its benefits would be slightly less generous than those for workers.

There are other features of the plan: The Medicare supplement (Part B) would no longer be charged to the elderly, but would become a part of basic Medicare costs, financed by an increase in the Social Security wage base. More generous government financing of medical education would be provided. There would be more money for cancer and sickle cell anemia research, and there would be a government effort to promote the use of health maintenance organizations that have been tried on a limited scale in this country.

These last programs are relatively noncontroversial, although the President is probably mistaken in his hope that preventive medicine can, at least for the short run, cut the cost of medical care.

But the main thrust of the program seems to us to be an ineffective answer to those who say we should push on to a comprehensive national health insurance program, and not a particularly attractive embellishment of the present system. Moreover, we suspect it would, by itself, add to, not diminish, the problems of cost control, efficiency and effectiveness.

Mr. Nixon's plan would seem to be subject to all the objections that would greet a national health insurance program without the same strengths.

The problems of cost control and efficiency would assuredly be present in a comprehensive national health insurance program. But Americans are paying more than some other countries and getting less impressive results (as measured by mortality rates, for instance). Britain and Sweden are both spending a significantly smaller percentage of their gross national product on health care and have better mortality records. Greater efficiency is possible.

The debate over what changes Congress can or should make in medical care financing will be long and technical this year. Mr. Nixon's approach will be considered with the others. But if we are indeed ready and/or able to act on a more comprehensive answer to health care financing than we have now, then it is likely that the President's program's weaknesses will be found to outweigh its strengths. Mr. Nixon has not provided a definitive answer by a long shot.

WHEN JOBS RUN OUT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. NIX. Mr. Speaker, Congress last year approved a public service bill tied to a comprehensive manpower training act which was vetoed by the President. A principal objection stated by the President at the time was that the legislatin was inflationary. Just recently, the President offered a $2 billion a year manpower training program tied to revenue sharing which includes funds for public service employment for the unemployed.

Apparently what was inflationary last year has become more palatable this year in light of a soaring unemployment rate which is being felt most severely in the cities. I hope that the President's submission of a manpower training plan tied to revenue sharing will not cloud the fact that what the cities need now is immediate emergency employment relief—relief this Congress can grant without further delay.

The lack of employment for thousands of persons who want to work in Philadelphia should clearly illustrate why we must have such emergency legislation. I attempted to translate for the Select Subcommittee on Labor just what a cold unemployment rate statistic means to the lives of people in a statement submitted last Thursday, March 4. I insert the statement in the RECORD at this point:

REMARKS OF ROBERT N. C. NIX, PREPARED FOR THE SELECT SUBCOMMITTEE ON LABOR ON THE EMERGENCY EMPLOYMENT ACT OF 1971

Honorable Chairman and Members of the Subcommittee, today we are well along the road to a crisis in unemployment not unlike that which greeted President Roosevelt nearly four decades ago.

Time has elapsed, technology has improved immensely and the social structure of our society has changed, though somewhat slower than most of us would like to see. Yet the basic situation is the same: serious unemployment problems exist and especially in the large cities.

I am deeply disturbed by the January figures which show an unemployment rate of 6 percent nationally and 5.4 percent in my City of Philadelphia. Of course statistics, in cold isolation, must be translated into human terms to fully realize the seriousness of the present crisis. To state one city's problem more dramatically: there are 114,400 people in the City of Philadelphia who are seeking work and for whom no jobs are available.

It should be of little comfort to the distinguished Members of this Subcommittee to know that Philadelphia's rate of unemployment was slightly less than the national seasonally adjusted average for January, 1971. It is still high, Mr. Chairman, much too high.

It is under this set of serious circumstances that I appeal to you today for Federally sponsorsed emergency employment to provide work for those who want to work. We have a responsibility to see that they can.

At the same time, I agree with the statement of the Chairman that we must review existing manpower training programs and initiate what new measures may be necessary. But we must also, as the Chairman pointed out, provide temporary emergency employment until new programs can take effect.

Although I realize that it is speculative at this time to estimate what impact the Emergency Employment Act of 1971 would have on the City of Philadelphia, I have attempted to work out some rough figures.

Assuming that the funds would be apportioned equably and that state and local governments would bear 20 percent of the cost, Philadelphia would receive as much as $17.2 million for public service jobs the first year should unemployment continue at a national seasonally adjusted rate of 5¾ percent or greater. In terms of numbers of jobs, this could go as high as 4,290 at an earnings rate of $5,000 per person.

And what kind of employment would this be? As the Chairman pointed out last month, the National Commission on Technology, Automation and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, beautification, welfare and home care, public protection, medical and health services, urban renewal and sanitation. Faced as we are with decay and deterioration of nearly all of our major cities, what type of employment could be of better use to communities across the country?

Last year we approved a public service bill tied to a comprehensive manpower training act after careful research by both Houses of Congress. Then, without warning, the Administration vetoed the bill, criticizing it on several points, all of which have been answered in this session's newly proposed legislation.

Let me briefly re-examine the rationale for the veto:

First, the Administration criticized the public service employment provisions as being permanent rather than temporary, and considered the conference bill unacceptable because it contained no provisions for cutting off Federal funding once the unemployment crisis has passed.

In answer to that criticism, members of this body, and the Senate as well, introduced new bills with trigger mechanisms to cut off funding when the unemployment rate recedes below a particular level for three consecutive months.

Secondly, the Administration objected to the conference bill on the grounds that the public service employment program was not linked with training or with the prospect of other employment opportunities outside of public service employment.

In answer to this criticism, bills in both houses now contain requirements that applications for financial assistance must contain assurances of efforts to provide linkages with continued or improved employment situations or training programs.

In addition the bills state that the Secretary of Labor shall not provide financial assistance for any program or activity unless he determines that the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants. This provision, above all others, gives the administration full range to approve only those applications which meet the administration's requirement of linkage of the program with other training programs or with the prospect of other employment opportunities outside of public service employment.

Having met these administration objections to proposed public service employment legislation, both Houses of Congress again invited the Secretary of Labor to testify, feeling confident, this time, of administration support. However, Secretary Hodgson testified in the Senate that he could again not support the legislation. But his reasons were just the opposite of his objections before.

Specifically, he said:

"We believe that the [emergency employment legislation] will detract from the effort to achieve lasting reforms. Rather than temporary legislation, I would hope we could join together to support permanent reforms which provide State and local governments with sustained resources to meet their communities' employment and job training needs—and in so doing better meet the needs of the nation."

But at the same time, he criticized this proposed legislation for being temporary, he also accused it of being permanent. He said, and I quote:

"Given political realities, one must question whether a program of such magnitude could be ended by either falling unemployment or impending statutory expiration."

In making this second statement, contradicting the first, Secretary Hodgson is in effect doubting two tautologies. On one hand, he doubts whether the program would be ended by falling unemployment when the trigger mechanisms specifically insure such an eventuality.

On the other hand, he doubts whether the arrival of the expiration date would indeed terminate the program. Obviously, the only way the program would continue is for it to be renewed or extended. If there is, at the time of the proposed expiration of the program, still high unemployment in this country, and no other legislation has been passed dealing with the problem, Congress might conceivably extend the program. However, there is no reason why Congress shouldn't, in the next few years, have ample time to draw up more permanent legislation to reorganize the entire Federal manpower program.

In addition to voicing rather groundless objections to the bill, and in addition to vacillating inconsistency and indecision as to what position they really want to take, there is reason to believe the Administration did not do their homework adequately before sending the Secretary of Labor to testify.

For, Secretary Hodgson said last week at the Senate hearings, and I again quote:

"It is questionable that $750 million could be effectively utilized in what remains of this fiscal year."

In actual fact, no bill submitted by members of either house authorize for expenditure the amount of $750 million between now and July 1, 1971. The Senate bill and the House bill similar to it provide for a maximum of $750 million *in the first twelve month period after the enactment of this bill.* This maximum would be authorized only if the seasonally adjusted rate of national unemployment reached 5¾%. The Perkins bill, while it authorizes funds specifically for the period between now and July 1, limits the amount authorized to $200 million.

With all due respect, I think that in view of the Administration's inconsistency, misinterpretation, and apparent indecision about the type of legislation they are willing to support, the only solution is for Congress to assume onto its own shoulders the responsibility for passing the legislation so vitally needed by loyal citizens at this crucial point in the economic history of this great country.

For I am committed to as low an unemployment rate as is feasible. Public service employment will be a means of helping to bring down our flying unemployment rate. It will provide a means of employing persons otherwise unemployed and keeping them in work until the economy regains enough strength so that they can find other jobs. At the same time, that they will be temporarily employed, they will be learning new skills or keeping old ones in tune. In addition, they will be making important contributions to the present and future of their communities in such environmental improvement areas as pollution control and conservation, housing and neighborhood improvement, rural development, and community beautification; and to the present and future well-being of the citizens of these communities in such areas as health care, public safety, recreation, education and transportation.

In short, I feel that immediate passage of this emergency legislation is mandatory if our constituents are to have faith in the ability of the Federal government to meet their urgent needs in periods of crisis. Congress is too often accused by the public of getting so bogged down in red tape and internal squabbles as to be considered ineffective and in need of circumvention in times of national emergency. This is one of those times. And I think it high time we pass this legislation and prove to the nation that we are indeed a most effective and at the same time a most consistent and concerned body whom they can rely upon to look out for and meet their urgent needs.

SUPPORT FOR VOLUNTARY MILITARY SERVICE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BADILLO. Mr. Speaker, yesterday's Washington Post carried a very timely and perceptive article regarding the efficacy of implementing an all-volunteer armed force. This well-written rebuttal to earlier negative arguments was prepared by the former executive director of the President's Commission on an All-Volunteer Armed Force—the Gates Commission.

As the author, William H. Meckling, accurately notes, the Gates Commission—many of whose members originally were opposed to a volunteer army concept at the beginning—carefully examined all aspects of the problem, including those objections raised by Mr. Joseph A. Califano in his earlier article. Mr. Meckling has effectively countered the objections which have been raised on the basis of economics, national defense policy, sociology and moral aspects. I believe he has substantially contributed to belying many of the myths and fears to those who would oppose its establishment on these bases.

Mr. Speaker, I believe what Mr. Meckling has to say should be carefully considered by all of us and I am pleased to present his article herewith for inclusion in the RECORD:

THE CASE FOR AN ALL-VOLUNTEER ARMED FORCE

(By William H. Meckling)

(NOTE.—*The writer, dean of the Graduate School of Management, University of Rochester, is the former executive director of the*

President's Commission on an All-Volunteer Armed Force.)

In a recent issue of The Washington Post Mr. Joseph A. Califano has questioned the desirability of an All-Volunteer Armed Force on a number of grounds. Among other things he has alleged:

1. "It could make it too cheap and easy for national leaders to make the initial decision to wage war."

2. ". . . the draft is color blind as far as economic and social status are concerned." "It (voluntarism) is likely to produce a "poor man's army."

3. "The very concept of a highly paid volunteer army reflects the continuing erosion of the will to sacrifice particularly on the part of our affluent citizens." . . .

4. "There are other problems with the volunteer army, not the least of which are the enormous financial costs."

In its deliberations the Gates Commission considered these (to some extent contradictory) arguments as well as a number of other arguments against a voluntary force. Nevertheless the members concluded, "We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts."

The members of the commission were neither timid nor uninformed, and they did not arrive at this unanimity easily. They developed a consensus through painstaking examination of the arguments pro and con, and they were especially conscious of the implications of facts that bear upon those arguments. If they had believed that the facts are as Mr. Califano (wrongly) believes them to be, none of them would have been willing to sign the report.

It is unlikely that any member of the commission would disagree with Mr. Califano's statement that "the decision to wage war is usually the most serious that any national leader makes during his public career. . . . There should be no cheap and easy way to decide to go to war. . . ." The problem is in deciding what method of procuring manpower provides a reasonable level of inhibition. Here past experience, but especially our recent experience in Southeast Asia seems more relevant than Mr. Califano's charges about the use of foreign aid to hire mercenaries. It is hard to imagine a war in which the initial decision was easier or cheaper for our leaders to make than it was in Vietnam. Without declaring war, the President had the power not only to commit the forces to combat, but, to expand them from 2.65 to 3.5 million men and to maintain that level—all simply by instructing Mr. Hershey to increase monthly draft calls. Would Mr. Califano seriously suggest that it would have been easier for the President to persuade Congress to appropriate the funds required to raise military pay enough to expand and maintain the forces in Vietnam on a purely voluntary basis? The Southeast Asia buildup was relatively painless and was accompanied by little debate in Congress in part because conscription conceals a fraction of the manpower costs. (It is worth noting that Mr. Califano's concern over the "enormous financial costs" of a volunteer force, and his concern that an all-volunteer force will make it easy for the President to initiate wars are contradictory.)

In discussing the standby draft, the commission report points out: "A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military actions with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued." If the draft inhibits a President in any way, it inhibits his ability to prosecute a long limited war on foreign soil once he has gotten into it. The "irritant and inhibition of young men who do not want to be drafted" is not an instantaneous reaction and it did not appear in this case until long after the Gulf of Tonkin.

The thesis that "the draft is color blind as far as economic and social status is concerned" is based on a widely held misconception. Conscription has not and does not produce servicemen from all walks of life. Only 2 per cent of the enlisted force in the military in 1969 were college graduates, while 83 per cent were high school graduates. The vast majority of the enlisted personnel are high school graduates from lower-middle and middle-income families. A disproportionate share of children from affluent families can and do find ways to avoid the draft.

Moreover, these facts have not, and will not, change dramatically with the introduction of the lottery, or with elimination of the educational deferment. The affluent simply turn to other bases for avoiding service—medical deferments, conscientious objection, various legal stratagems, emigration, and ultimately outright definance of the law. The Selective Service System is now beleagured by these problems. It is naive to believe that any other outcome is possible under conscription. If only a fraction serve, the affluent will always be more effective in finding ways to be among those who do not.

What of the related allegation that an all-volunteer force is likely to be a "poor man's army," that will "be paid at a rate just high enough to attract those at the lower economic levels?" This is a question on which original views tend to shift dramatically when confronted by some basic facts. If there are already a large number of true volunteers in the services, i.e., enough to constitute 80 to 90 per cent of peacetime force levels, then converting to an all-volunteer force cannot significantly change the socio-economic character of our forces—a volunteer force cannot be predominantly drawn from the lower income strata.

It is widely believed that the military services are almost entirely staffed by conscripts and draft-induced volunteers. This is far from the truth. Our military forces will be preponderantly true volunteers even if the draft is continued. There are now in the military 1.25 million men beyond the first term of service; these men are all there as volunteers. No coercion whatever is imposed on them to remain in the service.

In addition, there are many true volunteers who are in their first term of service. The commission staff estimated that in 1968 there were another 750,000 true volunteers in this category making 2 million volunteers in all. While our figures for the number of first-term true volunteers was questioned severely when the commission report first appeared, enlistments last year among individuals with high lottery numbers, who had a high probability of not being drafted, have tended to confirm the commission's estimates.

Since we already have approximately 2 million true volunteers in the service, the socio-economic makeup of an all-volunteer force of 2.25 or 2.5 million men cannot be very different from that of a mixed force of the same size. All of whatever change takes place must occur within the group of 250,000 to 500,000 additional true volunteers, and there are good reasons for believing that the socio-economic character of that increment in a volunteer force will be much the same as in a mixed force. Draftees and draft-induced volunteers in a mixed force tend to be individuals to whom the cost of military service is relatively low. They elect to serve rather than bear the costs of avoiding conscription. Individuals to whom the cost is high have a strong inducement to avoid service in one of the ways mentioned above. Thus, many draftees and draft-induced volunteers in the mixed force are likely candidates to enlist when pay is raised to provide an all-volunteer force. In brief, it appears that the worst the volunteer army can do to the poor, is make at least some of them just a little bit less poor.

Concern that the affluent bear a fair share of the cost of defending the nation is one with which everyone can sympathize. The practical question, however, is whether such equity is more effectively achieved under the draft than with a voluntary force.

In this context, it is important to understand the real issue underlying the draft, namely, whether we will continue to impose a very large tax in the form of involuntary servitude on a small fraction of the population and thereby absolve the rest of society from contributing to a portion of the cost of defense. The Gates Commission devoted a full chapter of its report to this point. Mr. Califano, nevertheless, evidences great concern over the "financial costs" of an all-volunteer force and further states that he would prefer to spend the additional funds that a volunteer force would require on "urgent domestic needs." (It is not clear why Mr. Califano ignores the possibility of using the draft to get social workers, lawyers, educators and the like to provide the government services necessary to his urgent domestic needs programs.) As the commission pointed out, this argument confuses federal budget expenditures with costs. An all-volunteer force will provide more not less resources to satisfy urgent domestic needs. For example, the lower turnover of a volunteer force will reduce training requirements and reduce the time lost due to personnel changes. A volunteer force will also reduce the very substantial efforts now expended by individuals in trying to avoid military service. There are real cost savings; they conserve real resources which can be used to satisfy urgent domestic needs.

However, the additional budget expenditures recommended by the commission for a voluntary force—the expenditures on which Mr. Califano has designs—do not represent an increase in real resources used up in defense, therefore continuing the draft instead of moving to an all-volunteer force will not release any of them for Mr. Califano's purposes.

The increased budget for a voluntary army is simply a reflection of the tax-in-kind that the draft levies on first term servicemen. When an individual is required by law to render service for government at wages lower than those for which he would volunteer, he is paying a tax in the form of personal services, and this is true whether the service he renders is buildinf roads or fighting in Vietnam. Because the tax is paid in kind, government accounts never reflect either its collection or its expenditure. With a volunteer army, however, the accounts will reflect the full costs of military personnel, and reported government expenditures will thereby rise.

While the increased budget expenditures for a volunteer force do not reflect increased use of real resources, they do reflect a shift in tax burden. One of the important consequences of introducing a volunteer force will be to lift the conscription tax from first term servicemen and place it on the general taxpaper. It is here that Mr. Califano's concern over equity should be satisfied. Whatever its shortcomings, the general tax structure is surely more progressive than the highly discriminatory tax imposed by the draft. Thus, on average, the affluent will be forced to bear a larger share of defense costs under a volunteer force than they would with the draft.

As a final comment, we cannot resist the opportunity to recount a prerogative which one member of the commission invoked in discussion of these problems. He insisted

that if discussants (a la Mr. Califano) persisted in calling volunteers "mercenaries," he had a right to refer to draftees and draft-induced volunteers as "slaves."

THE TRADE ACT OF 1971 AND THE DISC PROPOSAL

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. CORMAN. Mr. Speaker, the Trade Act of 1970, as passed by the House last year, included what I consider a most objectionable provision—the Domestic International Sales Corporation—DISC—proposal—objectionable because I believe it would create a new form of tax loophole which the country can ill afford.

Recently I received a letter from Ralph Nader, in which he speaks out against the DISC proposal, especially reiterating his concern that it has been included in the 1971 version of the trade bill introduced the first day of the 92d Congress. Mr. Nader also sent me his letter of October 31, 1970, to Senator LONG, urging rejection of the DISC proposal.

I believe that Mr. Nader's views are worthy of the careful attention of every Member. They are the concerns of a highly respected man who has demonstrated his solicitude for the public interest, and I wish to include them here in the RECORD.

FEBRUARY 25, 1971.

The Honorable JAMES C. CORMAN,
203 Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CORMAN: The Administration's Domestic International Sales Corporation (DISC) proposal has again been brought before the Congress. The DISC proposal represents an experiment in which the taxpayer is being asked to make a massive tax expenditure of a billion dollars and hope that this will result in increased exports.

The experiment is not worth the risk. It must be expected that, as a result of rational economic calculation, many businesses will pocket the DISC windfall benefits without engaging in new exports.

As was reported in the Wall Street Journal of December 1, 1970, page 7: "Charman [Russell B.] Long said the [Senate Finance] Committee decided that the [DISC] proposal would cost more than the Administration has estimated and 'wouldn't do nearly as much good as the Administration hopes.'"

Enclosed for your consideration is a copy of my earlier statement on that proposal.

Sincerely,

RALPH NADER.

OCTOBER 31, 1970.

Hon. RUSSELL LONG,
Chairman, Senate Finance Committee, Washington, D.C.

DEAR SENATOR LONG: The Administration's Domestic International Sales Corporation (DISC) proposal is currently under study by your Committee. That proposal is designed to promote export sales by virtually exempting U.S. exporters from income taxation. Instead, it will result in huge windfall profits for America's largest corporations, with an accompanying increase in the tax burdens borne by millions of small taxpayers. I urge your Committee to reject the DISC proposal.

The DISC plan is a typical example of the way in which a few powerful industry interests can successfully raid the United States Treasury by masking their intentions in the complicated language of a tax statute. DISC will allow tax-wise companies to set up dummy corporations to receive their foreign sales income. These shell corporations (known as DISCs) will not be subject to tax so long as they fulfill a multitude of technical requirements. A DISC's accumulated untaxed [1] profits can then be put at the disposal of the parent company through intra-company "loans" at low interest rates.

DISC IS A WASTE OF THE TAXPAYER'S MONEY

If the DISC proposal becomes law, it will cost taxpayers almost a billion dollars per year. Even the Treasury Department, an active proponent of the DISC idea, concedes that the revenue loss will be $630 million annually once the proposal is fully in operation. On the other hand, the dissenting members of the House Ways and Means Committee argue convincingly that the revenue loss will be over a billion dollars annually—especially if the U.S. exports continue to increase as they have over the last decade. DISC is a billion dollar boondoggle.

A billion dollars is over two thirds of the funds budgeted for the entire 1971 program of the Office of Economic Opportunity; over five times the budgeted amounts for the National Cancer Institute and the National Heart and Lung Institute; and 35 times as much as is budgeted for Programs for the Aging. President Nixon vetoed the 1970 education bill because, in his view, it was $453 million too high. DISC will cost twice as much.

THE AMERICAN PUBLIC WILL GET LITTLE IN RETURN FOR DISC'S HUGE TAX EXPENDITURES

The Treasury Department hopes that DISC will increase U.S. exports by from $1 to $1.5 billion dollars per year, with consequent benefits for the U.S. balance of payments. This estimate is necessarily based on guesswork and self-serving statements by those exporters who stand to gain if DISC is enacted. After considerable study, the staff of the Congressional Joint Committee on Internal Revenue Taxation found no basis for the Treasury's export gain estimates. More sober analysis sets the likely export gain at $315 to $480 million per year.[2] This is a pitifully small gain considering DISC's costs.

DISC's inherent structure makes it most unlikely that its adoption will lead to significant exports gains. The basic flaw is that DISC confers its benefits without requiring an exporter to increase his exports by even a single dollar. He will receive a huge tax benefit for simply doing what he is already doing.

In 1969, American exports totalled $36.5 billion. Even under the most optimistic Treasury estimates, these exports will not increase by more than four percent (1½ billion dollars) as a result of the DISC plan. This means that 96 percent of DISC's benefits will be squandered by paying businessmen to continue already profitable exports. Only 4 percent of DISC's benefits will relate to new export sales. This is the reason why DISC costs a lot, but yields few benefits.

Energetic corporations can be expected to squeeze ever-increasing fractions of their exports through the DISC loophole, until DISC finally shelters all export profits—on the whole $37 billion of sales—from US taxation.

DISC's inefficient incentive structure means that the American taxpayer will get little in return for the immense subsidy that will be granted to exporters through DISC. If we accept Treasury's optimistic figures regarding DISC's costs and benefits, it appears that the American taxpayer will have to pay a subsidy of 40 cents for each dollar of DISC-induced exports. And if we compare DISC's costs and benefits using a more realistic computation [3] we find that the American taxpayer will be required to subsidize DISC's by $2 for each $1 of increased exports. In either event, DISC is a bad bargain.

This inefficiency of the DISC proposal has aroused the concern of professional officials of the Treasury Department as well as the staff of your Joint Committee on Internal Revenue Taxation. They are also concerned because DISC introduces over a dozen new tax concepts, which will require considerable definition in a multitude of rulemaking and adjudicatory proceedings.

DISCS MAIN BENEFITS WILL GO TO A FEW GIANT CORPORATIONS, NOT SMALL EXPORTERS

The Administration claims that DISC will help smaller firms get into the export business. In fact, DISCs main benefits will go to giant, fully integrated corporations.

The Commerce Department estimates that about 100 of the largest U.S. firms account for over half of all U.S. exports. This means that over half of DISC's windfall benefits will automatically go to those same firms.

Moreover, under the proposed DISC pricing rules, a parent company may sell its export products to its DISC subsidiary at less than arms-length market prices. This means that profits can be shifted to a DISC and go untaxed, even though they are actually profits of the parent company. The larger the parent's profits, the more valuable DISC's benefits will be.

Fully integrated firms can shift profits into a DISC from the earliest stages of production. In contrast, firms that simply assemble parts made by others, or are otherwise unintegrated, will not be able to shift profits forward in this way. As a result, creation of a DISC will be much more valuable to large integrated corporations than to small processors that

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[1] Technically, DISC involves tax deferral rather than complete forgiveness of taxes. However, from an economic and fiscal point of view, there is no real difference between tax deferral for an indefinitely long period (as under DISC) and complete tax exemption.

[2] This calculation is based on a recent study by Hendrik S. Houthakker of the President's Council of Economic Advisors which concludes that the price elasticity of U.S. merchandise exports is about −1.5. This means that for each dollar of price reduction, only $1.50 of exports will result (which is only $.50 of actual new revenue.) Charitably, assuming that all of the tax subsidy will be passed on to overseas consumers in the form of lower prices, the Houthakker price elasticity figure means that exports will increase by a maximum of $480 million if the DISC proposal costs $955 million. If DISC were to cost $630 million as Treasury hopes, then the maximum export gains would be only $315 million. The speculation that DISC will alter the outlook of corporate executives toward export markets cannot, of course, be quantified in terms of increased export revenues. The Treasury Department has presented no proof that this psychological factor will result in increased exports, let alone an extra billion in exports.

[3] Even if we assume that all of the tax subsidy is passed on to overseas consumers as lower prices, the Houthakker price, elasticity figure indicates a return of only $.50 per dollar of tax subsidy. Indeed, that estimate is optimistic, not only because of the reluctance of corporate exporters to part with their windfall gains, but also because of the very real possibility that our overseas trading partners will retaliate against the Trade Bill. If import quotas are erected against U.S. products, the DISC incentive will be completely ineffective in increasing our exports.

have fewer manufacturing profits to shift to the tax-free DISC.

These factors add up to favoritism for large, fully integrated firms at the expense of unintegrated producers—a policy that runs directly contrary to DISC's professed goal of aid for small exporters.

DISC SHIFTS A HEAVY BURDEN FROM CORPORATE TO INDIVIDUAL TAXPAYERS

Under DISC, the ordinary taxpayer, including wage earners and retired persons, will have to pay an extra billion or more in taxes each year to make up for tax losses in the corporate sector due to DISC. Yet the Treasury Department argues that DISC is needed to increase the equity of the tax system! Treasury begins its equity argument by pointing out that overseas manufacturing subsidiaries of U.S. firms currently enjoy tax advantages that are not available to U.S. exporters. Treasury then proposed to end this tax discrimination by creating another, larger tax loophole for U.S. exporters.[4]

DISC actually involves a double inequity. First, it will open up substantial tax discrimination in reverse between U.S. exporters who choose to organize a DISC and the U.S. owners of foreign manufacturing subsidiaries. Second, and much more important, DISC will shift a tax burden amounting to $1 billion or more per year from corporations—especially large profitable corporations—to individual taxpayers. There is certainly no equity in that.

DISC'S COSTS WILL CONTINUE LONG AFTER OUR BALANCE OF PAYMENTS PROBLEMS HAVE BEEN SOLVED

Once adopted, the DISC plan is likely to become a permanent part of the tax law. Corporations will invest legal and accounting talent in restructuring their export sales to conform to DISC requirements and will adjust their financial plans in light of DISC's tax benefits. Therefore, once the DISC plan becomes firmly entrenched, it will be almost impossible to repeal it, even when our balance of payments problem has been solved.

Furthermore, as past history in this area indicates, there will be no effective public scrutiny of the DISC proposal to see whether it really results in significantly increased exports. If DISC were a direct cash subsidy instead of a concealed tax subsidy, it would be subject to periodic Congressional review. This will be impossible if DISC is permitted to become a self-perpetuating part of the tax code. At the very least, a time limit should be placed on DISC's benefits.

CONCLUSION

The alleged intent of DISC is to improve our balance of payments; however, the plan itself is extremely defective and the cost is appalling. This is especially so since the individual American taxpayer is being asked to subsidize this country's largest and richest corporations, which already account for the lion's share of the U.S. export trade. Moreover, even if the DISC proposal fails to be effective in increasing U.S. exports significantly—as seems likely—the taxpayer will nevertheless still be obliged to grant these new huge annual tax subsidies to American exporters. The present DISC proposal should be rejected decisively.

I would appreciate your comments and reaction to this analysis.

Sincerely,

RALPH NADER.

[4] Treasury estimates that foreign income taxes on U.S. owned firms are levied at a rate of about 39 percent, as contrasted with a U.S. tax rate of 48 percent. But under DISC corporate shells will pay no tax at any time in the foreseeable future on their retained profits; the result is that DISC offsets a 9 percentage point preference with a 100 percent tax exemption.

VOLUNTEER FORCE WILL RAISE MILITARY QUALITY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the fear has been expressed by some that the personnel policy reforms related to the all-volunteer force will adversely affect the quality of our Armed Forces. However, Lt. Gen. George I. Forsythe, the assistant to General Westmoreland for a modern volunteer army, has stated that the all-volunteer force drive will actually raise training standards:

Getting guys off KP, grass cutting, garbage and furnace details is going to give the sergeant a full team to train for the first time in a number of years.

General Forsythe, who commanded the 1st Cavalry Division—Airmobile—in Vietnam, and also served as commanding general of the Infantry Center at Fort Benning, is acutely aware of the need for adequate training. However, on his visits to military bases he found large numbers of soldiers "up all night firing up furnaces" and others pulling KP. "These details destroy training," he added.

Of course, the only reason we have military personnel performing these chores is because the draft allows us to keep military pay so low that it seems cheaper to have military men cut the grass than to hire civilians. This false economy not only represents a serious misallocation of labor resources, but it is also an added burden on the underpaid GI. More importantly, the disruption such chores cause in the training cycle simply lowers the combat readiness of our Armed Forces.

I commend this item from the Army Times to your attention:

REMOVAL OF IRRITANTS TO UP VOLAR CALIBER

(By Larry Carney)

WASHINGTON.—Lt. Gen. George I. Forsythe says his all-volunteer Army drive is going to raise training standards—not lower them as some people have charged.

"Getting guys off KP, grass cutting, garbage and furnance details is going to give the sergeant a full team to train for the first time in a number of years," Forsythe told Army Times.

Forsythe is Chief of Staff Gen. Will Westmoreland's special assistant for the Modern Volunteer Army.

In his trips around the country, Forsythe says he generally starts his day off at 5 a.m. "to see who's up early."

At Fort Carson, Colo., Forsythe said, he found large numbers of soldiers "up all night firing up furnaces and others pulling KP." He said men on details like this are lost to a unit when it starts its training.

"These details destroy training," Forsythe said.

He said the problem is the same in summer when soldiers must cut grass.

Forsythe said these are the types of details the Army is trying to eliminate. "Soldiers join the Army to soldier, particularly in the combat arms."

He said a major goal of the volunteer Army drive is to "free the soldier of non-soldier duties. We're trying to return him to the sergeant so the sergeant will have a full team—not three-quarters or half of a team—to train," Forsythe said.

Forsythe said the Army has also been under criticism from parents about its new liberal beer drinking rules which permits the serving of 3.2 percent beer at the evening meal and in the barracks.

"Mothers charge this is permissiveness, that we're encouraging their sons to drink beer. They think that before this decision their sons weren't drinking beer," Forsythe told Army Times.

Forsythe said the new policy will encourage soldiers to drink beer in the barracks and dayrooms rather than off-post where they might get in trouble.

The general said the idea for liberalizing beer drinking rules didn't come from topside but from a command sergent major at Fort Benning, Ga.

In recalling the incident, Forsythe said the sergeant major told him that I would probably chew him out but that "one of the best things we can do to improve Army life is to permit beer drinking in the barracks and dayrooms."

"They drink in the barracks now illegally," the sergeant told the general. He added that if an NCO comes into the barracks and sees a soldier drinking beer he now has to take some punitive action against the man.

"If a man is old enough and man enough to be a soldier in his country's Army, we ought to trust him enough to have a couple of cans of 3.2 beer in the barracks. We deliver it to him on the fire base in Vietnam, why not let him drink it in the barracks back in the States?" Forsythe said.

The Army, the general says, plans to give more responsibility to the sergeant. "We're going to turn the entire team over to him. We're going to quit looking over his shoulder and stop telling him how and when to do it. We're going to give the sergeant a greater say in the promotion of his subordinates. How we're going to do it hasn't been worked out."

Around the Pentagon, Forsythe is fondly referred to as "that crazy general" for the many ideas and suggestion he's coming up with to improve the life style and training of soldiers. Forsythe says he may be a little crazy but it will take new ideas and suggestions and different ways of doing things to accomplish "our goals in an all-volunteer Army environment."

The general says his staff have gotten several thousand suggestions on how to improve Army life. Surprisingly, he said, the best ones are coming from the commanders and cost "very little money." He urges commanders to continue sending their ideas and suggestions to MVA office in the Pentagon.

Forsythe says he's not the entire volunteer Army show. "I serve General Westmoreland and he's the biggest booster of the concept," Forsythe continued.

The general took over his MVA duties last October after serving as Combat Developments Command CG for a year. In Vietnam, Forsythe commanded the 1st Cav Div (Airmobile) and later served a three-month hitch as CG of the Infantry Center at Fort Benning.

THE AWARD-WINNING SPEECH BY LARRY STROUD, MARCH 9, 1971

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SPENCE. Mr. Speaker, I have never lost faith in our young people or swerved in the least from my conviction that as a group they are the finest our

country has ever produced. There are some, however, who have allowed themselves to become soured by the insane antics of a minority which often represents itself as the voice of youth.

Fortunately, there are still millions of young people like Larry Stroud, an outstanding University of South Carolina freshman who is from West Columbia, S.C., and one of my constituents.

Larry wrote and delivered a speech last year at a junior achievement banquet which has earned him the honor of being named to receive a George Washington Medal from Freedom Foundation. It will certainly be no mystery to anyone who reads Larry's work why he is being accorded this high honor.

Mr. Speaker, I am proud to represent Larry Stroud in Congress, as I am sure any Congressman would be. So that all my colleagues will have the opportunity to benefit from this very perceptive and valuable speech, I include certain excerpts which appeared in the West Columbia Journal, March 3, 1971, in the Extensions of Remarks at the conclusion of my comments:

SPEECH BY LARRY STROUD

The middle years of this century have brought forth a unique generation of men; men who have grown up in a world terrified by war; men who have toiled and labored through the lean years of the depression; men who have invested in America's greatest natural resources—its youth.

If men like Horace Moses and Theodore Vail, who had inspiration to start the Junior Achievement program nearly 50 years ago, could see their program now they would be proud to see the way their idea is working.

But let's also face the fact that only a relatively small number of young people take part in JA. What should be done about the rest of them? I would like to suggest a few ideas.

First, what is being said to the young people should be reconsidered and the person saying it should make sure he understands it himself. You know the old story about the dentist's children always having the poorest teeth, or the preacher's kids always being the worst behaved. Maybe some basic questions should be considered.

PURPOSE OF BUSINESS

For example, what would you say is the primary purpose of business? I think most of us would agree it's to make a profit. Some people say that is the only purpose of business. And there, in my opinion, is the first breakdown in communication . . .

It's not enough to say we're here just to make a profit. For one thing, it appears you're working only for the money, and anybody who works for money alone is a fool. We're also in business to serve the people of the country and of the world, to help people help themselves to a better chance in life, to provide the means whereby other people can do the creative work that brings satisfaction to their lives . . .

Second, we have to make more clear the advantages of our competitive system. Everyone agrees competition is a wonderful thing, especially if you win. But what if you lose? Some people think there should be no losers—no grades in school, no first prizes, no championships—because it may damage the ego of the loser. Others believe that too much competition in business is also a bad thing—that it's wasteful for the producer and confusing to the customer. In other words we ought to standardize and simplify. I believe they're both wrong.

They forget that under our system the man or the company that loses can come back stronger and tougher than ever before . . .

The free enterprise system has been tested and tried. Of course we don't want to make the mistake of thinking we have solved all the world's economic problems when the words "free enterprise" are pronounced. There is no magic in these words and it is not a perfect system. It's not claimed to be, but it's the best ever tried, and it works . . .

Study of world history shows that practically all of the fallen civilizations of the past—such as ancient Egypt, Rome, Babylon, Greece and Syria—began to decline and most of them actually fell during their most economically prosperous period. They declined when their armies were larger and better equipped than ever before in their nation's history. Why then, did these great civilizations decline, fall and finally disappear as such? Arnold Toynbee suggests the answer: Those great nations allowed their youth to become defiled—or they failed to pass on to their youth the high ideals, the basic values, the fundamental skills and the nobility of purpose which, in the first place, brought their nations to greatness. Thus the lesson of history is this: Our nation will begin to decline in strength and nobility of purpose, and could eventually fall, unless we take care to conserve and develop our most precious, and altogether indispensable resource—the youth of this nation.

ROCKING THE BOAT

Today's youth are rocking the boat. They are generating new ideas. They are seeking new values which have meaning for them. They have had a tremendous impact on the nation in the past few years.

But a small group of young people have gone beyond rocking the boat—they have gone overboard. They are going to the extremes in reacting to what they consider to be excessive materialism in this country, and they are aided by the vast publicity they get in the news media.

I am talking about the hippie with the bullhorn who has nothing to say but says is loudly enough to shout down even candidates for the presidency of the United States and to shut down campuses all over this nation. What a shameful abuse of the privileges of this great nation.

Somewhere this minute a revolution is taking place . . . Somewhere there lurks in the mind and heart of some man, or some nation, a hope of something better. That hope has been at the heart of many revolutions.

It is not at the heart of all the revolutions that sweep the world these days, for there are some who revolt just to be revolting . . .

Most revolutions just revolve. They throw out one set of bad guys for a set of good guys who become bad guys and who need themselves to be thrown out.

NO SCORE CARDS

The revolution that brought the American Republic into existence was not that kind. There were no score cards. You couldn't tell the good guys from the bad guys because this strange animal in the annals of history was a nation ruled by the people, by all the people. Not even ancient Greece could hold a candle to it.

It was a revolution that did more than revolve. It brought into existence something new—a new hope, a new dream, a new attitude. And as men stretched their spirits they found that freedom could take them to new heights. They found that they could do more, be more, create more. This way sprung a revolution in business. A system of free enterprise was born in which men invest their capital and themselves and compete with other men who invest themselves. This in itself became such a revolution that its effects still are being felt.

This revolution in business brought a revolution in industry and a revolution in labor and the revolution continues in its struggle to this very minute. . . .

NOT OF OUR MAKING

By now you must realize that a revolution is taking place that is not of our making. It does not build on our heritage. It seeks to destroy it. It does not see Americanism as a goal or a task of a dream. . . . It, too, is a new animal in the annals of history. It sees with eyes that are clouded with fear. This revolution hears with ears deafened by promises that cannot be kept. This revolution feels not with the emotion of love. It grabs and grasps at the world with the emotion of power and greed. . . . Clearly its proponents can be heard opposing this, condemning that, ridiculing, laughing, destroying, killing. It is a revolution that destroys without ever having a dream of what will be built on the wreckage. . . .

You are called to enter the laboratory of citizenship, where some mad scientists have created a citizenship that is explosive and destructive and dangerous. You are called on not just to enter the laboratory, but to continue the greatest experiment that was going on before these other revolutionaries came along. . . .

You are called on to create a society that will judge a man by his contribution and not by his color. You are called on to create a society that will judge itself by what it is able to condemn and control and destroy, but one that will judge itself by what it can give, by how it can govern and by how it can bless all people.

The laboratory you are in is the world.

Communism in its many disguises with revolutionaries on every continent is the mad scientist and communism will seek to weaken. Some of your own people will be deceived . . . but you, you must see with eyes that are not blinded by fear. You must see with eyes alert to danger. . . You must feel with all your being, with all your heart, that this still is a nation under God and that through you the experiment will continue, this experiment in freedom. . .

I offer a challenge to you expressed by the poet Robert Frost, entitled "The Road Not Taken".

"Two roads diverged in a yellow wood,
and sorry I could not travel both
and be one traveler, long I stood
and looked down one as far as I could
to where it bent in the undergrowth;

"Then took the other, as just as fair,
and having perhaps the better claim,
because it was grassy and wanted wear;
though as for that the passing there
had worn them really about the same,

"And both that morning equally lay
in leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

"I shall be telling this with a sigh
somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference."

WASHINGTON REPORT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MINSHALL. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD my March newsletter.

WASHINGTON REPORT

Long-locked doors open—For the first time in its 106-year history the House Appropriations Committee this year is opening some sessions to the public and news media. Since the creation of this powerful committee in 1865, all meetings have been held behind locked doors. *At my suggestion Chairman Mahon (D-Tex.) has also consented to permit certain open sessions of the Defense Subcommittee of which I am top-ranking minority member. Included in these public hearings will be top-level witnesses from South Vietnam, including some field commanders.* Many times over the years I have gone on record in protest against needless, often politically-motivated, secrecy in government. All of us share an intense concern over Southeast Asia and over the direction our defense policies will take as we phase into a peacetime economy—and all Americans want and deserve to have the facts. I am glad the heretofore inflexible rule that all Defense Appropriations hearings be held in top-secret session has now been relaxed.

Eisenhower Coins: Order blanks for proof and uncirculated silver Eisenhower dollar coins will be available June 18th. Orders will be taken by the Mint starting July 1st, limited to five proof and five uncirculated coins. Each proof coin will cost $10, each uncirculated coin, $3. Order forms and instuctions will be available from commercial banks, post offices and my Washington office. Cupro-nickel dollars for general circulation through commercial banks will not be available until the end of the year.

MINSHALL BILLS

Although the first session of the new 92nd Congress has been unusually slow in organizing, I have introduced and co-sponsored a number of bills, many in areas that will be the subject of great debate and controversy. Copies may be obtained by writing to my Washington office. Among the bills are:

Consumer Protection: H.R. 922, date-labeling of all packaged perishable foods for freshness; H.R. 4716, establish an Office of Consumer Affairs, Consumer Protection Agency and other consumer protections.

Education: H.R. 1476, permit deduction of college expenses from personal income taxes; H.R. 3642, prevent forced busing of school children; H. Res. 105, create a Select Committee on Quality Education.

Health/Social Security: H.R. 925, create a Federal Medical Evaluation Board to test and regulate biological products, medical devices and drugs; H.R. 1477, restore to persons 65 or over right to deduct all medical expenses from income taxes; H.R. 1479, provide disability benefits for blind persons with at least six quarters coverage; H.R. 4960, Medicredit, health insurance coverage for all citizens; H. Res. 103, $10 billion for cancer research; H.R. 940, higher Social Security benefits for eligible married couples.

Law and Order: H.R. 920, suspend federal aid to colleges failing to quell riots as well as to teachers, instructors or lecturers who take part; H.R. 926, federal penalties for killing or assaulting firemen or non-federal law-enforcement officers when interstate laws are involved; H.R. 927, federal aid to urban police departments; H.R. 928, stronger penalties for federal crimes committed with firearms; H.R. 929, benefits for firemen and non-federal law enforcement officers killed or totally disabled in line of duty; H.R. 930, curb sales of mailing lists to pornographers; H.R. 1472, federal penalties against unlawful use of credit cards; H.R. 1473, remove U.S. Supreme Court jurisdiction over final judgments by state courts that an act or publication is obscene; H.J. Res. 430, create a Special Joint Committee on Security of the U.S. Capitol.

Pollution Control: H.R. 921, ban oil drilling in Lake Erie; H.R. 923, establish an Office of Noise Pollution Control; H.R. 931, construct spoil disposal facilities in Great Lakes; H.R. 932, establish an Environmental Financing Authority; H.R. 937, tax incentives to fight air, water and solid waste pollution; H.R. 1475 and 4360, ban dumping waste in navigable waters; H.R. 3138, ban nonreturnable soft drink and beer containers; H.R. 3139, eliminate polyphosphates from detergents; H. Res. 106, create a Committee on the Environment, plus several other measures to broaden and strengthen Federal regulatory and research endeavors.

Prisoners of War: H.R. 936, extend expiration date of power of attorney given by members of Armed Forces now missing in action or held as POWs; H.J. Res. 20, observe March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action."

Taxes/National Economy: H.R. 939, raise personal income tax exemptions to $1,200; H.R. 1478, increase to age 16 child-care expense deductions; H.R. 4190, Federal revenue sharing with state and local governments.

Trade: H.R. 1474, prohibit transport of articles to or from U.S. aboard foreign vessels trading with North Vietnam; H.R. 3832, provide for orderly trade in iron and steel mill products to protect domestic industries.

Veterans: H.R. 3140, permit World War II veterans with National Service Life Insurance policies to convert to permanent policies with fixed premium rates.

Cleveland Office: 2951 New Federal Office Building 522-4382.

Washington Office: 2243 Rayburn House Office Building 202-225-5731 Zip: 20515.

STUDENT SETS EXAMPLE FOR TODAY'S GENERATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. FORSYTHE. Mr. Speaker, many Members of this House are participating in the excellent program, "A Presidential Classroom for Loving Americans."

Recently, the first group of students participating in this program from my district in New Jersey visited with me in my office.

I was impressed with their attitudes and sincere desire to learn about those who formulate government decisions—to learn as much as possible before making their own judgments.

Moreover, I was extremely proud to have received a letter from one of the young men, Jack L. Calkins, of Cherry Hill, N.J. I would like to share it with you, since I believe it reflects well upon today's generation of youth; those who will be guiding our Nation once we step aside.

The letter follows:

MARCH 1, 1971.

DEAR SIR: I wish to express my thanks for allowing me to meet you and to discuss with you your duties, views and insights into the office you hold, while I was in Washington, D.C. Your time was well spent in helping me to gain a true insight into the House and Washington in general. Also, your staff was quite helpful in everyway and perfectly candid in answering all of our questions. Comparing the responses other students received and didn't receive in A Presidential Classroom for Loving Americans, I can say I was quite fortunate to have the Opportunity that I did. This may certainly be a credit to you and your staff.

I came away from the discussion group at Cherry Hill East last October rather disappointed in both of the candidates' performances. However, in talking with you and realizing more of the true difficulties of the office (and benefits, in some cases) I was impressed, not only by your views but also by your proposals. Young people today, from impressions I received at Presidential Classroom, are very concerned with social problems—yet seem to have unrealistic views about the means by which to resolve these problems. I saw also a large amount of intolerance to conflicting opinion and an almost self-righteous indignation on the part of many. This all points to a lack of knowledge on their parts. In the area of government and the legislative body, in particular, the means and procedure of change are misunderstood. This should be the saving grace of Presidential Classroom—the intimate exposure to the machinery of change and a close inspection of its goals and products. Yet, if one does not understand this machine (or refuses to), value judgments upon its products are singularly arbitrary. Hopefully, each student should discover the goals of Americans to differ and accordingly the resulting legislation reflects this.

Elimination or alteration of the machinery will not change these goals nor, inevitably, the product. Truly, this program should serve to present the Legislative Branch as a machinery of compromise, considering all points of view and from these producing, in the final result, legislation representing the country as a whole. This is what I learned as did, I hope, many more of my fellow students.

Thank you again and please place me on your mailing list.

JACK CALKINS,
Alumnus: A Presidential Classroom for Loving Americans, 1971

GENERAL REVENUE SHARING: A RESPONSIBLE SHORT-RUN ANSWER TO THE FISCAL CRISIS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HORTON. Mr. Speaker, a great and heated debate is taking place in America over the best means to solve the growing revenue crisis which threatens to bankrupt many States and hundreds of cities, counties, towns, and villages.

The revenue crisis at the State and local levels has, particularly after a period of economic sluggishness, created loud and well-justified demands on the part of thousands of American families that government spending at all levels be more closely controlled, and that programs like welfare and publicly subsidized medical care, which have skyrocketing budgets, be reformed in ways which will permit them to be controlled.

Despite the fact that Federal taxes on individual citizens have been reduced twice since the start of this administration—first, by elimination of the 10-percent surcharge, and second by stepped-up increases in the personal exemption to $625 in 1970 and higher in future tax years—these reductions have all but been consumed from the taxpayers' standpoint by increasing revenue demands from State capitals and local governments.

Part of the fault for the present crisis lies with the fact that the States and localities are saddled with an unmerciful negative, and self-multiplying welfare system which has ballooned State and local budgets to a point far out of the reach of the reasonable tax resources available to these levels of government.

By adopting a totally new welfare law and structure in the 91st Congress, we could have at least provided a start toward a long-term solution to this crisis. But, regrettably, the Senate delayed and then finally killed the welfare reform proposal which we in the House adopted in 1970. Our efforts to reshape and retool welfare must continue at an accelerated pace. There can be no excuse other than neglect of the people if the 92d Congress adjourns next year without passing a comprehensive welfare reform bill, which provides for work incentives, provides for controllability of the welfare program, provides work for those who can work, and provides relief to States and localities which now are bearing tremendous administration and benefit costs in operating the current welfare octopus.

Unfortunately, the financial crisis facing States and local governments can no longer await the passage of welfare, medicaid or any other reform measures. The specter of unbearable tax burdens, and of bankruptcy of many governments is a real and an immediate one. We must take the necessary steps to lay the groundwork for a long-term solution of this fiscal crisis, preparing for the day when strict spending priority judgments exercised in a context of reasonable taxes and controllable program costs can guide every level of government and avert catastrophe. But we now are also faced with the necessity of taking some short-run steps to meet the current crisis.

One reasonable and quickly available short-run solution is general revenue sharing. The general revenue-sharing concept recognizes the fact that the Federal taxing structure is more equitable, broader-based and more productive of revenue than taxes at lower levels of government. There is no question that any revenue-sharing concept carries with it a built-in problem—the problem of allowing State and local governments to spend money which has been raised through Federal taxes, and not through taxes for which State and local legislators are responsible. Ideally, it would be better if each level of government could raise the taxes it needs to operate effectively and efficiently and to provide needed services and thus be responsible for spending only what is raised through its own taxes. But it is precisely the failure of this ideal which has brought on the present crisis. Frankly, I believe that if some States had followed more enlightened taxing policies, at least the severity of the present crisis would be lessened. However, even in States where both progressive and regressive taxes have been levied at high levels, inflation and the costs of uncontrollable public assistance programs have precipitated an extremely serious tax-cost pinch.

A general revenue-sharing program, responsibly drafted and administered would be a quick and efficient means of meeting this crisis. It is not unreasonable, considering current changes in Federal budget priorities toward domestic concerns, to share between 2 and 5 percent of Federal revenues with other levels of government. This short-run solution should not be enacted to bail out State and local officials, but in honest recognition of the fact that the costs of government at the State and local levels have almost universally outstripped both the ability and the willingness of taxpayers to pay higher proportions of their incomes in taxes. No one pretends that revenue-sharing dollars do not come from taxpayers' pockets—they do. Revenue sharing is merely an efficient way to put these tax dollars where they are needed most to avert a national crisis.

I have sponsored the administration's general revenue-sharing bill in this Congress, as I did in the last Congress, and I will work with all of my energy for its passage.

Mr. Speaker, at this point, I would like to share with our colleagues some of the statements I have made in my own congressional district to point out the wisdom and the effects of general revenue sharing. By including these in the RECORD at this point, I am hopeful that other colleagues will recognize the strong support and the strong need for this measure, which I have found in evidence in the 36th District of New York:

FEDERAL REVENUE SHARING: A TOOL TO ACHIEVE FISCAL STABILITY IN LOCAL GOVERNMENT

(By Congressman FRANK HORTON)

Setting new records is as American as baseball and apple pie. Unfortunately, our cities and towns are setting new records every year—record costs of providing essential services to their people. These costs have reached the crisis point.

The demands upon state and local governments for services are increasing at a faster rate than they can raise revenues for these needs. Government must be efficient and should cut excessive spending but we must remember that the levels of government closest to the people should also be the most responsive to the needs of their people.

Emphasis today must be placed on the costly process of rebuilding deteriorating urban areas, expanding overcrowded education facilities, providing adequate housing and health care for middle and low income families, combating crime in the streets and meeting the highway, mass transit, water and sewer needs of our suburban and rural communities. State and local governments by themselves don't have the capacity to raise the funds required to meet these demands.

Traditionally local government has depended on property taxes, and more recently sales taxes, to finance local service. The skyrocketing cost of schools, welfare, sewer and water facilities, police and fire protection makes it obvious that the local government with its limited taxing authority can no longer carry this burden alone.

During the 1960's, states across the country made over 300 increases in major taxes, either enacting new ones or raising existing rates. Despite these efforts to assist local government, the financial structure is severely strained.

Property taxes for local and school revenues have reached the breaking point. The simplest, most direct and most equitable way to provide this help is through revenue sharing by the Federal Government.

The Federal Government has long recognized the gap between public need and resources. So far, it has helped close the gap through a growing list of categorical grants in aid to state and local government. That list includes more than 500 separate and uncoordinated aid programs which fill 1,000 pages in the Catalog of Federal Domestic Assistance.

We need better systems for delivering Federal assistance programs and better methods of fiscal assistance. Since coming to Congress, I have proposed revenue sharing legislation. In October 1969, I cosponsored a bill proposed by the President to provide an annual $5 billion in Federal revenue sharing.

Governor Rockefeller, who has given strong support for revenue sharing, met recently with the New York Congressional delegation to emphasize the serious financial crisis in our own state. He has urged a $10 billion a year program.

Under the President's revenue sharing proposal, a percentage of the Federal individual income taxes would be returned to the states and each municipality. Distribution would be based on population and on the taxing efforts of the individual state and locality, thus encouraging and rewarding the most effective use of local taxing powers.

Through an innovative revenue sharing plan, the Federal Government can create a true partnership among the levels of government. This partnership can be a start toward providing localities with the resources they need to solve their own problems and to restore fiscal stability.

TEXT OF CONGRESSMAN FRANK HORTON'S STATEMENT ON CITIZEN CONCERN ABOUT THE RISING COSTS OF GOVERNMENT

I spent several days this week visiting and meeting with constituents in the 36th District. Without qualification, the overriding concern of people I talked with is the crisis in the costs of government.

Rising calls for services and increased demands on the pocketbook of each citizen have taken their toll. Even though Federal taxes have been reduced by removal of the 10 percent federal income tax surcharge and by an increase in the personal exemption to $625, the problems of State and local governments have all but erased these reductions.

Many people spoke to me about their support of Federal revenue sharing with the states. Almost everyone expressed a desire that government officials exercise the greatest kind of care in sorting out spending projects and priorities.

While revenue sharing is not a panacea that will solve overnight the revenue crisis for states and localities—it is a desperately needed measure if today's fiscal emergency is to be solved.

HORTON OUTLINES WHAT REVENUE SHARING WOULD MEAN TO MONROE AND WAYNE COUNTIES

WASHINGTON, D.C.—More than $8 million would be available to Monroe and Wayne Counties in the first year under President Nixon's proposed revenue sharing plan, Congressman Frank Horton announced.

"Allocations would amount to $7.9 million to Monroe County and its towns and cities for the first year and $282,000 to Wayne County," Horton said. "The State of New York would receive over a half billion dollars."

Horton, who sponsored the Nixon general revenue sharing bill which would make these funds available, noted that final figures will be even greater since these estimates are based on the 1960 census.

A breakdown of the figures for Monroe County shows the following: City of Rochester, $3,413,461; Towns, $852,958; County, $3,720,625.

For Wayne County the amounts are: Cities (Villages), $71,210; Towns, $87,594; County, $122,905.

"These funds would be of considerable help to localities and to the state government in meeting their increasing financial burdens," the Congressman said. "If revenue sharing is to be enacted, however, there must be a groundswell of support at the local level."

RELINQUISH TAX SOURCES, NOT FUNDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DERWINSKI. Mr. Speaker, a very interesting and I believe accurate analysis of the basic question in Federal revenue sharing was contained in an article Thursday, March 4 in the Suburban Life by Washington columnist, Paul Sisco.

We must not lose sight of the fact that there are continuing complications when the Federal Government has a disapportionate share of taxing power in that commitments to share the funds could, from time to time, fail to meet the expectations of State and local governments.

Mr. Sisco emphasizes a very basic question involved in our present tax structure.

The article follows:

RELINQUISH TAX SOURCES, NOT FUNDS

(By Paul Sisco)

WASHINGTON.—The question of federal tax money and whether any of it will be going to the states and cities without any strings attached is building up as a major campaign issue for 1972.

Federal revenue sharing is the name generally applied to the proposal that the Congress appropriate bloc grants to states according to their populations, without much in the way of strings attached.

President Nixon, in effect, has proposed that some $5 billion be alloted at this time.

There is no question that the nation's major urban centers, and yes, smaller cities, too, are having trouble making ends meet.

Three years ago, the National Urban Coalition was formed to help the cities, then suffering riots and worse in the wake of Martin Luther King's assassination.

Recently, Sol Linowitz, the head of the Coalition, said cities, although they are not burning, are in far worse shape today than they were during those days of riots.

Gov. Richard Ogilvie pulled into the Washington area a full day before the start of a national governors conference just to attend a Coalition meeting on the problems of the cities.

"There is no question that the federal government must help bail out the cities," Ogilvie said.

The hangup is that Congress doesn't like to pass out money without getting some assurance that the money will be spent wisely. In general, the record of states and cities in handling federal sums has not been good.

In addition, the argument is made that there are plenty of federal laws on the books for enterprising local communities to gain their share of federal revenue. The difficulty often is that there are so many complex procedures involved before the local community can get federal help.

Perhaps the answer is for the federal government not to relinquish tax moneys after it has collected them but to give some of the sources of the taxation.

In other words, don't increase taxes on individuals but change the split in the pie at the source, when the taxpayer makes out his tax return.

Meanwhile, President Nixon has shoved the Democratic-controlled Congress in a corner. Congress won't pass a meaningful federal revenue sharing bill and Mr. Nixon will use that as a campaign theme next year.

FREEDOM—OUR HERITAGE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RHODES. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. The contest theme was "Freedom—Our Heritage." Over 400,000 students participated this year.

The winner from my State of Arizona, is a young lady from my district, Miss Shauna Levie, of Phoenix.

The content of Miss Levie's speech, I believe, deserves publication in the CONGRESSIONAL RECORD. She speaks of freedom as a share in the "most valuable corporate enterprise in the world," the United States. She speaks of the rededication of every citizen for the ideals which our Nation stands for, of the repurchase of this right to remain free and of the constant vigilance which we must maintain to preserve this heritage. These words have a special ring to each and everyone of us at this time of our history. It is indeed refreshing and heartwarming to read the contents of Miss Levie's speech which I insert at this point:

FREEDOM—OUR HERITAGE

Have you ever dreamed of owning a share in the most valuable corporate enterprise in the world? Was there a time you wished you were a wealthy shareholder, having stock in one of the greatest corporations in America? You need not dream any longer, your wish has come true! Open your eyes! Look beyond the material wealth and discover the richest possession you own. Your freedom.

Throughout the course of history, the stock market of freedom has fluctuated widely. The charter for freedom of the United States was layed, when in 1776, our forefathers signed their names to the Declaration proclaiming their independence from Great Britain. Their liberty and freedom was purchased by great sacrifice of blood. The cost of just one share in this enterprise was the utmost farthing, the price of human life.

Danger of collapse threatened and appeared imminent when the new nations was divided in a great Civil War testing, as Abraham Lincoln once said, "whether that nation or any other nation so conceived can long endure." From this great conflict unity and freedom emerged as victors over division and bondage, and the nation yet young was reunited and recovered painfully but completely.

Over a century has now passed during which countless men of courage have, in world conflicts, repurchased this right to remain free. They have invested their very lives in this great American enterprise of freedom, and have passed on to us the heritage of life, liberty, and the right to pursue happiness.

Can we afford to let our premiums lapse? We must now cherish this bounty that has been purchased and preserved as our inheritance.

We cannot safeguard this heritage of freedom as we would a precious corporate security in a safe or vault. This gem of freedom is one, as Mathew tells us in Chapter 6, Verse 19, that Moth and Rust, doth corrupt, and that thieves break through and steal.

It may be taken from us by violence, dissent or even without struggle, by those advocating anarchism or Marxist communism. It need not, however, be lost by force or by default, but we must pay the premium! The price of freedom is eternal vigilance.

The price we must invest may be small in money. The real cost is a full measure of our devotion, dedication and loyalty to law and order, justice for all, and the principals upon which freedom is founded.

What can we, as future parents do to preserve and insure this heritage of freedom for our children? First and foremost, we must provide homes where love and devotion towards America is taught. It is essential that they grow up realizing what a vast opportunity has been given to them. Loyalty to law and order must be taught and observed by all family members, in both words and actions. Young boys need to be told from their youth that they might some day be called to fight for the preservation of the liberty and freedom of America, and it is their responsibility to serve when called. So we see that our children also must pay the premiums. But it is our responsibility to help and teach them.

It is incumbent upon each generation to purchase anew this freedom in order to insure it for their posterity. Open your eyes! Look beyond the material wealth and discover the greatest possession you own! Your freedom.

COURAGE VERSUS COWARDICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DERWINSKI. Mr. Speaker, a very timely and forceful editorial emphasizing the value of our religious beliefs and the emphasis on respect for government was carried Wednesday, March 3, in the Tri-City Advertiser of Dolton, Ill.

This editorial commentary in my opinion is a very dramatic expression of grass roots American thinking.

The editorial follows:

COURAGE VERSUS COWARDICE

In the midst of increasing turmoil in this country and the world, of which all of you must be aware, this seems to be an appropriate time to call attention to an institution that has existed for almost a century, with a steadfast purpose and a definite goal to attain.

We refer to the World Day of Prayer. Locally, for Riverdale, Dolton and South Holland this will be celebrated Friday, March 5 at 1:30 p.m. at the Ivanhoe United Methodist church at 145th and Clark streets, Riverdale.

We are informed that this is the 84th year of this celebration and that it is sponsored by the National Ecumenical Assembly of Church Women.

A special program has been planned and priests and ministers, members of the Riverdale-Dolton Ministerial Association will participate to make this an event in which all residents of all faiths are invited to participate.

Regardless of the reader's religious beliefs, we are certain all will agree that this non-

violent celebration, in a quest for some answer to the violence of the age, is useful, meritorious and worthy of our attention.

Now—look at the other side of the picture and try, if you can, to examine the purpose and goal of those who participate in anarchistic acts seeking to instill fear instead of courage, conflict instead of peace and cowardice instead of bravery to face the issues which never were unsolvable.

In a vain attempt to stop a war, never started by the men presently in charge of government, these anarchists resort to the same violence, death and punishment by destructive methods, the destruction of property belonging to all the citizens of our land, as are employed in the very war they seek to stop.

We agree with statements made by many to the effect that the war in Indo China and Asia never should have been started. We are in tune with those learned men, now dead, who said we will never understand the Asian mind. But to try to end a war by the same methods now prevalent in the present conflict seems to us to be a useless and senseless theory.

You need not be informed of the fact that the action of the anarchists is based on cowardice, deception and a distinct lack of what we call back-bone.

These acts are performed anonymously. They phone in secret, act in secret and obviously must be convinced in their own minds that they can go on forever intimidating what they must assume to be a spineless, scared-to-death, weak and timid people.

And you will note, most of them, after their purpose has been detected, flee to distant lands in the hope that the hands of lawful men will not lay hold on them.

They are mistaken theorists.

They are cowards and skunks and the sooner they carefully apprehend that our country is made up of many who understand that it takes courage to face not death—but life, unflinchingly, the sooner they will come to their inevitable end.

THE PRESIDENT, CONGRESS, AND SOUTHEAST ASIA

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BERGLAND. Mr. Speaker, last Thursday, during his news conference on foreign policy, President Nixon stated that "the jury is still out" on the invasion of Laotian territory by the ground forces of the Government of South Vietnam and the air forces of the United States. I was not critical of the President when the invasion was first announced. I believed that he should be given the opportunity to demonstrate whether or not his policies would shorten this disastrous war. I now submit that the jury is, in fact, in and that the joint expedition into Laos has failed in its objectives.

The primary objective of the Laotian operation was, according to the President, to save lives. Yet, more Americans lost their lives in Southeast Asia last week than during any week of the past several months, and South Vietnamese casualties are at their highest level since the Tet offensive of 1968.

The second objective was to hasten the withdrawal of American troops. Yet the President conceded, during his state of the world message 3 weeks after the invasion of Laos was well underway, that he sees no early end to our involvement.

A third objective was to reduce the flow of troops and supplies, over the Ho Chi Minh Trail, from North Vietnam into the South. It seems that travel over this trail has, in fact, been slowed. Unfortunately a new trail is being constructed well out of reach of South Vietnamese units in Laos.

The final objective of the incursion into Laos was to demonstrate that the Government of South Vietnam can conduct large-scale military operations without extensive support from U.S. forces. Despite all claims to the contrary, reports from the field do not instill confidence in the South Vietnamese Army. Further, there was extensive and massive support, in the form of air power, from the American Forces.

Because the Nixon administration has not fulfilled its responsibility to the American people—to bring this tragic war to a rapid end—it is necessary for the 92d Congress to take the initiative.

Our first task must be to enact legislation, which I am cosponsoring, that prohibits U.S. forces from participating in—or supporting—any invasion of North Vietnam. The President, by his constant refusal to rule out such an act, has made this specific legislation essential.

Second, we must work for early passage of the Vietnam Disengagement Act of 1971. This legislation, which I am also cosponsoring, would require the removal of all American forces by December 31, 1971; encourage the return of prisoners of war; and provide for those South Vietnamese who believe their lives would be endangered by our withdrawal.

Our tasks are immediate. We can no longer tolerate the further sacrifice of our young men. Nor can we allow the continued drain on our national resources and economy.

SENATE—*Wednesday, March 10, 1971*

The Senate met at 11 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

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

O Thou Infinite Spirit, we bow before Thee with humble hearts. In Thy presence we would rekindle the fire of faith that we may better be prepared for the duties of life, to endure its trials, to bear its crosses, and to achieve its lasting joy and satisfaction. Give us strength for our daily duty, patience in unexpected crises, and in time of trial give us the hope that sustains and the faith that wins the victory of Thy kingdom.

While we work for the welfare of others may we in our personal lives enlarge the area of friendship and good will.

Grant a full measure of Thy grace and wisdom to the President and to the Congress that together they may concert their best efforts for the making of a new and better Nation, and for a world at peace.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 9, 1971, be dispensed with.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech by the distinguished Senator from Indiana (Mr. HARTKE) today, there be a period for the transaction of routine morning business not to extend beyond 12 o'clock, with statements therein limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECOGNITION TOMORROW OF SENATORS McGOVERN AND MATHIAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent on tomorrow, follow-