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-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ing the remarks under the order already granted for the Senator from Georgia (Mr. TALMADGE) and the Senator from Idaho (Mr. CHURCH), that the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 30 minutes for a colloquy.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Missouri (Mr. SYMINGTON) is now recognized for not to exceed 30 minutes for a statement and colloquy.

ANNOUNCEMENT OF SOVIET MISSILERY—HERE WE GO AGAIN

Mr. SYMINGTON. Mr. President, many new occurrences inevitably come with spring—some pleasant—warmer weather, Japanese cherry blossoms; some not so pleasant—proposed higher defense budget, warnings of grave new danger to this country because of new developments in Soviet weaponry.

Last week, in a session, secret to the point where no record was kept, the Senate Armed Services Committee was briefed about Soviet missile plans. This briefing included for the first time purported details of new Soviet missilery which was not known about when the Joint Atomic Energy Committee was briefed the previous week on the same subject by the same people.

One cannot fail to remember several comparable spring announcements of previous years—in the early 1950's those thousands of new long-range bombers the Soviets were going to build, but never built; in the late 1950's those hundreds upon hundreds of long-range missiles the Soviets were going to build, but never built.

As a result of these and other inaccurate intelligence reports, however, the American taxpayer is currently bearing the burden of tens of billions of dollars of additional weaponry we now know is not needed for his security.

In Kansas City last Sunday, a member of the news media asked me about this new Soviet threat. Based on the secrecy emphasis of the already noted classified briefing, I avoided answering.

On the following morning, however, there was a front page story in the Kansas City Times, "Mighty Soviet Missile Reported"; and I ask unanimous consent that this story be printed at this point in the RECORD.

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

MIGHTY SOVIET MISSILE REPORTED

WASHINGTON.—The Soviet Union is deploying huge, advanced intercontinental missiles qualitatively mightier than its known weapons, Sen. Henry M. Jackson (D. Wash.) said yesterday.

The Defense department, queried on his assertion, said "it is correct that we have detected some new I.C.B.M. construction in the Soviet Union. We are not sure exactly what it is or what Soviet intentions are." The statement was issued by Jerry W. Friedheim, Pentagon spokesman.

Military sources said Jackson disclosed as much about the construction as was known, but it was a little early to say exactly what the Soviet Union might be doing.

Defense department officials said evidence pointing in the direction of Jackson's report was collected in the last few weeks. Asked whether this changed the general picture of a Soviet missile deployment and construction slowdown one official said:

"Unfortunately, this can mean the slowdown on SS–9 missiles may not be meaningful."

The new weapon, "as big or bigger than the SS–9," currently considered Russia's most advanced missile, represents a system "superior to the SS–9 not necessarily in yield, but in quality," Jackson said.

Jackson spoke on the CBS–TV radio program Face the Nation and gave details later to the Associated Press.

"It will come as a shock to a lot of Americans, after much discussion that they (the Russians) have leveled off the deployment of SS–9's, to know that the Russians are now in the process of deploying a new generation, an advanced generation of offensive systems contrary to the position earlier indicated with the so-called leveling off of the number of SS–9 sites," Jackson said.

Jackson, a senior member of the Senate armed services committee, would not name the sources of his information about the new Soviet system, and said: "We do not know quite what it means."

He said the Soviet missile build-up would come not in the form of a first-strike nuclear attack against the United States, but the Soviets would "use this growing power to take bigger and bigger political risks" in the 1970's.

"These are huge new missiles that from a qualitative point of view certainly present a difficult problem for the United States to face in the 1970's," Jackson said.

He said he also believed Russia leveled off deployment of its SS–9 force to refit them for multiple nuclear warheads.

The question of Soviet missiles came up when Jackson was asked about U.S.-Soviet Strategic Arms Limitation talks. He said he completely backed President Richard Nixon's position that the talks and any agreement should include offensive as well as defensive strategic weapons. He called for continued U.S. development of a defensive, antiballistic missile to protect the integrity of U.S. retaliatory missile strike forces.

Mr. SYMINGTON. Mr. President, as one turns against building those weapons which, after study, look to be "an unnecessary burden" on our already overburdened taxpayers, one finds it more difficult to obtain facts about various proposed military policies and programs.

It is some consolation, however, to find out that this problem has become a problem of other organizations, including the General Accounting Office operating under the Comptroller General of the United States. This latter organization was known, and should continue to be known, as the watchdog of the Congress.

As evidence of their concern, recently the General Acounting Office issued a report entitled "Problems in Administration of the Military Assistance Training Program." In that report GAO calls attention to the difficulties they have had in obtaining access to executive branch materials; and I would read two pertinent paragraphs from that report:

During our review of the training program on behalf of the Senate Foreign Relations Committee, representatives of the Departments of Defense and State have withheld or delayed the release of MAP reports and records essential to a full and complete review and evaluation of the program which is financed by considerable appropriated funds. The access-to-records problems experienced by our staffs during this review are a continuation of similar problems the GAO has encountered over the years in reviewing DOD programs, particularly evaluations of military assistance programs.

We believe that this access-to-records problem involves a matter that critically affects our future ability to conduct on behalf of the Congress thorough and complete reviews of the MAP.

In order for GAO to carry out its legal authority to make independent reviews of MAP, it must have access to and make appropriate review and analysis of all DOD reports and records which evidence the expenditure of appropriated funds.

The General Accounting Office states that it has become increasingly difficult for them to obtain enough pertinent information in other fields so as to in turn make a proper report in accordance with their assigned function under the law.

In any case, and in reasonably good humor, I say to my colleagues and the taxpayers—"Here we go again."

If the defense budget is to be increased again this year, however, and the war is going to continue in the four countries of Laos, Cambodia, North and South Vietnam, and a large contingency of our troops is to stay in Korea, and a far larger contingency is to stay in Europe, and our balance of payments continues to deteriorate, and we make any reasonable practical effort to handle our growing economic and social problems here at home, when one realizes what this can only mean to the future value of the dollar, it is going to be difficult to preserve that good humor.

DRUGS SOLD OPENLY IN SOUTH VIETNAM

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "Drugs Sold Openly in South Vietnam," written by Gloria Emerson, and published in the Kansas City Times of March 8, be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, as mentioned to the distinguished chairman of the Senate Armed Services Committee, if stories one hears about the use of drugs on the part of our military, not only in the Far East, Middle East, and Europe, but also back here in this country are true, from the standpoint of our true future security, this problem could well be a more serious problem than the outcome of the wars in Indochina.

EXHIBIT 1

DRUGS SOLD OPENLY IN SOUTH VIETNAM

(By Gloria Emerson)

SAIGON—It is so easy to buy heroin from peddlers in Vietnam wherever there are American troops or convoys that a tiny plastic vial can be purchased for $3 outside the headquarters of an American general.

On the 15-mile Bien Hoa highway, which runs from Saigon north to Long Binh, heroin can be purchased—and was, by this corre-

spondent—in a dozen conspicuous places within a few minutes.

At Long Binh, the largest United States military installation in Vietnam, a stand where Vietnamese children sell the narcotic nearly every day of the week can be found directly across the highway from the entrance to the headquarters of Lt. Gen. Michael S. Davison, who commands the II Field Force.

The stands in the Long Binh area, usually set up by boys, are U.S. Army ponchos held on poles to provide shade. No other goods—none of the fruits or soft drinks seen in other stalls—are on display.

The vials containing the heroin are about the size of the salt shakers served with meals by airlines in the U.S.

In a drive from Saigon to Long Binh, more than a dozen stalls and three individual vendors of heroin were seen.

The tiny vial of heroin can sometimes be purchased for a carton of American cigarettes, which costs GIs $1.75 at the post exchange. The Vietnamese sell the cigarettes on the black market for three times that, if not more.

The cost of a vial ranges up to $6, depending on where the sale is made. GIs can pay in military payment certificates, the Army currency equal to the dollar, or in Vietnamese piasters.

The drug is being used more frequently by enlisted men. The military command in Saigon, which will not comment on the increase, lumps the heroin situation with the rest of the drug problem which, in Vietnam, appears to involve marijuana for the most part.

CRACK-DOWN

In January a 64-page directive from Gen. Creighton W. Abrams, commander of United States forces in Vietnam, ordered officers to help combat the widespread use of marijuana.

"But you don't hear the generals sweating over marijuana," a soldier at Long Binh said today. "It's scag they worry about."

In a brigade headquarters at Long Binh there are unconfirmed reports that the use of heroin in the unit has risen to 20 per cent from 5 per cent. Most of the officers really do not know how many of their men are using the drug.

"You can salute an officer with your right hand and take a hit with your left hand," an enlisted man from New York said.

Some GIs prefer to smoke the heroin, which they mix with cigarette tobacco, because unlike marijuana, it has no distinctive aroma. It is said that few inject it into their veins. If they do not smoke it, they snort it; used like snuff, it is pushed into the nostrils and inhaled.

On the small road leading off to the 9th replacement battalion, where soldiers arrive in Vietnam and where they are processed to leave after one year, a small boy looking not much older than 7 sits under a poncho with a monkey on a leash and a parakeet in a bamboo cage. Not to be seen are the vials of heroin he cheerfully sells.

"That kid is really a landmark around here," a soldier said.

There were no national policemen whose responsibility is to stop sales to GIs near the stands. American military policemen are entitled to detain those soldiers caught in the act of buying or with heroin in their possession.

"If the kids don't sell, the mama-san in the hootches will, or the South Vietnamese troops," a soldier said. The mama-sans are the Vietnamese maids at Army posts.

At the tiny railroad station at Long Binh, where there is a commuter train to Saigon for Vietnamese employees at the base, a middle-aged Vietnamese woman in a green blouse and black pants sells watermelons. She also sells heroin which the Vietnamese call white opium. A boy at her side nods when he sees a soldier use a forefinger and thumb to indicate that he wants a tiny vial.

"Three bucks," the boy says.

An officer at Long Binh speaks of others who have climbed an observation tower to watch a sale with soldiers tossing cigarettes over the high fence to Vietnamese men.

"If I can see that," the officer said, "I wonder why the MPs don't know it."

CURB SERVICE

American convoy drivers are also good customers. It is believed that many of them buy for resale.

Large communities of Vietnamese who live near the Long Binh base or near highways where American convoys pass have made small fortunes selling marijuana and heroin.

In the little town of Tam Hie about 20 miles from Saigon on route 1, which curves by the Long Binh base, the sellers are adolescent girls. An older woman explained why.

"It is harder for boys to approach military convoys because they might be thought of as Viet Cong," she said in Vietnamese.

She has a 17-year-old daughter, still in school, who often sells on route 13.

"More white Americans buy heroin from us than the black ones do," the schoolgirl said. "If you see an American sniffing the white opium, you will certainly die laughing. His hands shake violently when he is handed it. Immediately he begins to sniff it. Then he closes his eyes as if he is going to faint."

The girl gave a chuckle and added: "Some minutes later he wakes up and looks more intelligent."

It is believed that most of the heroin—derived from morphine, one of the alkaloids in opium—comes from Laos, but the girl and her mother do not know its source. Both said, however, that the local supply probably came from Chinese merchants in Cho Lon, the huge suburb of Saigon and once its Chinese twin city.

Not all the drugs are pure. The schoolgirl said that dried grass or tea leaves were often added to marijuana and that sugar was added to heroin.

One reason American soldiers give for using heroin is that compared with prices in America, it is cheap.

"There aren't many bargains here, either," one soldier said glumly.

THE DEBT AND THE DANGER WHEN JOHNNY COMES MARCHING HOME

Mr. SYMINGTON. Mr. President, one of the sad aftermaths of this war, and one which will be with us at least as long as any other, is the problem of the returning veteran.

In this connection, I ask unanimous consent that an article by James Reston in the Kansas City Times of Monday, March 8, "The Debt and the Danger When Johnny Comes Home," be printed at this point in the RECORD.

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

THE DEBT AND THE DANGER WHEN JOHNNY COMES HOME

WASHINGTON.—So "the boys," as we call them, are coming back from the war.

What are they coming back to? And what are they bringing back with them—what thoughts, what dreams, what habits?

It is easier to answer the first question than the second. They are coming back to a divided country, which has five million unemployed and a dwindling market for unskilled labor; a fabulously rich country with a shortage of houses as well as jobs, and a surplus of inflation and social tension—scarcely "a land fit for heroes."

We do not know what they are bringing back with them, but we know they are no longer "boys." They are men trained in violence and guerrilla warfare, many of them no doubt resentful of their contemporaries who stayed at home, many more brutalized by battle or corrupted by cheap and strong drugs, all of them expecting, and rightfully so, useful work and a decent life.

No doubt a majority of them, as in past wars, will slip back under the orderly and civilizing routine of work and family. General Westmoreland, for example, is persuaded that the discipline of Army life will prove to be a stronger and more lasting force than the brutality or the corruption.

Still, even if he is right, even if they are not a problem or a danger, they are surely a debt. At least on this we should be able to agree, regardless of our views on the war. It is not a debt that can await the slow return of "full employment" or "stable prices," both of which may be far down the road. Many of them are going to be mental casualties or even prisoners of war at home—restless, frustrated and out of work.

The government, of course, is conscious of all this. There is a demobilization program designed to ease the transition back to civilian life, hospital care for the wounded, educational assistance for the yearners, medical and psychiatric help for the drug addicts—even a careful security watch just in case—but the sum of all this is pitifully small compared to the magnitude of the problem.

Lately there has been a lot of talk in Washington about priorities, allocation of resources, revenue sharing and local responsibility for local problems. The Congress is deeply divided on all these. The Senate has not even been able to agree on its own rules of procedure, let alone getting down to legislating on urgent questions of policy.

The returning veterans, however, are a special question, a first priority, an obvious test for revenue sharing and local responsibility, and they need federal money and special help much faster than they are getting it now.

What is happening in most cases, despite the help of veterans' organizations and federal assistance, is that most of them are thrown in with the rest of the unemployed to seek jobs or welfare as best they can.

During the autumn months of 1970, according to the latest figures, the amount of public welfare increased faster than ever before, partly as a result of returning veterans, and already threatens to drive welfare costs up at least 1.5 billion dollars above the estimates in President Nixon's 1972 budget.

In explaining the steep rise in the nation's unemployed during the last year the administration has "blamed" much of it on the reduction in the armed forces and the layoffs in factories working for the Pentagon, but very little has been said of the human plight of the returning veterans.

The politics of this problem is not an unsuperable barrier. Few federal legislators of whatever persuasion are prepared to vote against appropriations for veterans jobs—even if this means financing public service work under the states, cities, counties and municipalities of the country.

Meanwhile, much could be done by private employers in every community if separate lists of local veterans were compiled and local committees were established to help employ the veterans as a first priority.

At the present time, the major complaint in Washington, both in the executive and the legislative branches of the government, is that officials feel trapped in vast controversies and cannot get action on new welfare, housing or job training projects.

On the conduct of the war there is of course a bitter stalemate. On the conditions of a negotiated peace and on the future of Vietnam, Cambodia and Laos it is the same. But the problem of the veterans is not a

major divisive issue. The debt and the danger are widely recognized, but somehow they have been shoved aside by the more dramatic political and economic arguments.

Seldom is a speech made here about the war without verbal tribute being paid to the men of the expeditionary force and to the extraordinary sacrifices they have made under conditions unprecedented in the history of the armed forces.

But this does not really help the veterans. They need money and jobs, and the cost of providing them is likely to be far less in the long run than the cost of paying for the consequences of indifference.

LAOS, CAMBODIA, VIETNAM, AND TOMORROW

Mr. SYMINGTON. Mr. President, during the years that I paid periodic visits to South Vietnam in an effort to obtain the truth about this tragic war, no newspaperman appeared to know more about what was really going on out there than did Robert Shaplen.

In the March 6 issue of the New Yorker magazine, Mr. Shaplen has written from Saigon a thoughtful and penetrating analysis of current conditions in that war theater, including also recent relatively new developments in Laos and Cambodia.

I ask unanimous consent that this interesting military-political analysis of these present tragic wars be printed at this point in the RECORD.

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

LETTER FROM INDO-CHINA
SAIGON, FEBRUARY 25

The invasion of Laos by South Vietnamese troops with American support seemed to offer at best some dubious short-term rewards and at worst a potential disaster. The risk was great, for as we have been reducing the number of our forces in Indo-China we have actually been increasing our commitment and involvement here—first in Cambodia and now in what is described as an "incursion" into Laos, which began in full force on February 8th. It is still too soon to render a firm appraisal of the venture, whose purpose, according to the Americans who persuaded their South Vietnamese allies to attempt it, was to cut through some of the Ho Chi Minh Trail complex, thus "turning the tap," as one American commander put it, and reducing to a trickle the flow of North Vietnamese traffic southward. The traffic had been growing heavier. Between the first of January and mid-February, the North Vietnamese poured thirty-one thousand new soldiers in at the top of the Trail, and trucks carrying supplies were moving down at the rate of twelve hundred a month—a considerable increase in both men and materiel over the average monthly flow in 1970. Most of these resources were probably headed for South Vietnam, though perhaps a third of them were destined for Cambodia. But the severe fighting that has taken place indicates that from the start the odds were against the invasion's turning out to be a success, even if the weather—which has been worse than anyone anticipated—had been favorable.

In the third week of February, taking advantage of the mist and of the fact that invading South Vietnamese vehicles and armor had been slowed if not bogged down, the North Vietnamese troops of General Vo Nguyen Giap—whose response to the new developments in Laos had been described by associates in Hanoi as "enigmatic and smiling"—struck back hard at the advanced South Vietnamese fire bases. Giap's strategy has always been to wait and adapt himself to whatever new situation arises. (He did this brilliantly against the French at Dien Bien Phu in 1954.) Faced with heavy American air support of the South Vietnamese ground troops, he at first decided to pull back, apparently on the theory that the South Vietnamese attack would not be a major one of long duration. Then, when the weather got worse, he saw his chance. Still seeking to avoid a major confrontation, he moved elements of three regiments and many anti-aircraft and artillery units south toward the South Vietnamese positions along and around Route 9. First, he threw his heaviest and most modern Russian and Chinese rockets onto his opponents' hilltop posts. Then he sent in sappers and other ground troops, striking at the most vulnerable South Vietnamese outposts and mauling élite Ranger and airborne elements, which, with several thousand soldiers of the best of the regular South Vietnamese Army (ARVN) infantry divisions, the First, composed Saigon's invading force. Shooting from hidden anti-aircraft emplacements—many of them cleverly concealed platforms deep in the jungle that covers that forbidding region—Giap's forces took a heavy toll of American and Vietnamese helicopters delivering troops and ammunition. By February 23rd, about twenty-five helicopters had been destroyed on both sides of the border and at least that many were damaged. Casualties are already heavy, and they could become heavier if Giap decides to throw in more troops and, despite American and South Vietnamese air superiority, risk a larger battle on the ground. In any event, Saigon's early claim that its forces were enjoying a seven-to-one advantage over the North Vietnamese in men killed can no longer be substantiated—if it ever could have been.

At the beginning, the invading troops were obsessed by what one veteran American official calls "the Tchepone complex." Tchepone, on Route 9 about twenty-five miles inside the Laotian border, lies athwart the major invasion path. As a key station on the Trail, it had a hard-dirt airstrip capable of taking the Russian equivalent of DC–3 transports, and, as a liaison and communications center, it had sophisticated Russian equipment for guiding the Trail traffic to destinations farther south, west, and east. According to the invasion plans drawn up by General Creighton Abrams, the American commander in Vietnam, and his Vietnamese counterpart, General Cao Van Vien, Tchepone was to be seized and held, at least long enough for the South Vietnamese to conduct sweep-and-patrol operations around it in all directions in an effort to destroy as many major Trail supply caches as possible. Even after the South Vietnamese began running into trouble from bad weather and anti-aircraft fire, the airstrip remained an objective, although the communications equipment had already been carried off, and it became increasingly apparent that the basic concept of the attack would have to be altered "in time" as well as "in space"—to use the terms President Nguyen Van Thieu used in describing the operation.

By then, though the invading forces had destroyed some sizable North Vietnamese caches near the border, it was only too clear that the success of the attack would be severely limited by the redoubtable complexity of the Trail network. Nine major Trail routes fan down from the Mu Gia Pass and two other mountain defiles in North Vietnam. (These three defiles, through which nearly all traffic passes, have been hit constantly by American B–52 and other bombers over the years, but with only limited success, since pinpoint targeting is extremely difficult in such mountainous terrain.) Of the nine Trail arteries below the passes, the South Vietnamese apparently crossed over three in the first few days of the invasion and found some caches. Much of the truck traffic is believed to use these three routes, but I learned from South Vietnamese sources that the invading forces actually discovered and blew up only a few minor relay depots. From northern Laos down to the Bolovens Plateau, about a hundred and fifty miles south of the Mu Gia Pass, where the major routes turn eastward into South Vietnam or, dwindling into jungle trails, run on south into Cambodia, there are known to be forty-two major storage centers. So far, not one of these forty-two centers has been reached by South Vietnamese ground forces, though the centers have all been bombed regularly in the past.

The sixteen thousand South Vietnamese committed to the enterprise, it is now clear, were incapable of reducing the total Trail traffic to a trickle. The most that could have been done, military experts now concede, was to slow the flow for a short time—perhaps for two or three months. This might have served the oft-stated American purpose of "protecting" the withdrawal of our troops and helping the Vietnamization program. It seems doubtful, however, under any circumstances short of a miraculous stroke of luck, that a limited Trail attack could have made a really big difference at this late date. Back in 1968, there was serious talk of having American and South Vietnamese troops cut across Route 9 all the way to the border of Thailand. That would have required upward of seventy-five thousand men, and, if it had been synchronized with an invasion of the Cambodian sanctuaries, might have altered the course of the war. Of course, it might also have brought in the Chinese Communists, who are again making noises about responding to "a grave menace." Conceivably, the Chinese could still make an "incursion" of their own into Laos, moving toward Thailand from the northwest along a new road they have been building on and off for eight years. Recently, the Chinese have extended this road from Muong Sai, in the northwest Laotian province of Luang Prabang, to a point fifty miles from the Thai border. They have also extended a road eastward from Muong Sai to connect with one that runs through Dien Bien Phu, in western North Vietnam. The Chinese have some seven thousand troops in northern Laos, mostly engineers but including some combat elements. Yet even if there should be any truth in rumors of large Chinese troop movements into Yunnan Province, in southern China, during the past month—rumors that are not substantiated by responsible Western intelligence reports—most observers do not believe that the Chinese will move in strength into either Laos or North Vietnam to reinforce the North Vietnamese, who don't particularly want them to anyway. Nevertheless, the new west-to-east road can certainly be of help to the North Vietnamese in the attack they have been mounting in northern Laos—an operation that seems to be more serious this year than it has been at any other time since 1964.

Depending on both military and political events, of course, the whole picture could change drastically overnight. The Laos invasion could escalate into a new major war, or it could place the North Vietnamese in such a difficult position that, as the Americans hope, they might be willing to negotiate seriously, or at least seriously enough to give themselves a respite. This is what President Nixon keeps talking about, but it actually seems less likely now than it did before the Trail attack was launched. Another possibility is that as we pull out of South Vietnam the South Vietnamese, primarily as a result of our planning and urging, will find themselves in the difficult position of fighting alone over ever-widening fronts in three and possibly even four countries, the fourth being North Vietnam itself. This might accord quite well with the revolutionary dynamics

of the North Vietnamese and their Chinese—if not necessarily their Russian—allies. Though it would strain the Hanoi war machine to the limits of its capacity, it would also gravely interfere with all the paramilitary and political programs that have been undertaken to bring a measure of stability to South Vietnam, with the result that this beleaguered country, still the prize of Indo-China, would be torn apart beyond repair. Thus, far from having been helped as a result of the Cambodian and Laotian ventures, as many Americans would like to believe, South Vietnam could well be on the way to being lost irrevocably.

One important factor influencing those who conceived the Laotian "incursion" was that the loss by the Communists of the southern-Cambodian port of Kompong Som (formerly Sihanoukville) had made the long overland routes more vital than ever, and therefore more vulnerable. Because of a number of considerations, including terrain and logistics, the Laotian operation promised to be tougher than the Cambodian one, but, perhaps in part out of consideration for public opinion back home, no American ground troops were to take part, as they had in Cambodia. Most of the South Vietnamese divisions (including airborne and Marine elements) are now rated good or better, and giving them a chance to score a victory on their own may have been another factor in the planning. Nevertheless, contrary to some early predictions, the invading troops did not intend to stay in Laos until the end of the dry season, in May, though the possibility may not have been totally excluded. The idea was simply to stay as long, and do as much damage, as possible.

Almost six weeks ago, General Abrams' intelligence sources detected movements of North Vietnamese ground troops south toward the Demilitarized Zone. (The equivalent of about four divisions had been poised north of the Zone.) Even before the decision was made to go into Laos, it was decided to place an American blocking force along Route 9 in Quang Tri Province, where, at Khe Sanh and elsewhere, some of the fiercest fighting of the war had previously taken place. This was considered a separate preemptive measure, and it would have been taken no matter what occurred in Laos. From a public-relations standpoint, the airlift north from Saigon at the end of January of this American force and of the first South Vietnamese forces for the Laotian operation was badly botched. The now famous "embargo" of any news about troop movements in the northernmost military region of South Vietnam (Military Region 1) was quickly breached, simply because no one told correspondents they were not allowed to "speculate"—in fact, they were virtually given a license to go ahead and do so—and because, by mistake, some Japanese and Korean writers attended a briefing at American military headquarters that was supposed to be restricted to American correspondents and to one representative each from Reuters and Agence France-Presse. When the Japanese wrote stories about what they had heard (and one or two American correspondents managed to tip off their home offices), there was intense speculation in Washington about an invasion of Laos, and the possible use of America airpower "anywhere in the Indo-China area" was also discussed by various Administration spokesmen.

The entire operation has been marked by an absence of accurate information and a plethora of misinformation. During President Nixon's press conference of February 17th, more than a week after the invasion had begun, he said that "the South Vietnamese have run into very heavy resistance on the road into Tchepone." It seems that in a cable from military headquarters in Saigon a "not" was inadvertently dropped out after the word "have"—at that point there was virtually no resistance on the ground and, furthermore, the South Vietnamese had scarcely got started on the road to Tchepone. The President made a number of additional statements that can at best be described as rash, such as his declaration that the Communists "have to fight here"—which is to say, where the Trail is—"or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia." Even the most sanguine American generals in South Vietnam never regarded the invasion as more than a temporary effort to stem the flow of men and supplies, and, from General Abrams on down, they fully expected the North Vietnamese to start building new trails at once. ("They never quit," one officer said.) There are few, if any, political observers who would agree with the President's statement that the long-term capabilities and intentions of the North Vietnamese might be seriously affected by the invasion.

In refusing "to place any limitation upon the use of air power," except for banning the use of nuclear weapons, the President indicated that his orders would apply even if the South Vietnamese decided to attack the Communists in the southern part of North Vietnam. Frequently mentioned by South Vietnamese hawks as likely targets are Vinh, about a hundred and fifty miles northwest of the D.M.Z., and Thanh Hoa, still farther north. Though commando raids cannot be ruled out—in fact, small ones have taken place regularly, and Hanoi also claims that defoliation raids have been made just above the D.M.Z.—one can only wonder how thinly the South Vietnamese can possibly spread themselves, what with the invasion of Laos, the activities in Cambodia, which have been stepped up considerably in recent weeks, and the preparations that are being made to deal with anticipated new Communist offensives across the Laotian and Cambodian borders in the highlands of South Vietnam. Some of the best South Vietnamese generals have recently adopted a very self-confident manner, but there is tragic irony in a joking remark made to an American visitor several weeks ago by General Do Cao Tri—who has just been killed in a helicopter crash en route to Cambodia. The visitor, a congressional investigator, asked Tri how far he intended to go. Tri, probably the ablest of the South Vietnamese generals, waved his swagger stick at his questioner and replied, "India!" The American blanched. Surely, at this point, an attack on North Vietnam by the South Vietnamese forces under American air cover could lead only to further disaster, and might well set off a larger Asian war.

The war in northern Laos, some three hundred miles northwest of the action around the Ho Chi Minh Trail, has no immediate military bearing on this action, but it is bound to affect the course of political events in Laos and produce military repercussions throughout Indo-China. In brief, the Communists, who have been launching annual attacks during the dry season in the provinces of Sam Neua, Xieng Khouang, and Luang Prabang, in northern Laos, are at least three weeks ahead of last year's schedule. Elements of two North Vietnamese divisions, supported by Pathet Lao (native Communist) troops and porters, are threatening the two large bases of Long Tieng and Sam Thong, which are operated by General Vang Pao and supported by the C.I.A. Despite reinforcements by Royal Lao Government and Thai forces, the chances that the two bases will fall to the Communists are greater at this moment than ever before. The North Vietnamese are attacking hard from the northern rim of the Plaine des Jarres and have also moved west, again threatening the royal capital of Luang Prabang. They are likely to harass that capital and turn to the south to control the road to the administrative capital of Vientiane, which might also be subjected to harassment. King Savang Vatthana, who has been courted by Hanoi for the past two years, is under heavy pressure from the North Vietnamese in the east as well as from the Pathet Lao and the Chinese Communists to the north and east of his capital, and under these circumstances Prince Souvanna Phouma, the Prime Minister in Vientiane, might be forced to resign or face being overthrown by a right-wing generals' coup. He might resign anyway. He has offered to in the past, but his bluff has never been called by the right-wingers. It is hard to imagine how Laos could survive without Souvanna, but he himself may have come to believe that by stepping down, if only temporarily, he might be in a better position to bring about some sort of political solution for his country's problems.

Though Souvanna issued a mild statement of objection to the joint South Vietnamese-American action against the Trail, he has repeatedly made the point during the past year that what happens there is no longer his business but, rather, that of Hanoi and Washington. The right-wing generals have long been discontented with Souvanna's efforts to effect a political compromise with the Communists in Laos, which would restore the coalition government established in 1962 but would increase the Communists' strength in it. Souvanna has regularly insisted that the North Vietnamese must first get out of Laos, but since this now seems more unlikely than ever, the right-wingers have become increasingly impatient with him, and they therefore welcomed the invasion in the hope that it would bring the issue to a decision. When the invasion began, Prince Souphanouvong, Souvanna's half brother, who is the leader of the Pathet Lao, recalled the delegate who had been in Vientiane negotiating with Souvanna on beginning new peace talks to restore the 1962 formula. Souphanouvong also called on all the Lao people, including elements of the Army, to rise up against his half brother's Vientiane government, which he described as a "stooge" of the Americans; in effect, he all but urged the rebellious right-wing officers to move against Souvanna. Souvanna has since ordered a general mobilization under the leadership of officers he thinks he can trust, but his situation remains extremely precarious. The more ardent right-wingers, both in the Vientiane area and in the south, are biding their time, but if the situation gets worse in the north and along the Trail, and if the central and southern heartland of Laos is threatened by more Communist pressure, Souvanna could very well be ousted. The right-wingers would then openly seek increased military help from the Thais and the Americans, and this would be another way in which the scope of the Indo-China war would be further broadened, with consequent international complications.

Ignoring the open North Vietnamese aggression in northern Laos, Souphanouvong and his followers have taken advantage of the Trail invasion to call on Russia and England, the cochairmen of the 1962 Geneva Conference on Laos, to "take effective and firm measures to compel the United States and its lackeys to halt their aggressive operation immediately." Poland, which, along with Canada and India, is a member of the International Control Commission set up under the Geneva formula—and which has for years been chiefly responsible for stalling the Commission and keeping it from functioning—has belatedly seconded Souphanouvong's complaint. There seems little the Commission or any other international body, including the United Nations, can do right now to keep the war from spreading. The Communists are surely not going to relax

their pressure on Laos, and if they repel the Trail invasion their appetite for gains in that country is likely to be even greater. Souvanna will thus become increasingly isolated, especially since the southern Lao of the Champassak family—notably Prince Boun Oum and the generals around him—will undoubtedly seek to save their own skins. General Phasouk Somly, the only good "fighting general" in the country besides Vang Pao, has been doing practically nothing in Pakse, on the Mekong, for several months while the Communists have overrun most of the Bolovens Plateau, widening the Ho Chi Minh Trail complex in order to funnel men and materiel into Cambodia as well as into South Vietnam. If Souvanna and his weary Royal Lao Government forces should be able to hold out until May, when the dry season ends, the situation could again become "normalized," as they say in Vientiane, and Souvanna's and Souphanouvong's delegates might resume negotiations. However, the chances that these talks could get anywhere are not nearly as bright as they seemed a few weeks ago. If Souvanna should fall, a markedly conservative alliance of "practicality" would undoubtedly take his place, and even without a wider war the Nixon Administration's policy would be put to a new test. How far would the President go to help such a new combination of shady "allies" save their territory and their long-held political and commercial privileges? Would he supplement the C.I.A.'s long-existing counter-insurgency support to General Vang Pao with a new military-assistance program for the rest of Laos, and send Military Equipment Delivery Teams (MEDT is the newest acronym for American advisers) to central and northern Laos to stop the Communists, as he is doing in Cambodia? And how would Congress and American public opinion react to that?

The situation in Cambodia, which must also be taken into account, is no less difficult. In recent days, the Communists have continued to apply pressure on the Phnom Penh government, which is being run by Acting Prime Minister Sirik Matak in the absence of General Lon Nol, who suffered a stroke several weeks ago and is now recuperating in Hawaii. Immediately after Lon Nol became ill, there was some fear that there might be a power play by a group of officers who were disturbed about the slow pace of the government's fight against the Communists, but Sirik Matak has so far given every indication that he will prove to be an able administrator; though there have been rumblings among students and intellectuals about corruption and inefficiency, no upset has taken place. This relative stability can possibly be attributed to the presence of more and more American advisers upon whose continuing aid Cambodia obviously depends. The total of MEDT personnel inside Cambodia is only about a score, but about sixty more who are based in South Vietnam shuttle in and out by way of the Phnom Penh airport. (Late in January, the airport was partly destroyed in a Communist raid, and the Combodians lost most of their small air force of T–28 fighter-bombers and helicopters and other small planes and equipment. Both the Americans and the Australians had warned them that such an attack was to be expected, but the casual Cambodians did nothing to avert it.)

The South Vietnamese invasion of Laos coincided with a new "incursion" of more than fifteen thousand South Vietnamese troops into Cambodia. This action, being carried out by crack troops that had originally been commanded by the late General Tri, has been concentrated in the same sanctuary areas across the border that were struck last May, but this time Tri was hoping to go northwest to Kratie, on the Mekong. No matter what purposes the Communists may be hoping to accomplish in Cambodia—whether to topple the Phnom Penh government or use the country as a springboard for fresh offenses in South Vietnam—the Kratie area is probably their main communications and supply center. Fighting in relatively flat country, Tri soon ran into trouble, as was the case in Laos, and had to send for reinforcements. By the third week in February—just before he was killed—he had still not reached his first main objective, which was the bend of the Mekong north of the vast Chup rubber plantation, and so he was still a good sixty miles from Kratie.

At this point, it should have been quite apparent that the Americans as well as the South Vietnamese had all along underestimated the Communists' capacity for continuing to fight on all three Indo-China fronts, despite the loss of the port of Kompong Som and the difficulty of sending fresh supplies, especially ammunition, down the Trail. Perhaps the Communists had hidden some supply dumps west as well as east of the Mekong long before the attacks on their sanctuaries last May; they may also have managed to get a lot of what was in the sanctuary areas out before the Allied attacks occurred. At any rate, they obviously have enough materiel to keep up a staunch fight and to go on cutting all the main Cambodian highways virtually at will.

There is no doubt that the Cambodians are becoming better fighters; their army of some thirty thousand ill-trained troops has now grown to a force of more than a hundred and fifty thousand which is beginning to learn the rudiments of spreading out along the sides of the roads to avoid ambushes and is beginning to dig trenches at night. In view of these and other changes, many observers here believe that the Communists may make a serious attempt to overthrow the government before it grows too strong. American supplies, especially M–16 rifles, have undoubtedly made a difference, but the difference has created new problems for the Americans. As one European diplomat here put it, "It's a rule that when you help someone very weak you create a link by which your fortunes are bound to his." Americans in Phnom Penh now privately admit that the United States has committed itself to helping Cambodia indefinitely. This may involve more help than some people imagine. Perhaps the clearest indication of the Communists' intentions has come from a defecting North Vietnamese lieutenant, Tran Van Hong, who said late in January that Hanoi has formulated two strategies for Cambodia—designated as "a glass half full of water" and "a glass full of water." The former phrase, Hong said, denotes using the North Vietnamese, the Vietcong, the local Khmer Rouge, and elements still supporting the deposed Prince Sihanouk to occupy as much of the countryside as possible, gain food suplies, build up an infrastructure among the Khmer population, denote moving as fast as possible to establish a Communist government in Phnom Penh.

Sihanouk, who in late January and early February was allowed by his Chinese Communist "hosts" in Peking to visit Hanoi and Sam Neua, in Laos, and then to return to China, is obviously in favor of the "full-glass" policy, insisting that his government-in-exile, the National United Front of Kampuchea, has now "liberated" two-thirds of Cambodia's territory and half of its population of more than seven million. Though Sihanouk has made fresh appeals for unity and solidarity throughout Indo-China since the South Vietnamese invasion of Laos, it seems clearer than ever that his principal use to Peking and Hanoi is as window dressing. Lieutenant Hong remarked that the Communists knew eight months before Sihanouk was deposed last March by Lon Nol that he was on his way out—a statement that lends further credence to the conclusion that the Chinese do not take him very seriously, since they apparently took no steps to save him. Even if Sihanouk should someday be permitted to return to Cambodia as a Communist puppet, he wouldn't be allowed to stay there long, and he himself has all but admitted this in some recent speeches. The man whom Peking has designated to head a new Cambodian regime seems to be a former Paris exile named Thiounn Prasith, whose present job is described as Minister for the Coordination of Efforts of the Struggle for National Liberation. Hanoi has a different choice—Son Ngoc Minh, an alias for an underground Khmer leader who has not been heard of in some time but who is believed to be somewhere around Kratie or farther north.

Whatever differences North Vietnam may have with its allies, and whatever difficulties it may be experiencing internally, one thing that is abundantly evident is that Hanoi's leaders are determined to prosecute the Indo-China war to a successful conclusion, no matter how long it lasts and how many lives it takes. This determination is matched in strength by a determination to remain independent of both Moscow and Peking in as many ways as they can, despite their need for military supplies. Ultimately, the policy may prove suicidal, but one must always remember that the Vietnamese people have been at war for most of the last two thousand years and that they are both inured to it and obsessed by a desire for unity, which they have very seldom enjoyed. Consequently, if in the pursuit of that elusive goal the North Vietnamese at present appear to be courting their own destruction, one must also remember that the South Vietnamese have been unable to get together and create anything approaching a non-Communist version of North Vietnam's solidarity. To say that North Vietnam is a dictatorship is far too simple. It is one, of course, but Thieu's government in the South also has many dictatorial aspects—shadowy and ineffectual though they may be—and is far less given to self-appraisal and self-criticism. Right now, the North Vietnamese, tired of war but morally exalted, are making effective use of the Communist process of self-examination, which results in fresh exhortations to fight harder and make more sacrifices. And the people are being offered as their own "light at the end of the tunnel" the prospect of eventual victory and domination of the entire Indo-China peninsula.

Under these circumstances, the recent extension of the war in Indo-China, with the South Vietnamese spreading themselves thin as the Americans leave, may be just what Hanoi wants. In the past month, Le Thanh Nghi, the Hanoi Politburo's leading economic expert, paid visits to Peking and Moscow. In both capitals, he exacted promises of continued all-out aid. A chorus of propaganda has since been heard throughout the Communist world, warning the United States of the consequences of the new move in Laos, which one Moscow writer said might lead to "the Koreanization of the Indo-China conflict." The Chinese have been even more bellicose than usual. In mid-February, Vice-Premier Li Hsien-nien said, "The revolutionary situation is getting better and better," and, after praising the North Vietnamese for "raising the national revolutionary war against imperialism to a new level," he declared, "The Chinese people will on no account permit the United States aggressors to ride roughshod over Indo-China." Invective is cheap, of course, and it may only be that Peking is prepared to fight to the last North Vietnamese—just as, to a lesser but nevertheless sadly comparable degree, there are increasing indications that the Nixon doctrine implies an American willingness to fight to the last South Vietnamese.

Within North Vietnam, there continue to be incessant campaigns for the improvement of various cadre elements, and so far the

campaigns are clearly not producing results. Oddly, on the day after the Laos invasion Hanoi announced that the election for the fourth North Vietnamese National Assembly, three years overdue, would be held on April 11th. This will be the first such election held since 1964, and the fact that it is being called now, under the leadership of Truong Chinh, the chairman of the Assembly's standing committee—who at least for a time appeared to be the chief rival of Le Duan, First Secretary of the Workers' Party, for the mantle of the late Ho Chi Minh—may be connected with reports that Chinh is dying of cancer.

Now that Chinh, who is known to be pro-Peking, realizes he will not be around much longer, he may want to leave as many of his supporters in power as possible. On the other hand, there are those who maintain that the power struggle in Hanoi is a superficial matter and that Le Duan and Truong Chinh are agreed on persevering to ultimate victory, whether this takes a few more years or a full decade. In sum, the differences may be over minor questions of priorities rather than over basic strategy, and this could be one reason the North Vietnamese feel that they can afford the unusual luxury, for a Communist country, of airing their differences in public, as they have been doing in a surprising number of pronouncements and speeches. These statements range from detailed accounts of grave economic and management problems, especially in agriculture, to criticism of the failures of workers' and peasants' organizations to perform better—both ideologically and in terms of production. The theme underlying the usual Communist self-flagellation is one of supreme confidence, and if there is an anti-Communist underground waiting to be summoned to action in North Vietnam—as some South Vietnamese, American, and neutral observers maintain—Hanoi is obviously convinced that it can be smothered by a certain amount of controlled criticism and dissent, to the accompaniment of chauvinistic appeals for more patriotism and party loyalty.

The situation in South Vietnam is far different. There is less nationalistic fervor, more concern for personal goals, and scarcely any loyalty to a cause or a man, including President Thieu. Thieu, already campaigning to be reelected, not only is concentrating on building up his apparatus of military men and government bureaucrats around the country but is travelling about more, and attempting to play the democratic politician by joking with his audiences. During Tet, the Vietnamese New Year, he is said to have spent some twenty million piastres—the current rate of exchange is two hundred and seventy-five piastres to the dollar—on printing and distributing more than a million fancily printed personal greeting cards (they were virtually small pamphlets); these were handed down the line through province and district chiefs to village chiefs and, eventually, a miscellaneous collection of citizens, ranging from rich businessmen to cyclo drivers. The trouble with Thieu, his critics contend, is that he has a political apparatus but no firm policy. (This, of course, can also be said of just about all South Vietnamese politicians.) One of the Vietnamese I have known longest and admire most remarked recently on "the sense of malaise and the immobility that still characterize this administration." There is a persistent atmosphere of intrigue and uncertainty, he said, despite the obvious progress in some areas of pacification and in the steadying of the economy. "The political air must be cleared," he went on, "but this is difficult to manage when there are so many indefinite factors, such as not knowing what either the Communist or the Americans are really going to do next year or the year after." This appraisal points up one of the dangers of escalating the war into Laos now, at a huge cost in money and possibly in men. Most experts believe that President Nixon wants to have no more than fifty thousand Americans left in the country by mid-1972—though some recent reports put the figure closer to a hundred thousand—but, whatever the number turns out to be, no one has as yet come up with an inexpensive way to fight a three- and possibly four-front war, which is still costing the United States about fourteen billion dollars a year. (Three, or sometimes four, billion dollars annually is generally regarded as the maximum the Congress would allocate to South Vietnam once most of the American troops have left.) Gerald Hickey, of the Rand Corporation, observed the other day, "The next thing that has to be done is to Vietnamize Vietnamization, and no one has thought that through yet."

The question of what the American role will be in the forthcoming South Vietnamese elections—for a new House of Representatives, late in August, and for President, early in October—is an increasingly touchy one, particularly since so much hinges, both for Thieu and for Nixon, on the progress of the military campaigns in Cambodia and Laos and on the degree of stability that can be maintained in Vietnam under the present process of Vietnamization. One astute American military leader took note of this problem the other day by commenting that it is all well and good to be happy about the progress ARVN has made but that if the rest of the present program fails to hold together—the improvement of the police and the territorial forces; the establishment of proper lines of authority for pacification all the way from Saigon, at the top, down to the villages and hamlets; and the economic programs to help ordinary people struggling to make ends meet—the whole structure will collapse and the Communists will take over. Most of the American bureaucracy, in Saigon and throughout the country, remains optimistic—though its most experienced members are less so, and skeptics have usually turned out to be the soundest prophets here. Most of my Vietnamese friends remain cynical and despairing, but then that is their nature. There has been a steady increase in xenophobia here, and, particularly, a growing anti-Americanism. For this reason, and because the policies of Thieu—never a popular figure—are so closely tied in the eyes of all Vietnamese to American policies, most people agree that the best thing President Nixon could do now is make it emphatically clear that Washington will remain completely neutral in the forthcoming Presidential contest.

Vice-President Nguyen Cao Ky assured me two weeks ago that he would definitely run for President, on a platform of "unity, integrity, social reform, and social justice," and that under no circumstances would he be Thieu's running mate again. The American mission insists that Ky will either run with Thieu once more or stay out of the race. A few days after I spoke with Ky, he saw Thieu and spoke to him openly about the political issue, thus beginning to untie the knot that has bound them together so uncomfortably. The two men now apparently detest each other, and I doubt whether even the Americans can bind them together again. If the Americans tried, all sorts of trouble might ensue, including the kind of chaos and violence that followed the overthrow of President Ugo Dinh Diem, in 1963. Whether Ky follows through on his decision to run or, as has been hinted, decides to make some sort of bargain on the Presidency with former General Duong Van Minh (Big Minh, who was once chief of state, the Americans are surely underestimating Ky's perseverance and his drawing power. He is popular with many young military men, with wide segments of the country's youth in general, and with many Catholics; he is even improving his standing among the Buddhists, whom he crushed during the so-called Struggle Movement in 1966, when he was Prime Minister. Money, of which Thieu has plenty, is a problem for Ky, but he is confident that in the next few months he can raise enough to run. People here are always willing to make bargains, and there are enough rich Vietnamese and resident non-Communist Chinese around to bargain with Ky and support either him or Minh against Thieu, who has made many enemies and, quite apart from his failure to fill the stomachs of the poor and of people on fixed salaries, is still widely regarded as being too isolated and too devious.

"No Northerner can be President of this country," the Americans say with assurances they have said so many things before, only to be proved wrong. The fact that Ky is from the northernmost part of North Vietnam is a mark against him, but things have changed over the years in South Vietnam, and many people here are now beginning to realize that if the South is to survive in its struggle with the North it may be sensible to come up with a Northern-Southern mixture in their leadership. Thieu himself, who comes from central Vietnam, is surely aware of this as he shops around for an alternative running mate. As for Minh, a southerner, he is still undecided about whether to run. He probably will, but, unlike Ky, he vacillates, believing one day that he can beat Thieu and musing the next upon the impossibility of a fair election as long as Thieu controls the nation's military and civilian bureaucracy and its purse strings. If Minh doesn't run, it will perhaps be because he is figuring on improving his chances by biding his time, in the belief, which he shares with a number of other Vietnamese, that Thieu, if he were reelected, would not be able to sustain himself in power for another four years. If all three men run, and if Ky and Minh agree not to attack each other and perhaps even agree that one will withdraw in favor of the other at a propitious moment, Thieu could lose.

In the light of the uncertain military and of the Communists' apparent intention of doing no negotiating in Paris until after the October election in South Vietnam—and possibly none until after the American election of 1972—it becomes increasingly important that a fair vote be cast here, both for the new House of Representatives and for President. Not only does the future of the still hazy Vietnamization program hang on it but the whole American policy of prematurely force-feeding Western-style democracy to the Vietnamese will very probably be put to its final test. Of course, all this must be seen against the backdrop of international politics. If Moscow and Washington show any ability to agree on some other issues—notably, on strategic-arms-limitation talks and on the Middle East—it is conceivable that they might, together, apply enough pressure to force a neutralization of the whole Indo-China area, which is what many South Vietnamese are now urging. This might momentarily outflank Peking, and thus arouse its anger as well as Hanoi's, but in the long run both the Chinese and the North Vietnamese would also benefit by such an outcome. For the fundamental truth is that there can be no winners in this awful war, and that some sort of compromise or accommodation is the only way out for everyone.

SENATOR RICHARD B. RUSSELL

Mr. SYMINGTON. Mr. President, Woodrow Wilson once said:

> There is no question what the role of honor in America is. The role of honor consists of the names of men who have squared their conduct by ideals of duty.

Such a man was Richard Brevard Russell, Governor of, and then Senator from,

the State of Georgia, President pro tempore of the U.S. Senate, and chairman, successively, of the Senate Armed Services Committee and the Senate Appropriations Committee.

Very early in life Dick Russell must have "squared his conduct by ideals of duty," for he was a gentleman in the finest sense of the word, one with ingrained integrity and a deep devotion to those principles which he believed best for the people of his country and his State. In the annals of our land, his name will stand forth always among those most deserving of a place on that roll of honor.

In many ways Senator Russell was almost unique. He combined the simple dignity and forthrightness of the common man with an amazing memory and an analytical power which gave his judgments a profundity envied by his peers. He had an unerring and seemingly instinctive ability to probe to the heart a subject, to elevate its merits, and to reject what was fallacious or superfluous. He possessed a vast storehouse of knowledge, a richness of experience, and a breadth of vision that made his advice sought and cherished by all those who knew him.

In the area of national defense he was preeminent, quick to first discern the needs of the United States, then to act upon those requirements with vigor and determination.

It was back in 1946 when, as Assistant Secretary of War, I first became acquainted with Dick Russell, who in due course would succeed Senator Millard Tydings as chairman of the Armed Services Committee. Those were times of sharp controversy, heated opinions, and brittle tempers, but I found him to be amiable, perceptive, and invariably objective.

In the years that followed, I came to know him well, and learned to cherish, as I do today, the bonds of friendship which grew between us.

Knowledge does not always breed greater respect, but with Dick Russell, to know him well was to enjoy a rare privilege given to relatively few men. My association with him after I became a Senator is filled with treasured memories of pleasant camaraderie, serious discussion, and wise counsel. We were not always on the same side of every issue, but I always respected and appreciated his point of view. He never espoused a cause because it was popular and he never ducked an issue because it was not.

I was on a vacation trip with him in Florida when he first received the news that President Truman had relieved General MacArthur; and the way he handled the subsequent hearings is a proud page in American history and a noble memorial to him.

Just as I feel singularly fortunate in having known Dick Russell, so, too, do I know that our country was graced in having the benefits of his leadership during the 38 years in which he served in the U.S. Senate. His rare qualities as he dealt with so many of the critical problems of those turbulent years have been of inestimable value to the security and progress of our country.

We all do and shall miss Dick Russell, but his memory provides us all, in the Senate and elsewhere, with a desire to accomplish our own missions with integrity and devotion to the public welfare.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. CHILES). 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.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the Journal on Friday next the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for 30 minutes for the purpose of engaging in a speech and a colloquy.

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

APPOINTMENTS TO BOARDS OF VISITORS

The PRESIDING OFFICER (Mr. CHILES). The Chair, on behalf of the Vice President, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Connecticut (Mr. RIBICOFF) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Oregon (Mr. HATFIELD) as members of the same Board of Visitors.

The Chair, on behalf of the Vice President, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from Alaska (Mr. GRAVEL) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Alaska (Mr. STEVENS) as members of the same Board of Visitors.

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 second assistant legislation clerk proceeded to call the roll.

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

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

SENATE RESOLUTION 9 POSTPONED INDEFINITELY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate be indefinitely postponed.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Indiana is recognized for not to exceed 15 minutes.

(The remarks of Mr. HARTKE when he introduced S. 1162, the Revenue Adjustment Act of 1971, appear in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HARTKE. Mr. President, I yield my remaining time to the Senator from South Carolina (Mr. HOLLINGS).

SENATE RESOLUTION 70—SUBMISSION OF A RESOLUTION WITH RESPECT TO THE NATIONAL NUTRITION SURVEY

Mr. HOLLINGS. Mr. President, I submit, for appropriate reference, a sense-of-the-Senate resolution on the National Nutrition Survey.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 70), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 70

Whereas, the Congress of the United States in 1967 issued a mandate to the Secretary of Health, Education and Welfare to make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States; and

Whereas, the Nutrition Program of the United States Public Health Service was designated by the Secretary to plan, develop and carry out the mandate; and

Whereas, Dr. Arnold E. Schaefer, Chief of the Nutrition Program, National Center for Chronic Disease Control, Bureau of Disease Prevention and Environmental Control, Public Health Service, Department of Health, Education and Welfare, was placed in charge of the National Nutrition Survey; and

Whereas, Dr. Schaefer and his team of experts, using methodology devised in 33 international surveys since 1956, did conduct the National Nutrition Survey in the states of Texas, Louisiana, New York, Kentucky, Michigan, Massachusetts, California, Washington, West Virginia, and South Carolina; and

Whereas, The National Nutrition Survey has been completed with the examination of more than seventy thousand persons at a cost in excess of $5,000,000, and has produced data approved as valid by the Food and Nutrition Board of the National Academy of Sciences; and

Whereas, official results have been produced on only two states, Texas and Louisiana, in April, 1970, but no other results have been forthcoming, despite the fact that the raw data is available to be fed into computers for results; and

Whereas, the Department of Health, Education and Welfare has announced plans to undertake a continuing "probability survey"

without reporting on or implementing any findings of the National Nutrition Survey, but has yet to examine the first patient; therefore, be it

Resolved, that it is the sense of the Senate that the Secretary of Health, Education and Welfare should, not later than 60 days after the date on which this resolution is agreed to, submit to the Congress the results of the comprehensive survey, required by Section 14 of the Partnership for Health Amendments Act of 1967, of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States, together with his findings and recommendations with respect thereto.

Mr. HOLLINGS, Mr. President, on April 10, 1967, members of the Senate Subcommittee on Employment, Manpower, and Poverty held a hearing in Jackson, Miss. During that hearing, the Senators present heard testimony that many poor persons in Mississippi were suffering the effects of serious hunger and malnutrition. Twenty-four hours later, two of those Senators, Joseph Clark of Pennsylvania and the late Robert F. Kennedy of New York, toured sections of Mississippi's delta to see hunger firsthand. Their report to Secretary of Agriculture Orville Freeman touched off a controversy in this Nation which is still simmering—and one which is yet to be resolved.

Those two Senators found that women and children showed evidence of acute malnutrition, that families existed without discernible income and were unable to purchase the bare necessities of life, and that many families could not meet the purchase requirements for food stamps. Those two Senators, joined by other members of the subcommittee, dispatched a letter to President Johnson asking him to evoke emergency authority to feed the poor in Mississippi and other States. Within a week, the Office of Economic Opportunity had announced an emergency $1 million program to help poor families buy food stamps in 20 counties in the South.

The publicity and spotlight of public attention on this Nation's problem of hunger and malnutrition prodded response from the Government. The U.S. Department of Agriculture issued a study memorandum which pointed out shortcomings within its own food programs for the needy. The Field Foundation sponsored a medical study in the Mississippi Delta, and its report, "Children in Mississippi," has become part of the legend of hunger in America. It dramatically testified to the horrors of living poor and hungry.

At about that same time, July 11, 1967, to be exact, the subcommittee held further hearings.

Then Surgeon General William H. Stewart testified:

We do not know the extent of malnutrition anywhere in the United States. I cannot say what the extent is because we just don't know.

It hasn't been anybody's job to find out.

We can do it all over the world, but not in the United States.

This was an appalling situation.

The U.S. Public Health Service had conducted surveys of population nutrition in 33 countries around the world—but we had never looked at our own.

Two Senators, JACOB JAVITS and Robert Kennedy of New York, then proposed such a survey of this country.

After being shunted back and forth from committee to committee and from Senate to House, an amendment was finally approved.

The text was substantially as follows:

The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto and shall report his findings and recommendations for dealing with these conditions within six months from the date of enactment of this section.

Mr. President, that survey was launched in 1968.

Ten States were chosen—Texas, Louisiana, New York, Kentucky, Michigan, California, Washington, South Carolina, West Virginia, and Massachusetts.

Health officials from the Federal Government, the States, and from medical universities were brought together to conduct these studies.

Methodology was devised based on surveys in foreign countries which could be adapted to our domestic situations.

Early in the study, it was determined that a carefully developed, high priority, major effort of nationwide significance was required to combat malnutrition as a health problem.

The supporters of the National Nutrition Survey argued that to do a good job, it would have to involve the States.

Former HEW Secretary Finch promised that HEW would be responsive to State requests.

Thirteen States asked to be included in the survey, but all were turned down.

Now, Mr. President, that survey of the 10 States is finished.

Reports on each of the States have been turned over to the National Academy of Sciences but have not been released to the public.

Three million punch cards have been amassed after thorough physical examination of 70,000 persons.

Those cards, possessing valuable information about the health and nutrition of poor Americans, are stored in cardboard boxes.

Eighty percent of the data on individual examinations have been audited and is complete.

Previous experience on that auditing as well as auditing of surveys in foreign nations has showed a level of inaccuracy of less than 2 percent, which is an acceptable level and which will not affect any significant change in the overall statistics.

Now, however, most of the highly skilled staff which conducted the survey has been dismissed or transferred to other programs.

The highly respected director, Dr. Arnold E. Schaefer, has left the Public Health Service after more than 15 years of work to take an assignment with the Pan American Health Organization.

The survey results, as reported by Dr. Schaefer, can be projected to show that there are 15 million hard-core hungry and malnourished citizens in the United States.

Mr. President, that is 15 million medically found. Heretofore, you and I, as public servants, have been talking about those politically below poverty levels. We have been speaking of those politically found hungry, with no medical basis in fact. Now we have that medical basis. It shows 300,000 in South Carolina, my own State. The survey proves beyond doubt that the poorer the family, the more hunger and health problems it has. Two out of five persons below the poverty level have serious medical problems caused by malnutrition. These are startling figures, Mr. President, figures which ought to be brought before the American public. But no—those computer cards are still sitting in storage at the Center for Disease Control in Atlanta, Ga., and it will probably take an act of Congress to get them out.

That is just what I am proposing today. I am asking the Senate of the United States to state, in clear and unequivocable language, that we demand the production of the results of the National Nutrition Survey. Together with other Senators, I am introducing today a sense-of-the-Senate resolution which would have the Department of Health, Education, and Welfare produce this survey within 60 days of the date the Senate acts on the resolution.

Mr. President, there will be those who will oppose this resolution because the White House will oppose it. The White House has been critical of the National Nutrition Survey in the past. I do not know why. Perhaps it is because the findings are so alarming that they would undermine present confidence in existing programs aimed at feeding our needy citizens. Perhaps it is because the administration does not believe the American people capable of looking so deeply and critically into the moral fabric of our Nation.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, if no other Senator seeks recognition, and if the Chair will recognize me, the Senator from South Carolina may use my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. HOLLINGS. I am grateful to the distinguished Senator from West Virginia.

Whatever the reasons, I do know that certain persons within the administration have criticized the survey and have questioned its scientific validity.

And yet, no less an authority than the Food and Nutrition Board of the National Academy of Sciences, composed of eminent authorities in the field, have said the sample is valid and that the data itself is also valid.

So why the delay?

One can only wonder.

We have spent $5 million in public funds to find out about our problems of hunger and malnutrition.

The survey is finished.

The results are in.

But what does the administration do?

It simply tells us, "We need more study."

Does that not have a familiar ring to it?

This month, our Government is supposed to start a brandnew nutrition survey to last through 1973.

This survey, sponsored by the National Center for Health Statistics, is supposed to tour 64 cities.

Scientists will test a "cross section" to find out who is eating too little or too much and about such esoteric subject matter as cholesterol levels.

The Advisory Committee on the survey is composed of representatives of the American Academy of Pediatrics Committee on Nutrition, the Food and Nutrition Council of the American Medical Association, and the Food and Nutrition Board of the National Academy of Science.

This committee recommended against this so-called probability survey advocated by Dr. David H. Sencer of HEW.

So did the White House Conference on Food, Nutrition, and Health, which stressed the need to target in on high-risk elements of the population.

All I can say to this, Mr. President, is that we have already studied the problem and have come up with answers.

People who are poor are often malnourished.

People who are malnourished get sick easily and suffer from diseases which prevent them from being productive members of society.

In other words, we know what our real target is—the very poor.

It may be fine scientific business to survey a cross section of our public to find out if some people are too fat or others are not varying their diet properly.

In such a survey, we might even find that, on the average, Americans are not eating properly.

That should not really surprise us.

What we must look at, however, is those who are simply not eating—not those who do not eat properly.

That is a problem we can take up some other year.

We have to solve hunger and mainutrition before we start making scientific pronouncements on the average citizen's diet.

We must do this now.

The millions of dollars dedicated to the National Nutrition Survey, the hard work by doctors in my own State and in the other nine, and the dedicated service of the survey staff demand that we produce this study.

Our Nation's poor—and the future development of American society—deserve no less.

I ask unanimous consent that the entire text of my resolution be printed in the RECORD.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE PROCEDURE

Mr. SAXBE. Mr. President, I rise with a great deal of reluctance to call the attention of the Senate to the fact that we are trying to operate under a new set of rules. I know that it is a difficult time, because the pressure of business in the Senate is not so great that we cannot give time to every Senator who wants time. But if we are going to avoid the rules now, it is going to be extremely difficult to reinstate these rules when the time comes.

I hesitate to criticize my good friend, the Senator from South Carolina, and his is a minor indiscretion. But the ways to do this are so many that it requires the cooperation of all of us if we are going to maintain our limits.

It is easy to say we are going to have a colloquy and then reserve an hour or a half hour for a colloquy when there is no one with whom to have a colloquy—this is the very essence of colloquy—or to send out an invitation to a Senator to come in and debate so that there will be a colloquy.

I admire very much the stand taken by the majority leader and the majority whip. They have made a real effort to make these suggestions work. We want to cooperate. I have discouraged the Senators on this side of the aisle—and I know that the minority leadership has discouraged the Senators on this side of the aisle—from taking advantage of easy times in the Senate when there is no great pressure of business.

I suggest that we do everything possible. There is nothing to prevent the Senator from saying, "My time is up. I ask unanimous consent to have the rest of this statement put in the RECORD." When no other Senator is on the floor and no great crowd is in the gallery, it escapes me why 15 or 30 minutes must be used to read a statement, when the Senator can say, "My time is up. I ask unanimous consent to have the remainder of my statement put in the RECORD." It goes in the RECORD. The two Senators on the floor know it. The few people in the gallery know that it was not read. And it does go into the RECORD. If a news release is made, there is no indication that the speech was not made on the floor.

I think that even as we proceed in this, we must realize that it is going to become worse unless we take a firm stand at this time. Therefore, I think we should watch this matter very closely. I am going to urge on the other regional whips who occupy the position I now occupy, and also urge the minority whip—I know that the Senator from West Virginia (Mr. BYRD) is going to watch it—that when the time speakers reserved runs out and no one is there to enter into a colloquy, objection be raised to a continuation. It is the only way we are going to be able to establish firm and orderly rules.

Mr. MANSFIELD. Mr. President, the point raised by the distinguished Senator from Ohio is well taken, and I am delighted that he has made these remarks.

I also wish to commend him, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from California (Mr. CRANSTON), and the Senator from Iowa (Mr. HUGHES) for undertaking, at the request of the joint leadership, the monitoring of the very worthwhile suggestions the Senator has mentioned, which they were responsible for putting into effect this year.

There have been some practices which are open to question. In this respect, I must say that the minority leadership has done a better job than have we on this side of the aisle. But I assure the distinguished Senator from Ohio that we will try to do a better job in the future and endeavor to put into effect, as we agreed, the worthwhile rules, regulations, and procedures on which he and his three colleagues worked so long and so hard in developing and which are highly worth while.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mr. Philip V. McGance, a clerk to Senator RANDOLPH, may be permitted the privilege of the floor today during the roll-call votes on Senate Joint Resolution 7.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION PREVENTING LOSS OF PAY AND ALLOWANCES BY OFFICERS DESIGNATED FOR PERFORMANCE OF CERTAIN DUTIES

A letter from the Secretary of the Navy transmitting proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility

(with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION MAKING PERMANENT THE AUTHORITY TO MAKE PAYMENT OF SPECIAL ALLOWANCES TO DEPENDENTS OF MEMBERS OF THE ARMED SERVICES FOR EVACUATION EXPENSES

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation (with accompanying papers); to the Committee on Armed Services.

INSTITUTIONAL INVESTOR STUDY REPORT

A letter from the Commissioner of the Securities and Exchange Commission transmitting, pursuant to law, the Institutional Investor Study Report (with accompanying report and papers); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED LEGISLATION RELATING TO THE DOCUMENTATION OF VESSELS

A letter from the Secretary of Transportation transmitting proposed legislation to revise and improve the laws relating to the documentation of vessels (with accompanying papers); to the Committee on Commerce.

REPORT ON ADVERSE EFFECTS OF PRODUCING THE AN/SQS–26 SURFACE SHIP SONAR SYSTEM BEFORE COMPLETION OF DEVELOPMENT AND TESTING

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the adverse effects of producing the AN/SQS–26 surface ship sonar system for service use before completion of development and testing (with an accompanying report); to the Committee on Government Operation.

REPORTS TO CONGRESS RELEASED IN FEBRUARY 1971

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Officer for February 1971 (with an accompanying report); to the Committee on Government Operations.

SUMMARY OF THE ACTIVITIES OF THE OFFICE OF SALINE WATER, 1970

A letter from the Secretary of the Interior transmitting, pursuant to law, a summary of the 1970 activities of the Office of Saline Water (with an accompanying report); to the Committee on Interior and Insular Affairs.

ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA FOR 1970

A letter from the Chief Scout Executive of the Boy Scouts of America transmitting, pursuant to law, the annual report of the Boy Scouts of America for 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

ANNUAL REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, the annual report to Congress on Progress in the Prevention and Control of Air Pollution (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia):

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 23

"Expressing the sense of the General Assembly as to the continued federal imposition of standards in the Virginia Unemployment Compensation Program

"Whereas, the Unemployment Compensation Program of the Commonwealth of Virginia is well recognized throughout the Nation and has the support of the business and labor communities of the Commonwealth; and

"Whereas, the employers of the Commonwealth enjoy one of the lowest tax rates of any state, while benefit payments have been increased in a manner commensurable with the advancement of the economy of the Commonwealth; and

"Whereas the federal government is now imposing upon the states certain standards and requirements which are not necessary for those states with an excellent program of low tax rates and equitable benefit payments as exist in the Commonwealth of Virginia; and

"Whereas, the experience in the Commonwealth of Virginia does not justify the application of Unemployment Compensation Programs to employers with only one employee, as now required under the federal laws; now, therefore, be it

"Resolved, by the Senate of Virginia, the House of Delegates concurring, That the General Assembly objects to the continued federal imposition of standards in the Unemployment Compensation Program.

"Resolved, further, That the General Assembly expresses its objections to the inequitably low return to the Commonwealth of Virginia of the Federal Unemployment Taxes paid by Virginia employers.

"Resolved, further, That the several federal acts applicable be amended to exempt the Commonwealth of Virginia and other states with low tax experience from the recently adopted extensions of coverage imposed by the federal law.

"Resolved, further, That the Clerk of the Senate be, and hereby is, directed to send copies of this resolution to the President and Vice-President of the United States, to each member of the Virginia delegation to the Congress of the United States, to the Secretary of Labor and to the Secretary of the Department of Health, Education, and Welfare."

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

"LEGISLATIVE RESOLUTION 24

"Whereas, health security is important, not only to millions of Americans who need quality medical care at a cost they can afford, but will also mean genuine revenue sharing for state governments; and

"Whereas, there are two bills pending in the Ninety-Second Congress, bills Senate bill 3, and House Roll 22; and

"Whereas, these two bills are creating a National Health Security Program which will provide complete medical care benefits and institute needed reforms to insure all Americans the right to quality medical care; and

"Whereas, the National Health Security Program will assume full medicaid and medicare costs, amount to savings to states and local governments of three billion dollars, permit state employees to be covered at no cost to the state, and compensate states for participation in planning, coordination, and licensing of health education and care facilities.

"Now, therefore, be it resolved by the Members of the eighty-second Legislature of Nebraska, first session:

"1. That the Legislature endorses such program and urges the Congress of the United States to enact either Senate bill 3 or House Roll 22 into law.

"2. That copies of this resolution be sent to the President of the Senate, the Speaker of the House and to each member of Congress from Nebraska."

Resolution adopted by the Council of the City of Beverly Hills, California, approving the concept of Federal Government revenue sharing; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on on the Judiciary:

Rene Desolge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents.

By Mr. THURMOND, from the Committee on the Judiciary:

John K. Grisso, of South Carolina, to be U.S. attorney for the district of South Carolina.

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences:

James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration.

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. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. CHURCH, Mr. EAGLETON, Mr. PASTORE, Mr. PERCY, Mr. HOLLINGS, Mr. INOUYE, Mr. PELL, Mr. BIBLE, Mr. HARRIS, Mr. CRANSTON, Mr. HUGHES, and Mr. TUNNEY):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ELLENDER (for himself and Mr. LONG):

S. 1165. A bill to provide for the holding of terms of the District Court of the United States for the New Orleans Division of the Eastern District of Louisiana in Houma, La. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 1166. A bill to confirm the private land claim of William Kinchen. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself and Mr. MAGNUSON, Mr. BELLMON, Mr. BENNETT, Mr. CHURCH, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. PASTORE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENSON, Mr. CASE, Mr. HARRIS, Mr. NELSON, and Mr. PELL):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing

of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

By Mr. SCHWEIKER:

S. 1170. A bill for the relief of Gaetano Reale, Elisabetta Reale, Rosanna Reale, Dario Reale, Valerio Reale; and

S. 1171. A bill for the relief of Antonio Gargano, Giovanna Gargano, Francesco Gargano, Anita Gargano. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HANSEN, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MOSS, Mr. MONDALE, Mr. PEARSON, Mr. PELL, Mr. MCGEE, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. THURMOND, Mr. TOWER, Mr. PERCY, and Mr. TUNNEY):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. BIBLE, Mr. BURDICK, Mr. CASE, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of Title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

By Mr. JACKSON (for himself and Mr. ALLOTT) [by request]:

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RIBICOFF (for himself and Mr. JAVITS):

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

By Mr. MCINTYRE:

S. 1178. A bill for the relief of Christos Adam. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1179. A bill for the relief of Magdalena Pisga Mulato. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. SPARKMAN (for himself, Mr. TOWER, and Mr. BENNETT):

S. 1181. A bill 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. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. WEICKER, and Mr. YOUNG):

S. 1182. 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. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 1183. A bill to amend the Public Health Services 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. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

THE REVENUE ADJUSTMENT ACT OF 1971

Mr. HARTKE. Mr. President, it is clear that the extraordinary fiscal problems now faced by too many of our State and local governments will not be solved without additional assistance from the Federal Government. In an attempt to help the States and localities help themselves, I introduce for appropriate reference legislation designed to encourage the better use of the State and local income tax device and to substantially lighten the welfare cost burden.

Entitled the "Revenue Adjustment Act of 1971," it would help the States and localities meet their vital responsibilities in the following specific ways:

First, it would furnish an incentive to make fuller use of the individual income tax, by allowing taxpayers to write off 50 percent of their combined State and local income taxes against their Federal income tax liability.

Second, it would require the speedy federalization of welfare programs now authorized under the Social Security Act, and pending such federalization would increase the Federal share of the cost of these programs.

Third, it would permit the collection of State and local income taxes by the Internal Revenue Service upon the request of the authorized representative of a State or locality.

Although it is clear that a large and growing number of State and local governments are in desperate need of Federal aid, it is also clear that too few of these governments have done everything they can to help themselves. The fact that 13 States do not yet levy a personal income tax, and that in the majority of others the tax rate is negligibly small, does not speak well for the resourcefulness of the States. While understandable that the prospect of instituting a new tax, or raising the rates of an old one, does not ordinarily generate great enthusiasm among elected lawmakers, it is nevertheless incongruous that the vast revenue potential of the personal income tax remains untapped in most States while at the same time the Governors lobby feverishly on behalf of revenue sharing.

Having said this, I should emphasize that some of the demands being made upon the States and localities cannot, and should not, be answered by any government other than the national. Most importantly, it must be recognized that the problem of providing adequate levels of public assistance to the needy is national in origin and is susceptible of solution only at the Federal level. Today, the cost to State and local governments of their public assistance programs is almost $8 billion and increasing dramatically.

Disturbed that the States and localities have not more fully faced up to their revenue-raising responsibilities, but aware that the problem of welfare should not be viewed as other than a national responsibility, I am introducing legislation which I think fairly apportions responsibility for change between the Federal and State and local governments.

TAX CREDITS

Title I of the Revenue Adjustment Act would allow taxpayers to take a credit against their Federal income tax liability in an amount equal to 50 percent of their combined State and local income taxes.

This credit would be in addition to the Federal deduction for State and local tax which is already allowed.

In practice, this 50 percent credit would enable a taxpayer who owed $1,200 to the Federal Government and $200 in State and local income taxes, to substract $100 of that $200 amount from his Federal tax for a total of $1,100.

It is anticipated that such a credit would act as a very powerful incentive to the States and cities to make better use of the personal income tax. As things are now, it is often contended by State and local officials that the enormous efficiency of the Federal personal income tax has made it difficult for other levels of government to develop their own income tax levies. They point out that the Federal income tax is progressive and very responsive to economic growth, and so brings in increasing amounts of income each year, whereas the tax structure at the State and local structure is largely regressive and inelastic. Allowing that this contention is basically correct, the purpose of tax credits is to enable the States and localities to compete more effectively with the Federal Government for potential revenue. As noted above, a taxpayer would be permitted to write off 50 percent of his State and local income tax liability against his Federal income tax liability. The only limitation placed on the value of this credit is that it may not exceed 19 percent of the taxpayer's Federal income tax liability. A table prepared by the staff of the Joint Committee on Internal Revenue Taxation at my request, and appearing at the end of these remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue raising device. Columns 4 and 5 of that table show that the potential benefit to the States and localities under a 50 percent credit is more than $24 billion, or almost five times the benefit promised under the President's general revenue sharing proposal.

Clearly, the States and localities are furnished a powerful incentive to raise—or in the case of those 13 States mentioned above, institute—their personal income taxes to a level which will take full advantage of the credit without placing the entire burden of increased taxation on the shoulders of the taxpayer. In that regard, it should be carefully noted that under this proposal a taxpayer may take both a credit and a deduction against his State and local income taxes. Presently the deduction saves the average taxpayer—with earnings between $8,000 and $12,000—approximately 25 cents on every dollar he pays in State and local income taxes. By allowing this same taxpayer to take both a 50-percent credit and a deduction, the saving to him is 70 cents on every dollar he pays to the State and local governments in income taxes.

INCREASING THE FEDERAL SHARE OF WELFARE COSTS

Title II of the Revenue Adjustment Act declares it to be the policy of the Congress that at the earliest practicable date there should be developed and considered by the Congress a national program for the provision of aid to the needy; and pending the enactment of this program, that the Federal share of public expenditures for welfare programs be increased to 90 percent. Column 6 of the Joint Committee's table indicates that this increase in the Federal share would result in an immediate saving to the States and localities of more than $2 billion. Under the proposal those large urban States with the greatest welfare cost loads would benefit the most since they currently receive proportionally less from the Federal Government than do most small, rural States.

The absolute importance of acting quickly to relieve the States and localities of what has become an oppressive and unfair burden, is underscored by the provision in title II which provides that the Secretary of Health, Education, and Welfare shall formulate and submit to the Congress, a plan for the complete federalization of welfare no later than January 1, 1972, and that the increase in the federally financed share of welfare costs to 90 percent shall not extend beyond January 1, 1973. This latter provision is designed to insure that Congress and the President will act quickly on a program for federalization of the welfare system; for if no legislation is agreed upon by the end of 1972, the Federal share of welfare costs will revert back to the level presently maintained.

FEDERAL COLLECTION OF STATE AND LOCAL INCOME TAXES

In recent years, States have increasingly tended to conform their income taxes to the Federal model. Title III of the Act capitalizes on this tendency and would permit the Federal Government and the representatives of State and local government to enter into agreements giving the Federal Internal Revenue Service responsibility for collecting State and local incomes taxes. The benefits of such a system are twofold: First, it would immediately relieve the States and localities of the administrative costs involved in collecting income tax revenue—estimated at $200 million currently for all jurisdictions—and, second, it would cut down dramatically on the rate of noncompliance with State and local income tax laws, thereby generating additional State and local revenue without any increase in tax rates. Although it is impossible to say with any real accuracy what the percentage rate of noncompliance with State and local income tax laws is in this country, it has been conservatively estimated that upward of $1 billion in additional revenue would be collected if the Federal Government and not the States were doing the job.

A SCENARIO FOR STATE AND LOCAL GOVERNMENT

I believe firmly that the Revenue Adjustment Act of 1971 is a reasonable way to help the States and localities meet their rightful responsibilities while largely relieving them of the unfair burden of welfare costs.

If the States and localities were fully to respond to the incentives contained in titles I and II of this legislation, and if the Federal share of welfare costs is increased to 90 percent, the benefit to them would be in excess of $27 billion; a sum sufficient to meet the problems of State and local government for a very long time.

The basic thrust of this proposal is to give State and local governments the opportunity to broaden, and thereby strengthen, their own tax structures in answer to the increased demand for public services. It accomplishes this objective without giving Federal funds to the State and local governments on a "no strings attached" or block-grant basis. Nor does it contemplate any radical reduction in the number of federally administered grants-in-aid programs. While it is indisputable that there are shortcomings in the administration of many grants-in-aid programs, it is my feeling that the grant-in-aid concept is still the best one available for quickly targeting and solving problems of national importance. For that reason, while I would certainly favor an exhaustive review of all grants-in-aid programs with the objective of consolidating and rationalizing whenever possible, I cannot support a program such as the revenue sharing proposal advanced by the administration which contemplates their eventual elimination.

It is estimated that this legislation will produce $15 billion in new revenue for the States during its first year of operation. In its third year more than $25 billion in new revenue will be generated. It, in short, is both more generous and more effective in its operation than is the administration's revenue sharing proposal.

Mr. President, I ask unanimous consent that the bill and the table to which I have referred be printed in the RECORD immediately following my remarks, and that the bill be appropriately referred.

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

S. 1162

A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the Federalization of the welfare programs authorized by the Social Security Act, and, pending such Federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service

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 "Federal-State Revenue Adjustment Act of 1971".

TITLE I—FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAXES

ALLOWANCE OF CREDIT

SEC. 101. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the State and local income taxes imposed on such individual and paid by him during the taxable year.

"(b) Limitations.—

"(1) State income taxes.—The credit under subsection (a) for any taxable year attributable to State income taxes paid during the taxable year shall not exceed an amount equal to 12 percent of the tax imposed on the taxpayer by this chapter.

"(2) Local income taxes.—The credit under subsection (a) for any taxable year attributable to local income taxes paid during the taxable year shall not exceed an amount equal to 7 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(3) Application with section 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local income tax deduction benefit for the taxable year, shall not exceed the amount of State and local income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the State and local income taxes were not allowable as a deduction under section 164.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) State or local income taxes.—A State or local income tax includes only an income tax imposed by a State, a political subdivision of a State, or the District of Columbia.

"(2) Taxes on partnerships.—State or local income taxes imposed on and paid by a partnership shall be treated as imposed on and paid each partner in an amount equal to his distributive share of such taxes.

"(3) Taxes on subchapter S corporations.—State or local taxes imposed on and paid by an electing small business corporation (so defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(d) Adjustment for Refunds.—

"(1) In general.—The amount of State and local income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of State or local income taxes which caused such underpayment.

"(e) Regulation.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 102. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.

"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—FEDERAL FINANCIAL RESPONSIBILITY FOR PUBLIC ASSISTANCE PROGRAMS

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 201. (a) The Congress finds and declares that—

(1) existing Federal programs (under titles I, IV, X, XIV, and XVI of the Social Security Act) to assist States in providing aid or assistance to needy individuals have resulted—

(A) in a great and unjustifiable disparity (as among the various States) in the level of aid or assistance provided to needy individuals; and

(B) in the imposition of a disastrously heavy financial burden upon the States, and, in particular, upon those States which have made the greatest efforts to provide adequate levels of aid or assistance to needy individuals; and

(2) the provision of aid or assistance to the needy through a national welfare program administered and financed by the Federal Government would not only more adequately and fairly meet the needs of the poor and needy, but would relieve the States of responsibility for a problem which is national in scope and with which they lack the resources effectively to deal.

(b) Therefore, it is hereby declared to be the policy of the Congress that—

(1) at the earliest practicable date, there be developed and considered by the Congress, a national program for provision of aid to the needy which will be Federally financed and administered; and

(2) pending the development and enactment of the national program referred to in paragraph (1), that the Federal share of public assistance expenditures under existing Federal programs be increased to 90 per centum.

DEVELOPMENT OF FEDERAL WELFARE PROGRAM

SEC. 202. (a) The Secretary of Health, Education, and Welfare shall develop, and submit to the Congress, a legislative proposal under which—

(1) the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act would be repealed; and

(2) the Federal Government would, through a Federally financed and administered program, undertake to provide aid and assistance to the categories of needy individuals for whom aid or assistance is currently provided under State programs established pursuant to such titles.

(b) The legislative proposal referred to in subsection (a) shall be developed and submitted (in completed form) to the Congress not later than June 30, 1972.

INCREASED FEDERAL MATCHING UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 203. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1122. The amount of the Federal payments to which any State is entitled under section 3 (a), 403 (a), 1003 (a), 1403 (a), or 1603 (a) for any quarter shall, at the option of the State, be determined by application of a Federal share of 90 per centum, instead of the fractions and percentages provided under such section, to the expenditures under its State plan approved under title I, X, XIV, or XVI, or part A of title IV (as the case may be), which would be included in determining the amounts of the Federal payments to which such State is entitled under such section. The preceding sentence shall also be applicable, at the option of any State, in determining the amount of the Federal payments to which such State is entitled for any quarter by reason of any modification of a State plan (referred to in the preceding sentence) of such State pursuant to section 1121."

(b) The amendment made by subsection (a) shall be applicable with respect to expenditures (under titles I, IV, X, XIV, and XVI of the Social Security Act) in the case of calendar quarters beginning after the date of enactment of this Act, and ending before January 1, 1973.

TITLE III—COLLECTION OF STATE AND LOCAL INCOME TAXES BY INTERNAL REVENUE SERVICE

AUTHORIZATION TO ENTER INTO AGREEMENTS

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. COLLECTION OF STATE AND LOCAL INCOME TAXES.

"(a) EXAMINATION OF STATE AND LOCAL LAWS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary or his delegate shall examine the income tax law, and related laws, of such State or political subdivision and advise such chief executive of the extent to which, and the manner in which, officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, could collect the income tax imposed by such law and otherwise perform functions in the administration and enforcement of such law.

"(b) AGREEMENTS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary is authorized to enter into an agreement with such State or political subdivision under which officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, will, to the extent and in the manner provided in the agreement, collect the income tax imposed under the law of such State or political subdivision and otherwise administer and enforce such law."

(b) The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"SEC. 7517. Collection of State and local income taxes."

(c) Section 7809 of such Code (relating to deposit of collections) is amended by adding at the end thereof the following new subsection:

"(d) DEPOSIT OF MONEYS RETAINED UNDER AGREEMENTS.—Moneys retained from collections of State or local income taxes pursuant to an agreement entered into under section 7517(b) shall be deposited in a separate account which may be used to reimburse appropriations which bore the costs incurred by the United States in carrying out its obligations under such agreement."

The table is as follows:

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF (a) GENERAL REVENUE SHARING AND (b) INCOME TAX CREDITS[1] COUPLED WITH AN EXPANDED FEDERAL ROLE IN PUBLIC ASSISTANCE

[In thousands]

State	Estimated Federal individual income tax liability, calendar year 1970[2]	State individual income tax collections, fiscal year 1970[3]	State income tax revenue under 50 percent credit proposal[4]	Gain to States under 50 percent tax credit proposal[5]	Local income tax revenue under 50 percent tax credit proposal[6]	Additional Federal expenditures for public assistance with Federal share at 90 percent[7]	Column (4) plus column (5) plus column (6)[8]	General revenue sharing first full year under President's program
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama	$853,549	$85,081	$204,852	$119,771	$119,497	$18,031	$257,299	$82.089
Alaska	122,667	32,455	29,440	0	17,173	3,524	20,697	8,590
Arizona	633,499	64,974	152,040	87,066	88,690	4,368	180,124	51,395
Arkansas	438,210	42,548	105,170	62,622	61,349	9,993	133,964	43,028
California	9,434,493	1,150,604	2,264,278	1,113,674	1,320,829	511,683	2,946,186	590,219
Colorado	851,441	129,097	204,346	75,249	119,202	22,318	216,769	60,116
Connecticut	2,130,568	4,916	511,336	506,420	298,280	34,625	839,325	59,237
Delaware	272,448	68,486	65,388	0	38,143	2,775	40,918	13,411
District of Columbia	351,549	83,044	84,372	1,328	49,217	9,080	59,625	22,915
Florida	2,906,022	0	697,445	697,445	406,843	18,935	1,123,223	167,438
Georgia	1,405,578	184,943	337,339	152,396	196,781	16,556	365,733	107,519
Hawaii	348,517	105,019	83,644	0	48,792	7,589	56,381	23,453
Idaho	201,127	36,662	48,270	11,608	28,158	2,837	42,603	20,077
Illinois	6,270,292	575,601	1,504,870	929,269	877,841	125,352	1,932,462	219,760
Indiana	2,120,799	216,384	508,992	292,608	296,912	32,046	621,566	115,772
Iowa	995,037	112,746	238,809	126,063	139,305	23,860	289,228	74,488
Kansas	834,170	78,423	200,201	121,778	116,784	18,054	256,616	54,230
Kentucky	840,236	121,423	201,657	80,234	117,633	13,202	211,069	78,194
Louisiana	1,023,247	47,993	245,579	197,586	143,255	22,150	362,991	101,465
Maine	331,556	18,885	79,573	60,688	46,418	5,356	112,462	22,885
Maryland	2,099,087	413,366	503,781	90,415	293,872	25,870	410,157	92,664
Massachusetts	2,921,553	517,952	701,173	183,221	409,017	106,028	698,266	136,160
Michigan	3,946,210	415,345	947,090	531,745	552,469	84,065	1,168,279	229,149
Minnesota	1,349,636	345,733	323,913	0	188,949	25,161	214,110	107,791
Mississippi	416,949	44,162	100,068	55,906	58,373	5,930	120,209	61,295
Missouri	1,795,417	129,654	430,900	301,246	251,358	29,069	581,673	96,432
Montana	176,183	38,871	42,284	3,413	24,666	2,466	30,545	18,766
Nebraska	487,410	44,444	116,978	72,534	68,237	8,839	149,610	38,992
Nevada	306,176	0	73,482	73,482	42,865	1,483	117,830	13,868
New Hampshire	295,206	3,462	70,849	67,387	41,329	3,352	112,068	14,958
New Jersey	3,992,783	17,643	958,268	940,625	558,990	121,083	1,620,698	153,773
New Mexico	279,486	35,730	67,077	31,347	39,128	4,482	74,957	31,814
New York	10,704,081	2,506,435	2,568,979	62,544	1,498,571	411,519	1,972,634	534,083
North Carolina	1,498,247	270,945	359,579	88,634	209,755	21,372	319,761	113,288
North Dakota	130,604	15,379	31,345	15,966	18,285	2,310	36,561	20,502
Ohio	4,948,710	0	1,187,690	1,187,690	692,819	55,035	1,935,544	212,535
Oklahoma	781,367	50,516	187,528	137,012	109,391	21,779	268,182	63,683
Oregon	791,099	213,053	189,864	0	110,754	16,580	127,334	56,860
Pennsylvania	5,094,214	0	1,222,611	1,222,611	713,190	113,783	2,049,584	246,210
Rhode Island	406,366	18,644	97,528	78,884	56,891	11,159	146,934	20,823
South Carolina	653,023	95,398	156,726	61,328	91,423	2,623	155,374	56,701
South Dakota	156,360	0	37,526	37,526	21,890	3,197	62,613	18,826
Tennessee	1,235,344	12,113	296,483	284,370	172,948	13,239	470,557	86,809
Texas	4,361,088	0	1,046,661	1,046,661	610,552	43,404	1,700,617	243,034
Utah	318,884	61,335	76,532	15,197	44,644	5,424	65,265	28,704
Vermont	176,419	43,668	42,341	0	24,699	3,641	28,340	11,942
Virginia	1,738,262	282,769	417,183	134,414	243,357	15,856	393,627	104,608
Washington	1,537,580	0	369,019	369,019	215,261	36,728	621,008	91,958
West Virginia	508,138	40,061	121,953	81,892	71,139	5,842	158,873	41,685
Wisconsin	1,707,296	489,944	409,751	0	239,021	25,752	264,773	124,370
Wyoming	113,117	0	27,148	27,148	15,836	1,281	44,265	11,436
Other	230,698		55,368		32,298	11,884		
Total	87,521,998	9,265,906	21,005,279	11,838,022	12,253,079	2,142,570	26,189,489	5,000,000

[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed, in the case of the credit for State individual income taxes, 12 percent of the Federal individual income tax and, in the case of the credit for local individual income taxes, 7 percent of the Federal individual income tax. The credit, when added to the taxpayer's State and local individual income tax deduction benefit, would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State-by-State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstanding of instructions on where to file.

[3] State Tax Collections in 1970, GF No. 1, Bureau of the Census.

[4] 24 percent of the estimated Federal individual income tax in column (1). This is the minimum State income tax which would bring into play the maximum allowable credit under the proposal: 12 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States, in need of greater revenues, to enact individual income taxes which would exceed 24 percent of the Federal individual income tax, even though the limitation on the credit would remain at 12 percent of the Federal individual income tax.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1970 tax which would take full advantage of the 12 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

[6] 14 percent of the estimated Federal individual income tax in column (1). This is the minimum local income tax which would bring into play the maximum allowable credit under the proposal: 7 percent of the Federal individual income tax. See the last sentence in footnote 4.

[7] Included public assistance programs are: Old age assistance, aid to the blind, aid to the permanently and totally disabled, aid to families with dependent children, and payments to intermediate care facilities.

[8] To the extent to which States do not employ individual income taxes as high as 24 percent of the Federal individual income tax and local governments now have individual income taxes and do not employ individual income taxes as high as 14 percent of the Federal individual income tax, to that extent do the figures in this column overstate the additional resources made available to the State and local governments under the proposal for individual income tax credits and 90 percent Federal sharing in the indicated public assistance programs.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. CHURCH, Mr. EAGLETON, Mr. PASTORE, Mr. PERCY, Mr. HOLLINGS, Mr. INOUYE, Mr. PELL, Mr. BIBLE, Mr. HARRIS, Mr. CRANSTON, Mr. HUGHES, and Mr. TUNNEY):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NUTRITION FOR THE ELDERLY

Mr. KENNEDY. Mr. President, on behalf of myself and a bipartisan group of 14 Senators, I introduce for appropriate reference the Nutrition Program for the Elderly Act.

For many of the 20 million Americans over 65, inadequate income, inadequate education, and forced isolation mean that they cannot buy the food they need for an adequate diet. Thousands are induced to accept institutionalized care because they cannot obtain adequate nutrition.

The problem is becoming more rather than less serious. For the first time, the number of elderly persons living on income below the poverty level increased from 4.6 to 4.8 million from 1968 to 1969. This jump reversed the promising 10-year trend in which the numbers of poverty-level elderly persons had decreased from 6 to 4.6 million. The recent upsurge in the number of poor older Americans is even more disturbing when it is contrasted with a 1.2 million decline in the number of poor persons under 65 during the same 1968–69 time span.

The costs alone of providing adequate nutrition are impossible for many of the elderly to meet. They spend some 27 percent of their income on food and rising food costs while the average American

spends only 16 percent of his income on food.

Today adequate nutrition is recognized as a matter of primary concern for the elderly citizens of this land. The White House Conference on Food, Nutrition, and Health in 1969 spelled out the Federal responsibility to assure adequate nutrition to every elderly citizen, a responsibility that this Nation can and should meet.

The President's Task Force on Aging recently highlighted the extent of the problem:

> The lonely older person who can afford an adequtae meal, but does not eat properly, the older person who finds going to the store too great a burden, the older person who is nutritionally ignorant, the chronically ill older person unable to prepare a hot meal—all are part of the problem.

Under the Older Americans Act of 1965, some 30 demonstration projects to meet the problems of nutrition for elderly persons have been carried out by the administration on aging of the Department of Health, Education and Welfare. These projects, have demonstrated the utility of providing meals in a group setting. The first reports on the evaluation of those programs noted that the group meal approach "fosters social interaction, facilitates the delivery of other service, and meets emotional needs of the aged while improving their nutrition. It offers an effective device for teaching by example the importance of a nutritionally adequate diet and what is essential to such a diet. It provides a framework dealing with such everyday problems as transportation and housing arrangements which contribute to the nutrition problem."

In testimony last year John B. Martin, Commissioner of the Administration on Aging said that pilot projects had demonstrated that the "meals were not the only service which had to be provided through them—reaching out into the community to locate and reassure those in need of the program; providing nutrition education; and offering a wide variety of other supportive services, such as transportation, recreation, and health and social information and referral," are other essentials of a nutrition program.

In my own State of Massachusetts, the pilot projects were so successful that the State has adopted its own plan to try and keep the nutritional program in operation. Some 23 Massachusetts communities now provide hot meals for the elderly. The program applications are double that amount and the State Council on Aging estimates many times that number would have applied if there had been any chance for funding.

Building on the experience of these programs, Congressman CLAUDE PEPPER introduced a bill last year to provide these services on a permanent basis. He has reintroduced his bill with some 108 House cosponsors this year. The bill I am introducing today is identical except for its shift of the direct administration of the program from the Department of Agriculture to the Administration on Aging in the Department of Health, Education, and Welfare. Mr. President, I believe that Congressman PEPPER should be congratulated for his leadership in this field. Last year, in hearings he conducted on the bill, it was clear that there is general support for a measure such as this both from the elderly citizens themselves and from specialists in the field of nutrition and aging assistance.

The bill which I am introducing today establishes the Administration on Aging as the focus for the programs. The bill's key features are:

First. States would guarantee that nutrition projects would provide at least one hot meal per day for elderly persons within its jurisdiction and that meals would contain a minimum of one-third the recommended daily dietary allowance for an elderly person. The program would provide those meals a minimum of 5 days a week.

Second. The project would be carried out in sites easily accessible to the majority of elderly residents within the community. Schools, senior citizen centers, community centers, churches, and other public and non-profit private settings could be used for the program.

Third. Outreach services to locate the isolated elderly, and assure the maximum participation of the elderly would be required.

Fourth. The sponsor would provide a setting conducive to the expansion of the nutritional program to include information, recreation, health, and welfare counseling and referral services.

Fifth. In addition, preference for staffing positions, full or part time, will be given to persons aged 65 or over. There is no reason why the programs run for elderly persons cannot be run by elderly persons.

Under this bill, the Federal Government will underwrite the cost of equipment, labor, management, supporting services, and food under a 90–10 matching formula with the States. For fiscal year 1972, $50 million is authorized. For fiscal year 1973, $100 million and for fiscal year 1974, $150 million.

Mr. President, the time is long overdue for the Federal Government to assume the challenge of providing the elderly citizens of this Nation with adequate nutrition. By offering an opportunity for a balanced diet to elderly citizens and breaking the circle of isolation and loneliness, this program can assuredly reduce the number of men and women who are forced to enter nursing homes because they cannot provide themselves with an adequate diet.

There is a special urgency to the consideration of this bill. The title IV pilot programs have been serving some 14,000 meals a week to thousands of elderly persons.

Ninety-two percent of these older persons reported incomes of less than $3,000 a year. Forty percent have incomes under $1,000. In the next few months, many of these projects are scheduled to end.

Yet the need remains great and resources exist to make those programs permanent. Passage of this legislation will not only protect the elderly person who has been receiving a hot meal a day and other social services under the pilot program, but it will also extend the proven benefits of this program to thousands of other senior citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

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

S. 1163

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

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

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) Administer the program through the Administration on Aging.

"(2) consult with the Secretary of Agriculture and make full utilization of the Federal Extension Service, the Food and Nutrition Service and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of

the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a) (1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amount allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"SEC. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants of contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each State agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals to the extent such costs are not provided by grants for these services from the Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"(B) to provide for the proper and efficient administration of the State plan: *Provided*, That the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency—

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal fund under this title, and

"(ii) in providing satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to

affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals');

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance;

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program;

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services;

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons;

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program; and

"(9) to give preference to persons aged sixty-five or over for any staff positions, full- or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary of Agriculture may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed $50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less—

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. CHURCH. Mr. President, for many older Americans, hunger is an everyday reality.

In all probability, malnourishment affects the elderly to a much greater degree than any other age group in our population. One leading expert—Mrs. Sandra Howell of the Gerontological Society—has estimated that perhaps 8 million Americans have diets insufficient for optimum health.

Many are simply too poor to buy food. Others may lack incentives to cook for themselves, especially those who live alone. Transportation difficulties and insufficient knowledge about proper eating habits also add to the problem.

In 1968 a special emphasis research and demonstration program was launched under the Older Americans Act to improve nutrition services for the elderly. Ten projects have been completed, and 22 are still in operation.

These projects, I believe, have amply demonstrated the need for establishing a permanent nutrition program on a nationwide basis to meet the special needs of the aged. And the Nutrition Program for the Elderly Act would help to accomplish this purpose.

First, it would provide low cost and nutritious meals for the elderly in strategically located centers—such as schools, churches, senior citizen centers, and other public or private nonprofit institutions. In addition, older persons would have an opportunity to meet and talk with other people. This, in itself, could be of important therapeutic value for isolated individuals living alone.

At the White House Conference on Food, Nutrition, and Health, the need for this type of program was recognized. In fact, the very first recommendation of the Panel on Aging called for legislation contemplated in the bill that I cosponsor today. And the President's Task Force on Aging has also emphasized that:

> The Federal Government should encourage the development of local arrangements for social dining for ambulatory elderly in addition to home-delivered meals for shut-ins so that those older persons who choose to do so can receive a prepared meal once a day.

Moreover, this bill would provide the badly needed Federal funding to help local nonprofit groups serve the elderly more effectively. For example, under this measure, Idaho could be apportioned funds sufficient for as many as 300,000 nutritious meals a year at prices that the elderly can afford.

For these reasons, I urge the adoption of the Nutrition Program for the Elderly Act.

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am today introducing legislation for myself and the senior Senator from Utah (Mr. BENNETT) which would limit membership on securities exchanges to firms and corporations which are primarily engaged in business as a broker or dealer in securities. This legislation incorporates the bill which Senator BENNETT and I introduced in the last Congress—S. 4004—as later amended to exempt persons who were members of an exchange on June 23, 1970.

This bill concerns an issue of fundamental importance to the economic life of the Nation. Our economy is largely affected by the quality of the market for securities. The health of American business to a large extent depends upon its access to a democratic, open market which permits large and small companies to raise capital from the American investing public. Public investment—public confidence—depends upon the ability of the investing public confidently to rely upon an auction market operated by firms which are primarily agents for public investors, and in which the public can buy or sell securities under fair rules equally applicable to everybody, free from the domination of a few large financial institutions.

At the heart of this mechanism are the National Securities Exchanges and particularly the New York Stock Exchange which accounts for about 80 percent of the trading on all exchanges.

The New York Stock Exchange prohibits institutional membership for the fundamental reason that the primary interest of institutions must be in trading for their own account. The prohibition of institutional members is based on the principle that the exchanges should be composed of firms which primarily serve the general public as agents and as brokers and dealers in securities. The theory has always been that financial institutions which are primarily interested in trading for their own account should not be direct participants in the operation of the exchanges because their mem-

bership on the exchange would unavoidably involve a conflict of interest between their interest in buying and selling for their own account and the general public responsibility which is implicit in exchange membership.

Various regional exchanges, in a desire to increase their own volume, have admitted financial institutions to membership. The result of this diversity of rules among the exchanges has been to permit a few institutions, including some mutual fund managers, insurance companies and others, through regional exchange membership, to obtain a competitive advantage over other mutual funds, insurance companies, and so on by directly or indirectly avoiding the necessity of paying commissions for executing trades in securities.

As a consequence of the regional exchanges' action in permitting institutional membership, there has been a gradual diversion of trading in securities from the principal market in which the ordinary investor trades. The Wall Street Journal for February 24, 1971, contains an interesting and important article entitled "The Little Guy: Small Investors Fear They're at Growing Handicap." This article points out the dangers to small investors which the growth of institutions creates, and the adverse effect upon the confidence of the small investor which has resulted from the enormous increase in the activities of the great financial institutions in the securities market. I should like to read two paragraphs from the article in the Wall Street Journal:

While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.

Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

I ask that the entire article from the Wall Street Journal be printed in the RECORD as part of my statement.

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

THE LITTLE GUY: SMALL INVESTORS FEAR THEY'RE AT GROWING HANDICAP

(By David McClintick)

The worst is over. The securities industry leaped alive from last year's gloom. And in spite of future brokerage house troubles, Congress has insured individual accounts for up to $50,000.

So the small investor, his spirit renewed and his pockets loaded with savings accumulated during the market slump, is about to jump back into common stocks.

That is at least the rosier view on Wall Street these days. But Michael J. Asbell will have none of it. "I'm never never, never going to invest in the stock market again," swears the Philadelphia attorney whose stocks have declined sharply in recent years. "The deck is stacked against the small investor."

Like a growing number of anxious investors, Mr. Asbell is convinced the corporate world and securities markets are organized and sometimes manipulated to serve big financial institutions, leaving the small investor a victim of forces he can't control.

Disenchantment is widespread. In a nationwide Trendex Inc. poll of 1,000 Americans earning $10,000 a year or more, 28% of those who had made market transactions in the past two years said they definitely or probably won't invest in stocks again. Among previous investors who hadn't traded in the last two years, the figure was 46%. The Trendex poll, taken for The Wall Street Journal, found that —% of the cross-section surveyed had a "negative" opinion of the stock market as a place to invest. Of these, 48% gaves as the reason: the growing handicap for the small investor.

THE BIG BOYS GET BIGGER

Of course, if the current bull market continues, some of these dissidents may return to the market. But many investors think the rise of the big institution is hurting the small stock buyer more every year. One big factor in this assessment: Institutions and brokerage houses trading for their own interests now account for more than two-thirds of all New York Stock Exchange volume, up from around 40% in the mid-1950s.

Institutions have gained in influence as they have increased their trading activity. Together with some abusive practices by investment concerns, this has put the small investor at a serious disadvantage, many such investors contend. Among their allegations:

Mutual and pension funds, insurance companies, banks and other financial institutions often receive vital information from companies and investment concerns before small investors get it. This frequently enables the institutions to buy and sell stock before the small trader and at more advantageous prices. Investing on the basis of material information known only to corporate insiders violates federal law. Despite efforts to curb the practice, it still flourishes (though more discreetly than in the past), charges a source close to the House Banking Committee.

Brokerage house stock analyses prepared for the small investor may be declining in quality. Critics have historically charged this research was often superficial. And now, to cut overhead costs, many brokerage houses have slashed their research staffs. Small investors who commonly rely on broker recommendations are thus often led into unwise decisions, they complain.

Investment firms and salesmen sometimes push stocks in which they have a major financial interest. "From first-hand experience, I know of at least two or three member firms of the New York Stock Exchange where this is a common practice, and I have more than a speaking acquaintance with the same thing at many other houses," asserts a former partner in a big New York investment house.

The securities industry shows less interest in serving the small investor—and is less able to do so—than at any time in recent years.

TIGHTENING THE RULES

Of course, the small trader can still make money in the market, and in some ways he is better protected today than even a few months ago. Late last December, Congress created the Securities Investor Protection Corp. to insure individual accounts in case of a brokerage house failure. And the Securities and Exchange Commission is moving to tighten rules governing the financial structure of investment firms.

But a look at the movement in Fairchild Camera & Instrument Corp. stock shows why some small investors still believe they are being taken advantage of. As one of the Big Board's most volatile glamor stocks in recent years, Fairchild shares ranged in price between $96 and $18 last year. Yesterday the stock closed at $33.

Last Jan. 25, C. Lester Hogan, president of the Mountain View, Calif., electronics concern, spoke at a private meeting in New York. Mabon, Nugent & Co., a securities firm, arranged the session for several of its institutional clients. Among other items, Mr. Hogan told the institutions that Fairchild finished 1970 in a strong financial position without any bank debt and that incoming orders the previous month were the best since March. (Monthly orders in semiconductors, one of Fairchild's specialties, are a closely watched indicator in the industry. Semiconductors are devices used in certain types of electrical transmission.)

Apparently the institutions liked what they heard. On the three trading days following the meeting, Fairchild common stock faded in price. But on Jan. 29 and the first three days of February it climbed sharply on the Big Board to $32.625 a share from $24.50.

The first report on the Jan. 25 meeting to reach the general public was apparently in The Wall Street Journal of Feb. 4—too late for small investors to enjoy the stock's earlier price surge. (Inquiring about possible reasons for the stock's price rise, the Journal learned of the meeting.)

To be sure, an article in Business Week giving a fairly favorable impression of Fairchild's general prospects reached some readers Jan. 29, the day the stock began its sharp advance. That article reported that Sherman Fairchild, the company's founder and chairman, had in recent months bought additional Fairchild stock on the open market. Wall Street observers say the Business Week article and a generally buoyant market at the time influenced some investors but the Jan. 25 meeting was the key reason the stock rose so sharply.

But that session wasn't Mr. Hogan's first private meeting with institutions. On Wednesday evening, Oct. 29, 1969, the executive reportedly told institutional clients of William D. Witter Inc., a New York securities concern, of a slowdown in sales that month.

Though Mr. Hogan said he didn't know whether the slowdown was part of a longer trend, or merely a one-month problem, the stock dropped $2.125 a share the day after the meeting. The heavy volume that day of 326,500 shares included four blocks totaling 88,500 shares. The next day the price fell another $2.625 on volume of 97,200 shares. Neither the statement about the October sales nor any explanation for the stock's decline reached the national financial media until Nov. 4—six days after the private meeting had reportedly warned institutions about the unfavorable news.

The Securities and Exchange Commission is looking into trading in Fairchild stock and Mr. Hogan's disclosure record to determine whether any federal securities laws might have been violated.

But Mr. Hogan denies there is anything improper about Fairchild's disclosure policy. To question on whether he feels he has disclosed any material inside information privately to analysts or institutions, the official says: "I don't think so. We're very careful about that. We've tried to be pretty direct with anyone who calls, but we have a strict policy against giving out material information."

MASS CONFUSION FROM PRESS RELEASES

Asked whether the company had considered issuing press releases after the private meetings with institutions, Mr. Hogan replies: "If we issued a press release after each meeting or phone talk with an analyst, it would mean mass confusion." Fairchild is no isolated example; other major companies also meet privately with groups of analysts.

Besides meeting with company presidents, institutions often acquire useful information when a corporation issues new securities. Prior to an underwriting of the new securities, for instance, the principal investment banker in the deal usually prepares a "con-

fidential underwriting memorandum." Such documents commonly contain earnings projections for years into the future and a vast amount of other information obtained from the company that isn't available to other investment concerns or to the general public.

These memoranda are supposed to be prepared solely for the guidance of underwriters, but leaks occur. "Sometimes the memo is kept completely confidential, but sometimes its contents become known to every institution in the country," says one securities industry official.

Rep. Wright Patman, chairman of the House Banking Committee, also criticizes certain aspects of the often-close relationships between companies and their commercial bankers. Sometimes bank trust officers responsible for buying and selling a company's stock have access to the bank's confidential credit files on the company, sources say.

BAILING OUT OF PENN CENTRAL

Often inside information makes a dramatic difference. A congressional subcommittee last September released figures that it said showed 12 stockbrokers and seven financial institutions including banks had probably used inside information in the Penn Central Co. debacle. Knowing of the company's shaky finances, the insiders apparently unloaded several hundred thousand shares of Penn Central common stock before the extent of the company's problems was generally realized, the subcommittee alleged.

After knowledge of the problems became widespread late last May, Penn Central stock declined to about $13 a share from about $18 earlier in the month and later declined to a low of $5.50. The SEC and Congress are continuing to investigate the alleged insider activity.

Many less-dramatic practices that critics consider abusive to small investors are deeply entrenched and routinely accepted. Much of the stock market's liquidity is widely felt to depend on institutions' getting the information first, buying a particular stock and driving its price up, then unloading on the small investor who gets "the word" last. The result—that small investors tend to buy stocks as they approach their peak—is an accepted indicator of market cycles.

Besides getting inside information from companies, institutions often receive brokerage research and analysis well before it is passed to the brokers smaller customer. With its large high-commission trades, institutional business is generally more profitable to brokers than "retail" or small investor trading. Brokers compete avidly for this institutional volume, and giving tips to institutions on future research reports is a common tactic. Even if a brokerage report doesn't contain new information, the opinion the report expresses often affects the price of the stock discussed.

To show how important this advance information is, a former official of a big New York securities firm recalls his experience seeking a new institutional sales manager. The prime candidate refused to take the job unless his department could receive the firm's research reports 60 days before they were released to the firm's retail department. The official says he suggested a 30-day lag. The two men compromised at 45 days.

Institutions sometimes use pressure to get tips. Equity Research Associates, a respected New York investment advisory service, sometimes "got some heat" from institutions because it distributed reports simultaneously to all clients, says William G. Prime, former executive vice president. Equity didn't succumb to the pressure for favoritism, Mr. Prime adds.

Fearing accusations of favoritism toward institutions, some securities concerns are switching to a simultaneous release policy, it is understood. But even when reports carry identical release dates, advance word on a major report's contents is often passed to institutions informally, sources say.

A SEQUENCE OF CALLING

One analyst for a big New York securities company says his firm's written reports are indeed distributed simultaneously, but he adds: "Half to two-thirds of the analysis we dispense goes over the phone and obviously there's a sequence of calling. You tend to favor your best clients."

While getting influential brokerage advice early can help an institution make millions, there is evidence many securities concerns are watering down the quality of the research itself. In the year through last Oct. 1, brokerage houses laid off more than 400 of their 2,700 analysts belonging to the New York Society of Security Analysts. Meanwhile, banks, insurance companies and mutual funds increased their employment of society members to 937 from 678. While institutions can draw on their own beefed-up research staffs as well as brokerage recommendations, the small investor often relies mainly on his broker, of course.

And the broker isn't always playing straight. Some securities concerns pay their salesmen bonuses to push a stock in which the concern has a major interest, sources say. Sometimes the concern's partners give salesmen shares of the same stock as an added incentive to sell it. Many salesmen will tend to recommend such stocks more enthusiastically than others, the sources add.

THE POOR DOPE OFF THE STREET

In case unfavorable news should threaten such stocks, "the partners who were in the stock in the beginning usually get tipped in time to get themselves and the salesmen out before the fall," says one broker. "So the guy who suffers is the poor dope who walked in off the street and bought on the salesman's recommendation."

In addition to these problems, many brokers in the past two years have purposely shunned small clients. Several big firms have stopped compensating salesmen on transactions that generate very small commissions. In a confidential memorandum to its account executives dated Jan. 29, Burnham & Co., New York, apparently became the latest firm to make this move.

REGIONAL CORRALS FOR THE THUNDERING HERD

Some firms are trying new ways to handle little accounts. After a successful two-year experiment, Merrill Lynch, Pierce, Fenner & Smith, Inc., the nation's largest brokerage house, moved about 50,000 of its accounts worth less than $5,000 into 23 large offices around the country. One junior representative handles all the 2,000 or so accounts in each office.

Unless the customer calls the office, the only service he receives is a monthly statement and a quarterly letter containing the firm's stock recommendations.

Though the service is far from personal, Merrill Lynch executives feel it's an improvement over the old system, which placed small and large accounts alike under an account executives' supervision "These (small) accounts got overlooked," concedes Robert Nathane, a vice president of Merrill Lynch and director of its individual sales division. "The account executive knew he couldn't do a good job on them. It's human nature to concentrate on the large accounts."

Merrill Lynch recently canceled an experimental "stock alert system" by which it mailed customers written reports when the research department's recommendation on a stock changed. A Merrill Lynch official said the program was scrapped because the firm's internal processing system wasn't handling the alerts fast enough and its distribution methods—mainly the U.S. mail—didn't prove sufficiently reliable. Changes in recommendations now are distributed by wire to account executives who are expected to inform their clients.

One Merrill Lynch customer, however, says he found the mail alerts "very helpful, but I never hear from my account executive."

It's understood part of the reason the program was canceled was fear that an opinion of a company expressed through the stock alert system might not conform to the investment banking division's opinion of the same company. "This could jeopardize an underwriting, although our internal controls are supposed to prevent things like this from happening," Mr. Nathane explains. He adds he doesn't know of any instance where an underwriting was actually affected by a stock alert recommendation during the experiment.

SWITCHING TO THE PROS

Some investors who are dissatisfied with brokerage service are apparently seeking professional management for their money. Management Asset Corp., a small New York investment advisory firm founded last October by Leonard Heine, says it has received 7,000 inquiries about its service and signed up more than 200 clients. Mr. Heine, a former executive of two large securities companies, says dissatisfaction with brokerage house service accounts for much of the new business. But unlike Management Asset, most portfolio management companies handle only fairly large accounts (most set a minimum of $25,000 or more).

While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.

Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

Mr. SPARKMAN. Mr. President, the vast concentration of capital in our financial institutions such as mutual funds, insurance companies, pension plans, and banks is a source of considerable concern generally, with respect to the economic and financial welfare of the Nation. Specifically, they now account for well over 50 percent of all trades on the New York Stock Exchange alone. The securities laws enacted more than 30 years ago did not contemplate this development, particularly the tremendous growth of mutual funds and their vast influence on the securities markets.

A committee of the New York Stock Exchange has been considering the question of institutional membership for a good many months. It has recently announced that it is deferring a recommendation to the board of governors of the exchange pending completion of a study by Mr. William McChesney Martin who was retained by the New York Stock Exchange.

At the direction of the Congress, the Securities and Exchange Commission has conducted a study of institutional trading. Other agencies and groups have been studying the problem.

Inescapably, however, the Congress has the duty and responsibility of inquiring into the question of the role which the great financial institutions play and should play in the financial

and economic structure of the country. Central to this is the question of their role on the national securities exchanges.

It is unavoidably the responsibility of the Congress to consider and analyze this question in terms of the broad national interest, including its economic and competitive implications. The implications and ramifications of institutional membership on the national securities exchanges are so great that the ultimate decision as to the advisability of such membership may have to be made by the Congress.

For example, consideration must be given to the fundamental question of whether the exchanges can continue to perform their function if their historic character as open, auction markets controlled by members who are agents for the public is subjected to the fundamental change that will result from institutional membership.

We must also consider the possible competitive disruption and discrimination that will result if some institutions become members of the exchanges and their competitors do not. Necessarily, the number of members on any exchange is limited. Not all banks, insurance companies, mutual funds, and so forth can possibly be members. Careful consideration must be given to the impact of institutional membership upon those who are not exchange members while their competitors have achieved this favored position.

It is also of fundamental importance to consider whether, if any institutions are permitted to be members, all types of financial institutions should be eligible. For example, there is a serious question as to whether banks should be permitted to become members.

Careful study must be made of the fundamental question of whether exchange membership by enormously powerful institutions will result in a further and undesirable concentration of financial power over the Nation's financial life and its economy.

Finally, consideration should be given to the question of what should be done with respect to institutions that have already achieved membership on the regional exchanges, and to those members of the exchanges which, although their business may be primarily that of brokers and dealers acting as agents for the public, nevertheless have organized or acquired and operate mutual funds.

This is by no means an all-inclusive list, but it suffices to show the enormous ramifications and implications of the problem with which the bill that I am introducing is concerned.

By Mr. MOSS (for himself and Mr. MAGNUSON, Mr. BELLMON, Mr. BENNETT, Mr. CHURCH, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. PASTORE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENSON, Mr. CASE, Mr. HARRIS, Mr. NELSON, and Mr. PELL):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

MAILING OF UNSOLICITED CIGARETTES

Mr. MOSS. Mr. President, for myself and Senators MAGNUSON, BELLMON, BENNETT, CASE, CHURCH, CRANSTON, HARRIS, HART, HATFIELD, HUMPHREY, MONDALE, NELSON, PASTORE, PELL, PROXMIRE, RANDOLPH, and STEVENSON, I introduce for appropriate reference a bill to amend title 39, United States Code, to prohibit the mailing of unsolicited samples of cigarettes.

Mr. President, now that congressional action has stopped cigarette advertising on the broadcast media, the cigarette industry is engaging in promotion activities so excessive and bizarre that they offend common decency. There has been an untold influx in print media advertising; there have been innumerable cigarette billboards erected; the country has been bombarded with promotional material for a new brand Eve, blatantly aimed at widening the cigarette market among women, young and old. Now we witness at least one company—American Brands—unleashing a broadscale unsolicited mailing of cigarette samples to millions of homes.

There is ample precedent for the enactment of the legislation which I introduce today. The use of the mails is a privilege which the Government provides for its citizens. Whenever the mails have been used in a manner which offends the public, such as pornography, the Government has moved to prevent continued use for such purposes. Similarly, in order to protect the public against unwarranted personal hazard, we have established regulations prohibiting the mailing of explosives and bottles of poisons. In the case of unsolicited sampling of cigarettes by mail, we are faced again with both a hazardous product and one which is offensive to the large majority of our people.

I am sure many of you have received letters and telephone calls from constituents resenting the stuffing of their mailboxes with cigarettes packages. On several occasions, indignant parents have called to tell of finding their young children playing with packages of cigarettes conveniently left at the door by their mailman. Others have called worrying whether their names were on the mailing list. Its not that they really wanted the cigarettes that other houses in the neighborhoods received. Their concern was aroused because their 12-year-old son brings in the mail and they did not receive a "gift" of cigarettes. What a convenience for the curious child.

And talking about minors getting their hands on these complimentary cigarettes, a woman in Arlington called and told of her daughter receiving two packages of Silva Thins in the mail. Her daughter, aged 16, had a telephone listed in her own name and the makers of Silva Thins thought it proper to use the telephone directory in compiling their mailing list.

The makers of one brand sent an invitation to smoke to Mr. R. R. Jackson of Atlanta, Ga. Imagine the feelings of his sister when she opened the package and discovered cigarettes addressed to her late brother, a heavy smoker, and victim of lung cancer.

I have asked the Federal Trade Commission to investigate the current advertising and promotional tactics of the industry. If information which I have received is correct, this legislation would not go far enough. There have been reports reaching my office from San Francisco and Kansas City that representatives of cigarette firms are passing out free samples on the street. Picture the lineup of 13-, 14-, and 15-year-olds, coming out of school and stopping off to pick up free samples from the street pushers. If, as I suspect, the Federal Trade Commission confirms that this is one of the current practices in which the industry feels free to indulge, then we shall have to see that this practice, too, stops immediately.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION ACT OF 1972

Mr. PROUTY. Mr. President, at the request of the administration, I introduce for appropriate reference the National Science Foundation Act of 1972.

The National Science Foundation program in the authorization bill I introduce for the administration includes strong support for fundamental research to broaden the base of scientific understanding and to sustain effective U.S. research capabilities in science and engineering. It is only with the strong foundation of fundamental research that the Nation can use its scientific capabilities to the fullest. Consequently, this bill proposes a major expansion of research support aimed at extending our understanding of the fundamental processes of nature, which is a principal mission of the National Science Foundation.

Basic research increases the store of knowledge we have about the world we live in. Such knowledge does not become obsolete; on the contrary, its value improves with use and with our expanding horizons of comprehension. But scientific knowledge is useful only in the hands of men and women who are familiar with its dimensions, who are experienced in working with it, interpreting it, and relating it to the major needs and interests of our society. This capability is required in order not only to produce new knowledge, but also to be ready for its exploitation. Maintaining this capability can only be guaranteed through actively supporting research in essentially all areas of science. This bill, Mr. President, will help the National Science Foundation and the Nation make that guarantee in all fields of science.

In addition to continued strong support for basic research projects, the NSF is placing significant emphasis on problem related research efforts. I believe that the Foundation can and must play an important role, along with other Federal agencies, in providing the basic knowledge and understanding necessary to help solve major national problems. This authorization bill will provide for

significant research efforts to gain this knowledge and understanding as we attempt to resolve environmental, social and technological problems of national and regional concern. It is intended to provide new and expanded opportunities for science to contribute significantly to efforts to improve the quality of our environment, to improve technology and economic productivity, and to enhance the quality of life. A principal objective of the NSF program is to couple more directly the capabilities and knowledge of science and technology to the needs of society.

The NSF has taken action to focus and stimulate the application of science and technology to major national, regional, and local problems; to increase societal benefits from research; to exploit scientific and technological opportunities; and to advance national economic productivity. Several major ongoing research efforts have been grouped to form a focused interdisciplinary effort to take advantage of the scientific and technological talents in academic and other institutions and focus research efforts on targeted areas such as pollution and crime. This interdisciplinary program, in addition to other problem focused research work in NSF, implements the 1968 amendments to the NSF Act, and promises to contribute much to the Nation.

Times does not permit me to dwell on the other important NSF activities; however, they include an exciting array of exploration efforts directed toward the oceans, the atmosphere, the polar regions of the earth, and many social and economic aspects of our society. Special emphasis is being placed on the biological sciences. Ecological Studies will be supported, as will studies of fundamental life processes. The molecular biology of the human cell will be studied to provide new knowledge needed to understand and control diseases and to understand the cellular basis of drug dependency.

While this NSF authorization will provide less than 10 percent of the total Federal support for research and only about one-fifth of the Federal funds for academic science, it will have considerable impact. The programs of NSF extend over the entire range of scientific discipline and throughout the geographic regions of the country.

It is agreed that a strong, ever renewing science and technology is essential to our economic development, our national security, and to our national welfare. However, there may be some disagreement as to the yields of alternative investments in the various NSF programs.

This authorization bill reflects new priorities and directions within the NSF. While the total authorization for fiscal year 1972 exceeds the fiscal year 1971 appropriation by $116.1 million, science education programs have been cut back or discontinued. Whether we can afford to reduce the NSF support for science education will, I trust, be a key element in consideration of this bill in the Special Subcommittee on the National Science Foundation and the full Labor and Public Welfare Committee.

Mr. President, I ask unanimous consent that the bill and a sectional analysis of this measure be printed in the RECORD.

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

S. 1168

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $619,000,000.

SEC. 2. Appropriations made pursuant to authority provided in sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1972."

SECTIONAL ANALYSIS

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

SECTION 1

This section authorizes appropriations to the National Science Foundation for fiscal year 1972 in the amount of $619,000,000.

SECTION 2

This section provides that appropriations made pursuant to sections 1 and 4 shall remain available for obligation and expenditure for such period, or periods, of time as may be specified in appropriation acts.

SECTION 3

This section authorizes an allowance of up to $2,500 for official reception and representation expenses to be expended at the discretion of the Director.

SECTION 4

This section authorizes, in addition to the funds appropriated by section 1, an appropriation for fiscal year 1972 not to exceed $3,000,000 for expenses of the National Science Foundation incurred outside of the United States to be financed from foreign currencies which are determined by the Treasury Department to be in excess of the normal requirements of the United States.

SECTION 5

This section repeats the provision of the National Science Foundation Authorization Act for 1971 relating to campus unrest.

SECTION 6

This section permits the citation of the Act as the "National Science Foundation Act of 1972."

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I introduce and ask that it be appropriately referred a bill to preserve, for purposes of study and research, nationally televised news and public interest programs. I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

Mr. President, this legislation is identical to S. 3720, which I introduced in

the 91st Congress. It would direct the Librarian of Congress to obtain, preserve, and index nationally televised evening news programs and other nationally televised programs that he determines to be of substantial public interest.

The need for such legislation was first brought to my attention by Vanderbilt University, where such a project has been underway since August 1968. The university has done a remarkable job in preserving some of this broadcasting, but it has neither the resources nor the facilities to undertake such a program on the requisite scale.

For many years historians and other scholars have relied extensively on contemporary news accounts in their research into the American past. Universities, libraries, and other institutions have long realized the value of preserving newspapers, periodicals, and other printed matter for the future use of historians and other interested persons. The advent of microfilm techniques has made this reproduction and storage a far more attractive and practicable practice.

However, few would disagree with the assertion that television has become one of the major news forces of our age. Although the print media continue to exert great influence and are capable of providing the kind of in-depth coverage often beyond the capacity of television, due to time limitations, television news reporting has become an inestimably potent factor in our national life.

I try to shy away from the use of hyperbolic or emotional adjectives, but I am prepared to assert that the failure to preserve a record of television news broadcasts is no less than tragic. It is tragic because no future historian could hope to write an accurate chronicle of this turbulent American era without access to television accounts of fast-moving world events. Because America and the world are in such ferment at the present time, it is essential that future generations be given a reasonably accurate picture of what was going on in the 1960's and 1970's. Such a picture would be impossible without reference to television news coverage.

The issue has been given an added immediacy by the controversy ignited by the Vice President over the objectivity of television news reporting. During his televised press conference on foreign policy last week, President Nixon himself asserted his belief that some news media had distorted the facts during their coverage of the Laos operation. Although anyone interested in trying to substantiate or refute the President's view might be able to do so by drawing on the Vanderbilt tape file, as I indicated earlier, I do not feel that the university should continue to bear the full burden of a project that has broad public significance, now and in the future.

Regardless of which side of this controversy one takes—and few are neutral on the question—the controversy itself only heightens the need for this legislation. I want to be determinedly explicit in making clear that this proposal in no way is meant to suggest that the Federal Government should monitor television news broadcasts for any sinister purpose, now or in the future. What it is intended to provide is a central source for research by present and future scholars and other interested individuals. If a doctoral candidate chose to seek support from these tapes for a thesis that television news had been unfair to the President or to the Sierra Club, he could attempt to make his case. If someone else chose to seek in the tapes support for the opposite view, he would be free to do so.

The Librarian of the Congress is responsible solely to the National Legislature. These video records would be as freely available for any purpose as are existing records of the printed media. The Vanderbilt project began long before the current controversy, and the need for a permanent record of television news broadcasts far transcends the objectivity controversy.

Mr. President, the estimated cost of this project is very small when compared to the great cost to future scholarship that will accrue if the project is not undertaken. The Librarian has estimated that the annual cost of maintaining the project, once it is established, would be $162,100 per year.

I am most hopeful that the committee to which the bill has been referred will take prompt and favorable action on the proposal. I feel that the need for it is virtually self-evident.

By Mr. CANNON (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HANSEN, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MOSS, Mr. MONDALE, Mr. PEARSON, Mr. PELL, Mr. MCGEE, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. THURMOND, Mr. TOWER, Mr. PERCY, and Mr. TUNNEY):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

EXEMPTION OF SENIOR CITIZENS FROM PAYING ENTRANCE FEES TO NATIONAL PARKS AND RECREATION AREAS

Mr. CANNON. Mr. President, the highly popular Golden Eagle Passport program, providing year-long access to designated Federal recreation areas throughout the Nation, has been extended only through December 31, 1971, at which time the program will come to an end unless it is extended by legislative action. In addition the passport fee has been raised from $7 to $10—just one more inflationary pressure on the American taxpayer.

Although the passport can be used without limit to the number of visits or the number of persons in a single private vehicle, in many areas there are additional user fees for camping and other activities.

I am aware that the admission fees to Federal recreational areas do not constitute the greatest expense of recreational travel. Nonetheless, our senior citizen retirees, who usually have an abundance of free time, are often not financially able to take advantage of many leisure-time opportunities available in our national parks and recreation areas.

I am therefore introducing a bill designed to provide a tenth of the Nation's citizens, 20 million people, with an expanded opportunity to enjoy the beauty and splendor of our national parks and forests. These people—our senior citizens—are to a large extent living on fixed, small incomes which in the face of rising costs grow even smaller.

A recent report by the Senate Special Committee on Aging has come up with a pretty grim picture of income problems among older Americans. Coming after a 2-year study of the economics of aging the report finds that aged Americans live on less than half the income of those under age 65, despite the stopgap 15 percent social security increase of December 1969.

An earlier report cited the spending habits of older people. It noted older consumers followed a pattern more closely related to low income groups in general:

> For instance, the older units spent proportionately more on food, housing and household operation, and medical care than did the younger units. Younger units, on the other hand, spent proportionately more on house furnishings, clothing, transportation, alcohol, tobacco, recreation, and education.

I believe that by eliminating the entrance fee for our elderly, we will be expressing, in some small degree, our appreciation for the contributions these people have made during their working years. This is an altogether fitting and proper contribution on our part to their leisure years.

Such action is not without precedent, for in many States and municipalities there are provisions to exempt those over 65 of property or other taxes.

The State of Nevada, which has long understood the social and financial requirements of the over 65 age group, grants them exemptions from payments of hunting and fishing licenses. In addition the Nevada State Legislature is considering extending this exemption to other areas.

Mr. President, I urge the acceptance by my colleagues of this proposal to make in part a present of our country's magnificent scenery to the golden age people of our Nation.

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. BIBLE, Mr. BURDICK, Mr. CASE, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, prior to its approval of the social security amend-

ments bill in 1967, the Senate by a vote of 34 to 20 approved my amendment to redefine disability for purposes of social security benefits. Unfortunately, the amendment was lost in conference.

In 1969, I reintroduced it as S. 1132, with 40 cosponsors, and in 1970, as an amendment to the social security bill. Today, 21 other Senators and I offer the proposal to amend the Social Security Act.

In passing the 1967 social security amendments the House of Representatives narrowed the definition of "disability" by injecting a geographical element. The original definition in the 1956 amendment, said that a finding of disability would be made only if the worker's disability "was expected to result in death or to be a long-continued and indefinite duration." In 1965, the definition was broadened to eliminate the long-continued and indefinite duration requirement. Through the years of amendment of the Social Security Act, however, disability was always held to be the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment." In 1967, the House restricted the definition by adding to the words "substantial gainful activity" the words "which exists in the national economy."

In speaking to the Senate in 1967 in behalf of my amendment to remove the geographic restriction approved by the House and return to the earlier definition, I said:

> Actually, what the Secretary could apply under this conclusion is that a man would have to leave the geographic area in which he lived and he would have to engage in work in which he had no experience either by age, education, or training, and if such work were available in the national economy, whether he could get to it or not, whether he would be available or not, whether a vacancy existed, he would still be disqualified because of disability.

In 1970, we had the anomaly of the restrictive definition in the Social Security Act—since the House did not accept our amendment in 1967—and a broadening of the definition of disability in the administration's October revision of the family assistance bill for purposes of State aid to the disabled. It read in part:

> An individual shall be considered to be severely disabled for purposes of this title if he is unable to engage in any substantial gainful activity (available to him within a reasonable distance from his residence) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months * * *.

Mr. President, this was a rational approach by the administration. We should do no less for a worker whose contributions to social security trust funds were intended to secure a minimum income to him in the event of the personal tragedy of a disability.

I hope that the administration will support revision of H.R. 1 for State aid to the disabled in line with its previous recommendation and I hope further that the Congress will approve our conforming amendment to redefine disability for social security purposes, as provided in the bill we introduce today.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

VETERANS DRUG REHABILITATION ACT OF 1971

Mr. SCHWEIKER. Mr. President, today, I introduce the Veterans Drug Abuse Rehabilitation Act of 1971, to provide authorization for drug abuse treatment in veterans' hospitals for veterans who have been discharged from active duty under less than honorable conditions for reason of drug abuse, and who currently are barred from receiving any veterans' benefits.

This bill is identical to the bill I introduced late in the 91st Congress, S. 4424, and incorporates into law recommendations of the Department of Defense Task Group on Drug Abuse Policy. The bill specifically amends the section of the United States Code dealing with the duties and responsibilities of the Veterans' Administration. Under the current law, anyone discharged under less than honorable conditions is barred from any use of veterans' medical facilities. This bill will make a narrow exception: where the reason for a less than honorable discharge is drug abuse, that veteran will be permitted to receive drug abuse treatment and rehabilitation at veterans' facilities.

Veterans' benefits are not granted to servicemen discharged under dishonorable conditions, or to servicemen receiving undesirable and bad conduct discharges as a result of offenses involving moral turpitude or willful and persistent misconduct. Since a drug user is considered by the military to have rendered himself unfit for further service, his discharge falls under one of these categories, and he is barred from using veterans' facilities for drug abuse treatment, and rehabilitation.

My bill will change this policy by adding a new section to the United States Code, providing that the Veterans' Administrator "within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care or services."

To insure that a full rehabilitation program can be carried out, the bill authorizes the Administrator to, first, require the veteran seeking treatment to agree in writing to a minimum period of time he will be required to undergo treatment, second, set any terms and conditions for treatment to insure a thorough and effective rehabilitation program, and, third, refuse further treatment of any veteran who violates the terms of any agreements and conditions under which the treatment began.

I want to emphasize that this is a voluntary program for the individual veteran. We are not forcing drug abusers onto veterans' facilities. We are however, opening the resources of our veterans' program to those individuals who seek help in eliminating drugs, and the need for drugs, from their lives.

The task group considered a proposal to modify the general discharge regulations by allowing drug abusers to receive a general discharge for unsuitability which does not bar veterans' benefits. However, the report concluded that the discharge system now in effect in the Armed Forces represents a fair and proper method of categorizing service. Rather than lower the standards and criteria within the military for discharge, a better solution would be to amend existing law, to permit treatment of drug abusers discharged under less than honorable conditions. My bill carries out this recommendation.

I feel that the serious problem of drug abuse must be handled by all levels of society: There must be cooperation between Federal, State, and local governments; there must be coordination between public and private groups; and there must be continuity between military and civilian drug education and drug abuse rehabilitation efforts.

The problem of drug abuse is not the fault of the military, and as a matter of fact, studies have shown that 15 percent of the men entering the service are already drug users. However, the DOD task group has also cited the effect of combat pressures and high availability of drugs in Vietnam on the increase of drug use among servicemen.

Therefore, I feel the military has an obligation to do whatever is feasible to treat the servicemen who have been addicted to drugs, and to make this small contribution to drug rehabilitation. With the vast resources of the Veterans' Administration already available for medical and rehabilitative care, we should take advantage of them and allow drug-addicted veterans to receive this treatment.

Although the category of men involved in this bill is narrowly drawn, since it only refers to men specifically discharged because of drug abuse, the problem is large, and I hope Congress can take this important step.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 1174

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 "Veterans Drug Abuse Rehabilitation Act of 1971."

SEC. 2. Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof a new section as follows: "620A. Hospital and medical care for veteran suffering from drug addiction or drug dependency.

"(a) As used in this section the term 'eligible veteran' means any person who served on active duty for a period of more than 60 days and who was discharged therefrom under conditions other than honorable for reasons of drug abuse.

"(b) Notwithstanding any other provision of this title, the Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care of services.

"(c) If the Administrator determines it necessary to the effective treatment of any eligible veteran applying for treatment under the provisions of this section, he may require, as a condition to providing such treatment, that such veteran agree in writing to make himself available for such treatment for such minimum period of time and on such terms and conditions as the Administrator may prescribe. The Administrator may refuse further treatment under this section to any veteran who violates the terms of any agreement entered into with the Administrator under this section."

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting

"620A. Hospital and medical care for veterans suffering from drug addiction or drug dependency."

immediately after

"620. Transfers for nursing home care."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce a bill to amend the Land and Water Conservation Fund Act of 1964, as amended.

This legislation was submitted and recommended by the Department of the Interior and was referred to in that part of President Nixon's environmental message dealing with the land and water conservation fund which was submitted to the Congress on February 8, 1971. Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior accompanying this draft proposal and an analysis of the bill be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Land and Water Conservation Fund Act of 1965, as amended."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with the Land and Water Conservation Fund which was submitted to the Congress on February 8, 1971.

The proposed legislation will accomplish several reforms in the administration of the Land and Water Conservation Fund, designed to increase the effectiveness of the expenditures in providing public recreation opportunities and open spaces where the unmet demands are greatest. The formula for apportionment of assistance among the States would be altered to give increased emphasis to the demands for additional recreation opportunities and open spaces in and near heavily populated urban areas. The Secretary of the Interior will be given added authority to review State implementation plans in order to assure compliance with this goal.

The bill will also authorize a State to use up to 25% of its total annual allocation to develop indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources.

These amendments are recommended as a part of the President's program which he mentioned in his State of the Union Message on January 22, 1971, as follows:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the Nation's parks, recreation areas, open spaces, in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

A detailed analysis of this draft bill is enclosed.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

ANALYSIS OF DRAFT BILL

Subsection (a) would remove the requirement in the Land and Water Conservation Fund Act that financial assistance to the States for recreation planning, acquisition, or development be for *outdoor* facilities only.

Subsection (b) would change the existing formula for apportioning Land and Water Conservation Fund Moneys to the States. At present 60 percent of such moneys is apportioned on the basis of need, as determined by the Secretary of the Interior in accordance with certain prescribed considerations. One such consideration is the proportion which the population of each State bears to the total population of the United States.

The proposed apportionment in subsection (b) is based upon the following formula:

1. 20 percent on an equal basis;

2. 75 percent on the basis of need as determined by the Secretary; and

3. 5 percent on the basis of special or emergency needs as determined by the Secretary.

Subsection (c) would change the present annual limitation on the total apportionment of Fund moneys to an individual State from 7 to 10 per centum of the total amount allocated under paragraphs (1) and (2) to the several States, and would provide that if such apportionment has not been paid or obligated within a prescribed period it will be reapportioned on the basis of need as determined by the Secretary without regard to the 10 per centum limitation. In addition, the subsection would delete the provision under which the populations of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa are included in the population computation of the United States since under subsection (b) such a computation would no longer be made.

Subsection (d) modified one of the existing requirements of State comprehensive recreation plans which must be approved by the Secretary before financial assistance may be given to the States for acquisition or development projects. The subsection requires such plans to contain an evaluation of present and future demands for and supply of outdoor recreation resources and facilities in the States.

Subsection (e) would permit a State to use up to 25 percent of its total annual allocation to develop indoor recreation facilities in those areas where the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources.

Subsection (f) would require that the Secretary withhold payments to States until he is satisfied that they have taken appropriate action to ensure, consider, or provide for certain items listed in said subsection.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MINED AREA PROTECTION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Mined Area Protection Act of 1971. This measure is proposed by the administration as a part of the President's environmental message of February 8, 1971.

At the present time there are two other measures relating to surface and strip-mine protection and reclamation pending before the Senate Interior and Insular Affairs Committee. These measures will all receive active consideration in this session of the Congress.

Mr. President, I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying the administration's draft proposal together with a section-by-section anaysis be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with environmental regulations for mining operations which was submitted to the Congress on February 8, 1971.

The adverse environmental effects that can result from mining operations has been a subject of growing national concern in recent years. The ever-increasing demand for minerals coupled with dramatic developments in or ability to recover them has led to an increase in mining activity, particularly surface mining.

These activities are an important part of the American economy and will continue to be. But we are coming to realize that they may contain hidden costs in terms of environmental deterioration that do not appear in the market transaction of the commodity.

Recent studies and investigations in the past 5 years documented some of the adverse environmental effects that may result from surface mining. Over 3.2 million acres of land had been disturbed by surface mining, with approximately 150,000 acres being added annually. By 1980, if this trend continues unchecked, 5 million acres will have been affected by mining activity, an area roughly the size of the State of New Jersey.

Underground mines also pose a serious threat to the environment. Like surface mines, underground mines can produce unsightly spoil-heaps which disfigure the countryside and contribute to water pollution. Mine fires and unintentional subsidence are

also major problems associated with underground mines in some areas.

In varying degrees State legislatures and mining companies have responded to the problem with the result that much land is being reclaimed by the mining industry as a part of the mining operation. Twenty-two States have laws regulating some aspects of surface or underground mining. This effort, however, suffers from lack of uniformity and lack of unanimity.

There are two distinct problems involved in meeting the challenge which mining operations can present to the environment:

(1) requiring ongoing and future mining activities to be conducted in a way as to minimize the environment impact, and

(2) healing the wounds that have been inflicted by past mining operations.

The proposed bill deals only with the first problem, the solution to which is largely a matter of developing regulations which will require environmental considerations to be built into the mining operation. An integral part of this effort will be research programs promoted by the Secretary of the Interior with Federal funds.

The proposed bill recognizes that the initial responsibility for developing and enforcing regulations should rest with the States. It also recognizes, however, that the effort must be nationwide and based, to the fullest extent possible, on national standards, so that industry will be placed on an equal footing in every State.

The proposed bill therefore gives the States the opportunity to develop and submit regulations for approval by the Secretary of the Interior in accordance with certain specific criteria set forth in the bill.

If a State fails to develop an acceptable program within two years after enactment, the proposed bill authorizes the Secretary to promulgate regulations for mining operations within the State.

The problem of healing damage inflicted in the past is more complicated. Typically, the party responsible is not available for legal action to require him to repair the damage he has caused. Consequently the solution is largely a matter of spending taxpayers dollars. In order to justify a massive Federal grant program to clean up past mined-areas, a detailed cost-benefit analysis must be undertaken to assure that this problem deserves top priority among the great number of other environmental problems the solution to which requires Federal funds. The tools for such an analysis are in the formative stages. Until they have been further refined, it is felt that a restoration program is premature.

A section-by-section analysis of the bill is enclosed.

This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

SECTION-BY-SECTION ANALYSIS

To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes.

TITLE I

Section 101—contains definitions. "Mining operations" includes surface and underground mining but excludes extraction of minerals in a liquid or gaseous state through pipes. "Reclamation" means environmental protection built into mining operations.

Section 102—contains Congressional findings and declarations and states specifically that mining operations affect interstate commerce but that the initial and principal continuing responsibility for regulating them rests with the States.

TITLE II

Section 201—permits each State to submit for approval by the Secretary of the Interior environmental regulations for mining operations. Such regulations must cover all land within the State except Federally-owned land or land held in trust for Indians. The section contains criteria for secretarial approval, including provision that the regulations contain requirements designed to insure compliance with air or water quality standards and control or prevention of other specific types of environmental damage. The section sets up an Advisory Committee to establish guidelines further elaborating upon the criteria. The section allows the Secretary to withdraw his approval of State regulations if he finds that the State has failed to enforce the regulations adequately or otherwise failed to comply with the purposes of the Act.

Section 202—provides that if, after two years from the date of enactment of this Act, a State has failed to submit regulations to the Secretary for approval, the Secretary shall issue regulations for mining operations within that State.

Section 203—provides that, when the Secretary administers and enforces the program for a State, he shall recover the cost of so doing through permit charges levied on the mining operations within that State.

Section 204—provides that Federal regulations issued under section 202 shall cease to apply whenever the Secretary approves regulations submitted to him by the State.

Section 205—authorizes the Secretary to make inspections of mining operations in carrying out his responsibilities under the Act.

Section 206—authorizes the Attorney General to institute a civil action in the Federal district court to enforce Federal regulations, and to enforce certain other provisions of the Act.

Section 207—prescribes penalties for violation of Federal regulations.

Section 208—authorizes the Secretary to conduct research or training programs to carry out the purposes of title II.

Section 209—authorizes the Secretary to make grants to States to cover 80% of the cost of developing the regulations during the year prior to approval and to cover the following portion of the administering and enforcing costs for the four years following approval; 60% the first year, 45% the second year, 30% the third year and 15% the fourth year. The section also authorizes the Secretary to provide technical assistance to the States.

Section 210—authorizes the Secretary to utilize the services of the Secretary of Agriculture in extending technical assistance to the States.

Section 211—authorizes the Secretary to promulgate rules and regulations.

Section 212—authorizes appropriations as necessary.

TITLE III

Section 301—authorizes heads of Federal agencies to issue environmental regulations governing mining operations on lands under their jurisdiction. It directs such agency heads to require at least the same degree of environmental protection and regulation as is required by the State on other lands within the State. The section also provides that the Act shall not conflict with certain other Federal laws.

Section 302—provides for the separation of any provisions of the Act held invalid.

By Mr. RIBICOFF (for himself and Mr. JAVITS):

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

CONSUMER PROTECTION ORGANIZATION ACT OF 1971

Mr. RIBICOFF. Mr. President, on behalf of the Senator from New York (Mr. JAVITS) and myself, I introduce the Consumer Protection Organization Act of 1971 and ask unanimous consent that the bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it be referred to the Committee on Commerce for 30 days for consideration of subject matters in the bill which are within its jurisdiction if the chairman of that committee desires such reference.

Mr. GRIFFIN. Mr. President, reserving the right to object, I should like to inquire of the Senator from Connecticut is he now introducing the bill; is that right?

Mr. RIBICOFF. That is right.

Mr. GRIFFIN. Is there any particular time limit or requirement insofar as when the bill must be reported by the initial committee?

Mr. RIBICOFF. None at all. This is the same bill that passed the Senate on December 1, 1970, by a 74-to-4 vote. We follow exactly the same procedure followed in the last Congress. After it was reported by the Committee on Government Operations, it was referred to the Commerce Committee, and after working it out with the Senator from Washingon (Mr. MAGNUSON), they had 30 days to make their decision. We are following exactly the same procedure now that we followed in 1970.

Mr. GRIFFIN. Has this been cleared with the chairman of the Commerce Committee?

Mr. RIBICOFF. I have not talked to him personally but we are following the same procedure. Both the Senator from Washington (Mr. MAGNUSON) and I saw eye to eye on it last year. I have no doubt he feels the same way. I worked this out with the Senator from New York (Mr. JAVITS), the ranking Republican on the committee, and we are following the same procedure that the Senator from Washington (Mr. MAGNUSON) and I agreed to last year, and I assume he agrees to it this year. Both of us support this legislation. I believe we understand one another completely.

Mr. GRIFFIN. Mr. President, I withdraw my objection.

Mr. COOK. Mr. President, reserving the right to object, and I may very well object, the only thing that I might object to is the fact that while the Government Operations Committee is not given a limited time, the Commerce Committee is given 30 days.

Mr. RIBICOFF. That is because the main jurisdiction is within the Committee on Government Operations. It is customary, where we deal with matters on the Commerce Committee.

Basically, I could report this out because we held complete hearings last

year and it had complete consideration. It came out with the agreement of both the Republicans and the Democrats on the Government Operations Committee. We worked it out in this way. This was the procedure we worked out with the Senator from Washington (Mr. MAGNUSON), so we are following the same procedure we followed last year.

Mr. COOK. One reason I hope the Senator does not mind my bringing this up is that I am the ranking member on the Consumer Subcommittee and we are in hearings now on consumer legislation and will continue to be. My only objection would be to allocating the 30 days. We may very well get it out in far less than 30 days.

Mr. RIBICOFF. I will be pleased to remove that.

Mr. President, may I ask unanimous consent that this bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it then be referred to the Committee on Commerce for consideration of subject matters in the bill which are within its jurisdiction, if the chairman of that committee desires such reference. We will delete the 30 days.

Mr. COOK. Mr. President, I withdraw my objection.

Mr. RIBICOFF. Mr. President, I introduce the Consumer Protection Organization Act of 1971 for appropriate reference.

This bill is virtually the same as S. 4459, which passed the Senate 74 to 4 on December 1, 1970.

The bill would establish, first, a Council of Consumer Advisers in the Executive Office of the President to recommend policy and coordinate consumer programs, second, an independent Consumer Protection Agency with the authority to advocate the consumer interest before Federal departments, agencies, and courts, and three, a program of grants to States, localities, and private nonprofit consumer organizations for consumer protection programs.

The Council of Consumer Advisers will be composed of the Director of the independent agency and two other persons appointed by the President and confirmed by the Senate.

Similar in design to the Council of Economic Advisers, the new council will coordinate and review the effectiveness and efficiency of the many consumer programs and activities—there were 76 separate programs in 1969. The Council will evaluate these programs, help settle disputes within the executive branch, and suggest means of eliminating waste and duplication.

A principal responsibility of the council will be to provide policy guidance to the President and recommend new legislation. A related duty is to assist him in preparing an annual consumer report to the Congress.

The Consumer Protection Agency will be headed by a Director, nominated by the President and confirmed by the Senate, who will serve a 4-year term coterminous with the President.

The Agency's mandate covers a wide spectrum of activities—represent the consumer interest before Federal departments, agencies, and courts; publish information useful to consumers; conduct economic surveys and research; provide financial and technical support to State, local, and private nonprofit consumer organizations; promote consumer education; cooperate with business in consumer protection; perform or supervise such product testing as may later be authorized; and publish a Federal Consumer Register.

The most novel and important function of the Agency is consumer advocacy. Every day the Federal Government makes decisions or administers programs which affect the pocketbooks, health, and safety of millions of consumers. The Agency will intervene in the policymaking, regulatory, and judicial proceedings of the Federal Government wherever there is a significant consumer interest in the outcome.

The regulatory commissions are a place where the consumer interest has been unrepresented often in the past. In license, rate, and route hearings, for example, the Agency will be the watchdog of the consumer. It will actively oppose inflationary price hikes and unjustifiable service cutbacks.

In bringing the interest of consumers to bear on the decisionmaking processes of Government, the bill merely provides something which the business community, and other private interests, already enjoy. Business has its trade associations, a vast lobbying operation, and a Cabinet department which promotes its interests.

Consumers should have the same organization and representation. Although every American is a consumer, each person devotes only a part of his time to his role as a consumer and usually spends only a tiny fraction of his money on a given item which may prove unsatisfactory. This is one reason why the buyer has historically been less organized than the seller in the marketplace and underrepresented in the councils of Government.

This bill will help to redress this imbalance. It gives the consumer representation in the Government, improved implementation of existing programs, and a more active Federal role in promoting fair play in the private enterprise system.

I regret that the President in his consumer message to Congress has not taken a firm position on the critical issue of the advocacy function. While last year he said that advocacy belonged in the Justice Department, he now suggests that it should be given to the Federal Trade Commission, pending action to reorganize the FTC. I feel strongly, as did the vast majority of the Senate in December, that only an independent agency can provide the vigorous advocacy that the consumer needs.

The Consumer Protection Agency will be a clearinghouse for consumer complaints. It will refer them to the appropriate authorities, including the Justice Department, in cases where violations of Federal laws are alleged.

The bill authorizes the Agency to conduct and publish the results of research, surveys, and investigations on a wide variety of consumer matters. A closely related function is the publication and dissemination of information useful to consumers. Specifically authorized in this category is brand name data supplied by other agencies on products purchased for their own use.

Consumer protection is also the responsibility of the States and the localities; and remedies are often applied more effectively at these levels. In addition, nonprofit organizations make a major contribution in fighting fraud, deception, unsafe goods, and other illegal practices.

Since many States lack the funds necessary to establish effective consumer protection programs, the bill authorizes the Consumer Protection Agency to make grants to strengthen these efforts. Funds are to be distributed according to a formula similar to that used by the Law Enforcement Assistance Administration—each State submits a plan, which, after approval, entitles it to a base amount plus additional funds based on population.

The Consumer Protection Agency will be the advocate of the consumer interest and, therefore, will be immersed in specific issues and disputes on a daily basis. The Council of Consumer Advisers will provide an overview of Federal consumer programs, and, by virtue of its location in the White House, will have the visibility and the access to the President essential to the fulfillment of its policy formulation role.

The American consumer is frustrated today not only by the poor quality and high prices that he perceives in so many goods and services, but also by the indifference to his needs and desires. The Senate Commerce Committee has placed a $200 billion annual price tag on consumer fraud and deception.

The consumer rightfully is demanding action by the Federal Government. There has been a call for the enactment of a "consumer bill of rights," which I enthusiastically support. This bill recognizes that first we need the organizational framework through which we can work to guarantee the rights of consumers.

Passage of this bill is potentially the most important event in the history of the movement for consumer rights in this country.

I am delighted that Senator JAVITS, who has a longstanding interest in consumer affairs, is cosponsoring this bill with me. The bill will serve as a useful starting point for consideration this year. Neither Senator JAVITS nor myself are bound to all provisions of this bill and we are willing to consider other suggestions in the interest of passage of the best possible consumer legislation early this session.

Mr. JAVITS. Mr. President, there are a few remarks I wish to add to those of the Senator from Connecticut.

I am cosponsoring this bill principally because I wish to make it clear that the thought that a new organizational structure is needed on the Federal level to promote and safeguard the interests of consumers is not just the desire of any one political party. Republicans as well as Democrats wish to see a new, better, and more comprehensive Federal mechanism to assure the consumer that his in-

terests will be presented and considered before decisions are made. If a separate agency with the authority to intervene before other agencies, Departments, and Federal courts, with the courts' discretion, is the best way this can be accomplished, then such an agency must be established.

This bill passed the Senate last year by the overwhelming majority of 74 to 4. It was a bipartisan effort to which many Senators on both sides of the aisle contributed. At that time I believed, as did the Senate, that its provisions—the independent agency, the three-man Council of Consumer Advisers, and the consumer protections grants—were the best vehicles to insure that the performance of Government in the area of consumer protection did in fact reflect the stated commitments of Government in this area. The provisions of the bill itself were delicately balanced to insure the most effective but responsible governmental effort for the consumer, allowing the Government to act where there were serious and substantial consumer interests which needed asserting or protecting, yet limiting the Government's actions from unduly infringing upon the legitimate activities of both Government and business.

I am cosponsoring this legislation this year because I continue to believe that this bill is substantially sound and would aid the consumer greatly. There will be alternative proposals—the President's—and I am sure the Congress will consider them carefully. Any alternative, however, must provide the balance between the consumer interest and the interest of responsible business, which this bill does, and would require the broad bipartisan support which this bill has. Both are necessary if we are to see, as I hope we will, a bill pass this year.

As Senator RIBICOFF has said this bill will serve a most useful starting point for further consideration of consumer organization legislation and in the interests of providing the best consumer legislation possible this year, I would urge all those responsible for the outcome of this and related legislation to maintain an open mind on changes so that a bill serving the interests of all may actually be passed. I believe it now may be wiser, for example, to give the newly-created Office of Consumer Affairs in the Executive Office of the President statutory permanence rather than create the three-man Council of Consumer Advisers which this bill would do, for the present Office may function just as adequately and provide the same benefits as would the Council.

Further, it remains to be seen what the President will recommend to Congress concerning consumer organization legislation—whether he will adopt the Ash Council's recommendation that the FTC be reorganized or adopt what is now his interim position of giving the FTC the authority to advocate before other departments and agencies on behalf of the general consumer interest. The details of any legislation the President may propose must be examined closely before any final decision on the provisions of this bill can be made and although Congress will undoubtedly—and should—be acting quickly on consumer legislation this year, I believe it will recognize the President's views and will not reject his proposals before it has offered him an opportunity to detail and explain his plans.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I am today introducing a bill to amend the District of Columbia Income and Franchise Tax Act of 1947 to bring to the residents of the District of Columbia serving in the Armed Forces certain tax advantages with respect to local income tax which accrue to them under the Federal Internal Revenue Code.

Over half of the States now have enacted special legislation affecting the liability of members of the Armed Forces for State income taxes and returns. Members of the Armed Forces returning from tours of duty in combat areas to their homes in the District of Columbia are presently given no special consideration with respect to District income taxes. Their income earned while serving in combat areas is subject to local income tax the same as other income.

The Federal Internal Revenue Code gives special treatment to income earned by members of the Armed Forces while serving in combat zones or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone, and the bill I introduce today would grant to residents of the District of Columbia the same tax treatment with respect to local taxation as they are afforded under the Federal Internal Revenue Code.

The bill in general provides that income of enlisted personnel earned while serving in a combat zone or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone shall not be included in gross income for District of Columbia tax purposes.

With respect to commissioned officers, the bill provides that the first $500 of compensation received each month while in a combat zone or while hospitalized, as a result of wounds, disease, or injury incurred while in a combat zone shall not be included in gross income for District of Columbia tax purposes.

The bill further provides that personnel serving in the Armed Forces, or serving in support of the Armed Forces, shall have 180 days after returning from a combat zone or hospitalization outside the United States to file their tax return for District of Columbia taxes.

It is evident that our local residents serving in the Armed Forces in combat zones are being given no special treatment, as their counterparts are in many States. The taxing statutes provide for no exclusions and no grace period for the filing of returns. This is a situation which is inequitable and works a hardship on those who are giving so much to their country. Every effort should be made to equalize treatment of our returning service personnel. I urge Senators to join me in supporting this measure which will bring to members of the Armed Forces from the District of Columbia, who have served in combat zones, the same considerations which are given to them under Federal income tax laws.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. WEICKER, and Mr. YOUNG):

S. 1182. 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. Referred to the Committee on Labor and Public Welfare.

HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, I introduce on behalf of myself and Senators BAKER, BEALL, BELLMON, COOPER, DOLE, DOMINICK, GRIFFIN, MATHIAS, PERCY, PROUTY, SAXBE, SCOTT, STEVENS, TAFT, YOUNG, FANNIN, JORDAN of Idaho, CASE, WEICKER, and FONG, the administration's Health Maintenance Assistance Act of 1971.

This bill would implement those recommendations in the President's February 18, 1971, health message relating to the reorganization of the delivery of health services through the stimulation of the development of health maintenance organizations.

To provide form and direction and to change the dangerously haphazard organization of health care in America, I introduced in the 91st Congress—and reintroduced this year—my "Local Comprehensive Health Services Systems Act." To accomplish that end—by putting into motion initiatives that ultimately will reshape the inequities and hardships of our present health care system—the President's health message urged we help such an organization get started and develop.

This new approach can have a variety of forms and names and sponsors. The term applied to all of these units by the President, and in the bill I introduce today on behalf of the administration, is HMO's—health maintenance organizations.

Whether these organizations be called HMO's, local comprehensive health service systems, or prepaid group practice, this new concept has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee, which is paid in advance by all subscribers.

To stimulate such an innovative medical care delivery system this bill provides:

First, a program of assistance during the period January 1, 1972–June 30, 1976, to public or private organizations to

plan and develop health maintenance organizations and to expand existing ones.

Second, the assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; up to 90 percent loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

Third, review of and opportunity to comment on applications by State and local health planning authorities is required.

Fourth, joint funding for all Federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

Fifth, Secretary of Health, Education, and Welfare is authorized to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

We can no longer depend upon an already overburdened health care system to provide medical services; we must rationalize our health care system to benefit all Americans. I urge early enactment of such legislation. It increases the value of the services a consumer receives for each health dollar because HMO's or such similar organizations provide a strong financial incentive for better preventive care and for greater efficiency.

I ask unanimous consent that the letter of transmittal of the Secretary of Health, Education, and Welfare and a summary of the bill be made a part of my remarks.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft 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." The bill has the short title of the "Health Maintenance Organization Assistance Act of 1971."

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out certain of the recommendations in the President's February 18, 1971, health message relating to stimulation of the development of health maintenance organizations.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas. The proposal would also authorize the guarantee of loans by private lenders to private sponsors of such organizations for the construction of ambulatory care facilities and for initial operation of such organizations.

Finally, the proposal would authorize Federal loans to public sponsors in medically underserved areas for their initial operating costs.

We would appreciate it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

SUMMARY OF THE HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

1. During the period January 1, 1972–June 30, 1976, provides a program of assistance to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

2. The assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

3. Review of and opportunity to comment on applications by State and local health planning authorities is required.

4. Authorizes joint funding for all federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

5. Authorizes Secretary to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

Mr. DOMINICK. Mr. President, I am pleased to cosponsor the Health Manpower Assistance Act of 1971 and the Health Maintenance Organization Assistance Act of 1971, introduced today by Senator JAVITS on behalf of the administration. These bills will implement a substantial part of the legislative program proposed by the President in his health message. The bills will be referred to the Labor and Public Welfare Committee, and as the ranking minority member of the Health Subcommittee, I will be active in supporting them.

The Health Manpower Assistance Act of 1971 is designed to meet the personnel needs of our growing medical system. Since other portions of the administration's health program will greatly increase the demand for medical services by assuring everyone equal access to health care, it is absolutely essential that the additional health manpower necessary to meet that demand is made available. The "Health Manpower Assistance Act" would extend the expiring health professions education assistance and nurse training authorities for 3 years, but would make significant changes and additions. It would expand and reform medical education through an approach that would provide a more secure financial base for medical schools, and expand the production of physicians and other medical personnel with emphasis on primary care and physician's aides.

The bill provides for $6,000 per graduate capitation funding for medical schools. The present support is $500 per enrollee per year, or about $2,000 per graduate. This change would provide a more stable "first dollar" financial base for medical schools. At the same time, and equally important, it would give the medical schools strong incentives to expand their enrollments and shorten their curriculums. This feature is based in part on recommendations by the Carnegie Commission on Higher Education.

Special project grants would be authorized for priority goals such as emphasized development of physicians' assistants. There would be increased support for low-income and minority students through expanded scholarship funds and guaranteed loans, and loan forgiveness where such students failed to graduate. To deal with the shortage of general practitioners and maldistribution of physicians' problems, the bill would provide for postgraduate loan forgiveness for doctors who practice in primary care specialties and those who practice in scarcity areas. The bill also contains new loan guarantees and interest subsidies for construction of medical education facilities.

Finally, the bill would provide for new efforts in preventive health by establishing a private, nonprofit health education foundation, and expanding Federal programs in health education.

The Health Maintenance Organization Act of 1971 would implement the portion of the President's health message dealing primarily with reorganization of the system of delivering medical services. The purpose of the bill is to help change the orientation of our medical system from one which emphasizes the treatment of sicknesses to one which emphasizes keeping people healthy. It is also intended to help keep down rising medical costs, and to deal with the problem of maldistribution of medical care personnel which has resulted in inadequate access to medical care in many inner city and rural areas. These efforts would be advanced through Federal support for the development of "health maintenance organizations" which create incentives for efficient, low cost care, stress prevention, and offer convenient centralized quality care.

A "health maintenance organization" is defined essentially as a public or private organization which provides comprehensive health care to a defined population on a per capita prepayment basis. The definition is flexible enough to maintain a wide range of choice for doctors as well as patients. HMO's would not be limited to the so-called "closed-panel group practice." As long as the organization contracts to provide comprehensive health care on a prepaid basis, the doctors who are members of the organizatin are free to practice in groups or individually, and could be paid on a salaried, per capita, or fee-for-service basis. For instance, a medical foundation comprised of the members of local medical societies could qualify as an HMO, and none of the member doctors would have to change their methods of practice—provided the foundation agrees to provide comprehensive medical care on a prepaid basis, and meets other criteria established by the Secretary of Health, Education, and Welfare, such as quality standards.

The assistance for health maintenance

organizations will be in the form of grants and contracts for costs of planning and initial operation, with priority for medically underserved areas. There will be loan guarantees to private organizations to help them finance construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas. Provision is also made for direct loans to public organizations to cover initial operating costs in medically underserved areas.

State and local health planning authorities would be guaranteed the opportunity to review and comment on applications for Federal assistance. The Secretary of Health, Education, and Welfare would be authorized to contract with health maintenance organizations in order to carry out his responsibility for health care of Indians.

Mr. President, I think these two bills are part of a very imaginative, comprehensive, and well-thought-out program to deal with the substantial health care problems of this country, and I hope that we all can put politics aside and examine their merits objectively.

Mr. President, I have been following the testimony emerging from the Senate Health Subcommittee with great interest. I certainly do not want to be an ostrich and stick my head in the sand saying that no financial crisis exists among some of our institutions that train our Nation's future physicians, but I feel that the administration's well-thought-out health manpower proposals should not be dismissed out of hand as inadequate before they are even introduced and examined.

If the President's health manpower legislation is enacted with the requested appropriations, this Nation will have almost $545 million as the Federal share of the health manpower bill in fiscal year 1972. This will be more than 55 per cent higher than the $350 million that was obligated in 1970 and more than 27 per cent higher than the 1971 amounts which, I understand, will amount to $428 million.

I would ask the officials of our country's great medical teaching institutions like Drs. Russell Nelson and David Rogers to examine how their institutions might gain a greater sense of financial stability by adapting their practices to make the most out of the administration's far-reaching health manpower proposals.

The $6,000 for each graduate of medical school provides a splendid incentive for any school to increase its production of physicians while at the same time obtaining increased Federal funding for its successful efforts.

In this one area alone, medical student education, the administration is proposing increases that amount to almost 250 percent of the 1970 funding levels. In 1970, only $59 million was obligated for this support. This year the figure will rise to $73 million, and next year, medical education will receive more than $149 million. This is just for medical student education and does not include additional support which medical schools stand to gain from their participation in the proposed expansion of health maintenance organizations and establishment of area health education centers.

The statements that refer to the financial distress of schools that we hear from testimony really need some further explanation since medical centers are in a poor position to provide information on the operating costs of their various programs. The sad fact is that many of these institutions may not even know these costs themselves and therefore may not even know why they are losing money.

I understand that a study is now underway in a group of these institutions which will provide more factual information. The most recent information from the Bureau of Health Manpower Education of the NIH is that for this year some 45 institutions have applied for continuing, new, or supplemental support for schools in financial distress and not the 61 as stated in the testimony before the Health Subcommittee.

I do not have the total budget figures from Johns Hopkins University Medical School but I do know that in the field of health manpower education, that institution received grants totaling $629,000 in 1970, and will probably receive increased grants totaling $785,500 in 1971—certainly not a downward trend for medical education.

All great medical educational institutions in the Nation, like Johns Hopkins, will, I hope, constantly reevaluate their mission. It is so essential that these schools recognize the needs of society. As they respond to these appropriately, they will receive the support of society. Research at such institutions must continue and even expand but an even greater expansion in manpower production must occur if we are ever to solve our health care problems. The great educational institutions must recognize this need and adapt their programs to these balanced objectives.

By Mr. JAVITS (for himself and Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 1183. A bill to amend the Public Health Services 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. Referred to the Committee on Labor and Public Welfare.

HEALTH MANPOWER ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, this Nation faces a deepening crisis in the provision of health and medical care for all its people. Our resources for meeting increasing demands for medical services are not keeping pace with requirements for health manpower.

This Nation must have larger numbers of the right kind of health manpower personnel, located in the right places, and utilized in the right way, to give health services to the people who need them. To put the Federal Government in the forefront of efforts to meet these needs for health personnel, I am introducing for myself and Senators BAKER, BEALL, BELLMON, BENNETT, COOPER, DOLE, DOMINICK, GRIFFIN, PERCY, PROUTY, SCOTT, STEVENS, TAFT, YOUNG, FANNIN, JORDAN of Idaho, TOWER, WEICKER, and FONG the administration's Health Manpower Assistance Act of 1971. I ask unanimous consent that the letter of transmittal of the Secretary of the Department of Health, Education, and Welfare for this legislation, a summary of its provisions, and the full text of the bill entitled "Health Manpower Assistance Act of 1971" be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibits 1, 2, and 3.)

Mr. JAVITS. Mr. President, I cannot overemphasize the urgency of the Federal Government's strengthening its programs to increase the supply and improve the use and distribution of health manpower. Not only must we expand and improve our resources for obtaining health personnel, but also we must take steps to keep existing educational programs in operation.

The financial burdens of health-professions schools have become so great that a number of existing schools today are considering closing their doors and it was for that reason that I introduced a bill in the 91st Congress to provide $100,000,000 in disaster relief to medical and dental schools, which passed the Senate but was modified in conference. If appropriate action is not taken soon to strengthen our health-manpower training resources, our already inadequate output of personnel could actually decline.

We must do more than simply increase the numbers of persons trained to do traditional jobs in a traditional way. Because health service needs are increasing so rapidly we will not catch up on manpower requirements on a "business as usual" basis. We must capitalize on opportunities to shorten curriculum, to make greater use of allied personnel, and otherwise to train and employ manpower in the most efficient and economical way consistent with assuring adequate quality of health care. The bill I introduce today would encourage such new approaches.

On February 18, 1971, the President transmitted a message to the Congress calling for a new health strategy built upon the cardinal principles of assuring all citizens equal access to our health care system, balancing supply and demand for care, organizing for efficiency in the provision of services, and building on existing strengths in our present system as we move toward reform in health care in America. As part of the program to carry out this strategy, a number of measures were recommended to help us use medical manpower more effectively and to produce more health professionals especially to perform critically needed services.

To implement the President's recommendations relating to health manpower training, the Health Manpower Assistance Act of 1971 provides:

First, capitation grant authority to pay $6,000 per graduate to schools of medicine, dentistry, or osteopathy. This authority would be in lieu of existing formula grant authority under which appropriated funds are divided among the above schools, plus schools of optometry, pharmacy, podiatry, and veterinary medicine, on the basis of relative enrollments and numbers of graduates. Capitation grants for graduates only would give the schools an incentive to increase their output rather than just expanding first-year enrollments; the grants would encourage the schools to shorten their curricula, promote advanced placement, and replace students lost through attrition. An almost threefold increase in the dollar amount of formula aid currently provided would establish a base of Federal support which would give financial viability to most of the schools assisted.

I believe that our Nation's schools of optometry, pharmacy, podiatry, and veterinary medicine also make an invaluable contribution to our Nation's health and capitation grant authority—at perhaps a lesser amount—should be provided to such schools for their institutional support, not provided in the bill.

Second, separate special project grant authorities for schools of medicine, osteopathy, and dentistry, and for schools of optometry, pharmacy, podiatry, and veterinary medicine, instead of a single combined authority as under existing law. Existing purposes of grants would be continued. In the case of medicine, osteopathy, and dentistry, new authority would be provided to aid students in securing a part of their education under a preceptor in family practice, pediatrics, internal medicine, or other fields designated by the Secretary. Both of the new authorities would add specific provision for grants to increase educational opportunities for disadvantaged students and to improve the geographic or specialty group distribution of such health manpower.

Third, there would be separate special project authority for aid to alleviate financial distress of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine, under certain conditions as to disclosure of financial information and implementation of operational and financial reforms. While the proposed capitation grants to schools of medicine, osteopathy, and dentistry would help many of those schools get on a sound financial basis, this separate authority would allow the Federal Government to devote a portion of its resources to a direct effort to solve the exceptional financial problems of health professions schools.

Fourth, Health Manpower Education Initiative Awards would permit the Federal Government to attack special health manpower problems through support of projects to improve the supply, distribution, utilization, and efficiency of health personnel. The new authority would allow targeted aid without regard to categorical restraints for the establishment of area health education centers, consortia, and other cooperative arrangements among institutions—both educational and service—for the training of needed manpower. It would permit the development of programs to train staff for health maintenance organizations, to provide team training of physicians and allied health personnel, and otherwise to relate health manpower education more directly to the delivery of health services, with particular emphasis on interdisciplinary approaches.

Fifth, new consolidated construction assistance authority would be in lieu of five separate authorities in existing law for the construction of: health professions teaching facilities, nurse training facilities, allied health training facilities, medical research facilities, and medical library facilities. This authority would provide more flexible assistance for construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities. Among eligible applicants would be schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, public health, nursing, and allied health, including their affiliated hospitals, and other agencies, organizations, institutions, or combinations thereof. Grants could be made in an amount up to 67 percent of total costs. New provisions for guaranteed loans and interest subsidies would help private nonprofit schools tap private resources for the financing of construction. I would emphasize that it is my understanding that the purpose of this guaranteed loan and interest subsidy provision is to supplement the existing grant program, not to supplant it. In the face of hundreds of millions of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs but must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs.

Sixth, student aid provisions would make significant changes in existing scholarship and loan programs to help disadvantaged students, and would be coupled with incentives to improve distribution of manpower.

Health professions scholarship aid would be targeted toward low-income disadvantaged students in schools of medicine, osteopathy, and dentistry, with the maximum amount of assistance for a student increased from $2,500 to $3,000 a year. Scholarship grants would be distributed among schools of medicine, osteopathy, and dentistry on the basis of the number of low-income, disadvantaged students enrolled at those institutions. Schools of optometry, pharmacy, podiatry, or veterinary medicine would receive grants upon the Secretary's determination that such grants would help fill a national need for practitioners in these professions.

In the case of loans for health professions students, provision would be made for increased reliance on the Office of Education's guaranteed loan program. The authority for this program would be amended to allow loans up to $5,000 a year for students of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine; to extend the repayment period for these students; and to make a new provision for forgiveness of loans made to graduates who practice in a shortage area and to low-income students who fail to graduate. The new provision for forgiveness of loans for graduates who practice in a shortage area would be one important step toward improving the distribution of health personnel in our Nation.

However, I am concerned that there is no provision for direct student loans. I am not convinced that reliance solely upon a guaranteed loan program will provide the necessary assistance our students require.

Seventh, a separate 3-year authorization of such sums as may be necessary to accomplish the purposes of the act.

I am confident that not only will specific authorization levels of funding be provided before this measure is reported out to the Senate but also, that rather than a single authorization for all purposes of the act, the committee will seek to establish separate authorizations for the various purposes herein contemplated.

Although existing statutory health manpower advisory councils are abolished by this legislation, I am assured that administrative action will be taken to establish such advisory councils as are appropriate.

Although this bill does recognize that the health of the Nation depends in large measure on the availability and quality of nursing services and has many innovative provisions to meet the critical nurse shortage, I am concerned that its provisions do not provide a sufficiently balanced program of support to nursing schools and nursing students. I therefore intend to introduce a National Nursing Education Act to achieve such objectives.

The Health Manpower Assistance Act of 1971 would make possible an expanded Federal health manpower training program designed to produce the manpower resources essential to achieving national health care objectives, and I am confident this bill will receive the most serious consideration in forthcoming attempts to determine how best to extend and strengthen Federal programs of aid for training of health personnel. We must move toward early enactment of legislation to provide the health manpower required to meet national needs for health and medical care.

EXHIBIT 1

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft 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". The draft bill has the short title of the "Health Manpower Assistance Act of 1971".

Also enclosed for your convenience is a brief summary of the major provisions of the draft bill.

The enclosed draft bill is designed to carry out certain recommendations of the President, contained in his February 18, 1971, message on health, relating to the health manpower problem. It is designed to assist in increasing the supply of adequately trained health personnel, improving the distribution of such personnel, particularly in medically underserved areas, and abetting the more efficient and effective utilization of such personnel through health maintenance organizations and otherwise.

We would apprecite it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

EXHIBIT 2

SUMMARY—HEALTH MANPOWER DRAFT BILL

The Health Manpower draft bill extends existing health professions education assistance and nurse training authorities for three years, but makes the following significant changes and additions:

1. Formula grant authority is provided to pay $6000 per graduate plus an additional $2000 (or $1500, depending on the length of the curriculum) per student who represents an enrollment increase, to schools of medicine, dentistry, or osteopathy, except that no more than $60000 in capitation formula grants may be paid to any school for any student during his entire course of study.

2. The above is in lieu of existing authority under which the appropriated funds are divided among the above schools, plus schools of pharmacy, optometry, podiatry, and veterinary medicine, on the basis of relative enrollment and enrollment increases (75 per cent) and the number of graduates (25 per cent).

3. Separate special project grant authorities are provided for schools of medicine, dentistry, and osteopathy and schools of pharmacy, optometry, podiatry, or veterinary medicine, instead of a single combined authority, as under existing law. Under both authorities, new authority to make grants to add disadvantaged students and to improve area or specialty group distribution of such health manpower is added. In addition, new authority to make grants to schools of medicine, dentistry, and osteopathy for traineeships is included.

4. A separate subsection for special project grants to health professions schools to alleviate financial distress is created and authority to require recipients to disclose all relevant financial information and to implement reforms recommended by the Secretary is added to existing authority.

5. New authority for Health Manpower Education Initiative Awards is added to enable the Secretary to make project grants and contracts to assist agencies, organizations, and institutions, and combinations thereof, to improve the training or retraining of health manpower personnel, to initiate new types and patterns of training, including establishment of area health education centers, to improve the distribution, supply, or utilization of such personnel, to encourage training for better delivery of personal health service through use of the team approach, health maintenance organizations, and otherwise; and including regional arrangements among schools and institutions to accomplish the objectives of this new authority.

6. Five existing advisory councils in the health manpower and medical library fields, which are established by statute, are abolished. Administrative action will be taken to establish such advisory councils as are appropriate.

7. A consolidated construction assistance authority (in lieu of five separate construction grant authorities in existing law) is provided, including authority to make grants (up to 67 per cent), and guarantee loans, and pay up to 3 per cent interest subsidies in the case of private sponsors, to assist in construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities for 7 health profession schools, schools of public health, nursing schools, affiliated hospitals, and, under certain circumstances, other agencies, organizations, institutions, or combinations thereof.

8. Formula grant authority to aid schools of nursing is repealed and existing authority to make project grants for traineeships for professional nurses is extended.

9. (a) Increases maximum insured loans to health professions students (under Higher Education Act of 1965) from $1,500 to $5,000 annually (or $2,500 for nursing students), liberalizes repayment terms, and includes Federal repayment of such loans to students who practice general, family, internal, or pediatric medicine in medically underserved areas (or, if prescribed by the Secretary, loans to students who practice other aspects of medicine, osteopathy, or dentistry, or who practice podiatry, pharmacy, optometry, or veterinary medicine, in such areas), and of such loans to students of medicine, osteopathy, dentistry, or nursing who are from low-income or disadvantaged families and who fail to complete their health studies.

(b) The existing scholarship programs for health professions students (including nurses), which are due to expire at the end of the current fiscal year, are extended for three years.

(c) The bill also makes dicretionary the present mandatory program of grants for scholarship aid to schools of optometry, podiatry, pharmacy, or veterinary medicine, but continues grants to schools of medicine, osteopathy, and dentistry on the present mandatory footing.

(d) Increases maximum health professions scholarships from $2,500 to $3,000 and limits scholarships to exceptionally needy students from low-income or disadvantaged families.

EXHIBIT 3

S. 1183

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

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

INSTITUTIONAL GRANTS

SEC. 2. (a) The heading of Part E of title VII of the Public Health Service Act is amended to read as follows:

"PART E—INSTITUTIONAL GRANTS TO IMPROVE THE PRODUCTIVITY AND QUALITY OF HEALTH EDUCATION"

(b) Subsection (a) of section 770 of such Act (42 U.S.C. 295f) is amended to read as follows:

"(a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years, for special project grants to schools of medicine, dentistry, and osteopathy under subsection (a) of section 772, for special project grants to schools of pharmacy, optometry, podiatry, or veterinary medicine under subsection (b) of such section, and for financial distress special project grants to health professions schools under subsection (c) of such section, and for manpower educational initiative awards under section 773. For the fiscal year ending June 30, 1975, and the succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to make grants and carry out contracts for continuation of projects, programs, or activities for which a grant has been made or a contract entered into under section 773, for a fiscal year ending prior to July 1, 1974.

CAPITATION GRANTS

SEC. 3. (a) The heading of section 771 of such Act (42 U.S.C. 295f–1) is amended by striking out "INSTITUTIONAL GRANTS" and inserting in lieu thereof "CAPITATION GRANTS".

(b) Subsection (a) of such section is amended to read as follows:

"(a) (1) Except as provided in paragraphs (3) (B) and (4), any school of medicine, dentistry, or osteopathy with an application approved under section 774 shall be entitled, for any fiscal year ending prior to July 1, 1974, to an amount equal to $6,000 multiplied by the number of students of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1)) from such school in such year.

"(2) Any such school with such an application for a fiscal year ending prior to July 1, 1974, which will not graduate any students in such year shall be entitled, for such fiscal year, to an amount equal to—

(A) $2,000 multiplied by the number of full-time first and second-year students pursuing a course of study leading to a degree in three years, or

(B) $1,500 multiplied by the number of full-time first, second, and third-year students pursuing a course of study leading to a degree in four years or longer, or

(C) $1,500 multiplied by the number of full-time first and second-year students pursuing a two-year course of study or its equivalent,

who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1) of this section) in a subsequent year from a school of medicine, dentistry, or osteopathy.

"(3) (A) Any school of medicine, dentistry, or osteopathy with such an application for a fiscal year ending prior to July 1, 1974, shall also be entitled, for such fiscal year, to an amount equal to—

"(i) $2,000 in the case of a school with a course of study leading to a degree in three years, or

"(ii) $1,500 in the case of a school with a course of study leading to a degree in four years or more,

multiplied by the number of students who are enrolled in any year-class preceeding the class which will graduate in such year; who are in excess of the number of students in the year-class which will graduate in such year; and who will graduate from such school (as determined by the Secretary in accordance with the provisions of subsection (b) (1)).

"(B) In no event shall any school be entitled under this subsection to an amount which exceeds $6,000 for any student during his entire course of study in such school (and the school, if any, from which he transferred).

"(4) The amount which any school shall be entitled to be paid under paragraph (1) for any year may be reduced for any student who will graduate in such year if a portion of his medical, dental, or osteopathic training was acquired at another school. The amount of such reduction shall be determined by the Secretary on the basis of the

relative period of training received by such student in each school and such other factors as he deems appropriate."

(c) Such section is further amended by striking out subsection (b) and redesignating subsections (c) and (d) thereof as subsections (b) and (c), respectively.

(d) Paragraph (2) of the subsection of such section herein redesignated as subsection (b) is amended by striking out everything after "doctor of dentistry," and inserting in lieu thereof "or an equivalent degree, or doctor of osteopathy (and for purposes of part F, such term also means students pursuing a full-time course of study leading to a degree of bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree)."

(e) The subsection of such section herein redesignated as subsection (c) is amended to read as follows:

"(c) Any new school of medicine, dentistry, or osteopathy with an approved application under section 774 shall be entitled, for the fiscal year preceding the fiscal year in which it will admit its first class, to an amount equal to $2,000 multiplied by the number of full-time students who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made."

SPECIAL PROJECT GRANTS

SEC. 4. Section 772 of such Act (42 U.S.C. 295f–2) is amended to read as follows:

"SEC. 772. (a) Grants may be made, from sums available therefor from appropriations under section 770, to assist schools of medicine, dentistry, and osteopathy, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to conduct research in the various fields related to education in such health professions, to develop training for, and to train, new levels or types of health service personnel, including physician's and dentist's assistants, to plan experimental teaching programs or facilities, to increase educational opportunities for disadvantaged students, to train students and other groups to use a team approach to the delivery of health services; projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation; and projects to provide traineeships (including costs of training and fees, stipends, and allowances for the students, including travel and subsistence expenses) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary.

"(b) Grants may be made from sums available therefor from appropriations under section 770, to assist schools of pharmacy, optometry, podiatry, and veterinary medicine, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to develop training for, and to train, new levels or types of health service personnel, to plan experimental teaching programs or facilities, to expand educational opportunities for disadvantaged students, and to promote preventive medicine; and projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or by specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation. In determining eligibility of any such school to receive a grant under this subsection and in determining the amount of such grant, the Secretary shall consider the particular needs of such school, the nature and scope of the Nation's health personnel needs, and the relative capability of alternative programs for helping to fill those needs.

"(c) Grants may also be made, from sums available therefor from appropriations under section 770 for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine, which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress; (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary; and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

HEALTH MANPOWER EDUCATIONAL INITIATIVE AWARDS

SEC. 5. Part E of title VII of such Act is amended by redesignating sections 773 and 774 as sections 774 and 775, respectively, and by inserting after section 772 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"SEC. 773.(a) In order to improve the distribution, supply, quality utilization, and efficiency of health personnel and the health services delivery system, the Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to utilize health personnel more efficiently through use of health maintenance organizations and otherwise;

"(3) to initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers,, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose;

"(4) to encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services, use of health maintenance organizations, and otherwise; and

"(5) to otherwise help solve the Nation's health personnel or delivery of health services problems.

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

"(b) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1974, to make grants to, or to enter into contracts with any school of medicine or osteopathy, which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), to assist such school in developing or operating a health maintenance organization, or in utilizing the facilities and personnel of a health maintenance organization, in providing training for its students and for other health personnel. The amount of any grant or contract made pursuant to this subsection may not exceed the additional cost which the Secretary determines to be reasonably necessary to enable the school to utilize the facilities and personnel of a health maintenance organization (whether or not developed or operated by the school) to provide training.

APPLICATIONS FOR GRANTS

SEC. 6. (a) Subsection (a) of the section of such Act herein redesignated as section 774 (42 U.S.C. 295f–3) is amended by striking out "Surgeon General" after "The" and inserting in lieu thereof "Secretary"; and by striking out "771 or 772" after "section" and inserting in lieu thereof "771, 772, or 773".

(b) Subsection (b) of such section is amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(c) Such section is further amended by striking out subsection (c) thereof; redesignating subsection (d) as subsection (c); and by striking out subsection (e) thereof.

(d) The subsection herein redesignated as subsection (c) of such section is amended to read:

"(c) A grant under this part may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of medicine, dentistry, or osteopathy, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a non-recurring nature) in the fiscal year immediately preceding the fiscal year for which such grant is sought, in the case of an application for a grant under section 771, except that this clause shall not apply in the case of Howard University;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal-control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

NATIONAL ADVISORY COUNCIL

SEC. 7. Effective July 1, 1971, the section of such Act herein redesignated as section 775 (42 U.S.C. 295f–4) is repealed.

HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 8. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"CONSTRUCTION ASSISTANCE

"SEC. 701. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary for grants under paragraph (3) to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for a fiscal year shall remain available for obligation until expended.

"(2) (A) For the purposes of this part, 'construction' with respect to any project means the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings; equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated, or altered), including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the 'cost of construction' includes architect's fees in connection with any construction but shall not include the cost of the acquisition of land (except in the case of acquisition of an existing building), nor the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(B) For the purposes of this part, 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but shall not include off-site improvements or living quarters.

"(C) For the purposes of this part and Part E, 'nonprofit' as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a "combination" of agencies, organizations, or institutions means a consortium or other cooperative arrangement between or among such agencies, organizations, or institutions;

"(D) For the purposes of this part, 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(E) For the purposes of this part, 'Affiliated hospital' means a hospital as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this subsection;

"(F) For the purposes of this part, part E, and part F, 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or any equivalent degree of doctor of podiatry, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school;

"(G) For the purposes of this part and part B, 'school of nursing' means a collegiate, associate degree, or diploma school of nursing, as defined in subsections (c), (d), and (e), respectively of section 843, or a graduate school of nursing;

"(H) For the purposes of this part, 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than 10 years) basis while facilities of a more permanent nature are being planned and constructed; and

"(I) For the purposes of this part, 'medical library' means a library related to the sciences related to health.

"(3) The Secretary is authorized to make grants in amounts not to exceed 67 per centum of the cost of construction of projects for public or nonprofit private—

"(A) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(B) graduate, collegiate, associate degree, or diploma schools of nursing;

"(C) agencies, organizations, and institutions, and combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide on or more programs of education in an allied health field specified by regulations of the Secretary;

"(D) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health personnel educational program;

"(E) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(F) affiliated hospitals with applications which are approved by the schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this section.

"(4) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in paragraph (1), the Secretary, during the period beginning May 1, 1971, and ending wtih the close of June 30, 1974, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per cent of the cost of construction of the project; not may any such guarantee apply to more than 40 percent of the loss of principal of and interest on the loan.

"(5) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects for the construction of facilities specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may pay, to the holder of any loan guaranteed under paragraph (4) for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) (1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filled, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1974. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(A) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(B) the application contains or is supported by reasonable assurances that (i) for not less than twenty years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (iii) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (i) for the purpose for which it is being constructed;

"(C) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(D) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(E) in the case of an application for assistance under this section in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (i) the State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and (ii) the public or nonprofit private

agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(F) contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(G) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(H) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(2) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B)(ii) of paragraph (1) of this subsection) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by such clause (B)(ii) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"(c)(1) Upon approval of any application for a grant under this section, the Secretary may reserve from any appropriation therefor, the amount of such grant as determined pursuant to paragraph (3) of subsection (a); and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(2) In determining the amount of any grant under this section there shall be excluded from the cost of construction an amount equal to the sum of (A) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by the grant under this section, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(3) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 701(b)(1), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this subsection—

"(A) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution or combination thereof, under subsection (a), or

"(B) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(C) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(4)(A) The United States shall be entitled to recover from the applicant for a loan guarantee under paragraph (4) of subsection (a) the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by paragraph (5), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(5) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(6) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriations Acts.

"(7) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section and (ii) for payment of interest authorized by subsection (a)(5). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient (i) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or (ii) to make payments of interest authorized by subsection (a)(5), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(8) The Secretary is authorized to provide technical assistance (A) to applicants under this section and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this section, and (B) to State or interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

NURSE TRAINING GRANTS AND CONTRACTS

SEC. 9. (a) Subsection (a) of section 805 of the Public Health Service Act (42 U.S.C. 296–296g) is amended by striking out "803" after "section" and inserting in lieu thereof "803"; by striking out "for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "for the fiscal year ending June 30, 1972, and the next two fiscal years"; by inserting "or to develop training for, or to train, new levels or types of nursing or related health personnel," after "fields of nursing education," and by inserting "or to promote the full utilization of nursing skills" after "adequately trained nursing personnel".

(b) Subsection (b) of such section is amended to read:

"(b) The Secretary is authorized to enter into contracts with any public or private agency, organization, or institution, or combination thereof, for any of the purposes specified in subsection (a)."

(c) Such section is further amended by inserting after subsection (b) the following new subsection:

"(c) Any grants under subsection (a) to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(d)(1) Part A of title VIII of such Act is further amended by striking out sections 801, 802, 803, 804 and 806 of such Act and redesignating sections 805, 807, and 808 as sections 801, 802, and 803, respectively.

(2) The section of such Act herein redesignated as section 802 (42 U.S.C. 296f) is amended by striking out "805 or 806" and inserting in lieu thereof "801" in subsections (a) and (c) thereof; by striking out "805" in clause (1) of subsection (c) and inserting in lieu thereof "801"; and by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(3) The section of such Act herein redesignated as section 803 (42 U.S.C. 296g) is amended by striking out "(a)" after "803."; by striking out subsection (b) thereof; by inserting "and such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years," after "1971"; and by striking out "under section 805 and institutional grants under section 806" and inserting in lieu thereof "under section 801."

(e) Section 841 of such Act is repealed.

(f) Section 843 of such Act (42 U.S.C. 298b) is amended by inserting "and for the purposes of title VII," after "(c)", "(d)", and "(e)".

(g) Section 860(d) of such Act is amended by striking out "after consultation with the National Advisory Council on Nurse Training".

(h) Section 868 of such Act (42 U.S.C. 298c–7) is amended by striking out "enter into contracts, not to exceed $100,000 per year, with" and inserting in lieu thereof "make grants to, or enter into contracts with," in subsection (a) thereof; by striking out "organizations" and inserting in lieu thereof "agencies, organizations," in such subsection; and by striking out all in clause (1) thereof before "training in the field of nursing," and inserting in lieu thereof "identifying potential nursing candidates and encouraging them to undertake training, retraining, or education which is a prerequisite for, or part of, educational".

(i)(1) Subsection (a) of section 821 of such Act is amended to read:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(2) Subsections (b) and (c) of such section are amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary" wherever it appears therein.

FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 10. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting "or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b)(1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a degree or diploma in nursing or an equivalent degree."

(2)(A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometery, veterinary medicine or nursing which is located in a State and is accredited as provided in section 701(a)(3)(A), section 774(b)(2), or section 843(f) of the Public Health Service Act, or subsection (f) of this section.

(B) Subsection (b) is further amended in the second sentence thereof by striking out "any public or other nonprofit collegiate or associate degree school of nursing and".

(3)(A) Subsection (d) of section 435 is amended to read as follows:

"(d) The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing."

(B) Subsection (e) of section 435 is amended to read as follows:

"(e)(1) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

"(2) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(3) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited."

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 11. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $5,000 (or, in the case of a nursing student $2,500). Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $5,000 in loans to any individual health professions student (except that such loan may not exceed $2,500 to any nursing student),"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 12. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 13. (a) Clause (C) of section 427(a)(2) is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residence,".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 14. (a) part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or nursing or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 (or 25 per centum in the case of a nurse) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service

Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 314(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 15. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, or nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, or nursing, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b), as amended by the foregoing provisions of this Act, is further amended by striking out "and section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2), as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

HEALTH PROFESSIONS AND NURSING SCHOLARSHIP AMENDMENTS

Discretionary scholarship grants to schools of optometry, podiatry, pharmacy, and veterinary medicine in lieu of present entitlement

SEC. 16. (a)(1) Subsection (a) of section 780 of the Public Health Service Act is amended to read as follows:

"(a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of medicine, osteopathy, and dentistry which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), for scholarships to be awarded annually by such school to students thereof. The Secretary may also make grants provided in this part to any public or other nonprofit school of optometry, podiatry, pharmacy, or veterinary medicine, so accredited, for such scholarships, upon his determination that such grant will help fill a national need for practitioners of optometry, podiatry, pharmacy, or veterinary medicine."

(2) Subsection (d) of such section is amended by adding at the end thereof the following: "Such regulations shall prescribe the priorities to be followed in making grants authorized by subsection (a) to schools of optometry, podiatry, pharmacy, and veterinary medicine; and may include provisions for the apportionment of scholarships from such grant, including the limitation of scholarships to one or more classes (by year) of the grantee."

Amount of Health Professions Scholarship Grant and Scholarship Award

(b)(1) Subsection (b) of such section is amended by striking out "The amount of the grant under subsection (a) to each such school shall be equal to $2,000" and inserting in lieu thereof: "The amount of the grant under the first sentence of subsection (a) to each such school shall be equal to, and the amount of the grant under the second sentence of subsection (a) to each such school shall not exceed, $3,000".

(2) Subsection (c)(2) of such section is amended by striking out "$2,500" and inserting "$3,000" in lieu thereof.

Scholarship grant determined by number of disadvantaged students enrolled at eligible institutions; eligibility of disadvantaged students for scholarship award; extension of program

(c)(1) Subsection (b) of such section is further amended by striking out "and" before "(4)" and by inserting before the period at the end of the first sentence thereof the following: "; and (5) for the fiscal year ending June 30, 1972, and each of the next two fiscal years, by the number of full-time students of such school who are from low-income or disadvantaged families as determined under regulations of the Secretary".

(2) Subsection (b) is amended by adding after the second sentence thereof the following: "For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending after June 30, 1971, but prior to July 1, 1974."

(3)(A) Clause (D) of subsection (c)(1) of such section is amended by striking out "next two fiscal years" and inserting "next five fiscal years" in lieu thereof.

(B) Clause (E) of subsection (c)(1) is amended by striking out "July 1, 1971" and "June 30, 1972" and respectively inserting in lieu thereof "July 1, 1974" and "June 30, 1975".

(4) The first sentence of subsection (c)(2) of such section is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income or disadvantaged families as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1971."

Repeal of Transfer to Student Loan Funds

(d) Section 781 is repealed.

Extension of Nursing Scholarship Program

(e)(1) Subsection (b) of section 860 is amended in the first sentence by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(2) The second sentence of such subsection is amended by striking out "1972" and "1971" and inserting, respectively, '1975" and "1974" in lieu thereof.

(3)(A) Clause (A) of subsection (c)(1) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(B) Clause (B) of such subsection is amended by striking out "1971" and "1972" and inserting, respectively, "1974" and "1975" in lieu thereof.

ADVANCE FUNDING OF PROGRAMS

SEC. 17. There is added after section 869 of the Public Health Service Act the following new section:

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 870. To the end of affording adequate notice of available Federal financial assistance under title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under title VII, section 306 or 309, or this title for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 18. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6) and (7) as clauses (1), (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280b–1) is amended by inserting ", which shall, in addition to its functions prescribed under section 373, serve as the National Medical Libraries Assistance Advisory Board" after "Act" in clause (2) thereof; and by striking out clause (3) thereof and redesignating clause (4) as clause (3).

(3) Title III of such Act is further amended by striking out sections 392 and 393 and redesignating sections 394, 395, 396, 397, 398, 399, and 399a as sections 392, 393, 394, 395, 396, 397, and 398, respectively.

(4) Subsection (a) of the section of such Act herein redesignated as section 392 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(5) The section of such Act herein redesignated as section 393 (42 U.S.C. 280b–5) is amended by striking out "390(b)(3)" and inserting in lieu thereof "390(b)(2)" in subsection (a) and by striking out "390(b)(4)" and inserting in lieu thereof "390(b)(3)" in subsection (a).

(6) Subsection (a) of the section of such Act herein redesignated as section 394 (42 U.S.C. 280b–6) is amended by striking out "390(b)(5)" and inserting in lieu thereof "390(b)(4)".

(7) The section of such Act herein redesignated as section 395 (42 U.S.C. 280b–7) is amended by striking out "390(b)(6)" and inserting in lieu thereof "390(b)(5)" in subsection (a); by striking out clause (5) in subsection (b); by striking out "and" at the end of clause (4) of such subsection and inserting "and" at the end of clause (3); and by striking out subsection (d) and redesignating subsection (e) as subsection (d).

(8) Subsection (a) of the section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended by striking out "390(b)(7)" and inserting in lieu thereof "390(b)(6)".

(b)(1) The heading of part B of title VII of the Public Health Service Act is amended to read:

"PART B—TRAINING IN THE ALLIED HEALTH PROFESSIONS"

(2) Part G of title VII of such Act is amended by striking out "Part G—Training in the Allied Health Professions"; by striking out section 791 and clause (4) of section 795 and redesignating clause (5) of such section as clause (4); and by redesignating sections 792–799A, and all references thereto, as sections 721–729, respectively.

(c)(1) Subsection (a) of section 740 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

(2) Subsection (a) of section 744 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

EFFECTIVE DATE

SEC. 19. (a) The amendments made by sections 2 through 6, and sections 8 and 9 of this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1971.

(b) Sections 10 through 16 of this Act shall become effective on July 1, 1971.

By Mr. MONTOYA (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

THE DEPARTMENT OF SCIENCE AND TECHNOLOGY ACT OF 1971

Mr. MONTOYA. Mr. President, today I am reintroducing a bill to create a long-needed Department of Science and Technology. The need for such a reorganization of science affairs is becoming more evident daily. The research effort of this great country is rapidly slipping, and the potential benefits this work would bring are being left in the untapped imaginations of the men who are not allowed to follow the trail of scientific inquiry because of the lack of funds for their projects.

My bill would cause an extensive reshuffling of science in the Federal Government. This is without a doubt the most comprehensive bill ever introduced for the purpose of creating a Department of Science and Technology. It would bring under one cover virtually all of the research, development, evaluation, and testing conducted by the Federal Government's own agencies.

The National Science Foundation, Atomic Energy Commission, and the National Aeronautics and Space Administration are transferred in whole to the new department, along with "functions of all departments and agencies of Government as the President determines relate primarily to research, development, testing, or evaluation—section 8(a). The Director of the Office of Management and Budget will assist the President in the determination of the various personnel and property to be transferred. This determination will be aided by the fact that the Office of Management and Budget, in conjunction with the Office of Science and Technology, has developed detailed knowledge of the operations of the Federal Government that fall into this research, development, test, and evaluation categories. This has been a necessary part of the presentation of a research and development budget in the special analyses of the Federal budget presented annually as a companion to the President's budget, and should be a useful guideline in the reorganization provided for in this bill.

The bill also provides for the development of a national science plan. The need for this provision has become obvious. During the early 1960's, science seemed to fare well enough under the complicated, informal, and often obscure relationships that developed among the President's Science Advisory Committee, the Office of Science and Technology, the Federal Council for Science and Technology, and the National Academy of Sciences. The President's Science Adviser served as the liaison between the President and these various organizations and held a crucial role in the development of science in the Federal Government. The weakness of this arrangement has now become painfully apparent to the entire research community at all levels—academic, governmental, and industrial. D. S. Greenberg, a reporter for Science magazine who has been working in Europe, has recently returned to this country and has observed the striking decline of science affairs here. His comments are worth quoting at length:

> The difference under Nixon, of course, is that, despite a few cordial words now and then, there is little to suggest that the President accords scientific activity any special or privileged role in national life, and there is a good deal to suggest that the President, as well as many of his closest advisers, regard the scientific community as having succeeded in making unwarranted claims on national resources and political sympathy.

The best way for science to grow and maintain a stable base is to give it a solid organizational structure in the Federal Government. When the top man for science affairs in the Federal Government is an adviser who can be phased in or out easily, then science can be treated the same way. Science needs a coherent, organized base. It needs its own Cabinet-level department.

Science and technology also need a reordering of priorities. Under the Department I am proposing, the needs for new weapon systems in the Department of Defense would be measured against the needs for medical research, housing research, and all other scientific activities. All research financed by the Federal Government would come through this Department of Science and Technology, and could be allocated in a much more rational fashion than is done under the present chaotic organization. This is particularly important to accomplish during a period of contraction in the scientific community. If some central organization does not examine the priorities for scientific research, we may do irreparable damage to science in this country. In fact, that is just what is happening today. Budgets are being reduced, and the cuts often come from projects that do not have the protection a Department of Science and Technology could give them. Those projects with strong organizations to defend them often suffer less, even if they are not as justifiable. This is simply not the way this country should determine something as vital as the future of its scientific and technological well-being.

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

Science Columnist John Walsh said recently:

> The administration shows an inclination . . . to restrain expansion of research, and particularly, of manpower training.

Under such conditions, is it not imperative that the Nation organize its scientific effort into a coherent science plan? And should not this plan be implemented by a central organization that can pull the Federal scientific effort together, reallocate the use of existing facilities, and revitalize federally connected research centers now operating at a fraction of their capacity?

The department created by this bill would control a budget of approximately $16 billion. It would have between 600 to 700 laboratories under its direct control.

This reorganization creates a department along functional lines, and there-

fore is not in conflict with the President's own major reorganization proposals, for they, too, recommend a realinement based on definition by function.

America's export trade has relied heavily on "technologically intensive" products. EMILIO Q. DADDARIO, for years chairman of the House Subcommittee on Science, Research, and Development, has recently emphasized this argument in the October 1970 issue of Astronautics and Aeronautics magazine. He points out that our balance of payments will eventually suffer unless we make a better allocation of our science dollar.

I close my remarks with a request that a copy of the bill be printed in the RECORD immediately following my remarks followed by a number of attachments: First, an article by Herbert Roback detailing the history of the effort to create a Department of Science and Technology; second, a chart of some of the major funds and personnel transferred by S. 1184; third, a directory of Federal R. & D. installations; and fourth, a brief statement relating S. 1184 to my own State of New Mexico.

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

S. 1184

A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Department of Science and Technology Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to establish a Department of Science and Technology which will consolidate under centralized civilian authority all the existing resources of the Federal Government devoted to science and technology. This will permit the optimization of the Federal investment and the orderly and fully coordinated pursuit of a national science plan responsive to the needs of the Nation. Such Department will give the Federal Government the needed flexibility to meet the future needs for science and technology and encourage the diversification of American industry to provide the required services and products necessary to execute the national science plan. The resulting diversification of American industry will assure the orderly progression of science and technology and will promote the rapid growth of new services, products, and markets directly into the national economy.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. There is hereby established an executive department of the Government to be known as the United States Department of Science and Technology (hereinafter referred to as the "Department"), at the head of which shall be a Secretary of Science and Technology (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate provided by law for heads of executive departments.

UNDER SECRETARY AND ASSISTANT SECRETARIES

SEC. 4. There shall be in the Department an Under Secretary of Science and Technology, such Assistant Secretaries as shall be determined by the President to be necessary, and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, shall perform such functions and duties as the Secretary may prescribe, and shall receive compensation at the rate provided by law for under secretaries (other than the Under Secretary of the Department of State), assistant secretaries, and general counsels, respectively, of the executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the Office of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 5. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 6. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 7. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

GENERAL TRANSFERS TO DEPARTMENT

SEC. 8. (a) Except with respect to specific transfers pursuant to following sections of this Act there are transferred to the Secretary such functions of all departments and agencies of the Government as the President determines relate primarily to research, development, testing, or evaluation.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE FOUNDATION

SEC. 9. The National Science Foundation, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary.

ATOMIC ENERGY COMMISSION

SEC. 10. The Atomic Energy Commission, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary and shall be known as the Atomic Energy Administration of the Department of Science and Technology.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 11. The National Aeronautics and Space Administration, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision of the Secretary.

NATIONAL BUREAU OF STANDARDS

SEC. 12. The National Bureau of Standards in the Department of Commerce, together with such personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds as are determined by the Director of the Office of Management and Budget to be used primarily with respect to functions being administered through such Bureau, is transferred to the Department, and all functions of the Secretary of Commerce being administered through such Bureau are transferred to the Secretary.

TRANSFERS FROM DEPARTMENT OF DEFENSE

SEC. 13. (a) To the extent not transferred pursuant to section 8 there are transferred to the Secretary such functions of the Secretary of Defense and the Secretaries of the military departments of the Department of Defense as the President determines relate primarily to the design, development, testing, evaluation, procurement, and research with respect to, weapons systems.

(b) All civilian personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

TRANSFERS FROM SMITHSONIAN INSTITUTION

SEC. 14. (a) The following functions of the Smithsonian Institution are transferred to the Secretary:

(1) all functions being administered through the Smithsonian Astrophysical Observatory;

(2) all functions being administered through the Radiation Biology Laboratory;

(3) all functions being administered through the Smithsonian Tropical Research Institute;

(4) all functions with respect to the exchange of scientific publications being administered through the Science Information Exchange; and

(5) any other functions of such Institution which are determined by the Director of the Office of Management and Budget to relate primarily to scientific research not related to museum or zoological purposes.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

(c) Nothing in this section shall be deemed to authorize any transfer which in the opinion of the Attorney General cannot be made because of the provisions of a private bequest or other grant to such Institution.

TRANSFERS FROM DEPARTMENT OF STATE

SEC. 15. (a) There are transferred to the Secretary all functions of the Secretary of State with respect to the scientific attaché program being carried out by the Department of State.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE PLAN

SEC. 16. The Secretary shall, after consultation with the heads of the appropriate departments and agencies of the Government, develop a national science plan providing for the efficient execution of all activities of the Government relating to research, development, testing, and evaluation. The Secretary shall report such plan, together with his recommendations for such legislation as may be necessary to carry out such plan, to the President and the Congress as soon as practicable.

RECOMMENDATIONS WITH RESPECT TO FURTHER TRANSFERS TO THE DEPARTMENT

SEC. 17. For the purpose of promoting scientific and technical progress and efficiency in Government the Secretary shall establish and maintain a continuing investigation and study for the purpose of making recommendations to the President and the Congress with respect to transfers to the Department of functions or agencies of the Government in addition to those transferred pursuant to this Act.

COSTING AND PROCUREMENT

SEC. 18. (a) The Secretary shall establish a costing and procurement activity for the Department with the overall responsibility for cost estimating of new tasks, cost accounting on work in progress (both in-house and industry contractor), department budget estimates, procurement of all prototype and production research and development hardware, selecting most advantageous methods of procurement of research, development, and testing for the Department in consideration of price, quality, timeliness, and other factors. A close interface with the costing and procurement activity of the Department shall be maintained with the Comptroller General. The Secretary shall establish in consonance with the Comptroller General the best procedures for cost analysis and procurement. The Secretary shall request the Comptroller General to (1) regularly review the costing and procurement procedures and programs of the Department and advise him as to the fiscal responsibility of the execution of the national science and technology program and (2) provide audit and investigation recommendations prior to the entering of contracts by the Department. The Comptroller General is authorized to provide such services to the Secretary.

(b) The provisions of this section are in addition to and not in replacement of other provisions of law relating to Department procedures.

CONGRESSIONAL LIAISON

SEC. 19. The Secretary shall establish a departmental office, staffed with qualified scientific personnel, to provide the Congress with the necessary scientific expertise and program information as may be requested by congressional members and committees.

TRANSFER MATTERS

SEC. 20. All laws relating to any agency or function transferred under this Act shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this Act shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ADVISORY COMMITTEES

SEC. 21. The Secretary may establish such advisory committees as he may determine to be desirable and in furtherance of the purposes of this Act. Members of each such advisory committee who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory committee or otherwise engaged in the business of the advisory committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory committee away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

EXPENDITURES AUTHORIZED

SEC. 22. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

REPORTS TO CONGRESS

SEC. 23. The Secretary shall make at the close of each fiscal year a report in writing to Congress giving an account of all moneys received and disbursed by him and the Department, describing the work done by the Department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 24. Section 101 of title 5 of the United States Code is amended by inserting at the end thereof the following:

"The Department of Science and Technology."

APPROPRIATIONS AUTHORIZED

SEC. 25. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 26. The provisions of this Act shall be effective on its date of enactment, except that sections 8 through 15 shall be effective after ninety days following such date.

PROPOSED DEPARTMENT OF SCIENCE AND TECHNOLOGY

Departmental status for science in government is not a novel idea. It was broached 85 years ago by a committee of the National Academy of Sciences reporting on the organization of government science bureaus. The committee was appointed in 1884 at the behest of a member of the National Academy, Theodore Lyman, who was also by unique coincidence a member of Congress. The scientist-congressman, whose National Academy standing was gained by his researches on the Ophiurida, was instrumental in placing a rider on a sundry civil appropriation bill which set up a joint congressional committee (called a commission) to study the organization of the government science agencies (1). This was a compromise measure, Lyman told his House colleagues in urging its acceptance, his main concern being to save the Coast and Geodetic Survey from takeover by the Navy (2). Apparent duplication between the Coast Survey and the Navy's Hydrographic Office in charting coastal waters had led the Navy to espouse merger, a proposal which had considerable appeal in the 48th Congress. The legislative rider directed an investigation of the activities and interrelationships of the Coast and Geodetic Survey, the Hydrographic Office of the Navy, the Geological Survey, and the Signal (Weather) Service. The National Academy committee, enlisted by Lyman, gave technical support to the congressional commission.

Men of science were leery then, as they are now, of military dominance in scientific enterprises. Many of them argued that science agencies should be taken from, rather than placed in, the military departments. For example, they wanted the Naval Observatory to be a national observatory, and the weather service to be removed from the Army Signal Corps. At the same time, they recognized that better coordination of the government's scientific work was needed, and various proposals were made toward that end. The aforementioned report of the National Academy committee crystallized the issues. This group was convinced that the science agencies should be pulled together "under one central authority," but the particular form of organization they left to the future and to Congress. Then the committee ventured this cautious but significant observation (3):

The best form would be, perhaps, the establishment of a Department of Science, the head of which should be an administrator familiar with scientific affairs, but not necessarily an investigator in any specific branch. Your committee states only the general sentiment and wish of men of science, when it says that its members believe the time is near when the country will demand the institution of a branch of the executive Government devoted especially to the direction and control of all the purely scientific work of the Government.

The NAS committee went on to say that, if public opinion was not yet ready to accept a Department of Science, the next best step would be to move the several scientific bureaus into one of the existing departments. Even then coordination would not be automatically insured, in the committee's view, and so they recommended the "organization of a permanent commission to prescribe the general policy for each of these bureaus." The commission would "examine, improve, and approve" plans of work and expenditures and recommend efficiency measures but abstain from administrative involvement. This would be a nine-member commission composed of scientists drawn from government and private life (4).

END OF AN IDEA

The congressional commission, reporting in 1886, gave short shrift to the suggestions both for a Department of Science and a supervisory commission. A new department was held not justified by the degree of duplication in existing scientific agencies; a coordinating policy group was deemed impracticable because department heads could not very well relinquish to subordinates and outsiders their responsibilities for general direction and control (5). With this dismissal by an agency of the Congress, the Department of Science idea died aborning, though it was actively debated at the time in scientific circles (6). In the ensuing decades not much was heard about it. Proposals for government departments were made in the fields of health, education, labor, industry, commerce, and agriculture, separately or in various combinations, and three cabinet departments (Agriculture, Commerce, Labor) were established between 1885 and 1945. Not until 1946 was the Department of Science idea revived, at least in the legislative halls. Clare Booth Luce, then a Representative from Connecticut, introduced a bill (H.R. 5332, 79th Congress) to create a Department of Science and Research, stressing the need

for national self-preservation in the atomic age and the importance of attracting young people to science careers. Mrs. Luce said: "Only the prestige which attaches to a regular member of the cabinet will render the findings of any scientific body of sufficient weight to command the constant attention of the highest officials of the Government in the consideration and formulation of policy" (7). The bill was pigeon-holed by a House committee.

Vannevar Bush was working for the establishment of an independent agency, which he called the National Research Foundation, to sponsor research of military as well as civilian interest (8). He proposed that it be governed by a director and part-time board of nongovernment scientists. A separate group of nongovernment scientists, which he called a Science Advisory Board, would coordinate the work of government science agencies. These proposals, outlined in Bush's 1945 report to President Truman, "Science—the Endless Frontier," were modified in legislative measures to become a National Science Foundation. The bill which the Congress passed was vetoed in July 1947 by President Truman, who objected to control of government science policy by an outside board (9). The criticisms were reminiscent, in some respects, of those heard in 1884–5 to the National Academy committee's proposal for a science policy commission which would include outside as well as government scientists.

The Bush report was followed in 1947 by the Steelman report, "Science and Public Policy," which went over much of the same ground but with closer orientation to the routines of governmental administration. The Steelman report called for a National Science Foundation to be organized "on sound lines" and suggested that the agency be located in the Executive Office of the President until other federal programs in support of higher education were established, after which time consideration could be given to grouping all such activities, including the National Science Foundation, in a single agency. The Steelman report also favored a part-time governing board for the NSF, but government as well as outside scientists were to be included. It also recommended the creation of an interdepartmental committee on scientific research and development, a special unit in the Bureau of the Budget to review government science programs, and a member of the White House staff to be designated by the President for purposes of scientific liaison (10). The Steelman report eschewed any radical departure from the existing framework, presumably meaning that a Department of Science was not in the cards. Three years elapsed, however, before the differences in the several approaches to a National Science Foundation were compromised and a bill finally enacted into law (11).

LEGISLATIVE RENEWAL

Sputnik generated a new debate on departmental status for science in the Congress led by Senator Hubert H. Humphrey. On 27 January 1958 a broad-based bill, S. 3126, was jointly introduced by Senators Humphrey, McClellan, and Yarborough to create a Department of Science and Technology which would coordinate and improve federal functions relating to the gathering, retrieval, and dissemination of scientific information; provide educational loans to students in certain science fields; establish national institutes of scientific research; and establish cooperative programs abroad for collecting, translating, and distributing scientific and technological information. A day later Senator Kefauver introduced S. 3180 to create a Department of Science. Both bills were referred to the Committee on Government Operations.

Jurisdictional questions were raised, presumably because the bills went beyond organizational matters into policy, and at the request of Senator Lyndon B. Johnson, they were referred anew to his Senate Special Committee on Space and Astronautics, which had been created to consider the government's response to the Russian triumph in space. Without these bills, the Committee on Government Operations was unable to hold hearings in the 85th Congress on the proposal to establish a Department of Science and Technology, which was incorporated in Title I of the bill, but it directed its committee staff to maintain a continuing study of that area. The Humphrey subcommittee did manage, after an agreement reached with Senator Johnson, to hold some hearings in May–June 1958 on a limited aspect of Title I, the proposal for a scientific information center (*12*).

To narrow the jurisdictional issue and regain control of the organizational aspect, the sponsors of the Humphrey bill, now reinforced by Senators Ervin, Gruening, and Muskie, split off Title I and introduced it, with certain revisions, as S. 676 in the 86th Congress. It proposed a transfer to the new department of the National Science Foundation, Atomic Energy Commission, National Aeronautics and Space Administration, National Bureau of Standards, and certain activities of the Smithsonian Institution. By then the impetus for a new department was considerably diminished by NASA's presence. The thrust of science organization was less to coordinate and align than to reach out and do, for Sputnik had caused hurt pride and fear in the nation. It was difficult to make a case for legislating a new department to absorb NASA when the ink was hardly dry on the President's signature to the National Aeronautics and Space Act (*13*).

Indeed, the rush of legislative events and the flurry of organization activity in the executive branch during 1958 outpaced the committee's deliberations on the suitable form of a bill. The Congress created along with NASA an Aeronautics and Space Council and a standing committee in each house to monitor space and related activities. The Defense Education Act gave support to science education and facilities. A reorganization act for the Department of Defense established a Directorate for Defense Research and Engineering. The Advanced Research Projects Agency, previously established as the military's own response to Sputnik, was made an adjunct of the new directorate. The President acquired a Special Assistant for Science and Technology and gave White House status to the Science Advisory Committee. The Federal Council for Science and Technology replaced a looser interdepartmental committee of similar function. Science advisers were assigned to both the Secretary of State and the Secretary General of NATO. A NATO science committee signified the outward reach of science for defense, while "Atoms for Peace" and the International Geophysical Year represented a peaceful gesture to a world community of science. "Altogether," as James R. Killian, Jr., said before the AAAS in summing up government science for 1958, "the year brought an impressive array of organizational innovations for the management of government programs in science and technology and for the provision of scientific advice at policy-making levels" (*14*).

EXECUTIVE OPPOSITION

The spokesman for science at the Presidential level made plain their distaste for a Department of Science and Technology. Killian, speaking at the AAAS meeting as the President's Assistant for Science and Technology, took pains to quote from Don K. Price's 1954 study: "In the organization of the Government for the support of science we do not need to put all of science into a single agency; on the contrary, we need to see that it is infused into the program of every department and every bureau" (15). The President's Science Advisory Committee in its new eminence regarded a Federal Council for Science and Technology as the instrument for achieving coordination and cooperation among government science agencies. A single department, in PSAC's collective view, would not be able satisfactorily to administer either the mission-oriented scientific and technical functions of existing departments or the "unique" specialized programs of AEC, NASA, and NSF. This seemed to be the prevailing sentiment among scientists though there were notable exceptions. Lloyd V. Berkner would settle for a department excluding the three aforementioned independent agencies; Wallace R. Brode would combine them with a host of others, including the National Institutes of Health, in a Department of Science and Technology (16).

Perhaps the strongest argument from a practical standpoint against immediate legislative action—that the President had not recommended a new department—was made by Representative John W. McCormack as chairman of the House Select Committee on Astronautics and Space Exploration. He wrote to Senator Humphrey in 1958 (17):

"While I believe there should be a Department of Science, I feel that until whoever is President either recommends the establishment of such a Department or would not object to such a Department being established, it would be unwise to force such a Department upon them. I want you to know that I am strongly in favor of a Department of Science being established and, in my opinion, it is only a matter of time that one will be established."

In March 1959 in a review of the state of science affairs, the Humphrey subcommittee observed morosely (17, p. 19): ". . . there have been certain administrative actions taken which tend to evade the question as to whether a Department of Science and Technology is necessary or desirable, and there are a number of indications from the scientific community that there will be opposition to such a proposal, at least until the need therefor has been more clearly established."

The subcommittee held hearings in April 1959 on S. 676 and S. 586 (Senator Kefauver's bill) to establish a Department of Science. Senator Humphrey, aware of the opposition, hedged a bit. His opening statement said that the proposed Department of Science and Technology was to be considered one possible solution to the problems of centralization and coordination of federal science programs and operations, but not a final conclusion of the committee. The witnesses before the subcommittee were divided. Lewis L. Strauss, as Secretary of Commerce, opposed departmental status for science. Brode as scientific adviser to the State Department and chairman of the AAAS, strongly favored it. Others pressed for a stronger advisory apparatus at the Presidential level or a study to determine the need for a department and what agencies should be included (18). It was easier to agree on a study commission which, to the advocates of a department, appeared better than nothing, to the dubious, a means of seeking more information, and to the opponents, a device for deflecting action on a controversial subject.

At the conclusion of the April 1959 hearings, the staff of the Senate Committee on Government Operations drafted a bill proposing the establishment of a Commission on a Department of Science and Technology. This was introduced in the Senate on 5 May 1959 as S. 1851, under the joint sponsorship of Senators Humphrey, Capehart, Mundt, Gruening, Muskie, Yarborough, and Keating. In a 1-day hearing (28 May) on S. 1851, S. 676, and S. 586, the subcommittee heard no comforting words from the Eisenhower Administration, Alan S. Waterman, whose NSF

budget had been increased from $50 million to $136 million after Sputnik, opposed both a Department of Science and Technology and a commission to study the matter. The Bureau of Budget representative, the official spokesman on all matters dealing with reorganization, did likewise, doubting that "the scientific members of the Commission would necessarily be best able to judge the optimum form of Government organization in this field." Leonard Carmichael, secretary of the Smithsonian Institution, endorsed the study commission but suggested that, if it were established, the membership nominations be made by the National Academy of Sciences (19).

Notwithstanding the administration's opposition, Senator Humphrey for the Committee on Government Operations reported S. 1851 favorably on 18 June 1959 (19). A bipartisan commission was needed, the report said, so that "the Congress and the President may have the benefit of the recommendations of qualified experts in the fields of science, engineering, and technology" as the basis for legislation to improve federal science programs and operations. The committee justified a study commission mainly on the ground that the Congress needed more and better information. As a case in point, Killian had politely declined an earlier invitation to appear before the committee because it might conflict with his advisory role in the White House. Science policy coordination or control at that level, in the committee's belief, would not assure an ample flow of scientific and factual data to the Congress. The Department of Science and Technology, or at least a commission to study its feasibility, was the committee's proposed solution. The Senate did not take up the bill. A companion House bill (H.R. 3325) introduced on 22 July 1959 by Representative Brooks of Louisiana, chairman of the Committee on Science and Astronautics, was referred to the Committee on Government Operations but received no action.

THE COST ALTERNATIVE

Early in 1960 Senator Humphrey put the case for a department or a commission before the American Academy of Political and Social Science (20). But those who favored strengthening the Presidential advisory apparatus rather than a new department for science found a champion in another subcommittee of the same Senate committee—that on National Policy Machinery chaired by Senator Henry M. Jackson. The Jackson subcommittee held hearings in April 1960 on the role of science and technology in foreign and national defense policy. A staff report of 14 June 1961 entitled "Science Organization and the President's Office" rejected the Department of Science idea on the by now familiar ground that the diverse scientific activities of the federal government could not be conviently extracted to form a new department. It approved such views expressed before the subcommittee by James Fisk, president of Bell Telephone Laboratories, and then observed (21):

"Eight departments and agencies support major technical programs and all parts of the Government use science in varying degrees to help meet the agency objective. This diffusion of science and technology throughout the Government is not a sign of untidy administrative housekeeping. Rather it reflects the very nature of science itself. Organizationally, science is not a definable jurisdiction. Like economics, it is a tool. It is an instrument for accomplishing things having nothing to do with science."

The staff report emphasized the President's responsibility for science policy direction and accordingly recommended the strengthening of his advisory support by the creation of an Office of Science and Technology. It pointed out that the President could take this step through submission of a reorganization plan rather than through the conventional legislative route. The Kennedy administration was asked to submit to the Congress by January 1962 "its considered findings and recommendations for action." On 29 March Reorganization Plan No. 2 of 1962 creating the OST was submitted, to take effect within 60 days if the Congress did not disapprove (22).

Before the plan was formally sent to the 87th Congress, S. 2771 was introduced on 31 January 1962, jointly sponsored by Senators McClellan, Humphrey, Mundt, Cotton, and Yarborough. S. 2771 was similar to S. 1851 of the 86th Congress, which had been reported favorably by the Senate Committee on Government Operations. The revised bill contained a broad declaration of congressional policy and objectives in science and placed more emphasis on the need for improvement in federal programs for processing the retrieval of scientific information. It also provided that the 12-member commission be strengthened by a scientific advisory panel with prescribed qualifications which included "ability to communicate not only to professional scientists but to laymen." Hearings were held on 10 May and 24 July 1962. Some moral support was provided by Carl F. Stover's report of March 1962 on "The Government of Science" to the Center for the Study of Democratic Institutions. A Department of Science and Technology, the Stover report said, would establish for science a major center of policy studies, higher stature, and a more favorable environment for scientific work. Combining all government science functions made no sense, but a single department for those functions less mission-oriented was "a sound and desirable next step in the evolution of Government action with respect to science" (23).

The committee now had to take judicial notice of the alternative scheme recommended by the Jackson subcommittee and seized upon by the Kennedy Administration as a sufficient response to the demands for improved science organizations. Administration spokesmen pointed to OST as a needed mechanism for coordinating science policies and advising the President, whatever the organization of science functions for the government as a whole. Waterman, who was assessing NSF's truncated policy role in the wake of the OST plan, again opposed a commission, as did Elmer B. Staats, deputy director of the Budget Bureau, where all reorganization plans are put together. Their plea was that OST, being new, should have a chance to work. Furthermore, by the "statutory underpinning" of a reorganization plan, OST would give the Congress the kind of access to scientific information sought by the sponsors of S. 2771. This was the persuasive point for congressional acceptance of the plan (24).

Jerome B. Wiesner, who would serve the Kennedy Administration in the quadruple capacity of OST director, President's science adviser, chairman of the President science adviser, chairman of the President's Science Advisory Committee, and chairman of the Federal Council for Science and Technology, made his first appearance before Congress as OST director when he testified on 31 July 1962 at hearings of the Holifield subcommittee (House Committee on Government Operations). In amplifying his views on science organization, Wiesner gave conditional endorsement to a Department of Science. To "set up a radically new organization" encompassing all the scientific activities of the federal government he considered unworkable. If a "less comprehensive Department of Science were created," including the Atomic Energy Commission, National Science Foundation, National Bureau of Standards, and certain other agencies, he believed the operations of these agencies might be improved. At the same time, the need would remain to coordinate and integrate the activities of these agencies with the related scientific and technical programs of the mission-oriented agencies. "In other words, the OST is neither a substitute for nor in competition with a Federal Department of Science" (25).

The Senate Committee on Government Operations, most daunted by the new presence of OST, reported favorably (with some technical revisions) on S. 2771, proposing a Commission on Science and Technology (26). The bill passed the Senate by unanimous consent on 8 August 1962 (27). In the House it was referred to the Committee on Science and Astronautics on 9 August, and there it died. The exercise was repeated in the 88th Congress. S. 816, sponsored by Senators McClellan, Humphrey, Mundt, Gruening, Javits, Cotton, and Yarborough, was introduced on 18 February 1963. Chairman McClellan, now the leading sponsor, emphasized that Wiesner, in his testimony before the Holifield subcommittee, maintained that OST and a Department of Science and Technology were not in conflict (28). The bill was approved by the Senate Committee on Government Operations and reported to the Senate on 4 March 1963 (29). It passed the Senate by unanimous consent on 8 March (30) and was referred to the House Committee on Science and Astronautics, which also had a companion bill, H.R. 4346, introduced by Representative Teague of Texas (31). No action was taken on these bills in the House Committee.

In place of a mixed commission, the reaction on the House side was to create several new subcommittees on science. Thus in August 1963, the House Committee on Science and Astronautics created a Subcommittee on Science, Research and Development, chaired by Representative Daddario of Connecticut. And the House of Representatives, a month later, created the Select Committee on Government Research, chaired by Representative Elliott of Alabama. The Select Committee took a dim view of departmental status for science, judging by its tenth and concluding report of 29 December 1964, which contained this statement (32):

"The specters of overlap, gaps, conflict, and duplication among agency programs can best be met through adequate top-level coordination of agency programs. Consolidating research and development into one or a few separate agencies—such as an often suggested Department of Science and Technology—would separate such work from the purposes for which it is performed, the committee believes, with devastating effects both to the work and to the capacities of agencies to carry out their missions."

In the 89th Congress Chairman McClellan, joined by Senators Mundt, Ribicoff, Gruening and Yarborough, reintroduced the commission bill (S. 1136) on 17 February 1965, and Representative Wolff sponsored the companion bill (H.R. 5609) in the House. By now congressional interest in the proposal had waned. No hearings were held, and the Senate committee did not bother to report it out. Humphrey, no longer a Senator, presided over the Senate as Vice President and became immersed in intricacies of space and ocean programs as statutory chairman of technical councils in these areas. Occasionally, other voices renewed the call for a department. Ralph Lapp proposed a Department of Science in his 1965 book, *The New Priesthood* (33), J. Herbert Holloman, after 5 years as Assistant Secretary of Commerce for Science and Technology, recommended to the Ribicoff subcommittee in 1968 that a Department of Science and Technology be a prime subject for study by a proposed Commission on Organization and Management of the Executive Branch (34). At the year's end, Donald F. Hornig, from the vantage point of "five years at the bench of U.S. science policy," spoke out before the AAAS in favor of a Department of Science as well as a strengthening of the President's science advisory setup (35).

As one traces the lines of argument for and against department status for science, it is apparent that they thread back to the controversy of the 1880's. The positive side, projected by the NAS committee report of 1884, is that science will benefit from the status and prestige which go with cabinet ranks and large departmental resources. The negative side, well stated by Secretary of the Navy William E. Chandler before the congressional commission in 1884, is that science is not a government mission in itself but an aspect of other and proper departmental missions; consequently science bureaus or functions should be placed or remain within the department to which they are "naturally related" (*36*.) Contemporary formulations haven't improved much on these themes. Proponents of a separate department for science view its secretary as a protector and spokesman of science in government councils, while opponents see a bureaucratic monstrosity in which politics prevail over scientific objectivity. On both sides attitudes are hardened by conviction or softened by practical considerations. Doubtless many who are otherwise well-intentioned toward a new department fear that it would cut down opportunities for grants and contracts given by various uncoordinated government science agencies. Others who are moved by a concern for economy in government than for prestige in science believe that departmental organization would eliminate duplication and insure closer coordination of costly government programs.

CASE FOR A DEPARTMENT

That it is impracticable to tear out research and development functions from department and agency settings and bring them all together in a new department goes without saying. But the case for a Department of Science and Technology cannot be that easily dismissed. To argue that science is a means and not an end, or that science (and technology) is not by itself a major purpose of government justifying departmental organization, narrows the issue unduly and overlooks some very practical problems. Agricultural research, let us quickly agree, is properly a part of the Department of Agriculture mission, but what about the large relatively self-contained or semiautonomous agencies with missions which fall almost completely in the domain of science and technology and which overshadow in size and importance some of the older departments? If AEC's mission is atomic energy development and NASA's is space exploration, it is merely tautological to distinguish these missions from science and technology in given fields. Then it becomes a pragmatic problem of government organization (and politics) to determine whether it is advantageous to bring together in a single department selected agencies and subagencies associated by shared purposes, related functions, or some other defining element of mutual involvement. Modern precepts of government organization and administration favor a relatively few strong departments encompassing similar or related functions in place of a profusion of independent agencies. The quest here is more compelling than a desire for organizational symmetry or housekeeping tidiness. The President, as manager of the executive branch, does not have the time to deal with scores of agencies. To maintain a proper "span of control" he must strive to bring these agencies within departmental confines and depend on the department heads to administer the manifold affairs of government (*37*).

The challenge is that government in all its diversity does not lend itself easily to departmentalizing by major purpose or mission or any other organizing principle. Most organizational arrangements are less ambitions—expedient responses to urgent problems dictated more by politics than political science. Government takes on a patchwork appearance. From time to time attempts are made to sort out and rearrange agencies and functions in more orderly patterns, even to the extent of disestablishing or reforming old departments. Not every worthy government cause which seeks wider acceptance and ample resources through separate departmental status can be accommodated. A multiplicity of departments would defeat the rationale for departmental organization. On the other hand, if a department embraces too many missions or disparate functions, it becomes unwieldly—a conglomerate or a holding company in which the secretary struggles constantly to keep in line strong-willed administrators of operating agencies.

In a dynamic, democratic society, governmental reorganization, despite the obstacles, signifies changing policy, a new approach—and reorganization on a department scale makes the greatest impact. Accordingly every administration can be expected to give special attention to such possibilities. Since World War II, each President has opted for a new department—Truman for DOD, Eisenhower for HEW, Kennedy for HUD, and Johnson for DOT (*38*). The Nixon Administration has established an advisory group on reorganization, whose recommendations are yet to be made (*39*). Characteristically, the post-World War II departments each represent a coalescence of established agencies and resources to subserve a broader policy or purpose of government. In several instances, the way was prepared by interim coordinating organizations. Thus, the DOD was preceded by a looser federation formally known as the Military Establishment, HEW by the Federal Security Agency, and HUD by the Housing and Home Finance Agency. The Department of Transportation, the latest departmental creation, did not go through a transitional form but established transportation agencies were a base upon which to build.

Science and technology, comprising large sectors of government activity with various organizational forms, have a similar potential for departmental organization. When great national problems arose, requiring positive and pointed government response, independent agencies were created—the AEC for the control of atomic energy after Hiroshima, the NSF to preserve the post-world War II momentum of research and development, and NASA after Sputnik. With the passing years, as missions are completed or redirected and as agencies mature, it is difficult to maintain the momentum and the excitement of the early days. New problems emerge, priorities are reassessed, talents are turned elsewhere. The atomic energy program is about 25 years old, the NSF has been in business 18 years, and the space agency, past its 10th birthday, will age rather quickly after a lunar landing. Reorganization generates its own excitement, infuses new energies, develops new emissions.

CANDIDATES FOR INCLUSION

Thus AEC and NASA, independent technical agencies with multibillion-dollar yearly budgets, are prime candidates for transfer to a new department. Their interests increasingly will overlap as boosters and spacecraft come to depend more on nuclear technology. Both are sponsors of hardware development as well as basic research. Both are involved in intricate ways with Department of Defense programs. Both have large laboratory complexes and diversified resources for research and development. Both are faced with probable cutbacks and the need to reassess missions for the long term. The reassessment, in NASA's case, associated with the moon landing, which will climax a decade of technical effort directed largely to this single goal. New vistas of space exploration beckon, but in the welfare decade of the 1970's more earth-bound causes will exert a strong gravitational pull on funds.

As for the AEC, the growth of nuclear stockpiles to what many regard as overkill dimensions and the gradual shift to industry of responsibility for nuclear power development are less climatic. The safety and regulatory functions associated with nuclear power, which some foresee as AEC's major responsibility ahead, could well be transferred to the Federal Power Commission, possibly helping to rejuvenate an old-line agency, just as the Federal Communications Commission has had to grapple with the regulatory aspects of satellite communications. Nuclear ordnance development and fabrication possibly could be shifted to the Department of Defense (40). The Department of Science and Technology would have, one may conceive, a space service and an atomic service, perhaps less ambitious than at present but still performing vital scientific and technical work. The reorganization also would permit a realignment and better integration of the great laboratory complexes associated with these two agencies. Indeed, the realigning process for federal laboratories as a whole could be speeded up by this means.

The National Science Foundation is a some what different type of agency. It maintains no laboratories except a few contract research centers and builds no large projects or systems, with the exception of the ill-fated Mohole project. It values its relative independence and freedom from political influences in supporting academic science. In terms of prospective departmental status, it could be argued that NSF has as much affinity with education as with science, and if a separate Department of Education were to be created, undoubtedly there would be advocates for inclusion of NSF. On the other hand, education reaches out toward areas of contemporary concern not closely identified with science, such as job training and placement and manpower development, so that some envisage education as the organizing principle for a Department of Human Resources (41). Hornig favors the science-education nexus. He would make NSF the "core" of a Department of Science, linking basic research closely with higher education. In this concept the new department would be little concerned with technology as distinguished from science, leaving technological development to "agencies with specific tasks and missions" (35).

In the writer's view, the prospects for departmental status are greatly improved if technology and science are conjoined. Creating a new department is difficult enough in itself, but technology provides move leverage and power for organizational change than basic research or pure science. The new department would need a bigger core or a broader base than that offered by NSF alone. In any event, the writer sees no serious obstacle to making the NSF a component of a Department of Science and Technology. In that way grants and other financial support to academic institutions could be better integrated, since NASA and AEC also are substantial contributors to academic science. Furthermore, the 1968 amendments to the National Science Foundation Act and applied research to the agency's responsibilities and thereby bring it closer to the technological concerns of other government agencies (*42*).

There is good logic in establishing a Department of Science and Technology to house not only older, more mature agencies but also new ones which have not yet found a suitable home. Oceanography and related disciplines or technologies may be put in this class. Numerous government agencies are engaged in marine science activities, but the Congress has been groping for a decade or more to find the organizational base for a broad program of ocean development. The 1966 legislation, which created a temporary commission and

a council for marine sciences and resources, stated a policy and provided a coordinating group but sidestepped the basic organizational problems (*43*). The Commission on Marine Sciences, Engineering and Resources, on the eve of its demise, proposed that a National Oceanic and Atmospheric Agency be created as "the principal instrumentality within the Federal Government for administration of the Nation's civil marine and atmospheric programs." At the same time, the commission pointed out that it was proposing "an organization which can easily fit into a more fundamental restructuring of the Federal Government" (*44*). Clearly, the commission was leaving the door open for incorporation of marine sciences and resources in a Department of Science and Technology.

IMMEDIATE ADVANTAGES

One of the immediate advantages in creating a new government house for science and technology is the opportunity it affords for eliminating the clutter in the Executive Office of the President or at least making room or needed new services. The Aeronautics and Space Council and the National Council on Marine Resources and Engineering Development both could be abolished or, along with PSAC and OST, shifted in whole or in part, to the new department, though it must be recognized that the President will continue to need a science adviser with some staff of his own. The Vice President, now statutory chairman of the space and marine councils, could retain his valuable association with government science and continue to gain the technical information and insight needed for leadership in our technocratic society by serving in some appropriate capacity, possibly as chairman of the advisory apparatus annexed to the new department. The Office of Telecommunications Management, for want of a better alternative, also could be housed in the Department of Science and Technology. This office needs strengthening to deal with communications problems of growing severity and technical sophistication. The Post Office and Transportation Departments each could make a claim for telecommunications management, but obviously they have enough problems of their own.

The removal from the Executive Office of its scientific or technical councils and offices is not a downgrading of science but a practical recognition that the President cannot give them sustained attention (45). Moreover, they have less impact on affairs than is usually supposed. Their directors parade before the government departments and agencies clothed in the uniform of Presidential prestige but are uncertain to what extent they can speak or act in his name. The department head directing a broad range of scientific and technical programs with a large budget has power and prestige of a more compelling kind. His command of resources, public visibility, and cabinet participation enable him to serve as principal science adviser to the President in a much more direct and positive way than the White House adviser or Executive Office functionary several steps removed from the scene of departmental action and operations. If the scientific community is concerned about prestige for science in government, there is considerable trade-off value in a department head as against the Executive Office coordinator or consultant.

Another advantage is that the new department could house technical agencies or bureaus which are obstacles to, or casualties of, other reorganizations. For example, in January 1967, President Johnson proposed a merger of the Departments of Commerce and Labor (46). He did not push the proposal when the response in congressional and some other quarters seemed unfavorable. Despite the inevitable resistance, there was merit in a merger, the objective being a department of economic affairs or economic development. Since the Department of Commerce has acquired by historical accretion a number of important technical services now encompassed in the Environmental Science Services Administration, the National Bureau of Standards, the U.S. Patent Office, and other units, it would have made sense, in the event of a Commerce-Labor merger, to extract these technical agencies and place them in a Department of Science and Technology.

Finally, a Department of Science and Technology would provide better interface with the Department of Defense. Although it would not be wise to transfer research and development commands, office, or agencies from the Department of Defense to the civilian department in any wholesale fashion, conceivably several military-managed laboratories, agencies, or programs could be transferred on a selective basis if their relationship to military needs is limited, if they now serve many government users, and if their concern is more with science than with defense (47). A civil department conveniently could assume DOD, responsibilities in supporting educational centers of excellence or sponsoring certain kinds of social or other research. This need not be a one-way transfer process, since formation of a new department might well involve assignment of certain functions to the military, as mentioned before in the case of nuclear ordnance. More systematic coordination and congruence of policy and program can be achieved by two major departments in balance than by one department on the military side dealing with assorted scientific and technical agencies on the civil side. Even a casual perusal of the numerous memoranda of understanding, working arrangements, and coordinating mechanisms between the DOD and NASA, for example, suggests the complexity of these interagency relationships. Complexity cannot be eliminated but it can be reduced. The logic here is even more persuasive as agencies wrestle with joint projects and interacting programs.

All the decisions as to the composition of the Department of Science and Technology need not, of course, be made at one time. If the universe of government agencies is surveyed and all possible candidates identified, then problems of transfer would seem too overwhelming for immediate solution. The important first step is to assemble the independent agencies and subagencies as the departmental core, and then to build around them. This in itself will be a monumental task, but the vision of the National Academy committee of 1884 may still be sound (*48*).

REFERENCES AND NOTES

1. Act of 7 July 1884, 23 Stat. 219. The commission, composed of three members each from the House and Senate, was known as the Allison Commission after its chairman, Senator William B. Allison of Iowa. Lyman served as one of the House members on the commission until the end of the 48th Congress on 3 March 1885. He was defeated for reelection.

2. *Congr. Rec.* 15, 6175 (7 July 1884).

3. The NAS committee's report was transmitted to Lyman by O. C. Marsh, president of the National Academy of Sciences, by letter dated 16 Oct. 1884. It was printed in Senate Misc. Doc. No. 82 (serial No. 2345, 49th Congress, 1st session (1886) vol. 4; also as appendix D to the *Report of the National Academy of Sciences for 1884* (Government Printing Office, Washington, D.C., 20 April 1885), p. 33.

4. The NAS committee proposed that the commission include the president of the National Academy of Sciences; the secretary of the Smithsonian Institution; two nongovernment civilian scientists of high reputation appointed by the President of the United States for 6-year terms; one officer of the Corps of Engineers; one Navy professor of mathematics skilled in astronomy (the last two to be designated by the President for 6-year terms); the superintendent of the Coast and Geodetic Survey; the director of the Geological Survey; and the officer in charge of the Meteorological Service. The secretary of the department including the science agencies would be ex officio president of the commission, and the commission would be attached to the office of the secretary.

5. Senate Rep. No. 1285, 49th Congress, 1st session (8 June 1886), p. 54.

6. See A. Hunter Dupree, *science and the Federal Government* (Harvard Univ. Press, Cambridge, 1957), p. 215. Dupree writes of this period: "In contrast to the glorious and successful defense of the new scientific bureaus, the experts had done a ragged job for a Department of Science. The National Academy had done nothing to push the brainchild of its committee, which admitted political defeat in advance" (p. 230).

7. *Congr. Rec.* 92, A14 (1 Feb. 1946). The Luce bill provided for a Secretary appointed by the President with Senate confirmation, and five Assistant Secretaries, appointed by the President, to head, respectively, the following bureaus: Physics and Mathematical Sciences, Public Health and Social Sciences, Scientific Education and Information, Biological Sciences, and Engineering and Technological Sciences. The Secretary would be empowered to appoint an advisory council of not more than 100 members representing all branches of science.

8. *Science—the Endless Frontier*, A Report to the President on a Program for Postwar Scientific Research (July 1945). The report was reprinted by the National Science Foundation (Government Printing Office, Washington, D.C., July 1960).

9. *Congr. Rec.* 93, 10567 (17 Nov. 1947). See Don K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 48.

10. *Science and Public Policy*, Report of the President's Scientific Research Board (Government Printing Office, Washington, D.C., 4 Oct. 1947), vol. 3, p. 23.

11. Public Law 81–507, 64 Stat. 149 (10 May 1950).

12. *Progress Report on Science Programs of the Federal Government*, Senate Rep. No. 2498, 85th Congress, 2d session (9 Sept. 1958), p. 14; *Congr. Rec.* 105, 1078 (23 Jan. 1959).

13. Public Law 85–567, 72 Stat. 426 (29 July 1958).

14. Killian's address, made on 20 Dec. 1958, was printed in *Science Program—86th Congress*, Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 3.

15. D. K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 63. Price was discussing the potential role of NSF as a central science agency and not specifically a Department of Science.

16. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 26. Berkner's views were set forth in an address "National Science Policy and the Future," at Johns Hopkins University (16 Dec. 1958), published in the same report, appendix D, p. 110. Brode's address on the same subject as retiring president of the AAAS (28 Dec. 1959) was placed in the *Congressional Record*, along with press articles and editorials, by Senator Kefauver [*Congr. Rec.* 106, 615 (18 Jan. 1960)]. For additional materials on the pros and cons of a department, see *Science and Technology Act of 1958*, Analysis and Summary by the Staff of the Senate Committee on Government Operations, Senate Doc. No. 90, 85th Congress, 2d session (April 1958).

17. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 29.

18. *Create a Department of Science and Technology*, hearings before the Subcommittee on Reorganization and International Or-

ganizations, Senate Committee on Government Operations, 86th Congress, 1st session, on S. 676 and S. 586 (16–17 April 1959), pt. 1, pp. 47 and 71.

19. *Establishment of a Commission on a Department of Science and Technology,* Senate Rep. No. 408 (18 June 1959), p. 6.

20. *Ann. Amer. Acad. Polit. Soc. Sci.* (Jan. 1960), p. 27; Senator Humphrey placed this article in the *Congressional Record* [106, 5235 (10 March 1960)].

21. *Organizing for National Security: Science Organization and the President's Office,* staff study by the Subcommittee on National Policy Machinery, Senate Committee on Government Operations, 87th Congress, 1st session (committee print, 14 June 1961), p. 1.

22. House Doc. 372, 87th Congress, 2d session (29 March 1962).

23. Senator Humphrey placed an excerpt from the Stover report in the *Congressional Record* [108, 11822 (27 June 1962)]. A statement by Stover supporting the commission proposal was printed in *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962), p. 50. The report *The Government of Science* proposed that the Department of Science and Technology absorb the activities of NSF, PSAC, and FOST, along with the Weather Bureau, National Bureau of Standards, Office of Saline Water, Coast and Geodetic Survey, Navy Hydrographic Office, Naval Observatory, portions of the Smithsonian research work, and the Antarctic programs of the Navy and NSF. Larger agencies such as NASA and NIH were cited as candidates for inclusion, though AEC was excluded on the ground that its size and operational character could overwhelm the new department.

24. *Create a Commission on Science and Technology,* hearings before the Senate Committee on Government Operations, 87th Congress, 2d session, on S. 2771 (24 July 1962), pt. 2; *Reorganization Plan No. 2 of 1962,* hearings before a subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (17 April 1962). Jerome B. Wiesner wrote later: "Possibly the most important consequence of providing a statutory basis for the scientific activities in the Executive Office of the President is that the Director may now appear before Congress to explain, when possible, the Governmentwide views of activities and problems." [*Where Science and Politics Meet* (McGraw-Hill, New York, 1965), p. 47].

25. *Systems Development and Management,* hearings before the Military Operations Subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (1 July 1962), pt. 1, p. 156.

26. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962).

27. *Congr. Rec.* 108, 15968 (8 Aug. 1962).

28. Senator McClellan placed excerpts from the Wiesner testimony in the *Congressional Record* on two separate occasions [109, 2395 (18 Feb. 1963) and *ibid.* (23 May 1963), p. 9299]. It was also carried in the committee report cited below (29).

29. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 16, 81st Congress, 1st session (4 March 1963).

30. *Congr. Rec.* 109, 3808 (8 March 1963). In remarks accompanying the bill Senator Humphrey said an independent "Hoover-type" commission was needed to (i) counterbalance the executive's excessive dependence on a small in-group of scientists for policy, advice and program evaluation; (ii) review, with the aim to improve, the activities of the NAS–NRC as well as those of the government agencies; and (iii) examine federal organization for information retrieval.

31. Referring the bills to the House Committee on Science and Astronautics signified a change in jurisdictional policy. Heretofore such bills had been referred to the House Committee on Government Operations, which generally has jurisdiction over organization matters.

32. *National Goals and Policies,* House Rep. No. 1941, 80th Congress, 2d session (29 Dec. 1964), p. 49. The Select Committee expired with the 88th Congress on 3 Jan. 1965. In accordance with one of its recommendations, a Subcommittee on Research and Technical Programs was established within the House Committee on Government Operations. This subcommittee, chaired by Representative Reuss, was in existence through the end of the 90th Congress.

33. R. Lapp, *The New Priesthood* (Harper & Row, New York, 1965), p. 204. Lapp proposed that the Department of Science make basic research grants (on a lump-sum basis); manage the government laboratories; absorb all or part of the functions of OST, PSAC, and FCST; and take over the functions of the AEC (civilian part), NSF, ONR, Office of Saline Water, National Bureau of Standards and the Weather Bureau.

34. *Establish a Commission on the Organization and Management of the Executive Branch,* hearings before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 58. Hollomon proposed that the Department of Science and Technology include the NSF, NASA, ESSA, National Bureau of Standards, Geological Survey, Census Bureau "and perhaps parts of NIH and the AEC."

35. D. F. Hornig, remarks at AAAS Meeting, Dallas, Texas (29 Dec. 1968).

36. Senate Misc. Doc. No. 82 (serial No. 2345), 49th Congress, 1st session (1886), vol. 4, p. 66.

37. The usual text for this organizational approach is the report of the First Hoover Commission, "General Management of the Executive Branch" (Feb. 1949), which recommended that: "The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each Department" (p. 34). Senator Humphrey quoted this recommendation in his *Annals* article (*20*).

38. The Department of Housing and Urban Development actually was established during the Johnson Administration, although President Kennedy pressed for its creation from the beginning of his administration. The stumbling block to congressional acceptance was President Kennedy's announced intention to appoint Robert C. Weaver as Secretary of the new department. Similarly, congressional opposition to a putative department head (Oscar R. Ewing) prevented President Truman from getting the Department of Health, Education, and Welfare, which was created in the Eisenhower Administration.

39. President Nixon announced the appointment of an Advisory Council on Executive Organization on 5 April 1969. The members are: Roy L. Ash (chairman), president of Litton Industries, Inc.; George Baker, dean of the Graduate School of Business Administration, Harvard University; John B. Connally, former governor of Texas; Frederick R. Kappel, chairman of the executive committee, American Telephone and Telegraph Company; and Richard M. Paget, member of Cresap, McCormick and Paget.

40. Lapp *33,* p. 206, proposed that the AEC's nuclear production facilities be mothballed in part and the remainder transferred to the Department of Defense. Representatives Craig Hosmer, in an address "The Science Establishment: Where Is It Headed?" [*Congr. Rec.* (6 March 1968), p. E1606] posed the AEC problem in terms of diversification or decline: "Unless AEC's charter is revised to give it a responsibility to conduct research for other government agencies, it would seem that some of these facilities and programs would be better off under an organization more fundamentally oriented toward basic research, such as the National Science Foundation."

41. R. E. Miles, Jr., *Public Admin. Rev.* 27, 1 (March 1967). Text included in hearings before the Subcommittee on Executive Reorganization, Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 115.

42. Public Law 90–407, 82 Stat. 360 (18 July 1968).

43. Public Law 85–454, 80 Stat. 203 (17 June 1966). See also Public Law 90–242, 81 Stat. 780 (2 Jan. 1968).

44. *Our Nation and the Sea,* Report of the Commission on Marine Science, Engineering and Resources (9 Jan. 1969 reprint), p. 7.

45. ". . . The easy answer to all problems in Government, scientific and nonscientific, seems to be to move them closer to the President. I don't think that tenable for all things—he is already overburdened" [D. F. Hornig (*35*)].

46. *State of the Union Message,* House Doc. No. 1, 90th Congress, 1st session (19 Jan. 1967), p. 3.

47. A current example of a government laboratory with diversified scientific capabilities and no obvious place to go upon withdrawal of military sponsorship is the Navy Radiological Defense Laboratory. It is slated for closure by the end of this year, even though its resources could be readily adapted to important research in the civil sector. The proposed closure of NRDL also illustrates the poor planning not infrequently found in government. Six months ago a $6 million cyclotron was installed for special research in biomedical effects of radiation.

48. The views expressed herein are the author's and not necessarily those of any member of the Congress.

ATTACHMENT 2

SOME OF THE MAJOR FUNDS AND PERSONNEL FOR RESEARCH AND DEVELOPMENT TRANSFERRED BY S. 1184

Agency	Estimated funding fiscal year 1971 (millions of dollars)	Total personnel as of Jan. 1, 1970	Number of R. & D. installations
NSF	513	1,735	12
NASA	3,269	32,882	40
AEC	2,283	7,270	23
NBS	42	3,834	6
Smithsonian:			4
Astrophysical Observatory	2	54	----------
Tropical Research Institute	.57	44	----------
Radiation Biological Institute	1	29	----------
SIE	1.4	50	----------
State Department: Bureau of International Scientific and Technical Affairs	.7	45	----------
Total	6,112.67	45,943	85

DIRECTORY OF FEDERAL R&D INSTALLATIONS FOR THE YEAR ENDING JUNE 30, 1969

A REPORT TO THE FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

AGRICULTURE

Agricultural Research Service

Agricultural Engineering Research Stations

Agricultural Engineering Laboratory, Forest Grove, Ore.

Agricultural Engineering Research Division, Beltsville, Md.

Agricultural Engineering Research Laboratory, Tifton, Ga.

Agricultural Research Station, Salinas, Calif.

Cotton Ginning Laboratory

Cotton Ginning Research Laboratory

Cotton Research Station, Shafter, Calif.

Entomology Research Laboratory, Yakima, Wash.

Everglades Experiment Station
Federal Experiment Station, St. Croix, V.I.
Field Laboratory for Tung Investigations, Poplarville, Miss.
Insects Attractant Laboratory, Gainesville, Fla.
Livestock Insect Laboratory, Kerrville, Texas
South Central Poultry Research Laboratory
South Plains Cotton Ginning Research Laboratory
Southeastern Cotton Ginning Research Laboratory
Southeastern Fruit and Tree Nut Research Station, Byron, Ga.
Southeastern Poultry Field Station
Southern Grain Insects Research Laboratory
Southern Piedmont Soil Conservation Research Center
Tillage Machinery Laboratory
Tobacco Research Station, Oxford, N.C.
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Animal Disease and Parasite Division

Animal Disease and Parasite Research Stations
Animal Disease and Parasite Laboratory
Animal Disease Research Laboratory, Denver, Colo.
Endoparasite Vector Pioneering Research Laboratory
Livestock Insect Laboratory, Kerrville, Texas
Poisonous Plant Research Laboratory
Regional Parasite Research Laboratory
Regional Poultry Research Laboratory, E. Lansing, Mich.
South Central Poultry Research Laboratory
Southeastern Poultry Field Station, Athens, Ga.
SW Veterinary Toxicol. and Livestock Insect Research Lab.

Animal Husbandry Division

Animal Husbandry Research Stations
Beef Cattle Research Station
Brooksville Beef Cattle Research Station
Dairy Cattle Experiment Station
Fort Reno Livestock Research Station
Fort Robinson Beef Cattle Research Station
Iberia Livestock Experiment Station
Meat Animal Research Center
Poultry Research Laboratory
Range Livestock Experiment Station
Regional Poultry Research Laboratory, E. Lansing, Mich.
South Central Poultry Research Laboratory
Southeastern Poultry Field Station, Athens, Ga.
Western Sheep Breeding Laboratory
Boll Weevil Research Laboratory, State College, Miss.
Consumer and Food Economics Research Laboratory

Crops Research Division

Crops Research Stations
Agricultural Research Station, Salinas, Calif.
Aquatic Weeds Research Laboratory
Barley and Malt Laboratory
Big Bend Horticultural Laboratory
Border Belt Tobacco Research Station
Brush Control Research Laboratory
Cheyenne Horticultural Field Station
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Cotton Field Station
Cotton Research Station, Shafter, Calif.
Crops Research Laboratory, Ft. Collins, Colo.
Crops Research Laboratory, College Sta., Tex.
Crops Research Laboratory, Logan, Utah
Date and Citrus Station, Indio, Calif.
Federal Experiment Station, Mayaguez, P.R.
Field Laboratory for Tung Investigations, Poplarville, Miss.
Horticultural Field Laboratory, Orlando, Fla.
Horticultural Field Station, Fresno, Calif.
Horticultural Field Station, La Jolla, Calif.
Jornada Experiment Range
National Arboretum
National Seed Storage Laboratory, Ft. Collins, Colo.
Northern Grain Insects Research Laboratory
Northern Great Plains Research Center, Mandan, N.D.
Pacific Forest and Range Experiment Station, Berkeley, Calif.
Pecan Field Laboratory
Pecan Field Station
Plant Introduction Station, Chico, Calif.
Plant Introduction Station, Miami, Fla.
Plant Introduction Station. Savannah, Ga.
Plant Introduction Station, Glenn Dale, Maryland
Regional Pasture Research Lab., University Park, Pa.
Shade Tree and Ornamental Plants Laboratory
Small Fruit Research Station
Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.
Southern Grain Insects Research Laboratory, Tifton, Ga.
Southern Great Plains Field Station
Southwestern Irrigation Field Station, Brawley, Calif.
Squaw Butte-Harney Experiment Station
Sugar Crops Field Station
Sugarcane Field Station, Canal Point, Fla.
Sugarcane Field Station, Houma, Louisiana
Tobacco Research Station, Oxford, N.C.
Tree Fruit Research Center
Vegetable Breeding Laboratory
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Eastern utilization research laboratory

Eastern Utilization Research Stations
Dairy Products Research and Development Laboratory
Meat and Cheese Products Resch. and Development Lab.
Red River Valley Potato Research Center

Entomology research division

Entomology Research Stations
Agricultral Engineering Laboratory Forest Grove, Ore.
Animal Disease Research Laboratory
Bee Stock Center
Biological Control of Insects Laboratory
Boll Weevil Research Laboratory, Tallulah, La.
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Cotton Insects Research Laboratory
Dried Fruit and Nut Research Laboratory, Fresno, Calif.
Entomology Field Laboratory
Entomology Research Laboratory, Mesa, Ariz.
Entomology Research Laboratory, Riverside, Calif.
Entomology Research Laboratory, Twin Falls, Idaho
Entomology Research Laboratory, Moorestown, New Jersey
Entomology Research Laboratory, Brownsville, Texas
Entomology Research Laboratory, Yakima, Washington
Entomology Research Laboratory, Rome, Italy
European Parasite Laboratory, Gif-sur-Yvette, France
Federal Experiment Station, Mayaguez, Puerto Rico
Federal Experiment Station, St. Croix, Virgin Islands
Forage Insects Laboratory
Horticultural Field Laboratory, Orlando, Fla.
Insects Affecting Man Research Laboratory
Insects Attractants Laboratory, Gainesville, Fla.
Livestock Insect Laboratory, Kerrville, Texas
Northern Grain Insects Research Laboratory
Pecan Field Laboratory
Plant Introduction Station, Miami, Fla.
Regional Pasture Research Lab., University Park, Pa.
Screwworm Research Laboratory
Southeastern Cotton Insect Laboratory
Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.
Southern Grain Insects Research Laboratory, Tifton, Ga.
Southern Regional Plant Pest Control Headquarters
Southwest Cotton Insects Investigations Laboratory
Southwest Cotton Insects Laboratory
Southwestern Vet. Toxicol. and Livestock Insects Resch. Lab.
Sugarcane Field Station, Canal Point, Florida
Sugarcane Field Station, Houma, Louisiana
Systematic Entomology Laboratory
Tobacco Insects Laboratory
Tobacco Research Station, Oxford, N.C.
Vegetable Breeding Laboratory
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Fruit and Vegetable Chemistry Laboratory

Human Nutrition Division

Market Quality Research Division

Market Quality Research Stations
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Dried Fruit Nut Research Laboratory, Fresno, Calif.
Eastern Market Pathology Laboratory
Horticultural Field Station, Fresno, Calif.
Horticultural Field Laboratory, Orlando, Fla.
Insect Attractants Laboratory, Gainesville, Fla.
Market Quality Research Laboratory, Pomona, Calif.
Market Quality Research Laboratory, Tifton, Ga.
Market Quality Research Laboratory, Rotterdam, Netherlands
Midwest Market Pathology Laboratory
Northwestern Market Quality Laboratory
Peanut Marketing Research Laboratory, Dawson, Ga.
Plant Introduction Station, Miami, Fla.
Red River Valley Potato Research Center
Rice Pasture Research Experiment Station
Southwestern Field Crops Pathological Laboratory
Stored Products Insect Research Station, Manhattan, Kan.
Stored Products Insects Laboratory, Richmond, Va.

Metabolism and Radiation Research Laboratory

National Animal Disease Laboratory
Northern Utilization Research Laboratory
Plum Island Animal Disease Laboratory
Soil and Water Conservation Research Division
Soil and Water Conservation Research Stations
Agricultural Water Quality Management Laboratory
Big Spring Field Station
Blacklands Conservation Experiment Station
Central Great Plains Field Station, Akron, Colo.
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Coastal Plains Soil and Water Research Center
Fresno Field Station, Fresno, Calif.
Lompoc Soil and Water Conservation Field Station, Lompoc, CA.

Newell Irrigation and Dryland Field Station
North Appalachian Experimental Watershed
North Central Soil Conservation Research Center
North Central Watershed and Research Center
Northeast Watershed Research Center
Northern Great Plains Research Center, Mandan, N.D.
Northern Plains Soil and Water Research Center
Northwest Watershed Research Center
Plant, Soils and Nutrition Laboratory
Regional Pasture Research Laboratory, University Park, Pa.
Salinity Laboratory, Riverside, Calif.
Sedimentation Laboratory
Snake River Conservation Research Center
Soil and Water Conservation Resch. Lab., Ft. Collins, Colo.
Soil and Water Conservation Resch. Sta., Danville, Vt.
Soil and Water Conservation Resch. Sta., Pullman, Wash.
Southeast Watershed Research Center
Southern Great Plains Watershed Research Center
Southern Piedmont Soil Conservation Research Center
Southwest Rangeland Watershed Research Center
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Great Plains Research Center
Water Conservation Laboratory
Southeastern Agricultural Research Laboratory
Southern Utilization Research Laboratory
Southern Utilization Research Stations
Fruit and Vegetable Products Laboratory
Fruit and Vegetable Products Utilization Laboratory
Naval Stores Laboratory
Stored Products Insects R&D Lab., Savannah, Ga.
Transportation and Facilities Research Stations
Northwestern Market Quality Lab.
Peanut Marketing Research Lab., Dawson, Ga.
Red River Valley Potato Research Center
Transptatn. and Facilities Resch. Lab., Fresno, Calif.
Transptatn. and Facilities Resch. Lab., Hyattsville, Md.
Transptatn. and Facilities Resch. Lab., Yakima, Wash.
Transptatn. Technol. and Packaging Investigation Lab.
Western Utilization Research Laboratory

Forest Service

Forest Products Laboratory
Forestry Research Headquarters
Forest Disease Laboratory, Laurel, Md.
Forest Physiology Laboratory, Beltsville, Md.
Forestry Services Laboratory
Institute of Tropical Forestry
Intermountain Forest and Range Experiment Station
Forestry Sciences Laboratory, Boise, Idaho
Forestry Sciences Laboratory, Moscow, Idaho
Forestry Sciences Laboratory, Bozeman, Montana
Forestry Sciences Laboratory, Missoula, Montana
Forestry Sciences Laboratory, Logan, Utah
Forestry Sciences Laboratory, Provo, Utah
Intermountain Forest & Range Experiment Station
Northern Forest Fire Laboratory, Missoula, Mont.
North Central Forest Experiment Station
Forest Engineering Laboratory
Forest Watershed Laboratory, La Crosse, Wis.
Forestry Sciences Laboratory, Carbondale, Illinois.
Institute of Forest Genetics
North Central Forest Experiment Station
Northern Conifers Laboratory
Northern Hardwoods Laboratory
Northeastern Forest Experiment Stations
Forest Insect and Disease Laboratory, Hamden, Conn.
Forest Insect and Disease Laboratory, Delaware, Ohio
Forest Products Marketing Laboratory
Forestry Sciences Laboratory, Berea, Kentucky
Forestry Sciences Laboratory, Durham, N.H.
Forestry Sciences Laboratory, Columbus, Ohio
Forestry Sciences Laboratory, Warren, Pa.
Forestry Sciences Laboratory, Morgantown, W.Va.
Northeastern Forest Experiment Station, Sugar Maple Laboratory
Timber and Watershed Laboratory
Timber Research Laboratory
Pacific Northwest Forest and Range Experiment Station
Forest Hydrology Laboratory, Wenatchee, Washington
Forestry Sciences Laboratory, College, Alaska.
Forestry Sciences Laboratory, Corvallis, Oregon
Forestry Sciences Laboratory, Olympia, Washington
Forestry Services Laboratory, Portland, Oregon
Forestry Services Laboratory, Seattle, Washington
Institute of Northern Forestry
Range and Wildlife Habitat Laboratory
Silviculture Laboratory, Bend, Oregon
Pacific Southwest Forest and Range Experiment Stations
Forest Fire Laboratory, Riverside, California
Forestry Sciences Laboratory, Arcata, California
Forestry Sciences Laboratory, Redding, California
PSW Experiment Station, Berkeley, Calif.
Rocky Mountain Forest and Range Experiment Stations
Forest Hydrology Laboratory, Tempe, Arizona
Forest Range and Watershed Laboratory
Forestry Research Laboratory
Forestry Sciences Laboratory, Flagstaff, Arizona
Forestry Sciences Laboratory, Lincoln, Nebraska
Forestry Sciences Laboratory, Albuquerque, New Mexico
Rocky Mountain Forest and Range Expt. Station
Shelterbelt Laboratory
Southeastern Forest Experiment Stations
Coweeta Hydrologic Laboratory
Forest Resources Laboratory
Forestry Sciences Laboratory, Athens, Ga.
Forestry Science Laboratory, Research Triangle Park, N.C.
Forestry Sciences Laboratory, Charleston, S.C.
Naval Stores and Timber Production Laboratory
Southeastern Forest Experiment Station
Southern Forest Fire Laboratory
Southern Forest Experiment Stations
Alexandria Forestry Center
Forest Hydrology Laboratory, Oxford, Mississippi
Forestry Sciences Laboratory, State College, Miss.
Instit. of Forest Genetics and Forest Insects & Disease Lab.
Silviculture Laboratory, Sewanee, Tennessee
Southern Forest Experiment Station
Southern Hardwoods Laboratory

ATOMIC ENERGY COMMISSION

Ames Laboratory
Argonne National Laboratory
Atomic Bomb Casualty Commission
Bettis Atomic Power Laboratory
Brookhaven National Laboratory
Cambridge Electron Accelerator
Health and Safety Laboratory
Knolls Atomic Power Laboratory
Lawrence Radiation Laboratory, Berkeley, Calif.
Lawrence Radiation Laboratory, Livermore, Calif.
Los Alamos Scientific Laboratory
Mound Laboratory
National Accelerator Laboratory
National Reactor Testing Station
Nuclear Rocket Development Station
Oak Ridge Associated Universities
Oak Ridge National Laboratory
Pacific Northwest Laboratory
Plasma Physics Laboratory
Princeton-Pennsylvania Accelerator
Sandia Laboratory
Savannah River Laboratory
Stanford Linear Accelerator Center

ATTORNEY GENERAL

Justice Department

Special Testing and Research Laboratory

COMMERCE

Census

Center for Research in Measurement Methods
Engineering Development Laboratory

Environmental Science Services Administration

Air Resources Labs: Atmospheric Turb. & Diffus. Lab.
Air Resources Laboratories
Atlantic Oceanographic and Meteorological Labs.
Earthquake Mechanisms Laboratory
Geodetic Research & Development Laboratory
Geophysical Fluid Dynamics Laboratory
Geophysics Research Group
Joint Tsunami Research Group
Laboratory for Environmental Data Research
Mauna Loa Observatory
Meteorological Satellite Laboratory
National Meteorological Center
National Severe Storms Laboratory
Office of Systems Development
Pacific Oceanographic Laboratory
Research Flight facility
Research Group, Hydrography & Oceanography
Research Laboratories
Research, Office of Aeronaut. Chart. & Cartog.
Research Vessels
Satellite Experiment Laboratory
Systems Development Office
Test and Evaluation Laboratory
Wave Propagation Laboratory

National Bureau of Standards

Center for Computer Sciences and Technology
Center for Radiation Research
Institute for Applied Technology
Institute for Basic Standards, Boulder, Colo.
Institute for Basic Standards, Gaithersburg, Md.
Institute for Materials Research

DEFENSE

Office of Secretary

Institute for Defense Analyses

Air Force

Aeromedical Laboratory (6571)
Aeropropulsion Laboratory
Aerospace Corporation
Aerospace Medical Laboratory (6570)
Aerospace Medical Research Laboratory
Aerospace Research Laboratories

Air Proving Ground Center
Analytic Service, Inc.
Arecibo Observatory, Puerto Rico
Armament Laboratory
Arnold Engineering Development Center
Avionics Laboratory
Cambridge Research Laboratories
Eastern Test Range
Electromagnetic Compatibility Analysis Center
Epidemiological Laboratory
Flight Dynamics Laboratory
Flight Test Center
Human Resources Laboratory
Lincoln Laboratory
Materials Laboratory
Missile Development Center
MITRE Corporation
Office of Research Analyses
Rand Corporation
Rocket Propulsion Laboratory
Rome Air Development Center
School of Aviation Medicine
Frank J. Seiler Research Laboratory
Special Weapons Center
Weapons Laboratory
Western Test Range

Army

Aberdeen Research and Development Center
Aeromedical Research Unit
Aeronautical Research Laboratory
Arctic Test Center
Aviation Materiel Laboratories
Aviation Test Activity
Ballistic Research Laboratory
Behavioral Science Research Laboratory
Biological Laboratories
Center for Research in Social Systems
Coating and Chemical Laboratory
Cold Regions Research and Engineering Lab.
Construction Engineering Research Laboratory
Dental Research Institute
Deseret Test Center Laboratories
Development and Proof Services
Edgewood Arsenal Laboratories

Agency or department

Electronics Laboratories
Electronic Proving Ground
Engineer Reactor Group
Engineer Topographic Laboratory
Engineer Waterways Experiment Station
Frankford Arsenal Laboratories
General Equipment Test Activity
Harry Diamond Laboratories
Human Engineering Laboratory
HumRRO
Institute for Surgical Research
Limited War Laboratory
Materials and Mechanics Research Center
Material Systems and Analysis Agency
Medical Biochemical Research Laboratory
Medical Equipment R&D Laboratory
Medical Research and Nutrition Laboratory
Medical Research Laboratory
Medical Research Unit, San Francisco, California
Medical Research Unit, Balboa Heights, Canal Zone
Medical Research Unit, Kuala Lumpur, Malaysia
Medical Unit, Ft. Detrick, Md.
Missile Command Laboratories
Mobility Equipment R&D Center
Natick Laboratories
Nuclear Defense Laboratory
Picatinny Arsenal Laboratories
Research Anaylsis Corporation
Research Institute of Environmental Medicine
Rock Island Arsenal Laboratories
Tank Automotive Command Laboratories
Tropic Test Center
Walter Reed Army Institute of Research
Watervliet Arsenal Laboratories
White Sands Missile Range
Yuma Proving Ground

Navy

Aerospace Medical Institute
Aerospace Recovery Facility
Air Development Center
Air Engineering Center
Air Propulsion Test Center
Air Test Center
Air Test Facility
Applied Physics Laboratory, Laurel, Md.
Applied Physics Laboratory, Seattle, Washington
Applied Science Laboratory
Arctic Research Laboratory
Atlantic Undersea Test and Evaluation Center
Blood Research Laboratory
Center for Naval Analyses
Civil Engineering Laboratory
Clothing and Textile Research Unit
Dental Research Institute
Electronics Laboratory Center
Electronic Syst. Test and Evaluation Facility
Expl. Ordnance Disposal Facility
Medical Field Research Laboratory
Medical Neuropsychiatric Research Unit
Medical Research Institute
Medical Research Unit No. 1
Medical Research Unit No. 2
Medical Research Unit No. 3
Medical Research Unit No. 4
Missile Center
Naval Unit, Fort Detrick
Ordnance Laboratory
Ordnance Missile Test Facility
Ordnance Research Laboratory
Ordnance Unit
Pacific Missile Range
Personnel Research Activity
Personnel Research and Development Laboratory
Radiological Defense Laboratory
Research Laboratory (NRL)
Security Engineering Facility
Ship Research and Development Center
Ship R&D Laboratory, Panama City, Florida
Ship R&D Laboratory, Annapolis, Maryland
Space Systems Activity
Submarine Medical Center
Toxicology Unit
Training Devices Center
Undersea R&D Center
Underwater Sound Laboratory
Underwater Weapons Res. and Eng. Station
Weapons Center
Weapons Evaluation Facility
Weapons Laboratory
Weather Research Facility

FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission Laboratory

FEDERAL TRADE COMMISSION

Cigarette Testing Laboratory
Textiles and Furs Laboratory

HEALTH, EDUCATION, AND WELFARE

Consumer Protection and Environmental Health Service

Appalachian Laboratory
Arctic Health Research Center
Bureau of Radiological Health Laboratories
Bureau of Science
Bureau of Water Systems Laboratory
Chemistry & Physics Laboratory
Economic Effects Research Laboratory
Gulf Coast Water Hygiene Laboratory
Health Effects Research Laboratory
Injury Control Research Laboratory
Milk and Food Laboratories
Motor Vehicle Pollution Control Laboratory
National Center for Antibiotic and Insulin Analysts
National Center for Drug Analysts
National Center for Microbiological Analysts
Northeast Radiological Health Laboratory
Northeast Water Hygiene Laboratory
Northwest Water Hygiene Laboratory
Occupational Health Laboratory
Perrine Primate Laboratory
Process Control Engineering Laboratory
Radiological Engineering Laboratory
Radiological Health Laboratory
Solid Wastes Laboratory
Solid Wastes Laboratory: Field Station
Solid Wastes Pilot Handling Plant
Southeast Radiological Health Laboratory
Southwestern Radiological Health Laboratory
Toxicology Laboratory Branch
Uranium Mine Research Facility
Veterinary Research Laboratory
Western Area Occupational Health Laboratory

Health Services and Mental Health Administration

Addiction Research Center
Antigen Laboratory Unit
Division of Special Mental Health Research
Epidemiology Program
Experimental Laboratory Unit
Fort Collins Laboratories
Health Program Systems Center
Intramural Research Program
Kansas City Laboratory
Laboratory Division, Atlanta, Ga.
Laboratory Division, Savannah, Ga.
National Center for Prevention and Control of Alcoholism
Phoenix Laboratory
San Juan Laboratories
Veneral Disease Research Laboratory
Winfred Overholser Division of Clinical Research

National Institutes of Health

Division of Biologics Standards
Division of Computer Research and Technology
Gerontology Research Center
Middle America Research Unit
National Cancer Institute
National Heart and Lung Institute
National Institute of Allergy and Infectious Diseases
National Institute of Arthritis and Metabolic Diseases
National Institute of Child Health and Human Development
National Institute of Dental Research
National Institute of Environmental Health Sciences
National Institute of Neurological Diseases & Blindness
Pacific Research Unit
Rocky Mountain Laboratory

INTERIOR

Commercial fisheries

Biological Laboratory, Juneau, Alaska
Biological Laboratory, Milford, Conn.
Biological Laboratory, St. Petersburg, Fla.
Biological Laboratory, Honolulu, Hawaii
Biological Laboratory, West Boothbay Harbor, Maine
Biological Laboratory, Oxford, Md.
Biological Laboratory, Woods Hole, Mass.
Biological Laboratory, Galveston, Tex.
Biological Laboratory, Seattle, Wash.
Center for Estuarine and Menhaden Research
Exploratory Fish and Gear Research Base, Juneau, Alaska
Exploratory Fishing and Gear Research Base, Gloucester, Mass.
Exploratory Fish and Gear Research Base, Ann Arbor, Mich.
Exploratory Fish and Gear Research Base, Pascagoula, Miss.
Exploratory Fish and Gear Research Base, Seattle, Wash.
Exploratory Fish and Gear Research Field Station
Fishery Oceanographic Center
Food Science Laboratory
Great Lakes Fishery Laboratory
Marine Mammal Research Laboratory
National Center for Fish Protein
Ocean Research Laboratory
Research Vessels

Systematic's Laboratory-Taxonomy
Technological Laboratory, Ketchikan, Alaska
Technological Laboratory, Terminal Island, Calif.
Technological Laboratory, Gloucester, Mass.
Technological Laboratory, Ann Arbor, Michigan
Technological Laboratory, Pascagoula, Miss.
Technological Laboratory, Seattle, Washington
Tropical Atlantic Biological Laboratory

Bureau of Mines

Coal Research Center, Pittsburgh, Pa.
Coal Research Center, Morgantown, W. Virginia
Coal Research Laboratory
Helium Research Center
Marine Minerals Technology Center
Metallurgy Research Center, College Park, Maryland
Metallurgy Research Center, Minneapolis, Minnesota
Metallurgy Research Center, Rolla, Missouri
Metallurgy Research Center, Reno, Neveda
Metallurgy Research Center, Albany, Oregon
Metallurgy Research Center, Salt Lake City, Utah
Metallurgy Research Laboratory, Tuscaloosa, Alabama
Metallurgy Research Laboratory, Boulder City, Nevada
Mine Systems Engineering Group
Mining Research Center, Denver, Colorado
Mining Research Center, Minneapolis, Minnesota
Mining Research Center, Pittsburgh, Pennsylvania
Mining Research Laboratory
Petroleum Research Center, Bartlesville, Oklahoma
Petroleum Research Center, Laramie, Wyoming
Petroleum Research Laboratory
Petroleum Research Office
Research Vessel
Safety Research Center

Bureau of Reclamation

Engineering and Research Center

Bureau of Sport Fisheries and Wildlife

Bird and Mammal Laboratory
Eastern Fish Disease Laboratory
Eastern Fish Nutrition Laboratory
Fish Control Laboratory
Fish Farming Experimental Station
Fish Genetics Laboratory
Fish-Pesticide Research Laboratory
Migratory Bird Populations Station
Narragansett Marine Game Fish Laboratory
North Central Reservoir Investigations
Northern Prairie Wildlife Research Center
Patuxent Wildlife Research Center
Salmon Cultural Laboratory
Sandy Hook Marine Laboratory
Sierra Nevada Aquatic Research Laboratory
South Central Reservoir Investigations
Southeastern Fish Control Laboratory
Southeastern Fish Cultural Laboratory
Tiburon Marine Laboratory
Western Fish Disease Laboratory
Western Fish Nutrition Laboratory
Wildlife Research Center

Geological Survey

Geological Survey Headquarters
Center for Astrogeology
Pacific Coast Region Center
Rocky Mountain Region Center

National Park Service

Archeological Center, Midwest
Archeological Center, Southeast
Archeological Center, Southwest
Plant Pathology Laboratory

Office of Saline Water

Test Facility, Chula Vista, California
Test Facility, Roswell, New Mexico
Test Facility, Wrightsville Beach, N.C.
Test Facility, Webster, South Dakota
Test Facility, Freeport, Texas

Water Pollution Control Administration (FWPCA)

Advanced Waste Treatment Research Laboratory
Analytical Quality Control Laboratory
Hudson-Delaware Basins Office
Robert S. Kerr Water Research Center
National Marine Water Quality Laboratory
National Water Quality Laboratory
Newtown Fish Toxicology Laboratory
Pacific Northwest Water Laboratory
Southeast Water Laboratory

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ames Research Center
Antenna Test Range
Atmospheric Propagation Research Facility
Bedford Flight Facility
Canoga Park Facility
Churchill Research Range
Combined Systems Test Stand
Deep Space Network
Downey Industrial Plant
Edwards F–1 Engine Test Facility
Edwards Test Station
Electronics Research Center
Ellington Support Facilities
Flight Research Center
Goddard Institute for Space Studies
Goddard Space Flight Center
Jet Propulsion Laboratory
Kennedy Space Center
Langley Research Center
Lewis Research Center
Manned Spacecraft Center
Manned Space Flight Network
Marshall Space Flight Center
Michoud Assembly Facility
Mississippi Test Facility
NASA Communications Network
Nuclear Rocket Development Station
Plum Brook Station
Sacramento Test Facility
Santa Susana Test Facility
Seal Beach Assembly Facility
Slidell Computer Facility
Sounding Rocket Launch Sites
Space Radiation Effects Laboratory
Space Tracking and Data Acquisition Network
Sycamore Canyon Test Site
Table Mountain Facility
Wallops Station
Western Test Range
White Sands Test Facility

NATIONAL SCIENCE FOUNDATION

Amundson-Scott South Pole Station
Byrd Station
Cerro Tololo Inter-American Observatory
Hallett Station
Kitt Peak National Observatory
McMurdo Station
National Center for Atmospheric Research
National Radio Astronomy Observatory
National Scientific Balloon Facility
Palmer Station
Research Ship Eltanin
Research Ship Hero

POST OFFICE

Research and Development Laboratory

SMITHSONIAN INSTITUTION

National Museum of Natural History
Radiation Biology Laboratory
Smithsonian Astrophysical Observatory
Smithsonian Tropical Research Institute

TENNESSEE VALLEY AUTHORITY

Central Laboratories
Engineering Laboratory
Environmental Biology Laboratry
Forestry and Fisheries Laboratory
Industrial Hygiene and Air Quality Laboratory
Materials Engineering Laboratory
National Fertilizer Development Center
Radiological Hygiene Laboratory
Water Quality Laboratory

TRANSPORTATION

Coast Guard

Electronics Enginering Center
Field Testing & Development Center
Oceanographic Unit
Research Vessels
(Research) Polar Icebreakers
(Research) WHEC (High Endurance) Cutters
Shipboard Fire & Safety Testing Facility
Washington Radio Station Laboratory

Federal Aviation Agency

Civil Aeromedical Institute
Fog Chamber
National Aviation Facilities Experimental Center

Federal Highway Administration

Fairbank Highway Research Station

TREASURY

Bureau of Engraving and Printing

Research and Technical Services Office Laboratory

Internal Revenue Service

Alcohol, Tobacco and Firearms Division Laboratory

VETERAN'S ADMINISTRATION

Bioengineering Research Laboratory
Research Laboratories
Research Support Center, Eastern
Research Support Center, Midwestern
Research Support Center, Southern
Research Support Center, Western

SCIENCE IN NEW MEXICO

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

The needed scientific community relocated to the State of New Mexico from all over the Nation and made careers of valuable national contribution and formed a solid economy for New Mexico. The change in emphasis from space defense, and atomic energy, to the domestic needs of the Nation is something that is now drastically needed, and the facilities and personnel located in the State of New Mexico should be reprogramed to accomplish these domestic needs, and not disbanded and dismantled. If the current administration continues to deemphasize science and technology the State of New Mexico will suffer a sharp setback in its basic economy and conversion to another economic base will take many years. This is neither advantageous to science and technology, the scientific community, the future of the Nation, nor the future of the State of New Mexico.

The State of New Mexico was the birthplace of atomic energy, modern missile and

rocketry, and the beginning of the space program. The people of the government of the State of New Mexico welcomed and cooperated with the Federal Government in accommodating the wishes of the Federal Government to conduct large-scale programs in science and technology in the State for the past quarter century. This endeavor was, of course, mutually beneficial to both the State of New Mexico and the Federal Government. In many cases, however, personal sacrifice on use of available land to ranchers, farmers, and recreational facility promoters was encountered to accommodate the desires of the Federal Government. The loss of Federal programs in the State after so long a period of investment and successful operation harms in a remarked way the very people who supported Federal science and technology in its early days.

Five State-supported universities in New Mexico are actively engaged in several programs that are federally supported in accomplishing the R. & D. programs of the Nation. These universities have made national contribution in the past to the Nation's advancing technology. These universities have produced many outstanding scientists and engineers over the past 25 years and have made a remarkable contribution to the accomplishment of the science and technology goals of the Nation. The increase in enrollment in the sciences and engineering in these universities leveled off some time ago and now is sharply declining. It appears that it is no longer attractive for young people to enter into science and technology careers if the current administration projects a dismal future. Thus the institutions of higher learning supported by the State of New Mexico which have contributed so much to the Federal activity are now faced with a sharp decline in science involvement, scientific activity, and facility overexpansion.

The attempt to create a Department of Science and Technology has a long history. I think that it is time for Congress to give a positive answer to the question of reorganization. The history of the efforts to create such a Department, along with clear and persuasive arguments, have been summarized by Herbert Roback, and I close my remarks on this subject with a request that this article be printed at the end of my comments in the CONGRESSIONAL RECORD.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee. Referred to the Committee on the Judiciary.

FULL CITIZENSHIP RIGHTS FOR GEN. ROBERT E. LEE

Mr. BYRD of Virginia. Mr. President, as a result of a discovery in the National Archives, in the last 6 months, of a bona fide amnesty oath, signed by Gen. Robert E. Lee, I am today introducing a joint resolution to restore the full citizenship rights of General Lee.

As a Virginian, I take this step with much pride, and I call to the attention of the Senate that this belated action is not sectional in nature, but rather is a step that should have been taken by the Nation as a whole long ago.

I could, of course, speak at great length on the subject of General Lee's ability as a military commander and his deeds in the service of Virginia and the South. I would rather emphasize to the Senate the sterling character of General Lee, which has stood as an unequaled example of gentlemanly demeanor, both in victory and adversity.

Historians have long recognized the beneficial effects of General Lee's conduct subsequent to the War Between the States. Instead of harboring bittnerness in his heart, General Lee, both by word and deed, put his full effort into healing the wounds of that tragic conflict. His actions represented the noblest attributes of our national character and were in full accord with the fervent desire for peaceful reunion so eloquently expressed by President Lincoln.

I regard President Lincoln and General Lee as two of our greatest Americans. Their character, their leadership, their courage and their ability will stand as a monument for all time.

Only 2 months after the surrender of the Army of Northern Virginia at Appomattox Court House, General Lee on June 13, 1865, applied to President Andrew Johnson for amnesty and restoration of his rights as a citizen, pursuant to the President's Amnesty Proclamation of May 29, 1865.

In furtherance of the conciliatory spirit and fairness he displayed to General Lee and his soldiers at Appomattox Court House, Gen. Ulysses S. Grant graciously forwarded the request to the President on June 20, 1865. Always have I been impressed with the magnanimity of General Grant. The endorsement of General Lee's affidavit follows:

Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for this reason, as I am informed by General Ord, that the order requiring it had not reached Richmond when this was forwarded.

Unknown to General Lee on June 13, when he requested amnesty and restoration of citizenship, was the requirement that an oath of allegiance accompany such a request.

The next several months in General Lee's life were busy ones; during this period, he moved to Lexington, Va., and became president of what was then Washington College, the institution which is now Washington and Lee University.

On October 2, 1865, General Lee, as an example to the people of the South, laid aside his role as a military leader and became a leader of young men. On that day he was inaugurated president of Washington College and dedicated the remaining years of his life to preparing young men to be servants of the reunited States of the Union.

On that same day, General Lee, apparently having become aware of the requirement of an amnesty oath, appeared in Lexington before Charles A. Davidson, a notary public for the County of Rockbridge, Va., to whom he gave the following oath:

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

Signed, R. E. LEE.

I believe we can safely assume that had this oath reached the hands of the President, that General Lee's citizenship would have been restored in full. But it was lost for quite some period of time, and has been discovered only recently.

In the 1970 winter issue of Prologue, the journal of the National Archives, Mr. Elmer O. Parker has written an excellent article describing the discovery of General Lee's oath among the State Department records of the National Archives. Apparently the oath was submitted separately and was never joined to General Lee's request of June 13, 1865.

I recite these facts to the Senate in order to show that General Lee fulfilled every requirement for the restoration of his citizenship.

As is known to many, on February 15, 1869, the outstanding treason indictments against General Lee, his sons, and 14 other general officers of the Confederacy, were dismissed by the United States. Thus, the only bar to the citizenship of General Lee is the third section of the 14th amendment to the Constitution, which provides that no person who has previously taken an oath as an officer of the United States and is subsequently engaged in rebellion against the same, can hold office. The amendment provides that Congress, by a two-thirds vote of each House, can remove such a disability.

Mr. President, I feel that Congress should act now to restore the full rights of citizenship to one of the greatest Americans of all time.

Mr. President, at this point I ask unanimous consent that the text of the joint resolution which I send to the desk for appropriate reference be printed in the RECORD.

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

S.J. RES. 68

Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee

Whereas, this entire Nation has long recognized the outstanding virtues of courage, patriotism and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas, this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas, a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas, it appears that General Lee thus fulfilled all of the legal as well as moral re-

quirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia, are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

Mr. BYRD of Virginia. I also ask unanimous consent that a copy of General Lee's letter of June 13, 1865, to President Johnson; his letter of the same date to General Grant; General Grant's endorsement of June 16, 1865; General Grant's letter to General Lee of June 20, 1865; a copy of the oath itself, and a copy of the article by Mr. Parker be printed in the RECORD.

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

RICHMOND, VA.,
June 13, 1865.

His Excellency ANDREW JOHNSON.

DEAR SIR: Being excluded from the provisions of the amnesty and pardon in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those enclosed in its terms. I graduated at the Military Academy at West Point in June 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

Your obedient servant,

R. E. LEE.

RICHMOND,
June 13, 1865.

Lieut. Gen. U. S. GRANT,
Commanding Armies of the United States:

GENERAL: Upon reading the President's proclamation of the 29th ultimo, I came to Richmond to ascertain what was proper or required of me to do, when I learned that with others I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any charges that may be preferred against me. I do not wish to avoid trial, but if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and therefore inclose the required application, which I request in that event may be acted on.

I am, with great respect, your obedient servant,

R. E. LEE.

HEADQUARTERS,
ARMIES OF THE UNITED STATES,
June 16, 1865.

In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. GRANT,
Lieutenant-General.

HEADQUARTERS ARMIES OF
THE UNITED STATES,
Washington, June 20, 1865.

General R. E. LEE,
Richmond, Va.:

Your communications of date of the 13th instant, stating the steps you had taken after reading the President's proclamation of the 29th ultimo, with a view of complying with its provisions when you learned that, with others, you were to be indicted for treason by the grand jury at Norfolk; that you had supposed the officers and men of the Army of Northern Virginia were by the terms of their surrender protected by the United States Government from molestation so long as they conformed to its conditions; that you were ready to meet any charges that might be preferred against you, and did not wish to avoid trial, but that if you were correct as to the protection granted by your parole, and were not to be prosecuted, you desired to avail yourself of the President's amnesty proclamation, and inclosing an application therefor, with the request that in that event it be acted on, has been received and forwarded to the Secretary of War, with the following opinion indorsed thereon by me:

"In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting the officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from the further prosecution of them."

This opinion, I am informed, is substantially the same as that entertained by the Government. I have forwarded your application for amnesty and pardon to the President, with the following indorsement thereon:

"Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded."

U. S. GRANT,
Lieutenant-General.

[Office of Notary Public, Rockbridge County, Va., October 2nd, 1865.]

AMNESTY OATH

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

R. E. LEE.

Sworn to and subscribed before me, this 2nd day of October, 1865.

CHAS. A. DAVIDSON,
Notary Public.

WHY WAS LEE NOT PARDONED?

(By Elmer Oris Parker)

Archivists have recently discovered Robert E. Lee's oath of amnesty among State Department records in the National Archives. To those historians of the Civil War and Reconstruction who believe that Lee did not satisfy the requirements for amnesty this may come as a surprise.

Facing an indictment for treason, Lee read in Richmond newspapers President Andrew Johnson's proclamation of May 29, 1865, "to induce all persons to return to their loyalty." Lee immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application." It was not in order for it was not accompanied by an oath of allegiance to the United States. Such an oath was required by an order of the President. Lee's action was premature.

General Grant attempted to justify the absence of the oath. He explained to the President that Gen. E. O. C. Ord, commanding the Department of Virginia at Richmond, informed him that the order requiring it had not reached the city when Lee's application was forwarded. Grant, therefore, earnestly recommended that amnesty and pardon be granted the old warrior.

Meanwhile, Lee had been elected president of Washington College and had proceeded on "Traveller" by easy paces to Lexington where he was inaugurated on October 2. This was an important day in his life. Not only did he take up the life of a useful citizen, he also subscribed to the amnesty oath, thereby complying fully with the provisions of Johnson's proclamation. Thus, Lee had every reason to expect he would be pardoned and restored to full citizenship.

But this never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed. Although attempts have been made in recent years to have Congress restore Lee's citizenship posthumously, all have come to naught. As far as was known Lee, after laying down his arms at Appomattox, had not sworn "to support, protect and defend the Constitution of the United States." But the discovery of his oath of amnesty proves that he had indeed done so. Furthermore, he had also sworn to "faithfully support all laws and proclamations made during the rebellion with reference to the emancipation of slaves." Lee's oath was duly executed, signed, and notarized, and for a century it has remained buried in a file in the nation's archives.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 120

At the request of Mr. SCHWEIKER, the Senator from Oregon (Mr. HATFIELD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of

S. 120, a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S. 192

At the request of Mr. NELSON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 192, a bill to ban ocean dumping.

S. 422

At the request of Mr. BYRD of West Virginia, on behalf of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 422, to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 604

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 604, a bill to increase the annuities of certain civil service retirees.

S. 605

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 605, a bill to exclude the first $5,000 of civil service retirement annuity from gross income under the Internal Revenue Act.

S. 606

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 606, a bill to provide minimum annuities for certain civil service retirees.

S. 704

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 704, a bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 1030

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. FONG) 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. 1085

At the request of Mr. HANSEN, the Senator from Idaho (Mr. CHURCH), the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1085 to amend the Federal Meat Inspection Act relating to the labeling of imported meat.

S. 1113

At the request of Mr. BAKER, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1113, the National Environmental Laboratory Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 15

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Joint Resolution 15 to designate the week beginning the third Monday of April as National Earth Week.

SENATE JOINT RESOLUTION 32

At the request of Mr. BAKER, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 17, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Richard C. Freeman, of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272, approved June 2, 1970

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance, vice Charles H. Rogovin, resigned

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

REPORT ON THE OUTER CONTINENTAL SHELF

Mr. METCALF. Mr. President, I invite the attention of Senators to the report just issued by the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs.

The interest of the committee in seabed mineral development dates back to 1953 when the committee gave initial consideration to the bill which became the Outer Continental Shelf Lands Act. The committee's continuing interest in the development of offshore mineral recovery operations was notably intensified on July 23, 1969, when our chairman, Senator HENRY M. JACKSON, established a Special Subcommittee on the Outer Continental Shelf and requested that it investigate the matter of a national policy for our continental shelf and seabed.

I have enjoyed the privilege and the challenge of serving as chairman of that special subcommittee, whose members included Mr. JACKSON, Mr. MOSS, Mr. GRAVEL, Mr. BELLMON, Mr. HATFIELD, and Mr. STEVENS. Our subcommittee has conducted comprehensive hearings. The record of our hearings is contained in three volumes. The initial conclusions we have reached are laid down in a fourth volume—a summary and a report, including a response to President Nixon's May 23 proposal and the draft working paper which followed.

I will discuss today the conclusions we have reached. But before doing so, allow me to comment briefly on the approach we took in the preparation of our report.

At the outset we all became quickly aware of the gravity of the subject before us. We recognized that the mineral wealth of our continental margins contains the energy potential to fuel our Nation's needs for the next century. We also recognized that undisputed access to the vast energy resources of the entire U.S. continental margin is absolutely essential to fuel our industrial machine and thereby sustain a sound economy. In short, we soon realized that we were considering a matter so important to the future well being of the American people that it would be sheer folly to allow partisan politics to affect our deliberations in any way.

Our report was unanimous. There are no dissents, no minority views. I hope that you will each study our report. It is based wholly on the record of our hearings and is the result of hundreds of hours of meticulous preparation.

I might also add here that copies of earlier draft versions of this report were made available to the Department of State through the request of its able legal adviser, Mr. John R. Stevenson. Mr. Stevenson visited us to discuss suggested changes in our report which he thoughtfully prepared. He sent two memorandums containing a total of 30 specific recommended changes. We gratefully accepted 10 out of 14 of the changes he suggested in his first memorandum and nine out of 16 changes he proposed in his second memorandum or, in the aggregate, we accepted in whole or in part 19 out of 30 of his recommended modifications. We were not able to accept the remaining 11 changes Mr. Stevenson proposed, because our acceptance of those recommendations would have caused us to reach diametrically opposite conclusions from those upon which the subcommittee had already unanimously agreed and which were derived wholly from the record of the hearings.

The committee, nevertheless, appreciated Mr. Stevenson's helpful suggestions during the time of our hearings and while preparation of our report was progressing. We look forward to his further cooperation with the committee as it continues its review of proposals pertaining to the U.S. continental margins and the deep seabed.

Before I summarize the report, I shall digress for a moment to mention briefly what I consider to be the international setting in which the U.N.-sponsored law of the sea debates are taking place.

The international law of the sea was created and has been perpetuated in order to further the self-interests of those nations powerful enough to shape it. Hugo Grotius, the father of modern international law of the sea, was hired by the Dutch Government at the beginning of the 17th century to invent the freedom-of-the-seas doctrine. This was necessary because a Dutch sea captain had committed an act of piracy against a Portuguese vessel in the Strait of Malacca—waters claimed by the Portuguese under the authority of the Treaty of Tordesillas of 1494. The Dutch wanted to

monopolize trade with the Far East, and Hugh Grotius was hired at a very handsome fee to help his Dutch Government justify acts of piracy in order to monopolize trade. Thus, the freedom-of-the seas doctrine was invented to justify unlawful actions taken by the Dutch Government against the Portuguese.

What Grotius said was that the seas are common to all nations and God did not ordain that any nation should be permitted to assert its dominion over them. What Grotius meant was that the Dutch intended to sail their vessels to the Far East to monopolize trade there and the Dutch were not going to let any Portuguese assertions of dominion over the western Atlantic and Indian Ocean—even though sanctioned by the powerful Pope Alexander VI—get in their way.

That was the origin of the freedom-of-the-seas doctrine. That doctrine has evolved over the last few centuries. Yet, today it remains quite similar when you look through all the rhetoric.

The four freedoms of the sea—as set forth in the 1958 Geneva Convention on the High Seas—are the freedom to navigate the high seas; the freedom to overfly the high seas; the freedom to fish on the high seas; and the freedom to lay submarine cables and pipelines on the bed of the high seas. There are also other implied freedoms arising out of the freedom-of-the-seas doctrine: The freedom to conduct research on the high seas and the freedom to explore and exploit the natural resources of the deep ocean floor—beyond the limits of national jurisdiction.

The crucial issues arising out of any contemporary analysis of the freedom-of-the-seas doctrine is who benefits and who is burdened?

Those nations which have navies and merchant marines which traverse the globe benefit. Those nations which have no global naval or merchant marine capabilities do not benefit.

Those nations which have transoceanic airlines and strategic airpower capabilities benefit from the freedom-of-the-seas doctrine. Those nations which have no such aircraft do not benefit.

Those nations whose modern, highly mechanized fishing fleets are capable of sailing to distant waters benefit from the freedom-of-the-seas doctrine. Those nations do not benefit which have none themselves but who are confronted with other nations' distant water fishing fleets catching millions of tons of fish within sight of foreign shores.

Those nations which have the capacity to lay submarine cables, do oceanographic research, and mine the deep ocean floor benefit from the freedom-of-the-seas doctrine. Those nations without marine technology do not benefit.

When one understands that there are dozens of nations which have never benefited from the freedom-of-the-seas doctrine, one can understand the motivation behind their growing demands for greater participation. What is proclaimed by some to be equal freedom for all nations on the high seas has become in fact unequal freedom.

One final thought before returning to our report. In 1945, President Truman issued a proclamation which later became the basis for another very important convention—the 1958 Geneva Convention on the Continental Shelf. This convention reflects the inherent and exclusive right of coastal nations to explore and exploit the national resources of their continental margins.

The Convention on the Continental Shelf, however, recognizes that the high-seas doctrine applies to uses of the water column above the continental margins of coastal nations and to uses of the continental margins not related to exploration and exploitation of seabed wealth. Thus, the two doctrines are quite compatible.

The one significant geopolitical difference between the 1958 Geneva Convention on the High Seas and the 1958 Geneva Convention on the Continental Shelf is that under the High Seas Convention the technologically underdeveloped nations do not benefit. But under the Continental Shelf doctrine all coastal nations, whether technologically advanced or not, enjoy the same exclusive right to explore and exploit the natural resources contained within their entire continental margin. All coastal nations own the mineral estate of their continental margins. The word that tells the difference between the two conventions is equity.

Under the freedom-of-the-seas doctrine there is not much equity between developed and underdeveloped coastal nations; under the Continental Shelf doctrine there is equity between the developed and less developed coastal nations.

Under the freedom-of-the-seas doctrine, a less developed nation is a second-class citizen. Under the Continental Shelf doctrine a less developed coastal nation has rights essentially equal to the large industrialized coastal nations.

The lesson to be learned is that the underdeveloped coastal nations are in the process of waking up to these differences and are beginning to assert a few rights of their own. This is what the new law of the sea revolution is all about.

Now to our report.

The threshold question we explored concerned the nature of the present rights enjoyed by the people of the United States in the continental margin. One source of law which defines these rights is the 1958 Geneva Convention on the Continental Shelf. That convention provides a definition of the seaward limits of our sovereign rights. It states that our sovereign rights extend "to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Some few witnesses said this definition was imprecise. Most witnesses correctly stated that this definition was quite precise and wholly adequate. One or two State Department officials said that they were not certain of the meaning of the Geneva Convention or that they did not wish to discuss it. Every member of our subcommittee felt that the meaning of the Continental Shelf Convention was quite clear. So that there will be no doubt as to our understanding of its meaning, let me read to you our interpretation of the seaward limits of our sovereign rights over our continental margins. We unanimously agree that—

> Rights under the 1958 Geneva Convention on the Continental Shelf extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency which could encompass the entire continental margin.

This is also the definition adopted by the American Branch of the International Law Association, a group of distinguished scholars and international lawyers.

In plain words, our major sovereign rights as related to our continental margins consist of the following:

First, the exclusive ownership of the mineral estate and sedentary species of the entire continental margin;

Second, the exclusive right to control access for exploration and exploitation of the entire continental margin; and

Third, the exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the entire continental margin.

We made reference in our report to the 1958 Geneva Convention on the Continental Shelf as one useful source of law which helps define the nature of our rights in our submerged land continent. We also noted the 1969 opinion of the International Court of Justice concerning the North Seas cases which affirms the principal source of our rights in our submerged land continent. That source is an inherent right which exists by virtue of our sovereignty over the land.

This is a very important point. Let me repeat it. The exclusive sovereign right we enjoy to explore and exploit the natural resources of our entire continental margin is an inherent right which exists by virtue of our sovereignty over the land.

The sovereign right of each coastal nation to exploit the natural resources of its submerged land continent is not dependent on the acquiescence of any other nation. Accordingly, no nation or group of nations may negotiate away that right without our consent. Nor may we or any group of nations negotiate away the sovereign right of any other coastal nation to explore and exploit the natural resources of its continental margin without that nation's consent.

That is why we stated in our report that any new international agreement which purported to restrict claims of national jurisdiction to which the United States is entitled under the Continental Shelf doctrine, would certainly be of far-reaching domestic importance and, therefore, of serious concern to our committee.

There are, however, some few militant factions in our Government which are hopeful that coastal nations will sacrifice their sovereign rights to the natural resources of their continental margins. These nautical hawks feel that their freedom to navigate may be hampered by the development of natural resources of the continental margins of the world.

So they wish to stop development in order to prevent any competition with their free and unregulated use of the sea and seabed.

They have suggested that a few coastal nations have been overstepping their rights under the Geneva Convention by claiming areas of exclusive national jurisdiction far in excess of those contemplated by that treaty, and that such claims qualitatively are in abrogation of the freedom-of-the-seas doctrine. We have found little evidence to support such allegations. The overwhelming majority of coastal nations which have become parties to the Shelf Convention have limited their jurisdictional claims both qualitatively and quantitatively to the terms of that treaty. They have indeed honored their solemn commitments.

Nevertheless, because of the small handful of examples of jurisdictional claims alleged to be violations of the Shelf Convention, some few persons have advocated superseding the 1958 Geneva Convention on the Continental Shelf with a new treaty designed to incorporate anew the freedom-of-the-seas doctrine. We see no more logic in such a position than we do in reenacting the criminal statutes. The best means to insure that a law is obeyed is to seek to enforce it, not to pass a new law redundantly stating an existing crime to be unlawful. Likewise, the best means to preserve the freedom-of-the-seas doctrine is to insist that it be honored. This cannot be achieved by proposing a new treaty which restates the already existent doctrine of the freedom of the seas. In short, the freedom-of-the-seas doctrine is adequately incorporated in the existing Geneva Conventions on the Law of the Seas and is well recognized in customary principles of international law.

The next point I would like to discuss concerns the President's ocean policy proposal of May 23, 1970. The President proposed that a treaty be adopted as soon as possible which would provide for the renunciation of all national claims beyond the 200-meter isobath and the establishment of an international regime to administer seabed resources exploitation beyond this limit. As stated by the President:

> The regime should include the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation and to provide for peaceful and compulsory settlement of disputes.

The proposed international regime would include two types of machinery.

First, there would be an international trusteeship zone including the continental margins beyond the 200-meter depth, in which the coastal nations would act as trustees. The coastal nation would share the international revenues for its zone and would have discretion to impose additional taxes. It would apply and administer its own laws and regulations, within the broader rules of the international regime. Changes in U.S. domestic import and tax laws and regulations may be necessary to avoid discrimination against U.S. nationals operating in the trusteeship zone.

Second, international machinery would govern the use of seabed resources beyond the continental margins.

With regard to an interim policy, the President suggested that all permits for exploration and exploitation be issued subject to the international regime to be agreed upon, with a portion of the revenues from interim exploitation to be paid to an appropriate international development agency.

The President's proposed framework for an ocean policy contained the offer of bold and daring financial concessions on the part of the United States in the interest of international goodwill.

We construe the President's policy proposal to mean that while pressing for international acceptance of the type of legal framework outlined in it, the United States should take no action which will in any way forfeit the present sovereign rights the United States enjoys in its continental margin. Generally, we supported most of the provisions in the President's proposal.

Our only areas of initial difference with the President are his suggestions that the United States should renounce its sovereign rights to its continental margin in return for similar, but limited rights in an area designated as a trusteeship zone and his suggestion that leases applying to areas of the Continental Shelf beyond the 200-meter isobath be issued subject to an international regime to be agreed upon.

Regarding renunication of the heart of our sovereign rights, we have three objections:

First, the offer to renounce our sovereign rights beyond the 200-meter isobath could cast a cloud on our present title to the resources of our continental margin:

Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter isobath in no way guarantees the willingness of the international community to redelegate functionally to us the same rights we would renounce; and

Third, our sovereign rights to explore and exploit our continental margin, although reaffirmed by the 1958 Geneva Shelf Convention, are nevertheless inherent rights which were vested in the United States by virtue of the natural extension beneath the sea of our sovereign land territory. Our sovereign rights to the resources of this area are not dependent upon the acquiescence and approval of the international community. To renounce these inherent rights and to ask that they be returned in part to us merely requests the international community to give us that which, ipso facto and ab initio, is rightfully ours to begin with.

Recognizing, however, that all other members of the international community have rights of their own in the deep seabed, and in the high seas overlying our continental margin and on our continental margin—of course excluding any right to explore or exploit the natural resources of our continental margin—it is appropriate that, as a nation, we should continue to honor these rights.

With respect to the continental margin and the waters overlying it, this can best be achieved through affirmation of, and adherence to, existing international law.

As we previously stated, the freedom-of-the-seas doctrine, in theory, is well established in international law. Also, the freedom-of-the-seas doctrine, in practice, is adhered to by the overwhelming majority of nations. Yet, a minuscule minority of nations has been reluctant to recognize fully and respect the freedom-of-the-seas doctrine. This handful of nations is known by all the others for its violations of international law.

For the United States, or any other law-abiding nation, to offer to renounce its inherent sovereign rights to the mineral estate of its continental margin in the hope that these few recalcitrant nations would mend their ways and begin to adhere to the freedom-of-the-seas doctrine is like offering to pay ransom to bandits in order to encourage them to stop stealing.

Thus, to renounce what constitutes the heart of our sovereign rights in response to illegal demands by a handful of nations can only encourage greater violation of the freedom-of-the-seas doctrine.

Our sovereign rights to the mineral estate of our continental margin exist by virtue of our sovereignty over our land. This mineral estate is the heritage of the American people. It should be retained.

With respect to the suggestion that leases, pursuant to the Outer Continental Shelf Lands Act of 1953, applying to areas of our continental margin beyond the 200-meter isobath, be issued subject to an unknown regime to be agreed upon, we have these objections:

First, including such a provision in our leases would undoubtedly cast a cloud on our present title to the natural resources of our continental margin;

Second, casting such a cloud on our title to the natural resources of our continental margin would be tantamount to accepting as binding the U.N. moratorium resolution purporting to call a halt to further exploration and exploitation of the seabed. It is to be recalled that the United States voted against this resolution and the U.S. delegate denounced it on the floor of the U.N. General Assembly;

Third, including such a provision would create such uncertainties on the part of the potential lessee that he would decline to enter into such a leasing agreement. Witnesses before this committee confirmed these contentions. One of them stated that imposing such an open-ended condition on a lease would be asking potential lessees to "buy a pig in a poke." Such an arrangement clearly would, rather than encourage, discourage industry from making the huge investments necessary to recover the resources located at depths greater than 200 meters; and

Fourth, including such a provision in leases issued for areas beyond a depth of 200 meters would deny to the United States revenues accruing from bonus

bids and royalties which would otherwise accrue to the U.S. Treasury.

Accordingly, we feel that during the interim period prior to the entry into force of a future seabeds treaty, U.S. leases beyond the 200-meter isobath should not be issued subject to any future regime. Rather, they should be governed by existing arrangements as provided for in the Outer Continental Shelf Lands Act of 1953 and the 1958 Geneva Convention on the Continental Shelf, an this can be achieved through providing within any future seabeds treaty that the treaty shall not in any way modify the terms of leases, applying to areas of the continental margin beyond the 200-meter depth contour, with respect to the rights and obligations of the lessee. Without such assurances the investor in offshore mineral development could not make a rational investment in such a high-risk venture.

Although our remarks concerning the President's proposal have been devoted largely to policy matters affecting our continental margin, we are nevertheless as concerned as he that the American people may derive their fair share of benefits from the exploration and exploitation of the deep seabed beyond the limits of exclusive national jurisdiction.

We share with the President the desire that such ocean resources be used rationally and equitably for the benefit of mankind. Rational and equitable use of deep seabed resources requires the establishment of conditions in any future seabed treaty which will encourage investment and insure protected access to those interested in, and capable of, responsibly undertaking mineral recovery operations.

Prior to adoption of a seabed treaty, however, the U.S. Government should provide measures designed to insure protection of investors who desire to exercise present high seas rights to explore and exploit the wealth of the deep seabed beyond the limits of the submerged land continent.

A brief word now about the draft working paper presented by the U.S. delegation at last August's meeting of the U.N. Seabeds Committee. The President did not provide any detailed suggestions covering a future seabeds treaty in his May 23, two-page, proposal. Yet the draft working paper, which some erroneously contend implements the President's proposal, contains 69 pages of details. It was largely through the efforts of our subcommittee that this 69-page draft was reduced to the status of a working paper. The disclaimer on its face bears this out. It states that the draft working paper raises "a number of questions with respect to which further study is clearly necessary" and that the draft working paper does "not necessarily represent the definitive views of the U.S. Government."

Many changes will have to be made in the draft working paper before the members of our committee will be willing to support it.

Let me turn to one final point before closing. The drafters of the U.S. Constitution were mindful of the danger of ill-conceived treaties purporting to affect the property rights of the United States. That is part of the reason for their including article IV, section 3, clause 2 in the U.S. Constitution. It delegates to the Congress the power to dispose of all property of the United States. All rights specified in the 1953 Outer Continental Shelf Lands Act, and in the 1958 Geneva Convention on the Continental Shelf are the property of the United States. Our designation of those rights constituting the heart of our sovereign rights is in no way intended to be an exhaustive description of all of the property rights possessed by the people of the United States in our continental margin. As we interpret article IV, section 3, clause 2 of the U.S. Constitution, renunciation of any of the rights referred to in any of the aforementioned laws, would require an act of Congress.

Thus, as we interpret the Constitution, mere ratification of the draft working paper, should it ever become a treaty, would not be sufficient to satisfy the Constitution. Legislation passed by both Houses of Congress would also be required.

I will close by quoting the conclusion of our report:

> Two main tasks lie ahead for the Committee on Interior and Insular Affairs with respect to the further development of a national seabeds policy. They are:
>
> A continuing extensive review of the working paper introduced by the U.S. Delegation at the August session of the United Nations Seabeds Committee with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations outlined above.
>
> An investigation of the special problem of an interim policy which would ensure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

I hope that Senators will study our report and comment on it as the Committee on Interior and Insular Affairs continues to work in this area, so important to our Nation and the world.

Mr. JACKSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I take this opportunity to endorse the work product of the Special Subcommittee on the Outer Continental Shelf which has served under the able chairmanship of the junior Senator from Montana (Mr. METCALF). The Metcalf report, in my judgment, will come to be recognized as a historic document, and will serve as a fine example of legislative oversight by a committee of Congress. Senator METCALF is to be praised for the diligent, evenhandedness and judiciousness with which he has led the members of his subcommittee in considering the complex questions related to the status and future use of our continental shelf and the great wealth located therein.

On July 23, 1969, I asked Senator METCALF to be chairman of the Special Subcommittee on the Outer Continental Shelf for the purpose of aiding the executive branch in efforts then underway to formulate a policy position and to otherwise oversee developments generally. As I fully expected, Senator METCALF and the members of his subcommittee have done a highly commendable job and have nobly responded to the charge presented to them.

The work of the special subcommittee is reflected in three volumes containing nearly a thousand pages of testimony and has borne fruit in the report just released to Members of Congress and to the American public. The report reflects the great depth of understanding concerning the Continental Shelf and the seabed developed by members of the special subcommittee during these past 2 years. The report is one of the most thoroughly analytical treatments of the subject I have ever seen in print. The members of the subcommittee worked long hours in its preparation and their report reflects the cooperative, balanced, and nonpartisan nature of the approach they took in the conduct of the hearings and the preparation of the report. I am confident that the report will serve as a milestone in the development of U.S. policy pertaining to the mineral resources of our continental margins and the deep ocean floor which extends beyond them.

I commend this report to the attention of Senators and ask that they carefully consider its recommendations. The work of the special subcommittee will be invaluable as the Interior Committee proceeds further in our consideration of this very important matter. We expect that the committee will continue its extensive review of the working paper introduced by the U.S. delegation at the August session of the United Nations Seabeds Committee and that as a committee we will seek modifications of that working paper to conform with the policy recommendations contained in the report of the special subcommittee. I also feel that we must give priority to the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in the area of the deep seabed beyond the limits of exclusive national jurisdiction.

PLEA FOR A SENSIBLE OUTER CONTINENTAL SHELF POLICY

Mr. STEVENS. Mr. President, it has been a great pleasure to serve on the Special Subcommittee on the Outer Continental Shelf. During the past 2 years, we have carefully examined the mineral potential of our Continental Shelf and studied alternative policy considerations concerning it and concerning the deep seabed beyond the limits of our national jurisdiction.

As you know, the continental margin off the coast of my home State of Alaska encompasses greater area than the combined Continental Shelf of the remaining 49 States. Consequently, the interest of the people of my State in the subject matter of our special subcommittee has been very great. Many Alaskans earn their living through the harvesting of resources of the marine environment,

both living resources and minerals. Thus, I was quite pleased that the members of the subcommittee were able to reach agreement on the nature and extent of our rights in the U.S. continental margin.

The position the committee took is consistent with the position I advocated in an address delivered to the section on natural resources law of the American Bar Association in August 1969. This speech was subsequently reprinted on page 7 of volume I of the hearings of the Special Committee on the Outer Continental Shelf.

As has been forcefully stated here today, our sovereign rights in the seabed adjacent to our coast "extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency." This is the definition adopted by the American Branch of the International Law Association, which is a group of distinguished scholars and international lawyers, whose reports have been made a part of the record of our hearings and have been of invaluable assistance to us in our deliberation.

I share the hope of my colleagues that our report will become a milestone at home and abroad in the development of a realistic policy applying to the development of mineral resources lying on the submerged land continent which constitutes an extension of our land territory.

This past December, the U.N. General Assembly passed a resolution which calls for the convening of a law of the sea conference in 1973. Preparations for that conference are taking place in Geneva this very day. While our State Department officials are present there and attempting to accommodate the interests of the other 85 members of the U.N. Seabeds Committee, I feel that we as a committee will have a continuing responsibility to insure the protection of the interests of the American people insofar as the development of marine resources is concerned. Accordingly, I am hopeful that the full committee will continue the work begun by the subcommittee, under the able chairman of Senator METCALF.

Mr. HANSEN. Mr. President, although I was not a member of the Special Subcommittee on the Outer Continental Shelf, I was, nevertheless, invited to attend its hearings by its able chairman, Senator METCALF, who today outlined the conclusions set forth in the report of the special subcommittee. I would merely like to state that the report is one of the best I have seen prepared by a congressional subcommittee, and is a real credit to the Members of both sides of the aisle who so ably served on the special subcommittee. I am convinced that it will be highly useful in the development of U.S. policy concerning the future of the development of marine resources on our continental margin and on the deep seabed lying beyond.

One of the points to which I should like to call to the attention of Senators is one that was discussed briefly by Senator METCALF in his statement today. It concerns the ill-advised suggestion that the marine resources of the U.S. continental margin should be sacrificed as bargaining fodder to achieve greater adherence on the part of some nations to what is well recognized in international law as the "freedom of the seas doctrine." Those who advocate such a position have been adequately termed "nautical hawks." These nautical hawks feel that their freedom to navigate may be hampered by the development of the manifold natural resources contained within the continental margins of the world so they would prefer to prevent further development of these natural resources in order to prevent any competition with their free and unregulated use of the sea and seabed. Let me set the record straight that the freedom of navigation is very important to the security and well-being of the American people, but the preservation of the freedom to navigate should not be purchased at the expense of giving away the mineral estate of the American people in our continental margin. It is time that these nautical hawks learned that there are other users of the marine environment who have an equal right to exist.

Further, one of the questions that has always puzzled me as related to the myopic vision of these nautical hawks is that they seem to forget that insofar as national security is concerned undisputed access to the vast energy resources located on the U.S. continental margin is of paramount importance. The petroleum reserves located there constitute a strategic material which is absolutely essential as the principal source of energy to fuel our industrial machines and thereby sustain a sound economy. In light of the impending energy shortage, which will likely be the subject of an exhaustive study by the Senate Interior Committee, our rights to explore and exploit the marine resources of our continental margin and thereby reduce our dependency upon other nations for the fuels needed to sustain our economy takes on added significance.

A major issue of concern has been the suggestion that the United States should renounce its sovereign rights to its continental margin in return for similar but limited rights in an area designated as a trusteeship zone, and that any leases issued for areas beyond the 200-meter depth contour should be issued subject to an international regime to be agreed upon.

These two suggestions were found to be very troublesome. The concern is based upon the following grounds: The offer to renounce our sovereign rights beyond the 200-meter depth contour, in and of itself, could cast a substantial cloud on our presently clear title to the mineral resources of our continental margin. Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter depth contour would in no way guarantee the willingness of the international community to redelegate to us the same rights we would renounce. Third, since the rights we enjoy in our continental margin exist by virtue of our sovereignty over the land, the wisdom of renouncing these rights and asking that they be returned in part to us is difficult to understand because by so doing we would merely be asking the international community to give us that which is rightfully ours to begin with.

Similar reasoning applies to the suggestion that leases beyond the 200-meter depth contour be issued subject to an international regime to be agreed upon. If we included such provisions in our leases, the inclusion of such terms would cloud our present title to the natural resources of our continental margin. By clouding, or appearing to cloud, our title would, in turn, discourage exploration and development of the marine resources of our outer continental margin. Such discouragement of exploration would be contrary to the President's announced intention, and would, in effect result in adhering to a principle which the United States voted against in the 27th General Assembly. I am referring to the moratorium resolution which purported to declare unlawful the right of coastal states to proceed with further development of the marine resources of their continental margins. The United States voted against this resolution and the U.S. delegation denounced it on the floor of the General Assembly.

With respect to U.S.-leasing policy in the period between now and the time a future seabed treaty might enter into force, if we adopt a policy which would discourage exploration and development of the marine resources of our outer continental margin, we would deprive ourselves of substantial revenues accruing from bonus bids and royalties which would otherwise be paid into the U.S. Treasury. It is to be noted that to date the revenues accruing to the U.S. Treasury flowing from fees paid by industry to the U.S. Treasury pertaining to leases on the Outer Continental Shelf has exceeded $7 billion.

Finally, to date the U.S. Government has not afforded sufficient protection to the imaginative pioneers of our U.S. ocean industry who have been attempting to develop the technology necessary to mine the deep ocean floor beyond the limits of the continental shelf national jurisdiction. I feel that our reluctance to afford more adequate protection for these nautical frontiersmen has been due to a misapprehension on the part of some individuals in the executive branch that development of the minerals of the deep seabed by American oceanic pioneers could be interpreted by some of our fellow members of the U.N. Seabeds Committee as an attempt to monopolize the wealth of the deep seabed. A reading of the hearings should convince the reader that there is no such intent. Representatives of such companies made it clear that their concern is merely to involve themselves with innovative technology which must be developed before any nation will be capable of putting to mankind's use the mineral wealth of the deep seabed.

It is my hope that in the present session of this Congress we will consider means by which our oceanic pioneers will be encouraged, rather than discouraged, to brave the adverse elements of the marine environment in order to find the means to put the wealth of the deep

seabed to mankind's use. It is also my hope that the Interior Committee will continue its work related to the continental shelf and deep seabed and will further examine the draft working paper introduced last summer in Geneva and amendments to it as they are proposed.

In closing, let me again compliment Senators on the outstanding job they did through a long and difficult series of hearings and for their objectivity and openmindedness in preparing the very well balanced report submitted here today.

Mr. BELLMON. Mr. President, I have had the privilege of serving as ranking minority member on the Special Subcommittee on the Outer Continental Shelf and have worked closely with Senator METCALF on this very complex and difficult subject.

The approach the subcommittee took was evenhanded and impartial. I believe that all of the members of the subcommittee approached the subject with an open mind. The future of the mineral estate of the American people in the outer continental margin is too grave a matter to be subjected to partisan disputes. Members from both sides of the aisle who participated in our subcommittee hearings and in the preparation of this milestone report agreed from the start that our approach to this subject would be one of evenhandedness and mutual cooperation.

At a meeting of the Marine Technology Society on Friday, February 26, I presented the substance of our conclusions to a large audience of professionals interested in the Continental Shelf and seabeds question, and I was very pleased to find our conclusions widely accepted there. Senator METCALF kindly included my remarks made at that meeting in the CONGRESSIONAL RECORD, and I am happy that he did so.

The second point I would like to make today is that although we support much of what the President had to say in his May 23 seabed proposal we cannot in good conscience accept his suggestion that the United States should renounce its rights to the American estate of the continental margin beyond a depth of 200 meters. This area may contain enough energy to fuel our entire economy for the next century. Accordingly, renunciation of such potential energy resources would not be in the best interest of the American people.

Mr. President, let me further set the record straight with respect to any allegations that the rights of the American people to the marine estate of the entire continental margin are subject to question or uncertainty. The subcommittee unanimously agreed that "rights under the 1958 Geneva Convention on the Continental Shelf extended to the limit of exploitation existing at any given time within an ultimate limit of adjacency." Admittedly, these words were written by lawyers but what they mean to us is that, as they now exist, the rights of the American people in our continental margins consist of the following:

First. The exclusive ownership of the mineral estate and sedentary species of the continental margin;

Second. The exclusive right to control access for exploration and exploitation of the continental margin; and

Third. The exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the continental margin. These rights are inherent rights and exist by right of our sovereignty over the land.

In conclusion, I would ask my colleagues to carefully study the report, because a time may come when we are called upon to ratify a treaty affecting our continental margin and deep seabed beyond. In the event such a treaty is ratified, we would also be called upon to pass enabling legislation, together with the House of Representatives, since such enabling legislation would be constitutionally required to implement a treaty purporting to dispose of property rights belonging to the people of the United States.

SENATOR MUSKIE WANTS AN END TO AMERICA'S PARTICIPATION IN INDOCHINA WAR

Mr. CHURCH. Mr. President, I was particularly attracted by what the Senator from Maine (Mr. MUSKIE) said in his connaissance lecture at the University of Pennsylvania on February 23 about ending America's military participation in the war in Indochina. He said:

> It is clear that we must withdraw all our troops from Vietnam. We must do so by the end of the year. We must be willing—all of us—to say, "Enough."

I wholeheartedly support these views. Such candid recommendations by so prominent a public figure, now a member of the Senate Foreign Relations Committe, are welcome.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT THE CONNAISSANCE LECTURE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., FEBRUARY 23, 1971

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believed it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support missions would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "semantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end

the war. But all that he has revealed is a program for maintaining a substantial American military presence in Indochina. Our troop level in South Vietnam will have been reduced to 284,000 men by May of this year. I welcome that reduction. I believe all Americans welcome that reduction. This Administration has tried to make us believe, however, that its policy is to train the South Vietnamese to take our the fighting so our troops can be withdrawn. But has the President said that this is his policy? No—he would only say last Wednesday that we will withdraw all our troops as part of a mutual withdrawal.

Then what are we to make of the President's refusal to say his policy will lead to a complete withdrawal of American troops? Must Americans fight and die indefinitely in Vietnam and Cambodia and Laos? Must our men in South Vietnam remain indefinitely as props for the Thieu-Ky regime? And how long must further thousands of our men in Thailand and on the seas off Indochina be committed to this war? These are the things we want this Administration to make perfectly clear.

This much we already know: Vietnamization is not the answer. Vietnamization is no answer for our American men still held captive as prisoners-of-war. Vietnamization is no sure answer for the safe withdrawal of our remaining troops. Vietnamization is no answer for a negotiated settlement to end all of the fighting. Vietnamization perpetuates the illusion of ultimate military victory.

This Administration now argues that its activities in Cambodia and Laos will protect Vietnamization and thereby hasten an end to the war. It is a curious logic that would conclude a war by widening it. What will happen if American troop levels continue to drop and our forces become more vulnerable to attack? Will there then be more invasions of Laos by the South Vietnamese, with continuing American support? Or will the President then resume the air war against North Vietnam beyond the vague limits of what is now called "protective reaction?"

Only last Wednesday, the President said he was "not going to place any limitation" on the use of conventional air power anywhere in Indochina, including North Vietnam. Let us remember that the bombing of North Vietnam accompanied a massive increase in American troops from 1965 to 1968. The bombing left hundreds of American pilots prisoner in North Vietnam. The bombing did nothing to prevent the TET offensive. And when we stopped the bombing in October 1968, our objective was to begin substantive negotiations.

The President now says he will take no new initiatives at the Paris talks. All that is left of the President's so-called plan is Vietnamization. Some say that plan will work. Some say it will not work. I say it is the wrong plan in either case.

If the plan does work, we can look forward to continued warfare among the Vietnamese and an indefinite American presence. If it doesn't work, this Administration does not exclude the possibility of attacks on North Vietnam itself. The dangers are incalculable. A plan which leaves only these alternatives, which gives us only these bleak expectations, is the wrong plan. It is the continuation of a war which must come to an end.

I am convinced that for the right policy we must look—not toward Vietnamization, but rather toward the peace negotiations and toward creating the conditions for peace. We must seek to negotiate in Paris what is negotiable and what can never be settled on the widening battlefields of Indochina.

We cannot hope to dictate the lasting terms or even the shape of a political settlement of this conflict. Only the Vietnamese can settle their political differences. Only they can fashion a settlement in which they have a stake. Only they can understand the political realities which such a settlement must reflect.

It should be clear to all of us by now that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people. We may, however, be able to reach agreements on those issues which concern us most, provided we make clear our intention to withdraw all our troops from Vietnam by a fixed and definite date.

I have no doubt we could then negotiate the release of our American prisoners-of-war before that deadline. I have no doubt we could then negotiate the safe withdrawal of all our troops now stationed in South Vietnam. In addition, there could be a cease-fire between our troops and theirs which could be the first step toward a complete standstill cease-fire among all the parties. At the same time, we could work toward agreements to end the fighting in Cambodia and Laos. And we could encourage the Vietnamese parties to negotiate a political settlement that would restore a measure of peace to all of Vietnam. These must be the goals of our policy in Indochina.

Many Americans believe that events have taken over, that things have gotten out of hand, that nothing they can do will change the policy of this Administration. But I believe you can make a difference, even before 1972. You can exert responsible public pressure upon the Executive branch for an American commitment to complete withdrawal, before 1972. You can support initiatives in the Congress to establish an Indochina policy which makes sense, before 1972.

That is why I introduced a sense of the Senate Resolution last May, calling on the President to establish a timetable for the complete and orderly withdrawal of all American troops. That is why I co-sponsored the McGovern-Hatfield Amendment in the last Congress. And that is why I have agreed to co-sponsor it in this Congress, and to support its establishment of a deadline of December 31, 1971.

It should be clear to us by now that for too many years, we have pursued the wrong policy in the wrong place in the wrong way. The price of that policy has been a terrible cost in American lives and resources. The price has been a terrible cost in the suffering of the peoples of Indochina.

We have helped to destroy their countryside, their towns and their villages, the very fabric of their lives. And if we now have any commitment in Indochina, it must be this: we must help the people of this region rebuild their countries and heal the wounds of war. We must show in Indochina that we understand what foreign poicly is all about, what wisdom and judgment and restraint are all about, what compassion and moral obligations are all about.

Isn't it clear then what we must do? After so many young Americans have felt compelled to demonstrate against their own government; after so many Americans of every description have come to doubt what their government says and to doubt that their government will listen; after so much division and disillusionment throughout this land; isn't it clear?

Of course, it is clear. It is clear that the only light at the end of the tunnel will be the one we strike ourselves. We must withdraw all our troops from Vietnam. We must do so by the end of this year. We must be willing—all of us—to say, "Enough."

INTERVIEW OF PRESIDENT NIXON BY C. L. SULZBERGER

Mr. SCOTT. Mr. President, I ask unanimous consent that the transcript of a New York Times interview with President Nixon, published on March 10, be printed in the RECORD. This interview, by Mr. C. L. Sulzberger, foreign affairs columnist, details clearly the many viewpoints of President Nixon and outlines his philosophies, particularly his commitment to end the war in Vietnam. Mr. President the last statement of the interview tells the story:

If we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

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

EXCERPTS FROM THE INTERVIEW GRANTED BY PRESIDENT NIXON ON FOREIGN AFFAIRS

WASHINGTON.—Following are excerpts from an interview with President Nixon conducted here yesterday by C. L. Sulzberger, foreign affairs columnist of The New York Times. The transcript, which is unofficial, was prepared by Mr. Sulzberger from his notes.

I would strongly commend to you my second foreign-policy report, which I think you should read carefully. I have noticed in some quarters a tendency to discuss this matter sneeringly or condescendingly, saying there is nothing new in it.

But that isn't so. It sets forth new policy directions and outlines, the goals we hope to achieve—the goals not only for this Administration but for subsequent administrations. This is a long-range effort. It doesn't get into a country-by-country analysis except in connection with the Soviet Union.

However, everything you see there is a new philosophy of United States policy. It is the most complete and accurate description of the Nixon doctrine. This doctrine is designed for the specific purpose of maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities.

The irony today, for those who look at the Washington scene, is that the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending.

This is also true of the attitude of those former internationalists with respect to our defense posture and defense spending. And, for some, it is even true of our foreign trade policy. There, of course, it depends on individuals. For example, Senator Javits is an all-out free-trader and a "European," but he takes a dim view of the United States role in Asia. He would also be for a lower defense budget. I merely cite him as an example of what I mean and the varying attitudes I mention.

The point is, why has this happened? Why have many former internationalists developed neo-isolationist tendencies, at least in some degree? Part of the answer is simply that Americans, like all idealists, are very impatient people. They feel that if a good thing is going to happen it should happen instantly.

And a great many of these people are very disillusioned with the United Nations. I am not, personally, because I never expected it could settle all problems involving major powers but could nevertheless play a useful role in development and in peacekeeping in areas where the superpowers were not directly involved.

The older a nation and a people become, the more they become conscious of history and also of what is possible. Now I will explain to you what I mean. I rate myself as a deeply committed pacifist, perhaps because of my Quaker heritage from my mother. But

I must deal with how peace can be achieved and how it must be preserved.

I know that some national leaders and some countries want to expand by conquest and are committed to expansion, and this obviously creates the danger of war. Moreover, some peoples have hated each other for years and years.

Look at the divided peoples of India and Pakistan. Look at the situation in the Middle East. You can't suddenly eliminate these differences, these hatreds, just because some political leaders get together. All you can hope for is to bring about a live-and-let-live situation.

With this in mind, I am deeply devoted to a desire that the United States should make the greatest possible contribution it can make to developing such a peaceful world.

It is not enough just to be for peace. The point is, what can we do about it?

Through an accident of history we find ourselves today in a situation where no one who is really for peace in this country can reject an American role in the rest of the world. Of course, we had our own period of colonial expansion as typified by Theodore Roosevelt and the idea of Manifest Destiny. But that period is fortunately gone.

Since then this country has fought in four wars which we didn't start, and really what they have in common is the effort to bring about a better chance for a peaceful world.

And this applies for the Vietnam war as well as the two World Wars and Korea. Obviously it was a political temptation when I started office to state simply that we would get out right away without any responsibility for what came next.

But I knew too much about history, about Asia, about the basic feeling in the United States. If we failed to achieve our limited goal—to let a small country exercise the right to choose its own way of life, without having a Communist government imposed upon it by force—if we failed to achieve this, we would not help the cause of peace.

For a time, perhaps, we would be seen as a kind of hero. But soon it would be seen that we had left behind a legacy of even greater dangers for Southeast Asia and for the Pacific region. And, after all, we are a Pacific power.

AMERICANS TIRING OF WORLD ROLE

In 1966 and 1967—culminating in 1968—the American people began to tire of playing a role in the world. We had fought four wars, selflessly and for no gain. We had provided some $100-billion in foreign aid, much of it to former enemies who are now our competitors, like Japan.

And we found ourselves committed in Vietnam, in a war where there are no heroes, only goats. Our people became sick of Vietnam and supported our men there only in order to get them out—after this period of change in mood. Somewhere a great change had taken place.

We had used our power for peace in four wars but this new attitude gained force: "If we can't handle this one, to hell with it."

We got caught up in a viscious cross fire, and it became increasingly difficult to make people understand. I must say that without television it might have been difficult for me to get people to understand a thing.

The cross fire I referred to was this. The superdoves opposed our commitment in Vietnam and *all* world responsibilities—Korea, the Philippines, the Middle East, Europe. This was the kind of isolationism of those who felt the United States shouldn't have played any role at all in Southeast Asia from the very start. For these people Vietnam was a distant, small, foreign country in just the terms that Chamberlain mentioned concerning Czechoslovakia at the time of Munich. These were the superdoves.

But on the other side, the opposite cross fire came from the superhawks. This group stood by their Commander in Chief, the President, but became fed up with the war for their own reasons. They felt that if the United States can't handle a distant little war, why then let's just pull out and build up our strength at home. Their logic also favored isolationism, but from another angle. And they want to develop a Fortress America at home and cram it full of missiles while the superdoves want us to pull out of the war also, but reducing our strength at home.

AND THOSE IN THE MIDDLE

In between there are those of us who stand in the middle of the cross fire. The superhawk feels it is his duty to support the President even if that same superhawk isn't sure he wants to see us do what we are doing. The superdove has a different attitude.

He is a good-hearted fellow, but when he looks around and sees the problems of the poor, the blacks, the Indians, the poor whites, the pot-smoking kids, crime in the cities, urban slums, the environment, he says: "We must get out of the war right away and concern ourselves only with our problems at home."

The fact is, however, that there has never been so great a challenge to U.S. leadership. This war is ending. In fact, I seriously doubt if we will ever have another war. This is probably the very last one.

In any theoretical question of a war on the basis of "either them or us," I am sure everyone in the country would join in behind me. But this is not the case in a small country so far away involved in a situation so difficult to explain.

I am certain a Gallup poll would show that the great majority of the people would want to pull out of Vietnam. But a Gallup poll would also show that a great majority of the people would want to pull three or more divisions out of Europe. And it would also show that a great majority of the people would cut our defense budget.

Polls are not the answer. You must look at the facts. The Soviets now have three times the missile strength (ICBM) of ourselves. By 1974 they will pass us in submarines carrying nuclear missiles.

MRS. MEIR UNDERSTOOD HIM

All of these things are very directly related. For example, when Mrs. Meir, the Israeli Prime Minister, visited me, she understood me right away when I said that if America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East. Mrs. Meir saw the point immediately.

As I see it, we have to take certain specific steps. First of all, what we now have to do is end the war—as we now are doing—in a way that gives South Vietnam a reasonable chance to survive without our help. But this doesn't mean we would withdraw all our responsibilities everywhere.

As I stated in first explaining the Nixon doctrine, our idea is to create a situation in which those lands to which we have obligations or in which we have interests, if they are ready to fight a fire, should be able to count on us to furnish the hose and water.

Meanwhile, in Europe, we can't cut down our forces until there is a mutual agreement with the other side. We must stand with our European friends if they will only do a bit more themselves in NATO—as they have indicated they will do.

And we cannot foolishly fall behind in the arms competition. In the United States, we remain ahead in the navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in modern submarine strength.

But each has a kind of sufficiency. The Soviets are a great land power opposite China as well as having far-reaching interests elsewhere. We are a great sea power and we must keep our strength. I am a strong Navy man myself. I believe in a strong conventional navy which helps us to play a peacekeeping role in such areas, for example, as Latin America.

These are all elements that must be considered with respect to each other. The main thing is that I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world. I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

We used to look to other nations to do this job once upon a time. But now only the United States plays a major role of this sort in the world. Our responsibilities are not limited to this great continent but include Europe, the Middle East, Southeast Asia, East Asia, many areas whose fate affects the peace of the world.

We must above all tend to our national obligations. We must not forget our alliances or our interests. Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests.

Unless people understand this and understand it well, the United States will simply retreat into isolationism, both politically and diplomatically. We would, of course, continue to be an economic giant; but that is not enough.

Let us look at the world today. There are two great powers facing us, Russia and China. They are great powers and great people. Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves.

And only the United States has sufficient strength to be able to help maintain a balance in Europe and other areas that might otherwise be affected.

U.S.-SOVIET COOPERATION

What I am saying is not a cold-war philosophy. I hope that we can further develop our negotiations with the Soviet Union. For, although we recognize that their ideology is expansionist, they know what it means if the genie comes out of the bottle and that their interest in survival requires that they avoid a conflict with the United States. This means that we must find a way of cooperating.

For obvious pragmatic reasons, therefore, we can see peace slowly shaping up. First, as we are doing, we must end the war in Vietnam. We must continue our Soviet negotiations and open the door of cooperation to China. And in this way there will be a chance of building a world that is relatively peaceful.

I deliberately say relatively peaceful. That doesn't mean everyone will be disarmed, safe and loving everyone else. The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic and I am convinced we can bring it about.

Yet, to do this, we can't heed either our superhawks whose policy would ultimately lead to war or to our superdoves who believe that only they are capable of achieving peace and that everyone else is a heretic. The trouble is that their policy of weakness would also quickly lead to war.

The day the United States quits playing a responsible role in the world—in Europe or Asia or the Middle East—or gives up or recedes from its efforts to maintain an adequate defense force—on that day this will become a very unsafe world to live in.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out posthumous Medals of Honor.

I don't question the motives of those who oppose me. But I know this world. I have traveled about and talked to many leaders,

and I know we have a chance to play a role in this world.

Another thing: People should be under no illusion that you can play a role in one area but wholly ignore another. Of course we're not going to get into every little firefight everywhere. The Nixon doctrine says only that we will help those who help themselves.

Sometimes people tend to forget the real situation prevailing today. When considering Asia, the great problem is that everyone overlooks the fact that non-Communist Asia—excluding India and Pakistan—produces three times as much as China. Why, Japan alone produces twice as much as China.

What is going to happen if we ignore such basic facts? The United States, as I said earlier, is a Pacific power. And the SST will be built—if not by us, by someone else. And then we will be only three hours' flight from Japan.

There will be 400 million people in non-Communist Asia relying ever more upon us. Why Prime Minister Sato said not so long ago that Japan depends on the U.S. nuclear field.

In past times the No. 1 nation was always in that position because of military conquests. But the mantle of leadership fell on American shoulders not by our desire and not for the purposes of conquest. But we have that position today, and how we handle ourselves will determine the chances of world peace.

Do you know, in all my travels, not one leader I have talked to ever said to me in private that he feared the United States as a nation bent on conquest. And I have met many Communist leaders, as you know. Whatever some of them may pretend in public, they understand our true troubles and they are also thankful that the United States wants nothing—nothing but the right for everyone to live and let live.

CONFIDENCE IN THE PEOPLE

The big question to my mind is: Will our Establishment and our people meet their responsibilities? Frankly, I have far more confidence in our people than in the Establishment. The people seem to see the problem in simple terms: "By golly, we have to do the right thing."

But the real problem, what worries me most, is: Will our Establishment see it that way? I am not talking about my critics but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future.

These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier.

I understand these factors. There is a vast need for reforms, for improvements in health, education and environment. But we have to assume our responsibilities both abroad and at home. We have to do both. After all, if we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

THE 50TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. METCALF. Mr. President, as a life member of the DAV, I am proud to join with Senators in saluting an organization which has aided our injured servicemen and their families for over 50 years: the Disabled American Veterans.

From modest beginnings at a 1919 Cincinnati Christmas party for 100 disabled veterans of World War I, the DAV has grown to an organization 300,000 strong, with more than 1,900 local chapters serving injured servicemen from all our wars. Since its inception, the DAV has helped over 3 million disabled veterans and their families obtain over $1 billion in benefits to which they were entitled.

I join with Senators and Americans everywhere in expressing a heartfelt thanks to the DAV for its many years of needed, generous service. I know the DAV will continue to aid those Americans who have sacrificed so much for all of us.

STRATEGY OF REALISTIC DETERRENCE

Mr. GRIFFIN. Mr. President, in testimony yesterday before the House Armed Services Committee, Defense Secretary Melvin Laird presented the Nixon administration's comprehensive defense program looking toward the next 5 years.

Appropriately, the report is entitled "Toward a Security Strategy of Realistic Deterrence."

Mr. President, I ask unanimous consent that a summary of the Secretary's statement be printed in the RECORD.

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

THE SECRETARY'S SUMMARY

Mr. Chairman and Members of the Committee: I am privileged today to present the first comprehensive Five-Year Defense Program of the Nixon Administration, and to discuss the associated FY 1972 Budget.

This Five-Year Defense Program is keyed to the twin objectives set forth by President Nixon for the last third of the 20th century: achievement for the first time in this century of a generation of peace; and in the process, enhancement of the quality of life for all Americans, while helping to improve it for all peoples of the world.

This 1972 Defense Report to Congress and the American people contains a Five-Year Defense Program which spells out a new National Security Strategy of Realistic Deterrence. This new strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership, and meaningful negotiations.

The Strategy of Realistic Deterrence seeks to further the goal of peace by deterrence of armed conflict at all levels. I have always tried to be a realist in fulfilling my responsibilities, whether as a Member of Congress or as Secretary of Defense. I believe the strategy we are advancing is realistic for three reasons:

First, it is based on a sober and clear view of the multiple threats to peace which exist in today's world. It neither exaggerates nor underestimates those threats.

Second, it provides for the maintenance of a strong Free World military capability as the essential foundation of deterence. It rejects the view that peace is well served if our military power is unilaterally weakened.

Third, it takes account of the strategic, fiscal, manpower and political realities while steering a prudent middle course between two policy extremes—world policeman or new isolationism.

The Strategy of Realistic Deterrence is new. Those who would dismiss it as a mere continuation of past policies in new packaging would be quite mistaken. Past policy was responsive and reactive. Our new Strategy is positive and active. Past policy focused on containment and accommodation. The new Strategy emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength.

The Strategy of Realistic Deterrence will provide through sufficient strength and full partnership the indispensable and realistic basis for effective Free World negotiation. Most importantly, it is designed not to manage crises but to prevent wars.

The FY 1971 program and budget, which was sent to Congress last year, was the foundation for the transition from an era of confrontation to an era of meaningful negotiation. The fiscal year 1972 program will move us closer to this goal.

It was clear at the outset of the Nixon Administration that, in order to set the stage and create the conditions for meaningful negotiation and peaceful relations, we had to move the country away from war and toward peace, away from a wartime economy and toward a peacetime economy, away from lopsided national priorities and toward a major reordering of those priorities, away from arms competition and toward arms limitation.

On the basis of the record of the past two years, it is my view that we have made significant—in some cases unprecedented—progress toward the major interim goals we have set for ourselves.

In the war to peace transition: by continuing negotiations in Paris, by progress in Vietnamization, by reducing U.S. combat activities, casualties and air sortie levels in Southeast Asia, and by an orderly, substantial and continung troop redeployment program.

In reordering national priorities: by shifting the Defense portion of the Federal Budget and Gross National Product (GNP) to its lowest level in 20 years and by spending more on human needs than on Defense needs.

In our Defense budget: by providing for the first time in this century the full peace dividend before the conclusion of a war. Defense costs in this budget already are back at pre-Vietnam levels in constant dollars.

In implementing the Nixon Doctrine: by withdrawing more than 300,000 American troops from Asia while increasing significantly security assistance levels to our friends and allies.

In NATO: by helping foster a new spirit of meaningful burden sharing and a new awareness of the strategic, fiscal, manpower and political realities we face in common.

In moving toward zero-draft: by obtaining Congressional approval for long-needed draft reform to eliminate many inequities, and by cutting draft calls almost in half from 1968 to 1970 in pursuing our goal of zero-draft by July 1, 1973.

In our program for human goals: by relating it to our objective of an all-volunteer force, by seeking to instill a new order of professionalism and dignity in military life, by seeking to remedy remaining shortcomings in such areas as housing and education and by continuing to lead the way toward full equal opportunity.

In taking new initiatives with regard to prisoners of war: by an unprecedented exchange offer at the Paris peace table, by search and rescue missions when possible, and by focusing public attention at home and abroad on their plight.

In chemical warfare and biological research, and in defoliation: by promulgating a major new policy renouncing any use of biological and toxic weapons and renouncing first use of lethal and incapacitating chemical weapons, by ending crop destruction operations in Vietnam and by restricting limited defoliation still needed for troop safety to the same regulation applied to herbicide use in the U.S.

In major improvements of defense management: by adopting many of the Blue Rib-

bon Panel recommendations, by emphasizing a new "fly-before-buy" policy and by increased decentralization in procurement actions.

Mr. Chairman, we are proud of the significant progress we have been able to make in establishing new directions and a steady momentum toward major goals of the American people. As I reported last year in discussing our FY 1971 transitional program, the challenges here at home which we faced upon assuming office in many ways equalled, and in some ways surpassed, the growing challenges abroad.

I will not repeat in detail what I said last year, but it is important, I believe, to repeat a concluding comment I made in last year's Defense Report:

"Transition to a new equilibrium will take time. We made a beginning in 1969 and are continuing the transition into calendar year 1970. We consider our fiscal year 1971 budget another building block in that transition."

I readily acknowledged that not all of the challenges we encountered upon assuming office had been met with the submission of the fiscal year 1971 budget. I would repeat that comment today with regard to the budget and program contained in this report. We still have a long way to go in all aspects of Defense responsibility. We have never claimed to be instant problem-solvers. But we have completed our year of transition with respect to basic Defense planning both with regard to strategy and management. We have completed our basic reviews and have made our fundamental decisions on what needs to be done. The New Strategy and Defense Program presented in this report embody the major elements of the decisions that have flowed from our assessments of the past two years. The Strategy and the Program, of course, cannot succeed without the understanding and support of Congress and the American people.

This report describes the major changes which have been made and which will be made in such areas as defense strategy, the defense budget, research and development, command and control, intelligence, procurement and, most importantly, the need to revamp our concepts about the recruitment and use of military manpower—both in active, National Guard and Reserve forces.

I would like briefly to outline for you some of the major points in the Defense Report. We focus on two fundamental aspects of Defense Planning:

In Section I—Effective Implementation of the Strategy of Realistic Deterrence.

In Section II—Better Management of Human, Material, and Economic Resources in the Department of Defense.

Our Five-Year Defense Plan projects a capability to attain our goal with an efficient and modernized force that, in peacetime, would require no more than seven percent of the Gross National Product and be made up of no more than 2.5 million men and women who are volunteers. This is discussed in the chapter on *Strategy Overview*, which states, in essence, that a realistic military strategy cannot be an end in itself but must be inseparably linked with a broader national strategy of deterrence and "meaningfully related to our pressing requirements in the domestic field."

As I discussed in the chapter on *Concepts for Defense Planning*, we intend to use a Total Force approach in which all appropriate resources for deterrence, U.S. and Free World, will be available. Through the application of all resources across the full spectrum of possible conflict and the full spectrum of capabilities of our friends and allies, we will maintain sufficient U.S. strength and will mesh this strength with other nations in a new order of partnership.

For the U.S. forces, the Total Force concept will mean increased importance for our National Guard and Reserves. In this chapter, I analyze the progress and problems of Vietnamization, and discuss its relation to the Total Force concept in its broadest applications, utilizing both military and nonmilitary resources. Looking to the future, we must continue to focus on the intimate relations of the military, economic, political and diplomatic facets of the Indochina situation as we move to terminate U.S. involvement in the fighting. This report does not address the day to day military situation in Indochina, or anywhere else. It seeks instead to explain the basic concepts that underlie our strategy for the future. To be realistic about it, there will continue to be ups and downs, gains and losses, temporary setbacks. The important thing is for the citizens of our nation to keep in sight the fixed goal of a generation of peace and to insure, as best we can that the policies we establish and the strategy we follow lead in that direction.

The chapter on *The Threats to Free World Security* provides an update of the threats to the Free World at all levels of conflict. The continued momentum of the Soviet Union in strategic missiles, aircraft, Naval forces and research and development are evaluated. Chinese weapons progress is also discussed. This threat assessment is related to the need for assuring that the United States maintains its technological leadership in order to assure the safety and survival of the American people. To maintain technological leadership, we must reverse the recent downward trend in R&D funding, which this budget does, and we must also move forward with new technological initiatives to guarantee that we have flexibility and timely options to meet possible threats of the future.

The fourth and final chapter in Section I, *Force Planning under the New Strategy*, provides a discussion of the specific programs being recommended as the "basic minimum capabilities deemed necessary and appropriate for the years ahead." We have completed our transition to what we describe as "base line planning," and are now building for the future. Of course, much will depend on the outcome of the Strategic Arms Limitation Talks. Because of uncertainty associated with SALT, we must maintain present capabilities, while preserving or creating options to adjust those capabilities upward or downward as may be required.

Mr. Chairman, no one hopes more for success at SALT than the Department of Defense because of the burdens and responsibilities we would face should SALT fail. The details of the President's decision on the FY 1972 SAFEGUARD program are contained in this section. SAFEGUARD continues to be a vital factor in the SALT negotiations.

The Chapters in Section II are focused on the need for better management of human, material and economic resources in the Department of Defense.

Chapter 1, *Organization and Management*, focuses on our management concept which is based on participatory decision-making, defined decentralization, and delegation of authority under specific guidance. I propose in this chapter the creation of an additional Deputy Secretary of Defense in order to enhance high level civilian management and to cope with the severe time demands now placed upon the single Deputy Secretary of Defense, David Packard. I also recommend creation of two additional positions for Assistant Secretary of Defense.

We will continue, of course, to make management improvements in the Department of Defense, including a modification of the Unified Command Structure which we are recommending to the President. We will continue to draw as appropriate on the recommendations of the Blue Ribbon Defense Panel which was so ably headed by Gilbert Fitzhugh.

Our examination into the intelligence activities of the Department of Defense will continue, and further changes may be anticipated, including the creation of a long-range planning group reporting directly to the Secretary of Defense. We have taken steps also to strengthen civilian control over investigative and related counter-intelligence activities.

The continued progress we expect under the Human Goals principles of the Department of Defense are reported in the Chapter on *Manpower Objectives*. Of particular importance, of course, is our program to achieve zero draft calls by mid-1973 and to accomplish further improvements of the Selective Service System which would complement last year's reduced draft calls and National Random Selection System. Many inequities in the Draft have been eliminated in the past two years, but so long as we need the Draft it must be made more equitable. One gross inequity today is the fact that the young men who attend college are given deferments which are denied to other young when who do not attend college. This is unfair and should be changed.

Once men and women are in the Armed Forces and are serving their country in uniform, we owe them respect and dignity for their service, and we owe them and their families fair play in the areas of pay, housing and educational opportunities.

Let me candidly tell you that we face some formidable problems in the manpower area that are not going to be solved overnight. In addition to complex recruiting and retention problems, we share with the rest of American society the agonizing problems related to race relations and drug abuse. We in the Department of Defense are determined to continue leading the way, as best we can, in seeking solutions to these difficult problems.

A final Chapter on *The Defense Budget and the Economy* surveys the impact of cuts in Defense personnel and expenditures over the past two years in response to our changing national priorities.

The impact of the massive cuts that have been made during the last two years in employment and expenditures related to national defense is assessed. These cuts have resulted in a considerable amount of turbulence, which results from our shift from a wartime to a peacetime economy.

This year the rate of defense reductions is declining and we are going to do everything we can to keep to a minimum this turbulence, as it relates to our civilian employees, Defense industry employees, and our military people and their families. In short, the Defense Budget has been heavily affected in our national reallocation of resources. The period of Defense dominance in national resource allocation is over. Our Fiscal Year 1972 budget, in constant dollars, will be below the prewar year of Fiscal Year 1964. This fact cannot be ignored as we plan to implement during the next five years our New Strategy of Realistic Deterrence.

In current dollars, the FY 1972 Defense Budget transmitted to the Congress by the President totals $79.2 billion in Total Obligational Authority (TOA) and $76 billion in outlays, including amounts proposed for future pay increases. This is $3.9 billion in TOA and $1.5 billion in outlays above the respective amounts for TOA and outlays we now expect in FY 1971.

In summary, Mr. Chairman, I would repeat that we have not solved all the hard problems before us nor can I tell you that hard decisions do not lie ahead. As with the Fiscal 1971 transitional budget, there is some risk attached to our FY 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish. Should events dictate, I will not hesitate to recommend any action that may be required to insure the continued safety and security of the American people.

As Secretary of Defense, I seek your understanding and your support for our new Strategy and want to assure you that I will continue to work with this Committee and other Committees of the Congress to advance the goals we share in common in seeking to serve the best interests of the American people.

A RESPONSIVE AND RESPONSIBLE ALTERNATIVE TO PROTECTIONISM

Mr. MONDALE. Mr. President, on February 17, I had the honor of cosponsoring along with seven other Senators the International Trade Act of 1971.

I feel this act is extremely significant as an attempt to answer—responsively and responsibly—the frustrations and fear which lie behind much of our recent protectionist sentiment, while maintaining an emphasis on expansionary trade policies to serve the coming decades.

I invite the attention of Senators to a number of editorials which were written in support of this concept. While none of us are wedded to every clause of this bill, we do feel that it at least presents a model and an alternative toward which to focus what ought to be the mutual concerns of business, labor, the consumer, and those industries fearing growing import competition.

I ask unanimous consent that the editorials, published in the New York Times, the Washington Star, and the Scripps-Howard newspapers, be printed in the RECORD.

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

[From the Washington Evening Star, Feb. 24, 1971]

TOWARD FREER TRADE

Congressional debate over the nation's foreign trade policies could take a decidedly constructive turn this year. The opportunity is provided by the introduction of a forward-looking trade bill by a bipartisan group of senators led by Democrats Mondale of Minnesota and Harris of Oklahoma and Republican Javits of New York.

Last year, discussion of trade policy was dominated by demands for protectionist measures from a variety of industrial and labor groups. The administration followed a wavering course, the President speaking broadly about the beauties of free trade but calling for textile quotas. The bill that emerged from the House Ways and Means Committee and won House approval would have legislated quotas on both textile and shoe imports, and would have made it easier to clamp quotas on many other foreign goods. The champions of free trade, including almost all the nation's economists, were on the defensive throughout, winning only when the restrictive bill died in the final Senate logjam.

The protectionists will be back at it in the new session, possibly making an early attempt to tack the dormant bill onto a piece of "must" legislation, like the Social Security increase. But at some point in the inevitable legislative maneuvering, Congress should give careful thought to the approaches recommended by the free-trade bloc of senators.

The new bill shifts the emphasis to efforts to expand, rather than contract, America's international commerce, by such means as giving the President more power to combat unfair trade policies of other countries. Our exporters would receive tax advantages, and steps would be taken to increase trade with Eastern Europe. At the same time, American industries and workers would get additional protection from unfair foreign competition, and would receive easier aid in cases where competition has caused suffering.

Probably the technical changes in our trade laws require further study. The administration should join in the search for positive alternatives to the protectionist measures that have threatened to involve us in a trade war and to hurt our diplomatic standing around the world. And Representative Mills' Ways and Means Committee should take a fresh look at the provisions it espoused last year, including in the equation our impending recovery from a recession that has spurred the protectionist cause.

The free-trade senators have given their colleagues a chance to raise the level of debate about the nation's traditionally enlightened role in world commerce. The arguments now should revolve around the merits of expanding trade, rather than the supposed necessity of isolating our markets.

[From the Washington Daily News, Feb. 22, 1971]

NEW TWIST ON TRADE

With so much pressure being exerted on behalf of special-interest trade legislation, it comes as something of a surprise that a new trade bill has been introduced with the interests of the consumer in mind.

A group of free-trade senators led by Fred R. Harris, D-Okla, Jacob K. Javits, R-N.Y., and Walter F. Mondale, D-Minn., are backing a proposal which would:

Require the President and the Federal Tariff Commission to consider the impact on consumers before imposing import restrictions on foreign products.

Give the President new power to reduce tariffs on foreign goods if similar concessions are made on American products sold abroad.

Expand the President's power to retaliate against countries which indulge in dumping, subsidization and other unfair trade practices.

Offer additional Federal aid to workers and companies seriously hurt by foreign competition.

The proposal—which also would authorize carefully controlled trade agreements with communist countries—is intended to encourage foreign trade rather than restrict it.

This contrast with the protectionist trade bill in the last Congress which proposed import quotas on textiles and shoes, fixed quotas on oil and possible limitations on other products.

Basically, the United States stands to lose if trade barriers go up around the world. Our exports exceeded our imports by $2.7 billion last year.

The bill introduced in the Senate the other day deserves special commendation.

[From the New York Times, Feb. 21, 1971]

REGAINING THE TRADE INITIATIVE

The Mills bill, the most protectionist trade legislation since the disastrous Smoot-Hawley Act of 1920, was blocked in the last session of Congress by a determined group of liberal traders in the Senate, aided by the Senate logjam resulting from Senator Long's folly in seeking to couple Social Security liberalization, welfare reform and trade.

Chairman Wilbur Mills of the House Ways and Means Committee has now reintroduced his bill, complete with import quotas on textiles, shoes and—via a trigger mechanism—a long list of other goods.

Aware of European warnings of "inevitable reprisals," Mr. Mills appears to lack ardor for his own measure. And the Nixon Administration would prefer less protectionist legislation, although the President is still determined to make good on his commitment to the textile industry to restrict Japanese imports. The White House continues to see the Mills bill as a useful bargaining weapon in its effort—unsuccessful to date—to get the Japanese to accept "voluntary" textile quotas.

It was Mr. Nixon's decision to seek legislated textile quotas that opened the Pandora's box for quota protection for other industries. The White House hopes to avoid a rerun of last year's fiasco by making a deal with Japan that would eliminate compulsory textile quotas from the trade bill. Even barring that, it hopes through Tariff Commission action to blunt the support of the shoe industry for import quotas.

Whatever the outcome of the moves, it is obvious that the American oil industry intends to cling to its highly restrictive import quotas, the steel industry to its voluntary quotas and the textile industry to its demands for one kind or the other. Other industries are bound to demand similar protection unless the Administration makes a real fight for liberal trade policies.

Tired of waiting for the Administration to match its actions to its liberal trade rhetoric, three Senators—Harris of Oklahoma, Javits of New York and Mondale of Minnesota—are planning to seize the initiative by introducing a trade bill of their own. Their bill would give the President authority to bargain for mutual reduction of both tariff and nontariff barriers; it would increase his ability to retaliate against unfair trade practices by others, and it would aim at building a more effective program of adjustment assistance for firms and workers hurt by rising imports.

Just as foreign governments helped to slow down the drive for American protectionism by threatening retaliation last year, they could now augment the effort for a renewed United States liberal trade initiative by showing their readiness to respond in kind.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. BROOKE. Mr. President, one of the least conspicuous Presidential commissions presently operating in Washington is the American Revolution Bicentennial Commission. Charged with the responsibility of planning and implementing a nationwide celebration of our 200th anniversary, the Commission has offered its plan to the Nation in its report submitted to the President on July 4, 1970. It is now in the process of implementing these plans in a way meaningful to all Americans.

Mr. Kevin Phillips' recent article published in the Washington Post outlines the unique opportunities presented by our national bicentennial. The Commission is actively seeking the advice and guidance of everyone in carrying out its mission. I hope that Mr. Phillips' piece will offer a clear understanding of the dimensions and importance of our 200th anniversary commemoration.

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:

BICENTENNIAL CHANCE

(By Kevin P. Phillips)

President Nixon's decision to spend $800 million to employ 225,000 welfare recipients in public service jobs is a good beginning, but it is not enough. This country needs—

and can greatly profit from—additional public employment.

Nor is it necessary to resort to make-work. Few decades in our history have offered the opportunity that the 1970s do for a massive, yet useful public works and employment program—a Heritage Works and Projects Administration (HWPA, if you will) geared to preparing for the nation's Bicentennial in 1976.

Right now, the potential of the multi-billion dollar Bicentennial is not being realized. In its early stages, Bicentennial programming was caught up in the windstream of the urban and poverty-profiteer talk about festivals of the "Living Process of Urban Development" and the like. The original plan of Philadelphia, the principal Bicentennial city, called for putting hundreds of millions of Bicentennial dollars into 76 "neighborhood action" programs centered in minority group areas. That was dropped last year, and the blacks are angry. The President of the West Philadelphia NAACP, the Rev. Wycliffe Jangdharrie, has threatened to block the celebration "in every manner short of bombing the buildings or site" unless the neighborhood money is restored.

For both cultural and economic reasons, the Bicentennial opportunity is too precious to dissipate in this manner. Philadelphia will be presenting the President with a new Bicentennial proposal in April, and Mr. Nixon should take the occasion to rethink the entire planning for 1976.

The Bicentennial can serve America better, and provide a base for large-scale, public employment, if it is given a new thrust—securing, repairing, and cataloguing our national heritage. From Maine to California, there are historic sites and buildings to be restored and repaired; old villages, factories, farmsteads and ports to be researched and then reconstructed as they once were; wild rivers, national parks and scenic areas to be improved or cleaned up; and historic books and guides to be written to catalogue every facet of Americana—local history, architecture, folkways, ethnology, agriculture, industry—for the nation's 200th birthday.

At present, there is no exhaustive, up-to-date guidebook to these many aspects of America. The WPA compendiums produced during the Nineteen-Thirties, only a beginning even in their day, are now increasingly obscolescent. What better occasion for a new "national catalogue" effort than the Bicentennial?

In many ways, technology is hurtling our society away from the past at an ever-increasing rate, and old buildings, artifacts, folkways and recollections must be preserved and reconstructed now if we are ever to do so. Historical societies and volunteer groups cannot bear the brunt alone.

Launching a major federal effort to recapture our physical and cultural past would have many corollary benefits. First, it would provide important skilled employment for many of the engineers, researchers, academicians and other professional persons thrown out of work by the current economic slump. Second, it would provide many construction jobs, plus unskilled labor opportunities, across the nation. And young people, the age group most affected by unemployment, could profit—not just in dolalrs—by spending time in a National Heritage Corps that worked on everything from rebuilding old forts and villages to cleaning up polluted riverways and improving the national parks system.

Furthermore, it would be logical to spend a fair portion of the money in Appalachia, from Maine to Georgia. The Appalachian region, in general, is not just among the poorest sections of the United States; it also happens to be the historically rich frontier of the struggling young nation of 1776. By redevelopment of the old villages, forts, handcrafts, folkways, byways, parks and scenic vistas of the area, Appalachia would receive a badly needed infusion of cash plus the basis for the only profitable industry its resources and location can support—tourism.

The Bicentennial is not just a great moment, but also a great opportunity for America, and the President should seize it and utilize it to the full.

WILLIS TOBLER—THE DEAN OF THE AGRICULTURAL LOBBYISTS

Mr. PROXMIRE. Mr. President, too often the word lobbyist invokes visions of smoke-filled rooms and little brown bags bulging with money, but this is far from the truth. I have always felt that special interest groups as well as just plain citizens have a right and a duty to inform Members of Congress regarding the impact that a particular piece of legislation will have on them. In fact Congress rarely errs because these groups provide too much information, but can make a mistake because too little information is available as to how a particular measure will affect a given segment of our society.

To my mind, the epitome of the helpful, unassuming, and effective lobbyist is a gentleman it has been my pleasure to know since my early days in the Senate. His name is Willis Tobler, and he is a legislative adviser to the National Milk Producers Federation, a role he assumed after many years as the organization's legislative director.

An article appearing recently in Dairynews, the publication of a New York dairy cooperative, tells just why Mr. Tobler is so effective. The article is simply an interview with this dean of agricultural lobbyists. In it, Mr. Tobler makes clear that to be persuasive a lobbyist should present all pertinent facts, pro and con, know the subject matter, avoid a hardsell approach, and not mix business with pleasure. If more Washington lobbyists followed this advice, Congress would work more efficiently in the interests of all the people, and the business of lobbying would have a better reputation.

Mr. President, 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:

AN INTERVIEW WITH DEAN OF AG LOBBYISTS, WILLIS TOBLER

(By Jim Atkins)

(Willis Tobler of the National Milk Producers Federation is known as the dean of agricultural lobbyists on Capitol Hill. For many years he headed up lobbying operations for the Federation, and now is a legislative advisor to National Milk Producers Federation. No man knows more about farm legislation than Tobler).

ATKINS. How long have you been a lobbyist?

TOBLER. For almost 30 years. I started out with the American Farm Bureau Federation and, in 1949, became legislative representative for the National Milk Producers Federation.

ATKINS. We hear and read a lot about lobbyists and their influence on Congress. What about it?

TOBLER. They do have some influence—not so much as individuals but primarily because of the organization or group that they represent. Depending upon his facts and the manner of presenting such facts, a lobbyist as an individual does have some influence in achieving the objectives of his employer either for or against some legislative issue. However, it is the "grass roots" power that really has the influence in Congress. The lobbyist is the conduit through which this influence is directed.

ATKINS. Just what is your style of lobbying?

TOBLER. I use the person-to-person "softsell" approach. I spend as much time as possible in personal visits with members of Congress—many times with no reference to any legislative issues. I do not wait until I have some issue to discuss before I make a visit. Before I can be effective, I must have the trust and confidence of members of Congress. I get their trust and confidence by telling them the whole truth. I try to present all pertinent facts, both pro and con, with the hope that my arguments are persuasive in carrying out my responsibilities.

ATKINS. What legislative victory are you most proud of? I know you have had a part in every farm bill passed by Congress over the past 25 years. But can you mention just one or two of the top ones?

TOBLER. One of my biggest satisfactions was winning an increase in dairy price support under the Eisenhower Administration while there was a Democrat-controlled Congress. Nearly everyone said it did not have a chance. But we got it.

Another thrill was in connection with the school milk program. Since 1954, the program has always been extended for periods of two, three, or four years. Recently, however, efforts were made to kill the program by refusing to provide any funds in the budget.

It was an exhilarating experience to have been a part in succeeding in obtaining not only an extension of the program but to make the authority permanent. Furthermore, following this victory and securing funds to operate the program, statements were made that only poor children would be eligible for the one-half pint of milk under the program, leaving "near-poor" children discriminated against and set apart. In other words, the program was to one of welfare instead of nutrition as in the past. After many weeks of silence, an announcement was made that the program will continue under the funds appropriated to be operated as in the past. A fight long to be remembered.

ATKINS. What changes have you seen over the past 30 years?

TOBLER. The biggest change, involving the Congress, is the tremendous decline in the number of rural congressional districts. According to a recent study, only 31 districts out of the 435 in the House of Representatives are rural-defined where 25% or more of the population in the district live on a farm or in small towns of less than 2,500 people.

To pinpoint the situation, the study further shows that in the House Committee on Agriculture with 34 members only 20 are in districts where 10% or more of the population are farmers, with the remaining 14 less than 10%. This situation means that in order to pass major farm legislation it must have some appeal to the urban members of Congress. Although the agricultural segment of our economy is not all powerful as in the past, it still has considerable influence—it just has to work harder and be more united.

ATKINS. What advice do you have for lobbyists?

TOBLER. Let us say suggestions instead of advice. Know your subject matter. If there is some item or fact that you do not know—admit it—but get it. Do not use a high-pressure approach—the "softsell" is much more effective. Be seen. The more time spent on the Hill, the more you will be recognized, maybe not always by name, but so that a member of Congress will stop to chat a moment with you as you walk through the Capitol Building and congressional office buildings. Do not mix

your social life with the social life of a member of Congress. I know this goes contrary to the usual practice of getting on the cocktail circuit in order to be exposed to members of Congress and various agencies of the government.

ATKINS. Tell me more about your techniques.

TOBLER. There is not much more I can add to what I have already said. I have always tried to be informed on other agricultural commodities in addition to dairy matters—not in detail but enough to be conversant with problems so that, in visiting with a member of Congress, I may discuss, in a general way, some issues in which he has a primary interest. One final point, I never overlook the secretaries and other girls. They are wonderful. Every Christmas, I give them a box of Tobler's Swiss chocolate. They never forget me.

ATKINS. How long are you going to keep working?

TOBLER. I do not have any plans to stop now. However, I am taking steps to gradually retire from active work in the Congress. In the past, I have spent almost every day on the "Hill"—now I can do much of my work by telephone.

ATKINS. You have a basic philosophy, tell us about it.

TOBLER. I don't know about a philosophy—but I have a couple of general comments to make. I enjoy my work. I am supremely happy and content. I would not trade places with anyone. I treasure the friendships of the many, many members of Congress and staff with whom it has been my pleasure to work. I am grateful for the opportunity of being a lobbyist for farmers and their cooperatives, these many years.

PROPOSAL TO CONVERT FORT DETRICK TO A CANCER RESEARCH FACILITY

Mr. MATHIAS. Mr. President, the lives of almost every American has been touched by the scourge of cancer. Few of us realized a short time ago how cancer attacks our children, or, for that matter, how impartial it is to the age of its victims. Most of us know, unhappily, how cruel it can be and how devastating it may be to entire families, physically, emotionally, and economically.

Often underestimated is the impact of cancer on the national economy. In 1969, for instance, America lost more casualties to cancer than the entire death toll of World War II. Among the dead were many who would have contributed much to the Nation, and whose cure would have repaid its cost in dollars and cents alone.

Mr. President, one of the greatest needs, in launching a national program for the conquest of cancer, will be for specially equipped laboratories capable of protecting personnel against extreme biological hazards. Needed also will be facilities capable of producing large amounts of biological raw materials for the various ongoing cancer research projects.

As the national cancer panel reported:

> Much research on important biochemical problems fail to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively.

Another major requirement for launching the drive against cancer, of course, will be the availability, as the panel says, of personnel "expert in the handling of dangerous materials."

For these reasons, a large number of prominent scientists have emphasized a great need for a centralized resource, a facility capable of housing the bare operations in the national cancer conquest program.

Mr. President, there now exists a facility which uniquely qualifies to play this role. I speak of Fort Detrick, located in western Maryland, and now being closed down as a center for research on chemical and biological warfare. Dr. Benno C. Schmidt, chairman of the National Cancer Panel, has said this facility should "be used as promptly as possible for the accelerated exploitation of opportunities" to find a cure for cancer.

Utilization of these facilities for this new mission has received the endorsement of a number of other eminent cancer specialists. Their letters, I think, should be made a part of the RECORD, and I ask unanimous consent that they be printed.

As Dr. James F. Holland, president of the American Association for Cancer Research, says, Fort Detrick is a "magnificently specialized laboratory" which could be rapidly transformed "to a bastion in the fight against cancer."

Because this facility offers great protection for the personnel and opportunity for large-scale production, its use would allow tax dollars to be spent on research rather than construction.

Dr. Mathilde Krim, member of the National Cancer Panel and an associate of the Sloan-Kettering Institute for Cancer Research, has said that:

> It seems to me, personally, that Fort Detrick would be eminently suited to fulfill the need for a centralized facility with stringent quality control. Conversion of Fort Detrick to the task we outlined in our report could be invaluable to the progress of cancer research.

Dr. R. Lee Clark, president of the Texas Medical Center in Houston, wrote to me commending the "invaluable facilities" at Fort Detrick, which he said would be "an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects."

Dr. Sidney Farber, director of research at the Children's Research Foundation and member of the National Cancer Panel, also described the Fort Detrick facilities:

> It is ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available such facilities would have to be built to meet the needs of an accelerated national program.

Vitally important also, is the immediate availability at Fort Detrick of large numbers of highly skilled personnel, researchers which Dr. Clark understands are "well qualified" to undertake the program.

Let us then move with decisiveness. As Dr. S. Spiegelman, director of the Cancer Research Institute of Columbia University has urged, let us demonstrate:

That the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all mankind.

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

AMERICAN ASSOCIATION
FOR CANCER RESEARCH, INC.,
February 19, 1971.

HON. CHARLES MATHIAS, Jr.
United States Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: I am aware that current phase-outs of biological warfare methods involve the elimination of functions at Fort Detrick. It seems of high importance to me that efforts be made to activate Fort Detrick as a national resource for cancer research. I have little doubt this would be done under a National Cancer Authority.

Specially equipped laboratories capable of protecting personnel against extreme biohazards will be necessary for intense work on viruses which may cause human cancers. A variety of experiments could be expected on large scale in a facility such as Fort Detrick. Among these would be:

The large scale growth of human normal cells which might be infected with postulated cancer viruses to determine if indeed they produced cancers.

The growth of large volumes of human cancer cells to determine if viruses could be recovered from them.

The growth of large volumes of human lymphocytes, cells important in immune reactions, to determine the nature of foreign molecules introduced into the culture against which the lymphocytes could respond. It has already been demonstrated in laboratories at Roswell Park Memorial Institute that human lymphocytes growing in culture can respond to new biological molecules they have never previously encountered by producing antibodies. Such experiments carried on intensively could lead to production of large amounts of human antiserum against cancer viruses (and against other fatal human diseases where proper immune protection is not available to the affected patient).

A variety of experiments can be envisioned in which two types of cells are fused to produce a composite cell sharing the characteristics of both original members. Such experiments have been done on a small scale. On a large scale, it might be possible to fuse a cancer cell with another non-cancerous cell, thus providing an experimental system in which the normal control over cancerous cell processes could be studied. Such fused cells might also introduce new biological molecules against which a patient could respond. In such a way, a defense against the new fused cell might spill over against the cancer cell alone, leading to a type of immune eradication.

Central to all the type experiments described above, is a facility with great protection for the personnel involved, and opportunity for large scale production. It is not likely that the pharmaceutical industry in the United States will undertake such areas of investigation because of their enormous expense. Similarly, no university or cancer research institution with which I am familiar can afford the outlays required for this undertaking.

Before eliminating a magnificent specialized laboratory which could make major contributions to world health, I hope every effort will be made to look at a mechanism by which Fort Detrick could be transferred to the biological service of mankind. This could not be a piecemeal transfer of only the responsibility, without the coordinated development of resources, funds and personnel to

make a broad scale attack on the molecular level and clinical level, in addition to the effort on the cellular level. To this end, I hope you will press for a National Cancer Authority which would, I am sure, rapidly transform the face of Fort Detrick to a bastion in the fight against cancer.

Sincerely yours,

JAMES F. HOLLAND, M.D.

SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH,
New York, N.Y., February 22, 1971.

Senator CHARLES MATHIAS,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: As a member of the Panel of Consultants on Cancer for the Senate Committee on Labor and Public Welfare, I have recently had the opportunity to review the latest developments in cancer research and to familiarize myself with the views and the needs of a large number of prominent scientists. Many of them expressed the opinion that there is a great need for a centralized resource for the large scale production of biological materials, such as cells, cell fractions, viruses, etc. The report of our Panel therefore states on page 147, in a chapter entitled "Resources for Cancer Research":

Another kind of need is for the semi-industrial production of cells and biological products, which is easily possible with today's technology. Much research on important biochemical problems fails to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively to the biochemistry of the constituents of normal and cancer cells. It is important that facilities be created for the centralized production of such materials and that they be manned by personnel highly skilled both in cell and virus propagation on a large scale. The personnel must also be expert in the handling of dangerous materials, since large-scale production of oncogenic viruses with the potential of causing cancer in man will also ultimately be required. The centralization of such resources would allow stringent quality control and standardized procedures. To create facilities of this type now would not only provide for the present, but allow planning for future needs, and avoid an otherwise certain waste of effort and manpower through duplication and inefficiency.

Our report did not specify which one of the existing facilities could best be adapted to this purpose since the short time available to us did not allow us to study this problem in the necessary detail. However, it seems to me, personally, that Fort Detrick would be eminently suited to fulfill this need and I am, therefore, grateful to you for your interest in this matter and hope that you will be successful in your efforts of preserving a resource that is unique both from the standpoint of its equipment and because of its large and competent staff. The conversion of Fort Detrick to the task we outlined in our report would be invaluable to the progress of cancer research as well as to biology in general.

Very sincerely yours,

MATHILDE KRIM, Ph. D.

FEBRUARY 20, 1971.

Hon. CHARLES MCC. MATHIAS, JR.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I wish to express my appreciation as a member of the Senate Panel of Consultants on the Conquest of Cancer, for your great interest in the acceleration of programs against cancer. I am particularly appreciative of the initiative you are taking in regard to the use of the laboratories and scientific facilities at Fort Detrick for the National Program Against Cancer. These facilities should be ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available, such facilities would have to be built to meet the needs of an accelerated National program.

I sincerely hope that your efforts to obtain these laboratories for cancer research will be successful and will be happy to furnish any documentation that you would require in support of your proposal.

With thanks and all good wishes,

Sincerely,

SIDNEY FARBER, M.D.,
Member of the National Advisory Cancer Council, and Consultant to National Institutes of Health

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THE UNIVERSITY OF TEXAS
AT HOUSTON,
Houston, Tex., February 19, 1971.

Hon. CHARLES MATHIAS,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: It has come to my attention that Fort Detrick is being considered for deactivation. The thought comes to me that this would be an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects.

One of the physicians on my staff was once Chief of the Medical Research Laboratories at Edgewood Arsenal and worked closely with the facilities and personnel of Fort Detrick. He mentioned such invaluable facilities as:

1. An entirely new clinical facility with ability for metabolic research and a protected environment which is required during intensive cancer chemotherapy with laminar flow.
2. A very extensive laboratory complex designed to handle contagious and infectious agents such as one might encounter with virology and immunology.
3. Extensive laboratory equipment for tissue culture.
4. Animal quarters which are very superior.

All of these are in short supply for the cancer research effort and it would take years and countless dollars to duplicate such a facility. In the meantime by transferring this facility to the supervision of the National Cancer Institute it could be immediately in business as soon as the personnel could be obtained.

I understand from our staff member that there are many qualified scientists living in that region of Maryland who have worked at Fort Detrick who are well qualified to work in the program as I have outlined.

I would be happy to discuss this further with you if you desire.

Sincerely yours,

R. LEE CLARK, M.D., *President.*

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., February 22, 1971.

Senator CHARLES MATHIAS,
Old Senate Office Building,
Washington, D.C.
Attention of Les Pittlow.

DEAR SENATOR MATHIAS: This letter concerns Fort Detrick and its relation to the immediate need for a national facility that will supply the biomedical research community with adequate amounts of human cells and tumor viruses required in cancer research.

Why the need? The last twenty years have witnessed an explosive development in biology that has led to a profound understanding of the nature of genes and how they function. These remarkable advances were made possible by experiments with bacteria and viruses that infect them. Biologists concentrated their efforts on the lowly bacteria in this stage of the development, not because they had no interest in man but because the bacteria provided the most convenient experimental system to get at the answers to the nature and function of the genetic material. Since they pose no health hazards, non-pathogenic bacteria like *E. coli* and its viruses can be grown and handled in large quantities easily and with complete safety.

There is a strong feeling on the part of many competent molecular biologists that the time has come to make a concerted effort to apply the information garnered from the study of *E. coli* to situations of more direct relevance to the health and welfare of man.

The cancer problem is a natural one to engage the interests of the molecular biologists. The cancer cell is one that has undergone a heritable transformation to rapid and uncontrolled growth. It has, furthermore, been demonstrated that certain viruses can induce this cancerous transformation. Very similar situations have been observed in the bacteria and much of the know how gained is likely to be useful in understanding and therefore controlling the cancer cell.

To study such problems, we must have adequate amounts of material to perform the necessary biochemical and molecular virological experiments. Growing human or animal cells is technically a much more sophisticated task than growing bacteria. In addition, when it comes to producing the cancer viruses or cells infected with them, an additional complication is introduced. These agents must be regarded and handled as potentially hazardous. Special containment facilities are required to protect both the staff and the environment from possible infection. This situation has prevented a large segment of our biochemical and biological research laboratories from becoming active participants in the attack on cancer and allied diseases. There is little doubt that the amount of research in this centrally important area could be increased overnight by a factor of 50 if a central facility could supply the necessary material to the laboratories capable of carrying out competent biochemical and biological experiments.

We now come to the question of what would be the most effective and rapid way to remedy this national and international deficiency. It is evident that one requires a facility, preferably already constructed, which could produce animal cells and tumor viruses on an industrial scale. This facility must also have the built-in know-how and devices to perform this task with due regard to biological safety.

This naturally leads one to think of Fort Detrick as the most immediate possibility for solving this problem. Fort Detrick is being phased out of existence and at present has no well-defined task. Indeed, there is danger that the whole complex may disappear from the scene. This would be a great tragedy because it is precisely the structure that could be converted to meet the need we have emphasized. The Fort Detrick professionals already have the technical devices and experience required to grow highly contagious organisms on a large scale. At the present time this collection of highly skilled and rare talent is being dissipated. Many of the Fort Detrick scientists and technicians are leaving for other jobs where their special skills will not be employed. The expenditure of a comparatively small sum by our budgetary standards would conserve these skills for a truly noble purpose and greatly catalyze the acquisition of the information required to control and ultimately cure cancer, as well as other diseases.

Aside from the concrete value that would flow from implementing this sort of decision, there is the good will that would be generated throughout the world by this act. It would be a highly visible demonstration that the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all of mankind.

Sincerely yours,

S. SPIEGELMAN, *Director.*

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH,
New York, N.Y., February 19, 1971.

Dr. MATHILDE KRIM,
Sloan-Kettering Institute for Cancer Research, New York, N.Y.

DEAR MATHILDE: I have long been of the opinion that scientists may be reluctant to enter many promising areas of cancer research because so much of their time must be spent in the sheer hard labour of preparing their own starting materials. This is particularly obvious in virology and immunology, where the production of purified viruses, antisera, and cellular antigens in sufficient quantity is a formidable task. As soon as we begin to study human cancers, the question of the large-scale production of sufficient biologicals is no longer academic, as witnessed by the difficulties experienced in the recent past in producing enough purified L-asparaginase for clinical trial. In the near future, a similar problem—that of simply producing enough—will face those interested in a clinical trial of human interferon. This is especially urgent, as the use of interferon holds out great promise for the treatment of cancers in man.

It seems to me that there is an outstanding need for a facility operating on a national scale, where specialized equipment, engineering know-how, and personal expertise, would all be centrally available for any production job of this kind.

Now that there is a resurgence of national interest in cancer control, I write to you, as a member of the Senate's Panel of Consultants on Cancer, to suggest that a very valuable contribution to cancer research could be made by setting up a facility of this kind. Any such proposal would have my strongest support, and, I am sure, also that of my colleagues.

Yours sincerely,

F. KINGSLEY SANDERS, M.D., D. Phil.
Vice President and Chief, Division of Cell Biology, Sloan-Kettering Institute.

SELECTIVE STRIKES IN THE RAILROAD INDUSTRY

Mr. WILLIAMS. Mr. President, on February 17, 1971, I introduced S. 832, to amend the disputes provisions of the Railway Labor Act. At that time, I pointed out that in recent years, labor disputes in the railroad industry had all too often progressed to a point which threatened shutdown of the Nation's entire railroad network at one time. A basic cause of this situation has been a series of Federal district court decisions which have ruled that once a dispute is subject to national bargaining, it constitutes a violation of the Railway Labor Act to strike against individual carriers. Court injunctions issued on the basis of such rulings have forced the railroad unions to choose between striking all railroads or not striking at all. And since, as a final recourse, Congress has regularly intervened to prohibit nationwide strikes, the practical fact is that railroad workers, unlike all other workers in private employment, are essentially deprived of any real right to strike.

Accordingly, the bill I introduced was intended to restore to the railroad industry some degree of the free collective bargaining pressures normally found in other industries, by making clear that a union may strike only a few railroads even though nationwide bargaining has been conducted.

In this connection, and in view of the concern which I know exists regarding the problem of labor disputes in vital industries, I think the Senate will be interested in knowing that Judge Parker of the U.S. District Court for the District of Columbia, in United Transportation Union against Burlington Northern, Inc., and others—a case arising out of the fireman manning dispute originating some years ago—has just ruled in favor of the selective strike principle. The court held that once Railway Labor Act proceedings have been exhausted and nationwide negotiations have legally reached impasse, selective strike activity is permissible so long as the union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multiemployer bargaining unit and settling on an individual basis. As the court pointed out, recent history demonstrates that any other view "would inevitably result in a choice of never striking, or precipitating a national emergency and an imposed settlement, thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike."

This decision may have considerable significance for the current dispute between the rail carriers and the United Transportation Union. Negotiations in this dispute broke off last Saturday, and the union, in an effort not to precipitate a nationwide shutdown, has proposed initiating a selective strike against two railroads. Such strike activity has been postponed at least until Thursday of this week so that a court may rule on the legality of such a strike under the present circumstances.

Mr. Luna, President of the United Transportation Union, has reported to me on the union's intentions in this regard. I ask unanimous consent that Mr. Luna's letter and Judge Parker's most informative and well-reasoned decision be printed in the RECORD.

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

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. CHAIRMEN: 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 transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for the 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.*

[U.S. District Court for the District of Columbia, Civil Action No. 2183–70]

MEMORANDUM OPINION

(United Transportation Union, Plaintiff, v. Burlington Northern, Inc., et al., Defendants)

This action, arising under the Railway Labor Act,[1] (hereafter the RLA or the Act), and brought by the United Transportation Union, (hereafter the UTU or the Union) against the major rail carriers of the nation, presents to the Court another chapter of a longstanding dispute dealing with the requirements for manning freight and yard diesel locomotives with firemen. The Union seeks a declaratory judgment that once all bargaining procedures provided under the Act have been exhausted, it has the right to strike the railroads individually and selectively and is not restricted to a nationwide strike against all the carriers. The carriers have filed a counterclaim contending that there having been so-called national handling of the fireman manning dispute, any strike by the Union against fewer than all of the carriers involved in such group bargaining violates the Act.

Footnotes at end of article.

The carriers request the Court to declare the selective strike unlawful and to grant injunctive relief against the Union's proposed course of conduct. At this posture of the proceedings, the Court considers the Union's motion for summary judgment and the motion of the carriers for a preliminary injunction.

For the reasons set forth, the Court concludes that the motion of the plaintiff Union for summary judgment should be granted and the motion of the defendant carriers for a preliminary injunction should be denied.

The underlying problem was recently described in a Report of a special panel appointed by President Nixon pursuant to the provisions of the Act.[2]

"The fireman manning issue is the Nation's longest extant labor dispute. And it is also the most studied, reviewed and volatile issue on the American Labor scene. Despite the intensive efforts of a veritable who's who of distinguished labor experts, the parties have failed to agree upon a solution. The dispute has been punctuated by recurrent national crises arising from actual and threatened nation-wide rail stoppages."

The dispute arises out of the continued use of firemen who were employed originally on steam locomotives. The carriers seek complete discretion as to the employment of these firemen on yard and freight diesel locomotives and thus to eliminate those whom they, in their own discretion, deem unnecessary. On the other hand, the Union seeks to restore positions previously eliminated, as well as to maintain existing fireman positions. The Union claims that "firemen are essential to rail operations for reasons of (1) safety, (2) avoidance of undue work burdens, (3) efficiency of operations and (4) providing a pool of trained men for promotion to engineer." [3]

The events of this particular chapter of the controversy began in 1963. At that time the Congress, confronted by a nation-wide railroad strike, responded by enacting unprecedented legislation providing for compulsory arbitration of the issue.[4] In accordance with the statute, Arbitration Board 282, composed of representatives of labor, management and the public, was created. The Board rendered an award which was operative for a two year period, expiring on March 31, 1966.

The Board's award, sustained by the Courts against a union challenge,[5] gave authority to the carriers to eliminate certain fireman positions, set forth a procedure for the gradual elimination of the affected employees, and provided for separation benefits.

In November, 1965, prior to the expiration of the award, the Brotherhood of Locomotive Firemen and Enginemen (hereafter the BLF&E) pursuant to the Act [6] served certain bargaining notices on the carriers, requesting changes in the existing contract requirements governing the manning of freight and yard diesel locomotives with firemen, as modified by the award of Arbitration Board No. 282. In January, 1966, the defendant carriers served counternotices on the BLF&E seeking the unrestricted right to determine when firemen should be used on diesel freight and yard service locomotives. While several conferences were held between the parties, the carriers contended that the Union's notices were premature, and they refused to engage in negotiations. The BLF&E argued that after expiration of the award the operative work rules were those in effect when the Arbitration Board was created. Our Circuit Court resolved the questions by ruling that the issues presented by the Union's notices were proper and that the carriers were obliged to confer and bargain under the Railway Labor Act even though the period of the award had not expired.

Footnotes at end of article.

Further, the Court held that the carriers could no longer eliminate jobs under the terms of the award once it had expired; that the results of the award remained effective until changed in accordance with the procedures of the RLA; and that the BLF&E could not strike until those procedures were exhausted. *Brotherhood of Railroad Trainmen* v. *Akron and Barberton Belt Railroad Co.*, 128 U.S. App. D.C. 59, 385 F. 2d 581 (1967), as amended 1968, cert. denied 390 U.S. 923 (1968).

In mid-1968 the parties invoked the services of the National Mediation Board as provided under the Act.[7] Several rounds of negotiation proved unsuccessful and on November 4, 1969, after advising the parties of failure in its mediation efforts, the Board terminated its services. In accordance with the Act, the parties were then free to resort to self-help on December 5, 1969. However, negotiations were resumed in early 1970 with the assistance of a special mediator appointed by the Secretary of Labor. These negotiations were equally unsuccessful and the efforts of the special mediator were terminated.

On July , 1970, the UTU [8] invoked its right of self-help under the Act on its 1965 bargaining notices and struck four carriers. On that same day the carriers applied for and were granted a temporary restraining order by this Court.[9] The carriers challenged the legality of any selective strike by the Union. Shortly after the issuance of the temporary restraining order, and pursuant to the provisions of the Railway Labor Act, President Nixon created an emergency board to investigate and report concerning the dispute.[10] This action precluded both parties from recourse to self-help for sixty days. Following the presidential action the temporary restraining order was vacated as moot and the carriers withdrew their complaint.

On July 22, 1970, prior to the expiration of the services of Emergency Board 177, the Union filed this action for a declaration that, upon exhaustion of all procedures under the Railway Labor Act, its right to self-help is not restricted to a nationwide strike against all the carriers, but rather it is entitled to strike one or more of the carriers.

Although the Emergency Board made recommendations in its Report to the President on August 6, 1970, the parties were unable to conclude a complete and final agreement. However, negotiations continued by agreement between the Union and the carriers, as well as with the encouragement of this Court. When the matter came before the Court on the Union's motion for summary judgment and the carriers' motion for a preliminary injunction, representations were again made that negotiations would continue. The Union however emphasized that all negotiations subsequent to the report of the Emergency Board were without prejudice to its claimed right of self-help against individual carriers.

At the outset the carriers contend that the action by the Union seeking relief is premature because bargaining and negotiations continue and the possibility of reaching an agreement has not been completely lost and thus no true impasse is present.

The procedures for resolving a major dispute under the Act were recently and succinctly outlined by the Supreme Court:

". . . A party desiring to effect a change of rates of pay, rules, or working conditions must give advance written notice. § 6. The parties must confer, § 2. Second, and if conference fails to resolve the dispute, either or both may invoke the services of the National Mediation Board, which may also proffer its services *sua sponte* if it finds a labor emergency to exist. § 5 First. If mediation fails, the Board must endeavor to induce the parties to submit the controversy to binding arbitration, which can take place, however, only if both consent. §§ 5 First, 7. If arbitration is rejected and the dispute threatens 'substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President,' who may create an emergency board to investigate and report on the dispute. § 10. While the dispute is working its way through these stages, neither party may unilaterally alter the *status quo*. §§ 2 Seventh, 5 First, 6, 10." *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co.*, 394 U.S. 369, 378 (1969).

This current phase of negotiations on the fireman manning issue extends over a five year period. There have been endless and protracted bargaining conferences. The services of the National Mediation Board have been utilized. Arbitration has been rejected by the Union. Presidential action further delaying a strike has been taken. Services of special mediators have been employed. All of these efforts undertaken within the framework of the Railway Labor Act have nevertheless proved unavailing to secure a mutually satisfactory agreement.

The Court, therefore, finds from this record that all statutory procedures have been exhausted. A strike is now imminent and the Union has declared its intention to move on a selective basis. It seeks a ruling from this Court at the point when all statutory requirements have been expended. The carriers' motion for a preliminary injunction as well as their counsel's suggestion at oral argument that the Court could grant relief on their behalf by way of summary judgment appear to be veiled recognition of the futility of the bargaining process at this point.

But has the Union in its various stages of negotiations bargained in good faith and thus exhausted the statutory remedies in fact as well as within the framework of the statutory requirements?

In *Virginia Railway Co.* v. *System Federation, Etc.*, 300 U.S. 515 (1937) Justice Stone commented on this duty under the Railway Labor Act as follows:

". . . The statute does not undertake to compel agreement between the employer and employees, but it does command those preliminary steps without which no agreement can be reached. It at least requires the employer to meet and confer with the authorized representatives of its employees, . . . , to enter into a negotiation for the settlement of labor disputes such as is contemplated by § 2, First." at 548. Also, *NLRB* v. *Insurance Agents' International Union, AFL–CIO*, 361 U.S. 477, 485 (1960).

In *Atlantic Coast Line Railroad Co., et al.* v. *Brotherhood of Railroad Trainmen*, 262 F. Supp. 177, 183 (D.D.C. 1967) Judge Holtzoff stated that good faith bargaining suggests ". . . an obligation to negotiate genuinely and sincerely with the aim of amicably settling the differences between the parties and concluding an agreement. It is not sufficient to appear at a conference or a meeting with the other party and to submit an offer, or to make a demand, and yet to decline to argue its merits, or to refuse to entertain or discuss a counter-proposal. It is not a genuine negotiation to indicate that the other party has no choice except to accept the offer or accede to the demand. The service of an ultimatum does not constitute a negotiation."

But, as our Court of Appeals has noted, "The procedures of the Act are purposefully long and drawn out to afford maximum inducement to peaceful settlement, but the Act does not require efforts clearly at war with reality." *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Company, et al.*, 127 U.S. App. D.C. 298, 302, 383 F.2d 225, 229 (1967), cert. denied 389 U.S. 1047, (1968).

Upon a review of the entire record in this proceeding within the framework of the

relevant case law, the Court finds no facts presented upon which it could conclude or infer that the Union has not bargained in good faith. In fact, it is the carriers who arguably have a vested interest in further delay since the results of Arbitration Award 282 remain in effect until changed by contract or in accordance with statutory procedures. *Brotherhood of Railroad Trainmen* v. *Akron & Barberton Belt Railroad Co., supra.*[11]

The carriers' thesis that previous national handling of labor disputes precludes the Union's resort to selective strikes finds no support in either the history of labor-management disputes in the railroad industry, the RLA, or appellate case law.[12] During the past twenty years the predecessor union, the BLF&E, and other railroad operating unions have on numerous occasions exercised the right to individual and selective strikes even though the basic dispute giving rise to the strike had been and was at the time the subject of national handling.

In early 1950, the identical issue underlying this proceeding, the extent to which diesel locomotives should be manned with firemen, gave rise to a selective strike by the BLF&E. At that time, the procedures of the Act had been exhausted through national handling by the parties without success. That union, then representing the firemen, resorted to a strike against only eight of the nation's carriers participating in negotiations.[13] This strike led to the enactment of the National Diesel agreement of May 17, 1950.

Likewise in 1952, the BLF&E, in concert with the Brotherhood of Locomotive Engineers and the Order of Railway Conductors resorted to a selective strike against several carriers.[14] The matters involved—wages and rules—were and had been subject to national handling. However, the unions saw fit to strike only a few of the carriers involved.

A similar strategy has been employed by railroad unions other than the BLF&E. In 1950 the Switchmen's Union of North America, later becoming a member of the UTU, struck five railroads on the matter of the 40-hour work week.[15] There too, immediately prior to the strike, the matter had been the subject of national handling.

And, in 1955 unions representing certain non-operating railroad employees called a strike against a group of Southeastern carriers (the Louisville and Nashville Railroad System) on matters then in national handling.[16] Involved in the national handling of negotiations were three carrier associations—the Eastern and Western Carriers' Conference Committees and the Southeastern Carriers' Conference Committee. The carriers affiliated with the Eastern and Western Committees executed a collective bargaining agreement with the unions. But the Southeastern Carriers refused to ratify the agreement executed by the other carriers. The unions then struck against the Louisville and Nashville System, part of the Southeastern Conference. That strike is also of importance since it demonstrates that on at least one occasion the carriers themselves have taken selective action on matters in national handling.

Finally, the Court notes that only several years ago the carriers, by implication, recognized selective strikes as a legitimate and legal union weapon upon exhaustion of statutory procedural requirements. *Kennedy et al.* v. *Long Island Rail Road Company, et al.*, 211 F. Supp. 478 (S.D. N.Y. 1962), aff'd. 319 F. 2d 366 (2nd Cir. 1963), cert. denied 375 U.S. 830 (1963). There, as a direct response to the union's strike against a single railroad, the Long Island, the carriers created an insurance plan designed to protect their group. No contention was made by the carriers that the selective strike against Long Island was illegal, but rather they defended the insurance plan as a necessary responsive weapon to the union's action.

The Union's position also finds irrefutable support in recent Supreme Court decisions. In *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co., supra,* the Court emphasized.

"Nowhere does the text of the Railway Labor Act specify what is to take place once these procedures have been exhausted without yielding resolution of the dispute. Implicit in the statutory scheme, however, is the ultimate right of the disputants to resort to self-help—'the inevitable alternative in a statutory scheme which deliberately denies the final power to compel arbitration.' . . . We have consistently so held in a long line of decisions. . . ." at 378 (citations omitted). As recent history demonstrates, support of the position of the carriers would inevitably result in a choice between never striking or precipitating a national emergency and an imposed settlement,[17] thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike.

The RLA makes no provision for compulsory arbitration of major disputes.[18] And the Supreme Court has admonished against—

". . . functioning as an arbiter of the sort of economic weapons the parties can use in seeking to gain acceptance of their bargaining demands . . . (by entering into) the substantive aspects of the bargaining process to an extent Congress has not countenanced." *NLRB* v. *Insurance Agents' International Union, AFL–CIO, supra.* See also *NLRB* v. *Drivers Local 639, Int'l Bro. of Teamsters, Etc. of America,* 362 U.S. 274, 281–4 (1960); *NLRB* v. *Erie Resistor Corp., et al.,* 373 U.S. 221, 234 (1963).

There is no authority for this Court to concern itself with what "economic sanctions might be permitted negotiating parties in an 'ideal' or 'balanced' state of collective bargaining." *NLRB* v. *Insurance Agents' Int'l. Union, supra,* at 500. ". . . (T)here is simply no inconsistency between the application of economic pressure and good faith collective bargaining." *Id.,* at 494, 495.

The Court concludes that national handling of the fireman manning dispute is obligatory in negotiations because of the "practical appropriateness of mass bargaining" and the 'historical experience" in these circumstances.[19] Considerations of safety and training for future locomotive engineers are uniquely appropriate for general national standards. And negotiations and past agreements concerning the fireman manning dispute indicate a clear acceptance by the parties of national handling.[20] But once the statutory procedures have been exhausted in good faith without agreement negotiations have legally reached an impasse. Selective strike action then becomes a legitimate economic tool so long as the Union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multi-employer bargaining unit and settling on an individual basis.[21] See *American Shipbuilding Co.* v. *NLRB,* 380 U.S. 300 (1965); *Morand Bros. Beverage Co.* v. *NLRB,* 190 F. 2d 576, 581–2 (7th Cir. 1951).[22]

Despite the immediate public interest and pressure for a resolution of the fireman manning dispute, support of the position of the carriers would encourage nationwide strikes[23] and read a new chapter into the provisions of the Railway Labor Act in disregard of the express mandate of Congress.

Counsel for the plaintiff will submit an appropriate order within five days.

——— J. PARKS,
Judge.

FOOTNOTES

[1] 44 Stat. 577, as amended, 45 U.S.C. § 151, et seq.

[2] Report to the President of Emergency Board No. 177, August 6, 1970, p. 1. The Board was appointed on July 7, 1970, pursuant to 45 U.S.C. § 160.

[3] *Id.,* at 5.

[4] Pub. L. No. 88–108, 77 Stat. 129, Aug. 28, 1963.

[5] *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington and Quincy Railroad Co.,* 225 F. Supp. 11 (D.D.C. 1964), affirmed 331 F. 2d 1020, cert. denied 377 U.S. 918 (1964).

[6] 45 U.S.C. § 156.

[7] 45 U.S.C. § 155 First.

[8] The Brotherhood of Locomotive Firemen and Enginemen and three other unions, merged on January 1, 1969, to form the United Transportation Union.

[9] *Burlington Northern, Inc., et al.* v. *United Transportation Union,* Civil Action No. 2026–70 (filed July 7, 1970).

[10] See footnote 2, *supra.*

[11] At the expiration of the Award, on March 31, 1966, 18,000 firemen's jobs, approximately 60 percent of those subject to the jurisdiction of the Award, had been eliminated.

[12] After careful consideration this Court is unable to agree with the relevant conclusions reached in *Alton & Southern Railway Company, et al.* v. *International Association of Machinists and Aerospace Workers, et al.,* 310 S. Supp. 905 (D.D.C. 1970), appeal pending No. 24217 (U.S. App. D.C.).

[13] Sixteenth Annual Report of the National Mediation Board, p. 5 (1950).

[14] Eighteenth Annual Report of the National Mediation Board, pps. 6–8 (1952).

[15] Sixteenth Annual Report of the National Mediation Board, pps. 11–13 (1950).

[16] Twenty-First Annual Report of the National Mediation Board, pps. 5–7 (1955).

[17] See: Act of August 28, 1963, Pub. L. No. 88–108, 77 Stat. 129. Also, Act of July 17, 1967, Pub. L. No. 90–54, 81 Stat. 122; Act of April 9, 1970, Pub. L. No. 91–226, 84 Stat. 118.

[18] See 45 U.S.C. §§ 157, 158 and 159.

[19] *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Co., supra.* There the issue was whether a union is required to continue *negotiating* on a national handling basis once such a course had been undertaken. The issue of striking once negotiations had reached a statutory impasse was not considered. See also, *Chicago, Burlington & Quincy Railroad* v. *Railway Employes' Department, AFL–CIO,* 301 F. Supp. 603 (D.D.C. 1969).

[20] See especially: 1950 National Diesel Agreement; the chronology of the dispute, Report of Emergency Board No. 177, Appendix B., *supra;* and Supplementary Affidavit of Jess L. Shattuck, attached to Reply Memorandum for plaintiff, filed in this proceeding December 10, 1970, par. 7, p. 3.

[21] The Court does not decide whether selective strikes are so limited when national handling is not obligatory. And since this is a declaratory action, the Court merely prescribes what is permissible in the future. Whether previous actions failed to conform with this Memorandum Opinion need not be examined.

[22] The cases cited by the carriers, particularly at page 20 of their supplemental memorandum of points and authorities in opposition to the plaintiff's motion for summary judgment, filed September 21, 1970, all support the position that a whipsaw strike under the National Labor Relations Act is prohibited only when its purpose is to compel individual employers to withdraw from an existing multi-employer bargaining unit.

[23] Criticisms of the RLA have been directed at the delays in reaching agreement rather than the Act's rather successful record in preventing national strikes. D. Cullen, National Emergency Strikes (1968), n. 11 at 69; L. H. Silberman, National Emergency Disputes—The Considerations Behind a Legislative Proposal, 4 Georgia L. Rev. 673, 676 (1970).

THE GREGORIO CASE: II

Mr. BROOKE. Mr. President, few newspapers in our country are more famed for their thoroughness and objectivity than the Christian Science Monitor. That distinguished newspaper has printed an in-depth report on the controversy which surrounded the deportation of Mr. and Mrs. Apolinario Gregorio.

I think those comments are a valuable supplement to the remarks I made on that subject which appeared in the CONGRESSIONAL RECORD of Friday, February 26, 1971.

I ask unanimous consent that the complete text of the article be printed in the RECORD.

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

OFFICIALS BLAST PRESS: GREGORIO-DEPORTATION STORIES HIT

(By Lansing R. Shepard)

BOSTON.—The Gregorios have gone, but they left behind an irate United States Senator and a rather red-faced Boston Press.

The Senator is Edward W. Brooke. And his consternation is over what he considers "superficial, sensational, unfair, and in some cases, untrue news reports" about events surrounding the deportation of Angelica and Apolinario Gregorio from the United States to the Philippines early last month.

The Filipino couple, who entered this country two and a half years ago on a 30-day visitor visa, appealed last December to both Massachusetts Senators Brooke and Edward M. Kennedy to stop the deportation proceedings.

The eleventh-hour petition asked the Senators to file a private bill in the United States Senate to have the Gregorios' status adjusted to permanent residents. The request capped an eight-month court battle in which the Gregorios sought to void the deportation order.

REQUEST TURNED DOWN

But both Senators turned down the requests—a fact duly reported by most of the Boston news media along with some disparaging remarks directed toward the Massachusetts lawmakers by an attorney for the Gregorios.

The reports were but a small part of similarly wide and sympathetic coverage the Gregorios' deportation had been receiving in the local press.

In the end though, the couple was deported, and Senators Brooke and Kennedy found themselves engulfed in unkind mail.

Senator Brooke had received so much mail, in fact, that he was moved last week to defend his decision on the floor of the Senate. He also sent to all Boston news media detailed reasons for his actions and a rebuttal to what he thought was slanted coverage.

The source of most of the heat in the matter was the couple's contention that because Mrs. Gregorio had married "out of her class"—she maintained she was of Filipino royalty and he was of the peasant class—they would be the "object of socio-economic persecution" back home.

TRADITION VIOLATION?

They also maintained that because their marriage violated Philippine marriage tradition, the penalty awaiting Mr. Gregorio upon his return to the islands would be death.

The contentions were accepted as fact by some Boston newspapers, and the emotionally charged stage was set.

When Senator Brooke received the Gregorio request from Senator Kennedy—it is a Kennedy policy not to file private legislation—he sent his staff digging into the case. What it came up with was a tale of a couple's unusual perseverance.

The Brooke staff found the Gregorios were married on July 20, 1968, and that less than a month and a half later they were admitted to the United States on a 30-day visitor visa.

Over the next two and a half years, the Gregorios managed to extend that visa 10 times. Twice the couple was ordered to leave the country. And on three occasions deportation proceedings were drawn against them.

During this time, two sons were born to the Gregorios.

The couple successfully fought the last deportation action from June 12, 1970, to their ultimate expulsion last Feb. 11.

Some five months before they were deported, the Gregorios retained attorneys Charles Mamakos and Christie Perdikes. The lawyers immediately filed suit for a temporary restraining order on deportation, first in United States District Court in Boston. And when that court turned them down on Oct. 19, 1970, they went to the United States First Circuit Court of Appeals in Boston.

It was two months later, while their case was still being decided, that Senators Kennedy and Brooke were approached.

In denying the Gregorios' request Senator Brooke noted that it was not his policy to introduce private bills except in case of extreme and unusual hardship, and where those factors can clearly be substantiated should the immigrant be required to leave the country. He didn't think the Gregorios met the requirement.

APPEAL FAILS

On Feb. 10, the circuit court denied the couple's appeal.

The next day, amid many tears and much sentimental copy, the Gregorios left the United States for the Philippines, leaving their two sons with relatives in Quincy.

But Senator Brooke's staff found other interesting facts during its investigation. In a communiqué from the Philippine Embassy in Washington, D.C., it was learned that the consul general in New York had had "several previous discussions" with the Gregorios' lawyers over the past two years. And the lawyers apparently had never mentioned the possibility of Mr. Gregorio's execution.

Furthermore, the Brooke staff accused the Boston news media—especially the Boston Globe—of being inaccurate in its coverage. Senator Brooke's office charged that the Boston Globe had reported that the Gregorios had lived for a year as man and wife in the Philippines in fear of being murdered by Philippine authorities.

The Senator's staff, however, found the couple had been married only one and a half months before coming to the United States.

And last Oct. 20, an assistant United States attorney had advised the Gregorios through their attorneys, that if they feared persecution due to race, religion, or political opinion by the Philippine Government, their deportation could be withheld. Yet the couple had taken no action.

In a letter to the Boston Globe that appeared in that paper Feb. 17, Judge Alferedo F. Tadiar, a Filipino trial-court judge studying at the Harvard School of Law, blasted the Globe article.

In his letter to the editor, Judge Tadiar said he "could not help being outraged at the imputation given by this 'Romeo and Juliet' story that the Philippines is still living in the benighted medieval ages when official sanction is given to the murder of anyone marrying against parental wishes! Nothing could be further from the truth, he said.

FREEDOM TO MARRY

"Under Philippine law, a woman 18 or over [Mrs. Gregorio was 21 when married] is absolutely free to marry whomsoever she pleases, irrespective of class, race, color, or religion," he wrote.

Judge Tadair said parental consent is not needed. Couples can be married even against parental wishes.

"We have had no tradition of and there exists no legal discrimination by reason of social class, race, color or religion," he said. "There is no such thing as a 'royalty' class, at least for the overwhelmingly Christian Filipinos [more than 90 percent of total population]."

The Brooke organization also noted that Philippine Consul General Vincent Reyes essentially concurred in a letter to the Boston Globe also dated Feb. 17 (actually Feb. 24).

The letter said that "under Philippine criminal law, there is no penal sanction upon the act of contracting marriage between any two persons except where such act . . . constitutes bigamy or polygamy as defined by law. The death penalty is imposed in the Philippines only on the most serious and heinous crimes."

CONFIRMATION DENIED

Consul General Reyes further attacked a story by the Globe in which it was stated that "the Philippine Consulate in New York confirmed that the death penalty still can be imposed on a peasant who marries the daughter of royalty against her family's will, as in this case."

According to Senator Brooke, the Reyes letter expressed regret that "the Boston Globe should falsely attribute such a ridiculous statement to this consulate. This consulate absolutely denies having made such a confirmation."

"We made a mistake," said Globe political editor Robert Healy, "and we won't try to get around it. But we didn't do all the things Brooke said we did."

The Globe conceded it had erred on the Philippine marriage law. But one of the Senator's contentions with which the Globe took issue was the Senator's allegation that the paper had stated that the Gregorios lived in the Philippines as man and wife for a year in fear of being murdered by authorities.

WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, the United Nations Convention on the Political Rights of Women opened for signature at New York on March 31, 1953. The Convention entered into force on July 7, 1954, and has been signed by 68 nations.

The Economic and Social Council of the United Nations urged the General Assembly in 1952 to adopt a draft convention it adopted on August 27, 1951, and prepare the necessary procedural articles. The General Assembly referred the draft convention to its Third Committee—Social, Humanitarian, and Cultural—which completed its work late in 1952 and submitted its procedural articles to the General Assembly.

On December 17, 1952, the draft resolution was adopted by the General Assembly. A resolution adopted 3 days later opened the convention for signature.

U.S. representatives participated in all phases of the drafting of the convention and our country was represented on several of the committees actively urging its adoption. Ironically and unfortunately, this convention has not been signed by our country.

Dean Rusk, then Secretary of State under the late President John F. Ken-

nedy, aptly summed up the substance of this convention in a letter to the President urging its ratification:

The Convention consists of the preamble and 11 articles. The substantive provisions are contained in the first three articles. These articles provide that, on equal terms with men, and without discrimination, women shall be entitled to vote in all elections (art. I) they shall be eligible for election to all publicly elected bodies established by national law (art. II); and they shall be entitled to hold public office and exercise all public functions established by national law (art. III).

Article IV contains provisions regarding signature and ratification, article V provides for accession, and article VI provides that the Convention shall enter into force on the 90th day following the deposit of the 6th instrument of ratification or accession. Subsequent ratifications or accessions enter into force on the 90th day after deposit by each state.

Article VII relates to reservations and provides that any reservation submitted at the time of signature, ratification or accession will be communicated by the Secretary General to all states which are or may become parties. The Convention does not enter into force as between the state making the reservation and any other state which notifies the Secretary-General within 90 days from the date of such communication that it does not accept the reservation.

Article VIII provides that any state may denounce the convention by written notice to the Secretary-General to take effect 1 year after the date of receipt of the notification by the Secretary-General. The Convention will cease to be in force when such denunciations have reduced the number of parties to less than six.

Article IX provides that disputes concerning interpretation or application of the convention between contracting parties, not settled by negotiation, shall be referred to the International Court of Justice for decision at the request of one of the parties unless they agree to another mode of settlement.

Articles X and XI provide for the performance of depositary functions by the Secretary-General of the United Nations.

No substantive legal questions are involved in the United States becoming a party to this convention. The 19th amendment to the Constitution provides that the "Right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

No one has had a deeper dedication to the cause of human rights than Mrs. Franklin D. Roosevelt. Her support of this convention in a speech before the Third Committee of the General Assembly in December of 1952 was most eloquent:

As most of you know, the subject of this convention—equal suffrage for women—is very close to my heart. I believe in active citizenship, for men and women equally, as a simple matter of right and justice. I believe we will have better government in all our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world.

In the United States, and in most countries today, women have equal suffrage. Some may feel that for this reason this convention is of little importance to them. I do not agree with this view. It is true, of course, that the first objective of this convention is to encourage equal political rights for women in all countries. But its significance reaches far deeper into the real issues of whether in fact women are recognized fully in setting the policies of our governments.

I do not expect that there will ever be as many women political leaders as men, for most women are needed in their homes while their children are small, and have fewer years in which to gain public recognition. But if we are honest with ourselves, we know that all countries have a long way to go on these matters * * *.

This convention on the political rights of women is not in itself an answer to the problems of modern government. But it points up, I believe in useful ways, how governments can expand their resources by taking full advantage of the energy and experience of their women citizens * * *.

As we all know, the United States has granted its women equal political rights with men. Yet, we still have an obligation to support the effort of the United Nations, through the Human Rights Conventions, to insure that the rights we take for granted here at home may someday become a reality around the world. I urge the Senate to act quickly on the Women's Political Rights Convention as well as the other Human Rights Conventions submitted to the Congress.

DOES NOT ANYONE CARE ABOUT CAIRO?

Mr. BROOKE. Mr. President, for several years an open racial conflict has embroiled the small river town of Cairo, Ill. The causes of this conflict are as deep-seated as any in America, and as difficult to resolve. Yet few comprehensive reports have been available to the public on the issues, the emotions, and the misunderstandings which divide this troubled community.

One attempt to deal with the problem was made by Miss Terry Knopf, a research associate at the Lemberg Center for the Study of Violence, at Brandeis University in Massachusetts. Her article, entitled "Doesn't Anyone Care about Cairo?" was recently published by Commonweal magazine. It is a particularly sensitive treatment of a highly complex matter, and I commend it to the attention of Senators.

I ask unanimous consent that the entire text of the article be printed in the RECORD.

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

CIVIL WAR IN ILLINOIS: DOES NOT ANYONE CARE ABOUT CAIRO?

A war is taking place on our own shores, involving the lives of our own people, and hardly anyone has stopped to notice. The war is being fought by whites and blacks in a small town in southern Illinois called Cairo (pronounced "care-o" or "kay-ro"). There are about 6000 people in the town, of whom 30–40 percent are black.

Underlying the current crisis are deep-seated tensions which are racial as well as economic. Civil rights activity in the community can be traced to 1946 when blacks won a suit demanding equal pay for black and white teachers. In 1963, blacks held demonstrations against a segregated swimming pool. Offsetting their victory in the courts was a decision by the city to close the pool altogether. In 1967—sandwiched in between and overshadowed by the outbreaks in Newark and Detroit—was a disturbance precipitated by the death of a black soldier.

The violence seemed to signal an increasing polarization of the races. The police said that the soldier, who had been in jail awaiting trial on AWOL charges, had committed suicide in his cell. Blacks charged the soldier had been the victim of police brutality. Lending weight to their accusations was the fact that the soldier's body was embalmed before dawn without the permission of the dead man's family. A close relative indicated that the family had wanted an autopsy, but that the coroner had decided that none was necessary.

In the same year, as the races drifted further and further apart, whites organized a vigilante group known as the White Hats because of their headgear. Calling themselves a neighborhood protective group, the White Hats armed themselves, held regular drills and launched attacks on the black neighborhoods. Pyramid Court, a low-income housing development, was their favorite target. In 1969, the White Hats were officially disbanded by the state. However, their place was soon taken by a new group with close ties to the White Citizens Council called the United Citizens for Community Action (UCCA). For all practical purposes, the White Hats are still very much alive.

Complicating things is an extremely bleak economic situation. By every standard imaginable, Cairo is economically depressed. In 1960, 56 percent of the town's housing was substandard and without plumbing. Between 1950 and 1970, the population dropped from 12,000 to its present level of about 6,000. The unemployment rate is now at 10 percent and higher among blacks. About 30 percent of the residents are on some form of public assistance. An ambitious young man seeking his fortune in the world is likely to move to St. Louis or Chicago.

The immediate crisis has been occasioned by a black boycott of white businesses. The boycott is being sponsored by the United Front, an umbrella group formed in 1969, which seeks more and better jobs for blacks. Now almost two-years-old, the boycott has definitely hurt white businessmen. Several firms have been forced to close.

Pitted against the blacks is an equally determined group of hostile, frightened whites led by the mayor, the police chief and the White Hats. Guns have been accumulated by both sides, while shootings, beatings, bombings and burnings have become a common every-day occurrence. Since the boycott was initiated, there reportedly have been more than 140 black-versus-white shooting incidents.

Most of the violence, however, appears to have been directed against blacks. A reporter for the *Guardian*, who recently visited the black neighborhoods, compared the area to a "war zone": ". . . the passage through the black neighborhoods is like a war zone tour. In nearly every block there are the ruins of a burnt-out house, often a row of four or five sets of charred wood."

Not all the facts in the situation are clear, but the dimensions of the tragedy are unmistakable. For unlike the tragedies at Kent State or Jackson State which were quick affairs over and done with, the crisis in Cairo continues unabated. What we have is the logical fruit of complete polarization—armed, prolonged racial conflict. Cairo threatens to become our domestic Vietnam, a symbol and symptom of national malaise, a possible testing-ground for future race wars to come in other communities across the country.

In recent months, the already critical situation has shown further signs of deterioration. When the federal courts threw out a local anti-picketing law aimed at blacks, the City Council promptly enacted a new set of ordinances designed to curb demonstrations. All five blacks on the police force have now resigned. Meanwhile, the police have deputized auxiliary policemen, some

of whom are reputed members of the White Hats. Blacks have charged the police with making discriminatory arrests, using unnecessary force and, in some instances, actively participating in vigilante attacks.

In a highly unusual move, Governor Richard Ogilvie has stationed state troops in the area for an indefinite stay. The Governor is quoted as saying the troops "may be there for several years." Blacks, however, claim they have received no more protection from this group than from the local police, and view the troops as a kind of occupying army.

Not long ago, a black soldier on leave in Cairo died, the victim of an unknown sniper. In the last eighteen months, three police chiefs, one mayor and one county sheriff have resigned.

Given the seriousness of the situation, a question arises as to why Cairo has attracted so little attention? We can begin with the obvious lack of concern on the part of the American public. The reasons for the public's indifference are not entirely clear. Perhaps the war in Vietnam has desensitized us to violence. Perhaps the tragedy at Kent State has drained our energies. Or perhaps black people—the chief victims of this war—are simply more expendable than whites.

In any event, whatever the reasons are, the public's inattention to Cairo has been reflected, if not reinforced, by the media. Relatively few stories have been filed on the beleaguered town—an incident here and there—but hardly the sustained, extensive coverage required. Moreover, insofar as attention has been given, the media have been guilty of some gross inaccuracies and distortions.

Several weeks ago, for example, United Press International and the Associated Press—the two major wire services—issued releases about a supposed raid on a police station by "squads of armed Negro men." Hundreds of rounds of ammunition were reportedly fired in what appeared to be a deliberate, unprovoked attack on the police. The story made its merry way into scores of newspapers across the country ranging from the *New York Times* and the *Washington Post*, to the *Milwaukee Journal* and the *Ann Arbor News*, not to mention *Newsweek* magazine. Omitted from the story was the fact that a black-owned tavern, a church used for meetings of blacks, and the office of civil rights lawyer were all riddled with bullets at about the same time of the alleged raid by blacks.

The story, however, was not only misleading but inaccurate as well. A skeptical *Times'* reporter who did take the trouble to do a follow-up story for his newspaper could only find seventeen pockmarks on the police station which might have been caused by gunfire that night. *Chicago Journalism Review*, which keeps a critical eye on the media, has gone so far as to suggest that the alleged raid may never even have taken place.

The questions raised by this misreporting are: first, why both news services have continued to rely heavily on local stringers for information—individuals who have close ties to the white power structure; and second, why neither UPI nor AP has seen fit to station reporters from the outside area (say, Chicago) in Cairo on a regular basis.

If the media have failed to confront the crisis in Cairo, those in position of national leadership have not fared any better. Thus far, the Justice Department has failed to authorize a full federal grand-jury investigation, which would include a look at possible violations of civil rights.

The FBI says that it is "continuing to watch the situation," but has no plans to actively investigate—this, despite the fact that a public defender's project partially funded by the federal government has been the target of gunfire. Cars bearing Kentucky license plates reportedly have been in the area on the nights of white sniping attacks. Such activity would seem to fall under the anti-riot legislation which makes it a federal offense to cross state lines for the purpose of fomenting violence. Nevertheless, the FBI has chosen not to involve itself—an interesting stance in view of its zealousness when it comes to pursuing black militants, student radicals and other "subversives."

Meanwhile, the FCC has yet to act on a petition from the Lawyers' Committee for Civil Rights Under Law which would deny the license renewal of radio station WKRO. The lawyers' brief makes a convincing case against the station for unbelievably biased reporting, for failing to represent the entire community. It is noteworthy that the president of the station just happens to be on the board of directors of the UCCA.

Finally, we have yet to hear from our usually vocal politicians. Both the President who promised to "bring us together" and his chief deputy, who is never at a loss for words, remain strangely silent. At the same time, Congress has declined to initiate its own investigation and hold hearings, just as it does on the other war in Vietnam.

And so the crisis in Cairo—the war in the Middle West—continues. Doesn't anyone care about Cairo?

STATEMENT BY AFL–CIO PRESIDENT GEORGE MEANY ON THE CLOSURE OF HANFORD REACTORS

Mr. JACKSON. Mr. President, I ask unanimous consent that a letter to President Nixon on the proposed closure of two reactors at Hanford, Wash., and a subsequent article in the AFL–CIO News be printed in the RECORD.

In bringing to the attention of the Senate the views expressed by Mr. Meany, I should first like to preface them with several thoughts of my own.

After working very closely for 8 years with the Tri-City Nuclear Council, industry and Government in the painstaking job of building the landmark Hanford diversification program, I am shocked and saddened by this precipitate action. Closure of these last two reactors has the effect of unraveling a program that is a model for the Nation—an example of a community rebuilding its industry base away from defense orientation to peacetime industry through the cooperation of Government and industry.

Last year Congress heard strong testimony on the need to proceed with both reactors. The Atomic Energy Commission and the Department of Defense both argued in favor of full funding of both reactors, too. Thus, this action was taken at the White House level in spite of strong support of Congress, the Atomic Energy Commission, and the Department of Defense to continue full funding of these reactors.

Certainly, the detrimental impact on the reserve of our Northwest electric supply alone should have been sufficient cause for the administration to keep the N reactor alive. But there are other serious questions including the Nation's contingent plutonium requirement for weapons uses which have gone unanswered.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. These points are of nationwide significance, but there are other factors which must be considered including the addition of up to 12,000 unemployed people in a region where the job market is already the hardest hit in the entire country. In this context Mr. Meany's comments are of major significance.

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

U.S. SENATE,
Washington, D.C., February 8, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Administration's decision to shut down the K EAST and New Production Reactors at Hanford, Washington, involves a fundamental change in a long-standing national defense policy and will cause serious and direct adverse consequences to the economy of the West, as well as indirect national effects. These very significant points were brought out during the hearings (executive session) held by the Joint Committee on Atomic Energy on February 4, 1971. I would like to summarize, for your personal attention, certain of the facts in the hearing record:

1. Closure of these two reactors will mean that, for the first time in the history of the Atomic Energy Commission, this Nation will not have a capability to supply plutonium beyond currently known requirements of the Department of Defense. There would be no existing capacity to deal promptly with contingencies, because of the lead-time (approximately three years) in getting closed production reactors back on the line. It is my understanding that the Department of Defense desires some production flexibility to deal with contingencies and took that position during the decision-making process. There is no explanation of the considerations which warrant such a drastic change in the national defense posture.

2. The New Production Reactor (NPR) is a dual-purpose reactor, which is used for the production of weapons plutonium and also to supply 800,000 kilowatts of electricity. For perspective, the NPR is the Nation's only dual-purpose reactor; most of the U.S.S.R.'s plutonium producing reactors are dual-purpose. Thus, the Soviets apparently do not have the long-lead time problem which is inherently associated with the reactivation of single-purpose plutonium production reactors.

3. The 800,000 kilowatts of electricity from the NPR is supplied to the Pacific Northwest under arrangements between the Atomic Energy Commission, the Bonneville Power Administration (BPA) and the Washington Public Power Supply System. The Pacific Northwest and the Southwest need the power from the NPR. Indeed, Mr. Richmond, the Administrator of Bonneville Power, testified that BPA, because of the lack of power sources, had not contracted to supply power to any industrial user since 1966. He further testified that there is no established replacement for the NPR power, and indeed, that unavailability of NPR power may force BPA to cancel or curtail some of its contractual commitments. The loss of NPR power occurs at a time when there is an existing disparity between electrical power supply and demand in the Pacific Northwest, and, indeed, in the Nation. That disparity is increasing almost daily because of the increasing demand for power which is accompanied by the increasing difficulties encountered by the producers of power. One example of the many diffi-

culties associated with the lag in the power supply is the environmental problems associated with certain low sulfur fossil fuels, particularly in the Los Angeles area. There are no easy and immediate solutions to these problems. The lead-time necessary to construct and put into operation a nuclear reactor or any other power plant which would replace the NPR output is from 5 to 7 years. In short, the unavailability of NPR power could well result in economic chaos.

This Government viewed the NPR as a distinct national asset when it was authorized in 1961, both economically and for national defense purposes. In my view, the record shows that the NPR continues to be such an asset. Continued operation of the NPR can contribute beneficially in each of the foregoing areas of national concern (plutonium production supply contingency and electrical power), and, I might add, with minimum environmental impact.

4. The Hanford, Washington, area is the only known example of a Government-industry program initiated during the 1960's at the time of earlier production cutbacks, which resulted in a conversion from a military defense war requirement to a peacetime requirement. This conversion was essentially accomplished by commitments by AEC contractors at Hanford to create a diversified economic base which would not completely depend on AEC activities at Richland. The latest shutdown, because of the severe direct and indirect economic consequences, could well result in a complete unravelling of the various economic diversification programs which are either completed or are near completion at Hanford.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. The record made at the February 4, 1971, hearing contains additional information which bears directly on the important duty to be performed by the task force. It will, of course, be made available to the task force, as well as any other additional information which may be helpful. For that purpose, Mr. Edward J. Bauser, the staff's Executive Director, will contact the task force.

The points which I have summarized are of nationwide significance. I would sincerely hope that the Administration will decide to at least ameliorate the consequences of the announced shutdowns by budgeting funds for continued operation of the NPR.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Subcommittee on Military Applications, Joint Committee on Atomic Energy.

[From the AFL–CIO News, Feb. 6, 1971]

LABOR PROTESTS ORDER TO SHUT DOWN NUCLEAR PLANT

The AFL-CIO has urged Pres. Nixon to cancel an order that would shut down plutonium production at the Atomic Energy Commission's Hanford, Wash., plant, throw thousands of persons out of work, and threaten the Far West with a power shortage.

Federation Pres. George Meany wired Nixon that labor is "shocked" by the President's "precipitate decision" to deactivate the last two plutonium-producing reactors at Hanford.

"The immediate effect," Meany warned, "will be a major economic blow to a region already hard hit by unemployment." He estimated that 7,500 jobs will be lost if the action stands.

The AEC subsequently announced that it will hold off closing of one of the reactors pending further review. Some of the scheduled layoffs will be cancelled until a decision is reached.

Plutonium is a key ingredient of atomic weapons and its production has been trimmed back in recent years.

At Hanford, however, electric power has been an important by-product of the operation. Steam from the plutonium reactors is used to generate low-cost electricity which is distributed through the Bonneville Power Administration.

Meany told Nixon that "if the United States has adopted a policy of no longer producing plutonium, it must provide for an orderly transition period to cushion its effect on jobs and the economy."

DEVELOPMENT OF PARKS AND RECREATION AREAS

Mr. PERCY. Mr. President, the Federal Government, as never before, must recognize the true extent of the ecological crisis and attempt to organize a national environmental policy that will insure responsible lands and waters management. The individual's right to a clean environment has been acknowledged and now must be guaranteed. This administration, more than any other, is devoting significant attention and budgetary allocations to the development of environmental safeguards. Part of its program is the expansion of parks and recreational facilities.

Mr. Douglas Hofe, Jr., Director of the Bureau of Outdoor Recreation of the Interior Department, recently spoke before the National Symposium on Park, Recreation, and Environment Design in Chicago. His speech is excellent, for it captures the imagination and presents an optimistic view of man's survival in a threatened environment. It speaks of the aesthetic and spiritual benefits we derive from outdoor recreation through a refreshing contrast with workaday life. I ask unanimous consent that Mr. Hofe's speech be printed in its entirety at the conclusion of my remarks.

Mr. President, I have a particular interest in the development of parks and recreation areas. In Illinois, we do not have a single National Park Service area. A bill that I recently introduced would alter this situation by creating the Lincoln Homestead National Recreation Area in Coles, County, Ill. It would provide preservation of valuable prairie lands for those who wish to enjoy or study the origins of our cultural inheritance.

The State is also trying to improve its standing on State park facilities. In a special message on conservation before the Illinois Legislature, Governor Ogilvie proposed a three-point program to prevent the exploitation of recreational areas in Illinois. A 2-year acquisition program is aimed at creating seven new State parks through new land purchases amounting to more than $20 million. I believe the Governor's program is highly commendable, deserving the full support of the State's legislative body.

In a rapidly expanding urban population we have a responsibility to improve the quantity and quality of recreation areas. As the Governor pointed out:

At a time when our people see their great natural environment deteriorating around them, there is no more far-sighted investment we can make.

I agree and look forward to working as the ranking minority member of the Interior Subcommittee of the Appropriations Committee for full funding of our park and recreation programs.

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

REMARKS OF G. DOUGLAS HOFE, JR.

It is both a personal and professional pleasure to participate in this National Symposium on Park, Recreation, and Environment Design.

If I am to follow the literal definition of being a "Keynoter," I find that my role today is to introduce "the determining principles governing the spirit of speech, thought, and action of your sessions."

But I had only to glance at the conference's imposing list of participants and topics to know that I couldn't fill that traditional role of Keynoter.

Any symposium such as this depends on two things for its success: Substance and spirit.

At the Bureau of Outdoor Recreation, we share your concern with substance every day. We do it through programs of planning, coordination, technical assistance, cooperation, research, evaluation, and environmental quality. And, you are familiar, of course, with the Bureau's contributions toward substance through financial assistance with the Land and Water Conservation Fund.

In these three days of meetings, I think you will agree that our contribution to substance is, and continues to be, a large one. Again, the word "imposing" seems appropriate.

So, if I may, I would like to discuss with you that second ingredient: "Spirit."

In the 1970's nearly every Federal agency will be working with States, local governments, and the private sector to provide all Americans an "Environmental Bill of Rights," the lack of which is felt especially by those of us living in cities.

I refer to the right of all to a safe and healthy environment.

President Nixon pledged a course of action when he signed the National Environmental Policy Act on January 1, 1970.

That law established a national policy for the environment.

President Nixon declared that upgrading the environment is a "now or never" situation. His declaration gave rise to the "Clean Land Doctrine," proclaimed this year by the Department of the Interior.

In essence, these objectives underscore:

The Nation's right to expect that our natural resources will be developed for the best uses of the people as a whole.

The need to protect population centers, large and small, from deterioration that threatens the general welfare.

The right to clean water and healthy air.

When we clean up our land, skies, and water, everybody will gain something.

These are paramount requirements to expansion of the Nation's outdoor recreation estate. If land is denuded of trees and grass, it won't be long before the water around it is ruined by one or more forms of pollution.

This long time commitment on the part of President Nixon has recently—and dramatically—been underscored and amplified.

In his State of the Union Address to the 92nd Congress, President Nixon said about one of his six major goals for 1971:

"The third great goal is to combine the effort so dramatically begun last year: to restore and enhance our natural environment.

"I will propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America."

He continued:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people, where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

Seven days later, on January 29th, the President added what might be called "exclamation points" to this commitment.

In the opening paragraph of his new Budget Message, President Nixon reminded Congress:

"In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, we spent more to meet human needs than we spent on defense."

In part, this is what President Nixon proposed to the Nation's lawmakers in the segments of his budget package relative to environment and outdoor recreation:

"*Recreation*—Greater opportunity for leisure is valued highly in America and, as a result, the demand for recreation facilities is growing. The 1972 budget proposes a substantial increase in grants to help State and local governments provide some of these facilities."

Said the President:

"I am recommending that the Land and Water Conservation Fund be fully funded to provide:

"Grants of $280 million to help States and localities meet local recreation needs; and

"Appropriations of $100 million for Federal acquisition to preserve nationally significant natural and historic areas."

In last week's Message on the Nation's Environment, President Nixon once more elaborated on his commitments:

"Merely acquiring land for open space and recreation is not enough," said President Nixon.

"We must bring parks to where the people are so that everyone has access to nearby recreational areas.

I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.

"I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape."

Certainly all of us in the Department of the Interior and the Bureau of Outdoor Recreation are pleased and even more determined to help reach this goal. Never before in this Nation's history has any Chief Executive so clearly placed his Presidential "Seal of Approval" on our recreational and environmental destinies. It is apparent that each of us has a big job to do.

As I look to the future, and the key role the Bureau of Outdoor Recreation will play in the environmental picture, one word continually comes to mind:

That word is "Change."

Many of us in the "Over-30 Set" can still remember when our *out*doors was just beyond our *back*doors. That isn't true for most of us any more.

For some of us, today's backyards lead to little more than other backyards.

Most of us can remember where we used to swim. But the childhood swimming hole has been replaced.

Today—for better or worse—it is a gleaming, supervised swimming pool.

Some of the nearby sandlots where we played ball are still around.

But today—our sandlots look more like mini-stadiums: complete with regulation base paths, regulation pitcher's mounds, kids in regulation uniforms, and complete with regulation adult supervision.

Most of us can remember fishing. It wasn't very complicated then: A bamboo pole from the hardware store . . . and some freshly dug worms from the backyard.

But today—the youngster who wants to take an hour or two for fishing assembles his glistening array of gear from Sears or Abercrombie & Fitch . . . then is disheartened on asking himself:

"*Where* can I fish?"

Now these refinements are probably all very worthwhile and wholesome. At least we might as well *think* so; because there is no going back.

Sandlots have a way of disappearing—covered by shopping centers.

Swimming holes have a way of vanishing—covered by housing developments.

And fishing streams have a way of drying up: especially when covered by highways.

For too long, too many have looked back and shrugged in a resigned sort of way: "Well, that's progress."

For many of us, however, there has emerged the nagging idea that something here is a little wrong. And there is something we can do.

And it must be done. For all Americans.

Because all Americans share in a marvelous legacy: a heritage of the outdoors.

Looking ahead into the 1970's and beyond, planners in recreation had to extend their definition of what we mean by "Outdoor Recreation."

Outdoor recreation is not just backpacking along the Appalachian Trail . . . it is a walk around the block.

Outdoor recreation is not just shooting some whitewater rapids on a wild river in Montana . . . it is also "driving for pleasure"; to see the leaves change or taking that traditional American Sunday drive.

Certainly it's surf-fishing along shorelines. But it is also a casual detour on the way to the office; say a stroll through a nearby historic park.

It is surfing off a public beach in California. And it is father and child getting to know one another and their relationship with nature when dad navigates a stroller through a nearby suburban park.

Outdoor recreation is a nature walk with the kids . . . attending a little league football game . . . a pick-up game of touch football with others in the neighborhood . . . swimming in an available pool or pond . . . or merely sitting on a bench beneath a tree.

Anyone who has ever photographed flowers in a park is involved in our expanded concept of outdoor recreation.

If the after-work idea of "warming up to a highball" is more attractive in one's own backyard than in the living room—well, that too is outdoor recreation, though hardly the type on which we keep statistics.

Today, the number one activity is "Walking for Pleasure" (not to be confused with Hiking, which purists say should be more work than pleasure).

Since 1960, walking for pleasure has increased in popularity faster than any other major outdoor recreation activity. Ten years ago driving for pleasure was first. Today, walking is first while driving—by the year 1980—will be fourth.

In 1980, this Nation's "Outdoor Top 10" activities will read like this:

Number 1—Swimming.

Number 2—Playing outdoor games and sports (such as volleyball and similar informal sports).

Number 3—Walking for pleasure.

Number 4—Driving for pleasure.

Number 5—Sightseeing.

Number 6—Picnicking.

Number 7—Bicycling.

Number 8—Fishing.

Number 9—Boating.

Number 10—Attending outdoor sports events.

Other outdoor experiences—such as camping, hiking, horseback riding, and water skiing—are on the increase.

To satisfy the recreation demands of a society that daily grows more affluent and mobile, we need more varied, quality recreation experiences.

We need more lands.

We need more facilities.

We need more programs and activities to serve the people attracted to our outdoor recreation areas.

As we work to meet increased needs, we must find an increase in the financial wherewithal. That's right—more money. And here is where an expanded Land and Water Conservation Fund comes into the picture.

The Fund had a small beginning in 1965—but has now become the leading source of money for recreation land acquisition and development.

On October 31, 1970, President Nixon signed into law a bill wich increases the Fund's authorized appropriations from $200 million to $300 million annually.

A large part of the increased money will go to States and their local governments.

The Fund has already provided hundreds of millions of dollars for places and spaces intended for the public to use in pursuit of outdoor recreation.

The Fund provides the money needed for new national parks, forests, seashores, and wildlife refuges. Roughly one-third of the Fund's money has gone into acquiring and preserving these lands and waters under Federal management.

Most of the Land and Water Conservation Fund money Congress appropriates each year goes to assist States and their cities and counties.

Since 1965, Congress has appropriated $503 million from the Fund to assist States.

The new law also provides a means for transferring surplus Federal property to States or local governments for park and recreation purposes at discounts ranging up to 100 percent.

Previously, as you know, surplus property could be transferred for recreation purposes only at a 50 percent discount from fair market value.

Before the Fund little had been done through the Federal Government to help upgrade State and local parks.

State and local parks provide an excellent means to help meet public demands for varied outdoor recreation opportunities. But the time has arrived to consider innovative programs in connection with them in order to bring recreation and environmental awareness closer to urban residents.

For example, these parks could be used as environmental education laboratories for people who live in cities. More creative and varied opportunities must be found for near-urban centers.

Until the 1950's the Federal interest in outdoor recreation centered primarily around preserving America's splendid natural areas—national parks, forests and wildlife preserves.

While many of these national resources attracted people and provided recreational outlets, there were many which virtually fenced people out due to their inaccessibility.

Then came the 1960's—and two painful realizations:

Most of America's outstanding parks and waters were far removed from where the people lived.

And people were concentrating farther and farther away from them all the time.

The Bureau's research and projection apparatus has enabled us to profile those outdoor activities which most Americans enjoy today and want for tomorrow.

We have found that more than 75 percent of all recreation occurs close to home, after work and school, and on short outings.

And, in urban America, where 75 percent of our population is concentrated, only 25 percent of the recreation facilities and 3 percent of public recreation lands are reasonably accessible.

Like so many national priorities, our American recreation priorities needed reshuffling.

Our Nation's outstanding national parks, forests and natural areas still are needed and are popular . . . perhaps overpopular.

At our most popular national parks, the "No Vacancy" sign is fast becoming a permanent fixture.

Because of shorter work days, longer vacation periods, more 3-day weekends, more spendable income, and because of a need for America's urban dwellers to shed themselves of the confines of the cities, we can characterize an emerging segment of the population.

We might call him "The Mobile American."

The "Mobile American" is easy enough to spot. He is seen on the Nation's highways on weekends and during vacation months.

Behind his family automobile is a new generation of auto accessories: power and sail boats . . . pop-up tent gear . . . and campers which range from modestly-rigged to ingeniously sophisticated.

Of course the end results are often packed parks, crowded campgrounds and waters where the competition is from boats, fishermen, swimmers and water skiers.

For growing numbers of affluent Americans more places and spaces must be provided. And the closer to home, the better.

If bringing new national recreation areas closer to our growing cities were the only problem, this challenge would be formidable by itself.

But providing outdoor recreation within a short driving distance for our "Mobile Americans" is not enough.

What of "The Captive American?"—living in our cities—very often our Inner Cities.

He is held captive for many reasons. And one of these is underscored by the fact that out of 200 million Americans, more than 50 million of driving age do NOT have automobiles.

In his Message on the Environment of a year ago, President Nixon said, and I quote:

"The rugged grandeur of mountains a thousand miles away means nothing to a city child who is not able to get to them.

"The boy sitting on the steps of a ghetto tenement deserves and needs a place where he can discover that the sky is larger than the little place he is able to see through the buildings." End of quotation, but—a beginning toward a new national determination.

This new determination must touch the lives of virtually every American—present and future.

We must make certain that the American youngster will never lose his capacity to communicate with himself.

Merely keeping up with the day's news must be harrowing for the young mind. It is certainly disquieting to most of our older minds.

Can the young mind accept differences between real life and the day-to-day chronicles of life we see electronically reported?

Will this young mind grow to have the judgment and perspective to understand that most of us gather together to work, not under banners . . .

That most of us burn firewood, not college buildings. . .

That most of us build not detonate . . .

That most of us neither hi-jack; nor call names; nor believe the loud and the profane have some sort of an intellectual monopoly on the belief that peace is preferable to war?

We have talked about "The Mobile American" and "The Captive American."

Neither is really very typical.

Most of us fall somewhere in between. And, we have our outdoor needs.

An outdoor experience should be a personal, everyday thing. Not just something we reserve for long weekends and vacations.

As we focus in on outdoor recreation in the 1970's, some patterns and alternatives emerge.

Many of the recreation changes we hope to see in the '70's are innovative and experimental.

Others are essentially simple.

New concepts in park and recreation programs to attract participation by a broader segment of society . . .

New lighting systems to extend the number of hours in our places of recreation . . .

More year-round facilities and activities toward getting a better return on our recreation investments . . .

Comprehensive youth programs which emphasize leadership training and wider participation . . .

Facilities—nearby—for our handicapped and our elderly.

Much of what I have discussed to this point comes from the general philosophy of our effort to bring more "parks to people." This new concept has been entrusted in large part to the Bureau of Outdoor Recreation. Its impact is felt in administration of the Land and Water Conservation Fund to provide more money for urban areas. Especially significant is the Department's "Street Scene" action program which is replacing little-used streets and alleys with neighborhood parks.

Although the demonstration concept—for the time being—seems mainly geared to inner-city, there is no reason why this program could not be extended even to the suburbs.

Imagine, if you will, the possibilities.

Green spaces—replacing cement and gutters.

A back-stop perhaps replacing a bus stop.

Benches and walkways instead of parked cars.

A springtime stroll at dusk—squinting at stars instead of car exhaust fumes.

Kids playing dodge-ball rather than "dodge-traffic."

Converting little-used streets and alleys has obvious relevance to our young people. But there could be personal relevance, too, for everyone in the neighborhood.

Housewives and toddlers on Nature's own carpeting.

A pickup basketball game between husbands and fathers—improving their hook shots against the backboard.

Our older citizens could match up in a round of horseshoes. Or they could play chess and checkers beneath a tree.

The handicapped persons could find nearby outdoor escape from the confinements of four walls.

Teenagers could vent their energies on that other kind of—less publicized—form of grass.

It is an exciting concept . . . one which we are exploring with an eye toward innovation and imagination and creative execution.

Every facet of outdoor recreation is important.

Urban recreation, State parks and local recreation areas are concerns of the Bureau of Outdoor Recreation, but so are wild and scenic rivers and a national system of trails. So are large additions to our national park system, and preservation of open spaces in and near our metropolitan centers.

Many of your agencies are, no doubt, undergoing a change in your roles, one which adds emphasis to preservation of the human resources, as well as the natural resources of your State.

We in the Bureau of Outdoor Recreation have set our sights on the Nation's densely populated urban areas, for here are the places where we are locked in the struggle to let man and nature link their complementary resources to produce a better life.

It is in the cities that population pressures are greatest . . . socioeconomic variables are the widest, and space for leisure is the smallest, and often comes in the most fragmented condition.

It is in the cities that determination must be enlivened with imagination in designing facilities and programs which give human relativity to existing spaces.

We will not, however, neglect or downgrade our responsibility to continue to assist in saving those unique natural areas which should comprise many Federal and State park systems.

To reach its goals, the Bureau makes many contributions and decisions in the fields of planning, basic research, technical assistance and information.

We evaluate natural resources, but we do not administer any park or recreation areas. We leave that task to the old-line agencies. Our role is to recommend policies and programs to the Secretary and Congress.

And while I choose not to join some of my Washington colleagues in a running dialogue with the networks, I do have a personal wish or two.

It is my wish that, soon on any Saturday morning, the friendly antics of ducks in a nearby pond be more attractive to toddlers than animated animals on the TV set.

It is my wish that an after-school stroll on a nearby nature trail be more interesting—or at least a change—from an episode of "Dark Shadows" or a session with the stereo.

It is my wish that a picnic table at a nearby park become more inviting to the mother with pre-school children who has had it up to her truffles with the Galloping Gourmet.

It is my wish that nearby paths and benches attract our elderly and handicapped into taking gulps of fresh air as an alternative to TV's unrelenting invocations decrying "Ho-Hum Mouth."

It is my personal wish that, soon, we can offer nearby sanctuaries where the young mind can do a little, uninterrupted thinking of its own.

It is also my wish that a so-called "Turned-Off Generation" would—indeed—occasionally turn off.

Turn off the record player, turn off the radio, turn off the phone, turn off the never-blinking eye of The Tube—and turn ON to himself.

But to do so, the young person—and each of us—must be attracted by alternatives. The alternatives of a renewed, balanced recreational environment.

The 1970's will see a better quality of life for all Americans. We will be richer in many things—among them leisure time. Thus, will more and more demands be made upon our recreation resources.

What is needed then is a nationwide effort of great proportions.

A coordinated effort that embraces every level of government and the private sector.

An effort that seeks and receives the enthusiastic support of individuals in every community throughout this great country.

Those of you who develop and design America's growing systems of outdoor and environmental involvement are in today's "Main Event."

And we in the Bureau of Outdoor Recreation are in your corner.

We offer you our encouragement and our resources.

And—as is the case in any viable partnership—we trust that communication and assistance will be a two-way street.

We welcome your ideas—the more innovative, the better.

We need your support.

We recognize your years of experience—close to where the local action is.

We welcome a dialogue with you when certain Federal plans and programs may not mesh with those of your State needs.

In effect, when we soon go our separate ways from this Symposium . . . be assured: our separate ways are not really separate after all.

PRIZE WINNING ORATION BY MARCUS B. ROBERTSON, GADSDEN, ALA.

Mr. ALLEN. Mr. President, the Voice of Democracy oratorical contest sponsored by the Veterans of Foreign Wars is nationally recognized as one of the outstanding youth programs of our Nation. Some 500,000 young people participate in this program each year.

Mr. President, I am particularly pleased that the national first place award winner in the 1970–71 Voice of Democracy competition is Marcus B. Robertson from my home town, Gadsden, Ala. Marc Robertson is the 16-year-old son of Dr. and Mrs. William Craig Robertson of Gadsden. Marc is a junior in Gadsden High School and an officer in the splendid organization known as the Fellowship of Christian Athletes. His extracurricular activities and interests include golf, wrestling, public speaking, fishing, swimming, piano, and harmonica. His background achievements include a 1967 Read magazine creative writing award and other awards in public speaking. Marc is a brilliant student and an accomplished speaker. This last judgment was eloquently demonstrated last night by delivery of his award-winning oration at the National Congressional Awards Dinner before Members of Congress and distinguished civic, religious, and VFW leaders from throughout our Nation.

Mr. President, the Veterans of Foreign Wars organization is to be commended for sponsoring such a splendid program for youth. The contest serves a highly valuable purpose in promoting loyalty and principles of liberty, freedom, and democracy, and I share the feeling of pride of all Alabamians and patriots throughout our Nation in the outstanding achievement of young Marcus Robertson.

Mr. President, it gives me great pleasure to ask unanimous consent that the text of the oration be printed in the RECORD. I invite every Senator to read this stirring address with the sure knowledge that each will share with me a renewed sense of pride in our youth as exemplified by the accomplishments and the thoughts and views so eloquently expressed in this address.

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

FREEDOM—OUR HERITAGE

What is freedom? If you were to ask that question of the next ten people you met, I'm sure you would receive ten distinctively different answers. Upon asking a policeman, he might give you a reply like this: "Freedom is the priviledge of living in a free society and obeying the laws it has given to protect you."

You might see a businessman, and upon asking him what freedom is, he could answer, "Freedom? Why that's the means by which private enterprise grows and prospers! Without freedom in our business, our economy would collapse!"

Spying a minister, his answer to the same question might go like this: "My friend, freedom is the wonderful experience of being subject to the Divine will of God."

Curiosity then might lead you to ask a hippie what his thoughts were of freedom. "Hey, man," he might say, "freedom isn't here unless you got love—can you dig it?"

The policeman's answer, I thought, was very clear. Did you actually realize how honored we are to be Americans? The Statue of Liberty is an unwavering reminder of our freedom. But did you ever stop to think what color is the statue, or what race? Did you ever stop to think of what faith it might represent? Is its color black, or white? Maybe it is red or yellow. But isn't it more a mixture of many colors which have withstood the wind and rains of the sea over a long span of time? Although the statue is weather worn and wind beaten, does any particular color stand out? No, for that statue, just like our country, stands for nothing less than Americans. What about its religious representation? Does it represent the Protestant, Catholic, or Jewish faith, or no faith at all? Maybe it represents all religions. You know—it does.

The Statue of Liberty represents freedom, liberty, but most of all—Americans! Americans who fought at Lexington and Concord . . . Americans who fought at Shiloh and Gettysburg . . . At Guadalcanal, the Battle of the Bulge, and for Americans who are now fighting in obscure little rice paddies in Viet Nam.

Why do Americans sacrifice for others? For the same reasons Americans have tasted death for the past 200 years. That man might be free.

The businessman's answer was unique. Americans can enjoy private enterprise—not only that, but we take advantage of it! America has a higher standard of living than any other country—and I'll stake my life on it that tomorrow we will still have the highest standard; for I believe that Americans strive more for success than any other country in the world! And what is that great incentive that drives American enterprise? What is that supreme motivation that stirs Americans to take that extra step when everyone else is too exhausted or frustrated to do so? It's our love of freedom.

The minister also had a good idea. Americans have realized that in all their own glory and power, there stands only half a nation unless the Creator of freedom is laid as a foundation. This is one nation under God, but when it becomes one nation that thinks it is better than God or can do without God, it will collapse.

But I'm seeing Americans—many of them, take roots in the God of real freedom and many more are following the footsteps of these as God's army begins to grow in this nation. And if America stands, as I think it will, it will stand on the freedom of God's power—the key to liberty.

The hippie's reply seems to sum everything up; freedom isn't here unless you have love. Love and freedom walk hand in hand. If America expects to emerge from these times stronger than it has ever been, love must be the common denominator. Love of country, love for liberty, and love for God.

What is freedom to me? Freedom is that chill of excitement that runs up my spine when I find out my favorite football team has won a ballgame. It's that proud feeling I get when I receive an A on my report card in algebra. It's that big fat turkey staring me right in the face at Thanksgiving dinner as Dad carves a big piece just for me, and just when I'm about to selfishly dig in, Mom says, "Son, don't forget to say grace," and I quietly think of millions of people who live in wretched poverty, endless frustration, and constant insecurity because they don't have freedom as *their* heritage. Freedom is the Star Spangled Banner at the World Series or a Miss America Pageant, but most of all, freedom is people—Americans who died for me so I could enjoy those freedoms.

So what's our job? We don't have half the job that Americans had 200 years ago. In those days, men struggled to keep a small spark of freedom alive. Today we have a constant flame because of their valiant efforts. Our job is just to keep that flame from being snuffed out. It's just keeping that flame alive in the hearts of Americans.

SENATOR RICHARD BREVARD RUSSELL

Mrs. SMITH. Mr. President, a touching and significant tribute to the life and career of our late beloved colleague, the Honorable Richard Brevard Russell, is contained in an editorial published in the current issue of the Officer magazine.

The author is Col. John T. Carlton, the executive director of the Reserve Officers Association, who is known to many of us in this body and who was a lifelong neighbor and personal friend of Senator Russell.

I know that Members of Congress will be interested in adding to their memories of Senator Russell the thoughts contained in the editorial. They are richly merited by the great American who was the President pro tempore of the Senate, and whose work has been so important to the life of this country during the past 40 years.

I ask unanimous consent that the article be printed in the RECORD.

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

HE WAS THAT SORT OF PATRIOT

"If you can talk with crowds and keep your virtue,
Or walk with kings—nor lose the common touch . . ."

The kind and unkind things that have been said about Richard Brevard Russell in his lifetime, and upon his death, have not touched the outstanding characteristic of a national leader, who made history but who above all else, gave a lasting humaness to public service known only to those closest to him.

Dick Russell was never known to turn his back on an old friend. In his personal relationships, he was compassionate, understanding, and helpful; he was ruthless only in pursuing an ideal and in that context the word begs appropriateness.

It was a cruel fate which took from the United States its two great champions of preparedness, Mendel Rivers and Richard Russell, within a month of each other. They were a team which helped keep their nation great and strong, and they represented a team which may have saved America more than once.

A Rivers friend, remarking on the tribute paid Rivers by Russell from his hospital, and commenting upon the Senator's observation that not until the next generation would the nation feel the loss of Rivers, told us that the Congressman looked with affection and reverence to his older colleague.

"He worshipped Russell, and tried to follow everything he said," was the way he put it.

That euphemistic tribute, like all euphemisms, is hyperbole; it was Rivers' way with men, and it was the perception of Russell that enabled him to accept sincere flattery,

live with it, and turn it to agreement. Russell did as much to accept Rivers' views as Rivers did to accept Russel's convictions; but the two worked together in harmony and effectiveness.

It was our privilege to be one of the thousands who followed Russell, and among the few who worked with or for him from time to time, and who cherished a confidant's relationship with him. Russell almost made World War I, completing the student officer training courses at the University of Georgia, but seeing the Armistice come before he had more than preparatory duty. We once dug up the fact that he had been commissioned but he always asserted he never got beyond Seaman First Class. He was a progressive member of the Georgia House at 21, and then Speaker within a few years. In our latter college days, he ran successfully for Governor; one of our college mates was his principal assistant when he put through reforms, particularly in the University System, which were considered forward-looking and skillfully achieved, a system in effect in virtually all state systems throughout the nation today.

He won an uphill fight for the Senate, and as a young reporter, I was one of those who "covered" his career, some years later taking on this job in Washington.

Russell was a human person who derived pleasure from helping others, who had a prodigious memory, and drew satisfaction from the mammoth achievements which were his. Much has been written about the defense establishments he obtained for Georgia; the fact is that things just don't happen that way often in Washington, and it was the Southern climate, and the other attractions more than the importunities of Russell which sprinkled training group camps and depots throughout the state as well as other places in the South. When he worked for a client, he did so on issues in which he knew there was also right.

There were many areas where Senator Russell served the national good which were not publicized. While he was a master in his relations with the Press and understood the twist of a good publicity story, he also knew that many stories were fluff, and he disdained the mere goal of getting his name in the papers. He was masterful in dealing with his colleagues; skillful in parliamentary debate, and an authority on the Constitution because he was a student of history, and the texts which came out of the national experience. He often said he recognized the need for social reform, but he believed the benefits would be long range only if contained within the bounds of the Constitution; he was a purist where the principle of equal rights was related to national or personal issues, and he was dedicated to disdain of the appearance of any class system.

The characteristic which marked him for greatness more than any other, however, was his humility, and the warmness of his personality. He was devoted to his family and to his friends; he would have been a father whose children would have worshipped him: he missed marriage, however, and his affection and naturally deep warmth of his nature were lavished on his sisters and brothers and his nieces and nephews, and the children and grandchildren of his family friends, his associates, and all whose privilege it was to know him with any degree of intimacy.

Our relationship with him in ROA was neither parochial nor related to any interest. He dealt with us on any issue however small, and the decisions as to the weight of his influence always were sought and obtained only when he could be convinced of the right of an issue. He sought information from any source, and confided in those whose confidence could be trusted. We cherish and preserve the knowledge that in many areas we shared that confidence, and we would not violate it. If in ROA, we perpetuate the memory of Senator Russell in any sort of tribute because of what he did to advance our objective, we must keep in mind that he did so because he was convinced that it is a monument to the safety and security of the United States of America. Richard B. Russell was that sort of a Patriot.

HALL OF FAME PLAQUE PLANNED AS TRIBUTE TO SENATOR RUSSELL

ROA will include in the memorialization program in its National Headquarters building a perpetual tribute to the career of Senator Richard B. Russell for many years the nation's champion of preparedness, who died recently after serving 38 years in the U.S. Senate.

Senator Russell was one of the fourteen who had been given ROA's annual Minute Man award as "The citizen who has contributed most to National Security."

The award was made at the annual Mid-Winter banquet in 1958 when in response he made a ringing speech in exalting the citizen-reservist tradition.

An appropriate plaque dedicated to Senator Russell will be included in the Congressional Hall of Honor, the Fifth Floor of the Minute Man Memorial Building.

A similar tribute also will be placed there honoring the memory of the late Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee, who was the ROA Minute Man of the Year in 1965.

PROJECT NAVAJO

Mr. MOSS. Mr. President, one of the most active Air Force Association groups in the entire country is located in the State of Utah. This group sponsors a wide variety of civic activities which benefit not only its members but the entire State.

An example of this is the Project Navajo sponsored by the Utah Air Force Association for Christmas 1970. This project gathered more than 100,000 pounds of food and clothing for distribution to needy Indians. This is an annual event for the Utah AFA.

I was pleased to note that the March issue of Air Force magazine contains an article naming all of the various other groups in Utah who participated with the AFA in its project. 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:

UTAH AFA'S PROJECT NAVAJO

HILL AIR FORCE BASE, UTAH.—A fifty-six-ton Christmas present, delivered by flying aluminum "reindeer" and diesel-powered red "sleighs," brought the spirit of Christmas in 1970 to Navajos on their 25,000-square-mile reservation, in the Four Corners area of Utah, Colorado, Arizona, and New Mexico.

"Project Navajo"—sponsored by the Utah Air Force Association—gathered more than 100,000 pounds of food and clothing for distribution to the needy Indians during the annual drive.

Two semitruck-trailers, donated by Whitfield Transportation, Inc., of El Paso, Tex., hauled 80,000 pounds of Christmas cargo to the northern half of the vast Navajo reservation.

The four-day journey to the northern half of the reservation began on December 17, 1970, when the two trucks left Salt Lake City loaded with goods collected in northern Utah.

Santa Claus rode aboard one of the trucks, to greet Navajo youngsters who awaited his arrival at four delivery points.

Stops were made at Aneth Junction and the Church of Jesus Christ of Latter-Day Saints Indian Branch, both in Utah; Seventh-day Adventist Hospital in Monument Valley and the United Presbyterian facilities at Kayenta, both in Arizona.

All the material was distributed in time for Christmas.

An additional 32,000 pounds of food and clothing had been delivered to the southern half of the reservation the previous weekend. These goods were airlifted to Kirtland AFB, Albuquerque, N.M., aboard two C–124 Globemasters from the 945th Military Airlift Group (Reserve) at Hill AFB. From Albuquerque, the items were trucked by Whitfield to St. Michael's Mission, about 135 miles northwest.

The two semitrailers pulled into the mission courtyard just at sunset. Many Indians had been waiting since early morning.

Dark eyes watched as Santa climbed from the red truck, but no one stirred. Navajo children are taught they should not trust anyone with a beard, it was explained. But a few well-chosen words in Navajo from Santa and an offer of candy soon overcome their shyness, and the children swarmed around the jovial visitor.

A sister carried one child across the courtyard to meet St. Nick. The boy, Leonard Devore, a student at the school for handicapped at the mission, has cerebral palsy. His thin legs hung limply in his braces and he was shivering. Sister Mary Jane spoke for him: "He hopes that you brought him a coat. He's never had one of his own."

One Navajo woman who had waited since 8:00 a.m. told AFA members that she was hoping for food and clothing to feed her eleven children.

Answer to the wishes of the crippled youth and the mother and her hungry brood were there, among the scores of boxes of food and clothing that were unloaded and stored at the mission under the watchful eye of Utah AFA President Harry Cleveland. It was the third straight year for the Utah AFA's "Project Navajo."

The drive began slowly in early November and built up to a crescendo after Thanksgiving. School children in Weber, Salt Lake, and Davis Counties in Utah joined the Project Navajo crusade, along with housewives, local businessmen, AFA chapters, and Hill AFB personnel. Employees of the Boeing Co., Thiokol Chemical Corp., US Internal Revenue Service, Defense Depot Ogden, and others also joined in.

The first sizable contribution for the drive came from the Ogden Rescue Mission, when the Rev. Forrest L. Stinson, Superintendent, donated 4,000 pounds of used clothing. The emphasis of Project Navajo was on food. A letter to elementary and junior high school principals invited their schools to participate.

Youngsters went home and asked their mothers if they could bring a can or two of food to school during the balance of the drive. Thus, Project Navajo was extended to the school level.

Frank Coppin, President of the Utah AFA's Golden Spike Chapter, organized a drive in Brigham City, about twenty miles north of Ogden. On one Saturday morning, he gathered 5,000 pounds of material, using Boy Scouts as door-to-door collectors. A Brigham City flour mill donated two tons of flour, which was matched by Mr. Coppin from Chapter funds.

Donated items were brought to Hill AFB for sorting, packing, and storage pending shipment.

To get the items to Hill AFB required an armada of trucks. Supplementing Air Force vehicles were the Barton and Ringsby truck

lines and the Salt Lake Transfer Co., all based in Salt Lake City.

The carriers, arranged for by the Utah Chapter of the National Defense Transportation Association, picked up twice a week at collection points in four northern Utah counties.

AFA members and personnel of the nearby Clearfield Job Corps Center packed the goods, working on their own time.

Originally scheduled to use one aircraft, the project went so well that an additional C–124 was required to haul the goods to Arizona.

The first C–124 was decorated with Christmas scenes painted on both sides of the nose section. The murals depicted Christmas as the Navajos see it, with Indian braves in colorful costumes astride their mustangs, looking over a picturesque desert scene lighted by the Star of Bethlehem. The paintings were the handiwork of four Navajos from the Intermountain School in Brigham City—Randlet Kedah, Austin Desidero, Gilbert Reuben, and Harry Clay.

Summing up this year's project, Mr. Cleveland called it the most successful project that the Utah AFA has ever undertaken.

"At every distribution point, we felt the spirit of Christmas," Mr. Cleveland said. "The gifts were well received. It was success well beyond all expectations."

THE ANTI-SST LOBBY

Mr. GOLDWATER. Mr. President, now that the truth is at long last being told about the SST, we are beginning to hear arguments that the supporters of this step toward progress in American aviation is being backed by a powerful, well-financed, lobby effort. Suggestions are made, such as the one aired on the floor of the Senate yesterday by the Senator from Wisconsin (Mr. PROXMIRE), that the American taxpayers are being forced to pay for such a lobby.

I should like to remind the Senator from Wisconsin and all other Senators who are opposed to keeping the United States in the forefront of aviation production that the supporters and contractors for the SST were perfectly willing to let this case rest on its merits in the committees and Chambers of Congress for more than 10 years. The need for a program of public education on this issue which is so important and vital to the economy of the country did not arise until its critics mounted a blitz based on scare stories and the Big Lie.

Mr. President, I think we can all remember what happened last year. Almost overnight the opponents of the SST prototype program managed to mount a propaganda blitz of almost unprecedented proportions aimed at making defeat of the SST program in the Senate a "cause celebre" in the fight against environmental pollution. The Members of the Senate and the public generally were fed the most ridiculous kinds of propaganda. They were told, for example, that development of the SST would lead to an increase in the number of skin cancer cases throughout the world. They were told that a vote in the Senate for the SST was virtually a vote for atmospheric changes so enormous that they might melt the polar ice cap. They were fed equally ridiculous stories about a nation that would literally rock and roll to the sound of supersonic booms.

Mr. President, this does not begin to cover the misrepresentations and the scare stories which were advanced by the "anti-SST lobby" to defeat a program that George Meany says will mean an increase of 200,000 jobs in the United States.

In other words, Mr. President, if the critics of the SST are unhappy about the efforts of the Nixon administration and the workers and industries directly involved with the SST to present the actual facts, then they are unhappy with the truth; and I find myself unable to shed a single tear for their grief.

JOHN MUIR, NATURALIST

Mr. NELSON. Mr. President, every so often we hear the remark that concern for the condition of our physical environment is only a recent social phenomena. Some even have suggested that the rage of the so-called ecology movement is certain to simmer into oblivion like so many issues before it.

Undoubtedly, the deteriorated condition of our environment finally is receiving the widespread attention it deserves. And I think that events would justify my optimism that the attention accorded this critically important issue will become even more widespread.

However, the concern over environmental degradation is not a recent phenomena. The movement has a rich history and it has its latter-day philosophers.

John Muir was a giant among the philosophers. In his writings he shares his communion with nature, his deep appreciation of the delicateness of nature's life systems and man's place in the scheme of those systems. But he did more than philosophize. He was the first president of the Sierra Club, serving as the organization's leader until his death in 1914. He is the father of America's national parks and forest preserves.

Of Scottish ancestry, John Muir emigrated to America with his parents and lived his boyhood near Kingston, Wis., first on a farm near Fountain Lake and then on Hickory Hill Farm. As one writer remarked, Muir's boyhood in that beautiful Wisconsin wilderness was filled with nature education. It was that education with nature, and his later studies at the University of Wisconsin, that styled his life as a naturalist and defender of the wilderness against man's exploits.

In Wisconsin he is commemorated by Muir Lake, Muir Knoll, John Muir Park and the John Muir Chapter of the Sierra Club, among others. Throughout the country he is commemorated with numerous memorials, most of which are in the State of California in recognition of his services to mankind in that part of the country. During World War I, a liberty ship was christened the SS *John Muir*.

John Muir recently was memorialized in an excellent article written by Colman McCarthy for the Washington Post and its series on "Thinkers and Their Thoughts."

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:

[From the Washington Post, Feb. 13, 1971]

THE ODD PROFESSION OF JOHN MUIR: LIVING

(By Colman McCarthy)

In March 1868, a young man with a strong survival instinct left the crowded East and arrived in the open city of San Francisco. One of the many newcomers who was lighting out for the territories, he could put up with San Francisco for only a day; even then, urbanity crushed in. He asked a native for the quickest route out of the din. "Where do you want to go," inquired the townsman, to which the wanderer replied, "to any place that is wild." The directions must have been adequate; until his death in 1914, John Muir endlessly roamed the valleys, foothills, mountains and icelands of the West, a vacuum spirit that sucked in the nourishing loose ends of nature and fed on them as if no other riches existed.

Many consider John Muir to be America's most profound and most easily read naturalist. Although popular tastes often give that honor to Thoreau, next to Muir the nonconformist of Concord seems like a mere vacationer to wildness. The Sierra of California, the Yosemite and the coast of Alaska were to Muir as Walden was to Thoreau, not visited for a season but embraced for nearly the whole cycle of adulthood. As with many men of action, Muir had little time for book writing, his first one being published at age 56. Yet he rarely let a day pass that some word or thought was not jotted on an odd piece of pocket-crammed paper, stowaway thoughts traveling secretly between his soul and heart. They eventually filled 60 volumes, much of it in the fluent style of the Transcendentalism then popular and all of it in the wisdom of a man who couldn't be bribed by civilization. Muir, in a third-person passage, and his writings gathered themselves as a result of "scribbling by flickering campfires when his body was numb with fatigue; or in the dark lee of some boulder or tree while the storm raged without; or tramping over a vast glacier, his fingers stiff with cold and his eyes blinded by the snow glare."

When he left the lowlands of San Francisco that day, Muir headed for the mountain pastures of the Sierra. Early the next spring, he jotted—almost pantingly—in his diary: "The night wind is telling the wonders of the upper mountains, their snow fountains and gardens, forests and groves; even their topography is in its tones . . . Would I could understand them! The stream flowing past the camp through ferns and lilies and alders makes sweet music to the ear, but the pines marshalled around the edge of the sky makes a sweeter music to the eye. Divine beauty all. Here I could stay tethered forever with just bread and water, nor would I be lonely; loved friends and neighbors, as love for everything increased, would seem all the nearer however many the miles and mountains between us."

How does a man get to talk like that, without being put away? In Muir's case, the conversion to naturalism and conservation bucked many odds, most of them imposed by his Scotch Calvinist father. At the Wisconsin family farm, Hickory Hill, Daniel Muir couldn't believe a son of his could relish the woodland or delight in animals. The father, a doleful tartar who needed to prove his virility, believed in fighting the harshness of Nature, not seeking out its softer serenity. One approached the forests and beasts with ax and gun, and the good Bible-carrier who used them best prospered most.

This is still largely the ethic of America in its conversation with the wild, filled with big talk of success and loud shouts that more-is-better. The whole environmental struggle today is basically that: exhaling from our

national lungs the foul air of progress-at-any-cost that we now breathe unthinkingly.

Many believe that ecology is a new term. Actually, battles to save the land raged 100 years ago and, unsurprisingly, John Muir, led them. Setting aside Yosemite as a national park captured his interest early. The merchants and speculators asked about Yosemite, "What are a few acres of trees and some herds of elk compared to the development of mining and lumber that will yield millions of dollars?" The axle of this logic has turned a thousand times since, whether the wheels of "progress" carry us to Adirondack timberlands or the oilfields of the north slope. No one says that "millions can be made"; that is too blunt. We now exploit Nature because of "national security," or "balance of payments." And besides, a government report says it's safe.

Thanks to his articles in the old Century magazine, Yosemite became a national park in 1890. The victory put Muir even more on the watch for industry cormorants busy against innocence. He had no doubts whose side he would choose in a conflict between nature and man: "Let a Christian hunter go to the Lord's woods and kill His well-kept beasts, or wild Indians, and it is well; but let an enterprising specimen of these proper, predestined victims go to houses and fields and kill the most worthless person of the vertical godlike killers—oh, that is horribly unorthodox, and on the part of the Indians atrocious murder. Well, I have precious little sympathey for the selfish propriety of civilized man, and if a war of races should occur between the wild beasts and Lord Man I would be tempted to sympathize with the bears."

Hard talk? Muir went further. "The world, we are told, was made especially for man—a presumption not supported by all the facts. A numerous class of men are painfully astonished whenever they find anything living or dead . . . which they cannot eat or render in some way what they call useful to themselves."

Libraries are beginning to carry some of the vast Muir literature in all its richness. Houghton Mifflin has published his works in the Sierra edition, from "A Thousand Mile Walk to the Gulf," to "John of the Mountains." The essence of Muir's life can be had in the anthology selected by naturalist Edwin Way Teale; the Twayne series published an excellent critical guide to Muir's thought in a volume by Herbert F. Smith. "Not Man Apart" is the invaluable John Muir monthly newspaper sent to members of the Friends of the Earth. An application of his philosophy to the wilderness issues of today, the newspaper is available to non-members also.

Muir liked to say, echoing Thoreau, that his "profession was living." This put him in genuine communion with nature, that term being only a grand synonym for life itself. Long before Teilhard hinted that rocks and plants are not mere slugs of deadness, Muir understood that they also had claims to livingness. "Plants," he wrote, "are credited with but dim and uncertain sensation, and minerals with positively none at all. But why may not even a mineral arrangement of matter be endowed with sensation of a kind that we in our blind exclusive perfection can have no manner of communication with?"

It is foolish to go to Muir in hopes of "feeling good" about nature. Visit the garden club greenhouse for that. Muir is saying, come be a part of wilderness, if even for an afternoon or weekend. In Cuba once, he wrote about the growth of the agave plant: "It is said to make a mighty effort to flower and mature its seeds and then to die of exhaustion. Now there is not, so far as I have seen, a mighty effort or the need of one, in wild nature. She accomplishes her ends without unquiet effort." That is what Muir wants men to be a part of. It won't hurt, and most likely nature won't mind. It is tolerant of earthquakes, blizzards, storms and all manner of destruction. So it can tolerate human beings, too. Up to a point and provided we come with neither ax nor gun.

REORGANIZATION OF EXECUTIVE BRANCH

Mr. SAXBE. Mr. President, our continuing problems with the national economy have pointed out the need for prompt action on President Nixon's plan for reorganizing the executive branch.

Today, there is no Government office directly accountable to Congress for the state of the economy. There should be such an office—one responsible for stimulating balanced and sustained economic growth.

While some regions of this country prosper, others suffer the loss of industry or agricultural poverty. The mission of the Federal Government must be to inject vitality into the national bloodstream in regions which lack the components for a healthy pulse.

In President Nixon's plan the economic functions of the present Departments of Labor, Commerce, and Agriculture would be combined in a Department of Economic Development. This should centralize the economic planning functions of the entire country. And it could assist in resolving differences between labor and management, while also representing the consumer.

In the past, labor-management disputes which should have been resolved at low Government levels have escalated into departmental squabbles. This wastes time and money. With the economic functions of Government reorganized under one roof, only one department would be responsible for employment. More time could be spent on solutions, less on perpetuating the problems.

Jobs are the key to the economic well-being of this country. For productivity to increase and for the national standard of living to improve, the Nation must keep its work force employed.

This means planning—for tomorrow, the decade, and the year 2000. Economic vision beyond that of a 4- or 8-year administration is essential. A new Department of Economic Development would assume the planning responsibility for continuous economic growth and progress.

By 1980, the labor force will have increased more than 20 percent beyond 1968 levels. That is just a statistic. What it means is more people will need jobs, money to buy food, shelter, clothing, and opportunities for education. To supply these needs, Government must exert a concentrated economic planning effort.

Because economic policies touch the pocketbook and savings of every American, I urge that we earnestly support the President's plan and place long-term economic planning in a single department, at Cabinet level, accountable to Congress.

THE TRAGEDY OF THE PEOPLE OF VIETNAM

Mr. FULBRIGHT. Mr. President, I recently received a remarkable letter from Mrs. Donald H. Dietrich, of Olympia Fields, Ill., which I believe is of interest to the Members of the Senate and to my constituents.

Mrs. Dietrich is an anthropologist with a rare capacity for observation and for understanding what she observes.

Her sensitiveness to the inhumane aspects of the tragedy of the people of Vietnam is unusual in these days of body counts and unrestricted destruction of innocent people in a distant land. She has portrayed the age-old drama of man's inhumanity to man more poignantly than anyone I have heard from. I commend it to my colleagues. I ask unanimous consent that it be printed in the RECORD.

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

OLYMPIA FIELDS, ILL.,
February 18, 1971.

Senator WILLIAM FULBRIGHT,
The Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Last night I was watching the Dick Cavett Show and Maury Amsterdam. He proceeded to tell the audience why he supported the President's Viet-Nam policy. And when the audience booed, he said, "I have been to Viet Nam. I have spoken to the Queen of Thailand, the Prime Minister of Australia, to the G.Is. We have to win this war. Have any of you ever been to Viet Nam?" Again the audience booed. And again he repeated: "I have spoken to the Heads of Governments there. I know. Has anyone here ever been to Viet Nam?"

Emotionally I was in that audience, and I *have* been to Viet Nam. This past summer, while in the Far East, I went to see.

What could I have seen in five days? What does an artist see that a layman does not, when he views a painting? What would I, an anthropologist trained to observe, see that our visiting politicians, our military, our entertainers did not see?

The people. The Vietnamese people. I met no generals, I met no G.Is. I met no officials. Just the Vietnamese. Isn't it paradoxical that in our democracy we only equate intelligence with either wealth, position or education, and never with poverty and just ability to survive? It never occurs to us that it takes intelligence to survive under incredible hardships, circumstances that would defeat the wealthy, the educated, the positioned.

For five days I lived with the people. I cannot tell you what the Queen of Thailand thinks, but I know what the monk, the student, the little boy felt as we stood close together leaning on the sill, looking out the glassless window frame. Standing in that rickety bug infested, rat infested hut perched on rotting stilts on the sewer browned water.

It was dusk and the out-line of the houses black against the still, blueblack star-silvered sky. "Vietnam is so beautiful at this time of day. When you go to Quang Ngai you must go to the top of Buddha Mountain. From there you will see how beautiful our country is and why I miss my family and my home. From there you will see the ruins of Son My and the roofs of the refugee shacks. How much I miss my home! How much I love my country!" said the student.

I thought, "This is what keeps a people going. The thoughts of happiness once known, the loveliness of such moments at sun-down, the love we store within us of families and friends, nourishing us in times like this."

"Yes, I will go to Buddha Mountain and I have heard of Son My. It was like My Lai, was it not?"

"There are many My Lais in my country. Vietnam is My Lai. And no one cares," added the student.

"Why is it so quiet?" I ask. "Is the Vietnamization program succeeding? Is the Viet Cong weaker?"

"The cities are 40% Viet Cong. The ARVN opened the roads to the countryside. But the roads are only safe during the day. At night the countryside belongs to the Viet Cong. During the day an ARVN soldier might stop you for your identification papers and regardless, should he decide that today you go into the Army, you go. At night the Viet Cong may come into your home. Perhaps they tax you or perhaps they decide you should go with them and they take you. Does this mean things have changed?"

"Why should the Viet Cong fight now? Eventually the Americans will leave. Why should the Viet Cong risk their lives for no reason now?", he continued.

"What will happen after the Americans are gone?" I asked.

"What will have to happen eventually. America has only delayed what has to be. We will have to settle our own differences. Not only the differences between the Saigon government and the Viet Cong but the differences between the Viet Cong and the Vietminh, and only the Vietnamese can do that."

"You Americans say that you must bomb while you are withdrawing to protect the remaining G.I.s How foolish! Why would the Viet Cong attack American soldiers if they know they are leaving their country? All they have to do is just do nothing until you leave."

Another Vietnamese said to me, and here is the dilemma, "I like democracy. I like what it means. But the men in power make promises they never keep and our government is not a democracy. We do not like these men. I do not like communism. But I like the men who are Viet Cong. When they promise us something they always keep their promises."

While visiting a civilian rehabilitation center a physical therapist said to me, "See that little boy with both legs gone? He was brought here by two G.I.'s."

"How did he lose his legs?" my friend asked the soldiers.

"We found him. His parents had been killed and so we took him into our platoon and told him he could be one of us. We even gave him a gun, clothed and fed him and taught him some English. We took him on patrol with us and sent him ahead, he stepped on a mine."

"You used him as a human mine-sweeper!"

"Hell. That's nothing. They all do. Why some G.I.'s use 8 and 9 year olds. Why this one is 12 years old."

"They left him some money and never came to see him again. And he thinks they are Gods!" said my friend.

Who is to blame? These American soldiers? Who *are* the guilty?

Before I came to Viet Nam I had read all about the black market. "How corrupt! How disgusting!" I had thought. As you know the official exchange is 118 piastres to the dollar. The black market value was 360. But in Singapore I was given one Singapore dollar for 100, or about 600 to the dollar. And that is the true value. Just buy some food at a market stall and find out what prices are for the people. We force people into being corrupt to survive and then we condemn them for being corrupt!

Senator, I wish you could meet the people, not the generals, the queens, the prime ministers, but the Vietnamese. They are a people who value devotion to one's family above all else, who revere scholarship, who are one with their land.

The only winning in this war is what we learn from our defeat.

Thank you for all that you have tried to do to bring peace.

Very truly yours,

SUSAN DIETRICH.

SOVIET SCIENTISTS AND POW'S

Mr. GRIFFIN. Mr. President, I have written a letter to Dr. Pyotr L. Kapitsa and 13 of his colleagues at the Soviet Academy of Sciences urging them to intervene with Communist authorities on behalf of American prisoners of war held in Southeast Asia.

It will be recalled that Dr. Kapitsa and his colleagues recently appealed to President Nixon to safeguard the life and rights of Angela Davis, who faces trial in California on felony charges. In their appeal they urged President Nixon "to prevent human rights from being trampled underfoot."

It will also be recalled that the Nixon administration responded promptly with an invitation to the Soviet scientists to come to the United States and to observe the trial of Miss Davis.

In the same spirit I have suggested that these same Soviet scientists join with concerned people throughout the world who seek improvement in the lot of prisoners of war whose human rights are being trampled underfoot.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

MARCH 2, 1971.

Dr. PYOTR L. KAPITSA,
Academy of Sciences,
Moscow, U.S.S.R.

DR. KAPITSA: This letter refers to an appeal to President Nixon which was made recently by you and thirteen of your colleagues at the Academy of Sciences of the USSR in connection with an American citizen, Miss Angela Davis.

Your appeal expressed deep concern about Miss Davis, who faces trial in the State of California on felony charges.

Your concern over the fate of a fellow human being is understandable.

It is my hope that you and your associates will accept the invitation extended on behalf of President Nixon, which made it clear that the United States Government stands ready to aid in gaining your entry into the U.S. for the purpose of observing the legal proceedings in the case of Miss Davis.

You would agree, I am sure, that your appeal "to prevent human rights from being trampled underfoot," was given prompt and sympathetic consideration.

As a fellow citizen of this Earth who is also concerned about human rights, I now appeal to you in the same spirit to join concerned people throughout the world who seek improvement in the lot of other human beings whose human rights are "being trampled underfoot."

I refer to American servicemen and others who are held prisoners of war in Southeast Asia by the Democratic Republic of Vietnam (DRV), the National Liberation Front (NLF), and the Pathet Lao. The captors are flagrantly violating both the letter and the spirit of the Geneva Convention on Prisoners of War.

I cite some of the Convention's requirements:

1. Immediate release of the sick and wounded. Only nine Americans have been released since the first was captured in August 1964. These men have reported that many seriously sick and wounded are among the prisoners.

2. Impartial inspection of prisoner-of-war facilities and treatment by international humanitarian organizations. Although the Republic of Vietnam cooperates fully with the International Red Cross, the DRV, NLF and Pathet Lao have refused to allow access to this or any other responsible international organization.

3. Release of information providing names and physical condition of all prisoners held. No satisfactory list has been provided.

4. Adequate medical treatment for all prisoners.

5. Regular flow of mail, food and comfort items between prisoners and their families and humanitarian organizations.

Now that you have received sympathetic consideration of your appeal relating to Angela Davis, I urge you and your associates to direct your humanitarian concern toward the leaders of the DRV, NLF and Pathet Lao on behalf of those held prisoners of war, some of whom have been held for more than six years.

I call upon you to insist that Communist authorities abide by the provisions of the Geneva Convention, which apply to both declared and undeclared wars, and to agree to the release by both sides of all prisoners.

As President Nixon observed when he proposed the immediate and unconditional release of all prisoners held by both sides: "War and imprisonment should be over for all these prisoners. They and their families have already suffered too much."

One additional request:

Last November I met in Paris with Mai Van Bo, the DRV's Delegate General. During the course of our visit, I asked permission to inspect personally the prisoner-of-war camps where American servicemen are being held. I offered to go blindfold and to accept other conditions to avoid compromising military security. Additionally, I suggested that a member of the other major political party in the United States might accompany me. I told Mr. Bo we would be believed if we could report to the American people on conditions in the camps.

He said he would pass the information to his superiors in Hanoi, but to this date I have had no response.

I ask you to appeal to leaders of the DRV to permit such a visit.

With every good wish for you and your associates, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

WILD MUSTANGS

Mr. NELSON. Mr. President, on February 18, I introduced a bill to protect free-roaming horses and burros as a national heritage species. Briefly, the measure would bring these unique animals under the exclusive jurisdiction of the Secretary of the Interior who would be directed to set up protected areas for them on Federal lands. No one would be allowed to dispose of a wild mustang for any reason without the authorization of the Secretary.

The plight of wild horses and burros in this country is well documented. In the 1870's, 3.5 million of these creatures roamed the American West. Today, their numbers have diminished to an estimated 17,000, because these animals have been subjected to decades of the most cruel and inhumane treatment and the most ruthless commercial exploitation.

Since the early part of this century, the wild horses have been caught between the sheepmen and the cattlemen who persistently tried to drive them off the range to provide more room for domestic grazing stock, and professional

hunters who slaughtered the animals and shipped them off for commercial use.

The hunters—called mustangers—were supported by the pet industry, who, anxious to take advantage of the ready market for horse meat introduced new, mechanized methods to increase the slaughter.

Now the wild horses and burros are threatened with extinction, another vital part of our national wildlife about to be erased in the name of profit and progress.

The intent of the bill is to preserve the remaining wild horses and burros by designating them as a national heritage species and assuring that specific areas will be provided for them to roam. Under the measure, the Secretary of the Interior is directed to cooperate with the Secretary of Agriculture and State and local authorities in moving these creatures onto protected grazing areas and to set up a seven-member board to advise him on care and protection of the animals.

Importantly, the bill provides that if an animal strays onto privately owned land, the owner may not dispose of or harass the animal in any way. He must either allow the animal to roam free or inform the nearest Federal official who shall have agents of the Secretary remove the animal.

A major reason Federal legislation is needed is because the States have clearly failed in their obligation to protect these animals, under pressure from cattlemen and other groups who seek outright elimination of these creatures on the grounds that they are an outright menace to their grazing rights on Federal lands, the States have either failed to pass or have been lax in enforcement of legislation to protect wild horses and burros.

Today, through the efforts of people such as Velma Johnston, president of the International Society for the Protection of Mustangs and Burros, and Hope Ryden, author of "Last of the Wild Horses," public support is being rallied to the defense of these mistreated creatures.

I hope that this Congress, which may prove to be the last refuge of the wild horses, will respond by passing tough legislation. I ask unanimous consent that the bill, S. 862, which was referred to the Committee on Interior and Insular Affairs, be printed in the RECORD.

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

S. 862

Be it enacted, etc. That it is the sense of the Congress that free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and it is the policy of the Congress that bands of free-roaming horses and burros shall be protected as a national heritage.

SEC. 2. As used in this Act—

(1) the term "Secretary" means the Secretary of the Interior.

(2) the term "free-roaming horses or burros" means all unbranded horses or burros on public lands except those to which private owners can establish their title to the satisfaction of the Secretary.

SEC. 3. All free-roaming horses and burros are hereby declared to be under the exclusive jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to establish and maintain ranges for the protection and preservation of such bands of free-roaming horses and burros which he deems susceptible and worthy of protection as a national heritage. The Secretary shall manage such ranges and such bands to achieve and maintain a thriving ecological balance among all fauna and flora on the range, and an environment within which such horses and burros may freely roam.

SEC. 4. (a) The Secretary is authorized to enter into cooperative agreements with private landowners and with State and local government agencies, and may issue such regulations as he deems necessary, to accomplish the purposes of the Act.

(b) In carrying out his responsibilities under this Act, the Secretary shall consult with, and seek the assistance of, the Secretary of Agriculture concerning any free-roaming horses or burros that may be found on public lands administered by the Secretary of Agriculture.

SEC. 5. (a) The Secretary is authorized and directed to appoint an advisory board of not more than seven members to advise him on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal Government and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resource management.

(b) Members of the advisory board shall serve at the pleasure of the Secretary. They shall each receive $75 per diem when engaged in the actual performance of duties vested in the board. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 6. If free-roaming horses or burros wander onto privately owned land, the owners of such land may inform the nearest Federal official, who, in turn, shall arrange with the agents of the Secretary to have the animals removed. In no event shall such private landowner be permitted to dispose of, or harass, such free-roaming horses or burros.

SEC. 7. Any person who violates the regulations issued by the Secretary under this Act or who processes or permits to be processed, into commercial products, in whole or in part, any free-roaming horse or burro, whether lawfully acquired or not, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SEC. 8. Any person who allows a domestic horse to run with, or any person who takes possession of, or molests, free-roaming horses or burros declared by the Secretary to be under his jurisdiction pursuant to section 3 of this Act, shall be fined not more than $1,000 or imprisoned for not more than one year or both.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THE VIETNAM WAR IS ENDING

Mr. BROCK. Mr. President, our entire Nation is beginning to breath a collective sigh of relief, for we can now see that the Vietnam war is ending.

I rise today to commend President Nixon for maintaining a policy aimed at the Vietnamization of the war—bringing our boys home—achieving an orderly end to the conflict—and securing a lasting peace.

Despite the badgering of critics, who choose to ignore progress to date, while second guessing every tactical maneuver, the President is moving this Nation into an era of peace.

Because he has followed a sensible course of action, the President was recently able to report, not only that war is ending, but that we have real hope for peace around the world.

Now is the time to rally behind a President who has kept his commitment to the American people in leading us out of war. Now is the time to end the second guessing and give him our undivided support so that he may complete this task as quickly as possible.

As the conflict ends, we must not allow this Nation to be lulled into accepting a position of total isolationism. We must not forsake our alliances—forget our commitments—ignore our defenses.

Instead, we must maintain our position of strength. In this way we can focus our attention on solving some of the critical problems afflicting America at home.

JUSTICE FOR CHILDREN

Mr. MONDALE. Mr. President, I think that one of the strangest and most tragic of our many national anomalies is the reverence we pay toward youth contrasted with the terrible indiffierence we reflect in our support of programs and policies designed to bring truly free and full opportunity to every child.

I invite the attention of Senators to a remarkably vivid and succinct statement of this matter which was published as an editorial in Minnesota's North Branch Review.

I ask unanimous consent that the editorial, entitled "Justice for Children," be printed in the RECORD.

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

JUSTICE FOR CHILDREN

Elsewhere in this edition of the Review, Senator Mondale is quoted as saying we in this country must provide "justice for children." Let us add our voice to this cause. In a land which rather guiltily thinks of itself as youth-oriented, we often brutally trample upon the rights of our children.

Ours is the only major western nation which will allow a child to be born in ill health or physically handicapped and remain that way simply because its parents are not of an economic class to pay what often are massive medical bills.

Few western nations allow its children to go through years of starvation and malnutrition with the cruel justification that parents "shouldn't have children if they can't take care of them."

Poorly housed, inadequately nourished, and in poor health, large numbers of our children have no chance to live a rewarding life. It is not difficult to see the effect these pressures have as young people develop mental and emotional problems, turn to drugs and crime, and never develop into productive members of society.

We are not a youth-oriented society. Rather we are a society of adults who wish to be young. But why, in the face of our callous attitude towards children, would we ever wish to be young again?

LAST CHANCE FOR YELLOWSTONE?

Mr. HANSEN. Mr. President, the March 1971 edition of Reader's Digest contains an article by Paul Friggens concerning the impact in Yellowstone National Park of ever-increasing visitor numbers.

Mr. Friggens notes that—

Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity.

The very problems Mr. Friggens discusses in his article prompted me last year to inquire of the National Park Service what might be done to ease vehicle congestion at Yellowstone. We may reach the point very soon where private cars will have to be banned from the park, and people will have to walk, bicycle, or utilize special transportation within the confines of Yellowstone.

But the automobile congestion at the park is just one aspect of the problem of overcrowding, for, as Mr. Friggens notes, huge visitor numbers are taxing the water and sewer facilities and the overnight sleeping accommodations. With people come increasing amounts of litter. Damage to some of the park's natural wonders has occurred, and a serious crime problem is developing.

Serious consideration will have to be given to means of reducing wear and tear on the park. At the same time, we cannot turn people away from parks and recreation areas that belong to us all.

One approach would be to encourage use of more recreation areas. In Wyoming, the Flaming Gorge and Big Horn Canyon National Recreation Areas offer breathtaking beauty and could become popular places to visit.

One thing is certain—as we prepare to observe the 100th anniversary in 1972 of the establishment of Yellowstone, which was the world's first national park, we must think about the next 100 years, and what we can do to insure that this most magnificant of areas is preserved.

Mr. President, I ask unanimous consent that Mr. Friggens' article entitled "Last Chance for Yellowstone," be printed in the RECORD.

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

LAST CHANCE FOR YELLOWSTONE?

(By Paul Friggens)

A century ago, an Easterner rose to register a protest before the U.S. Congress: "Why create a national park in the wilds of Wyoming? No one will ever be able to get there!"

In fact, the Wyoming-Montana area was still Indian country, and the Custer massacre was four years in the future. Yet, incredibly, at a time when few in our country were concerned with the quality of the environment, Congress, on March 1, 1872, set aside Yellowstone "as a public park or pleasuring-ground for the benefit and enjoyment of the people." This greatest concentration of natural wonders on earth thus became the world's first "national" park.

Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity. "The day may soon come," says Superintendent Jack Anderson, "when you'll go to Yellowstone the way you go to a football game—buying your ticket or reservations in advance." Or the public may be restricted to *daytime* sight-seeing, with most overnight accommodations outside the park altogether.

Already, traffic around Old Faithful Geyser is as congested as in any downtown in America. Human erosion has resulted in irreparable damage to many geologic features, such as famed Morning Glory Pool, where souvenir hunters have destroyed the delicately scalloped, gold-and-green algae border. Littering tourists toss coins, sticks, handkerchiefs and bottles into the hot springs and geysers, plugging up nature's intricate thermal plumbing. On peak summer days, visitors leave behind some 60 tons of solid waste and garbage, overtaxing both water and sewer facilities. Leaching into Yellowstone Lake after sewage treatment, nitrate and phosphate residues are beginning to overfertilize the aquatic plants at the expense of oxygen for the fish.

Thus, Yellowstone has come to a crossroads. "Either we place some limits on the use of the park," warns chief naturalist William Dunmire, "or we imperil its geologic wonders and its animal and plant life."

The first white man to see Yellowstone was John Colter, a daring young frontiersman and trapper who in the early winter of 1807–08 journeyed into the land of high-spouting geysers and steaming springs. Later, back in civilization, Colter's tales of Yellowstone's wonders caused folks to say he was touched in the head. But then other trappers, gold seekers and frontiersmen penetrated the region, and their tales were even taller. Finally, in the 1860s, the first organized parties undertook to verify the word-of-mouth wonders.

One of these, the Folsom-Cook-Peterson party, departed by pack-train for Yellowstone on September 6, 1869. Despite the hardship of travel through a tangle of forest and fallen timber, across wild rivers and uncharted canyons, the three-man party made the first successful exploration of the area. Imagine the excitement of one man, Charles W. Cook, on accidentally discovering the rainbow-hued Grand Canyon of the Yellowstone, smaller than the Colorado's Grand Canyon, but still a spectacular chasm 24 miles long and 1200 feet deep:

"Looking for a packhorse, I stumbled out of the woods onto the rim of the Grand Canyon," Cook recalled, "and the sight took my breath away!" The party spent that day at Yellowstone Falls, drinking in "the awful grandeur and sublimity of this masterpiece of nature's handiwork." Deeply moved, they journeyed on to trace the majestic Yellowstone River to a shimmering "inland sea"—Yellowstone Lake. Traveling west, they discovered the Great Fountain Geyser in full play: "The setting sun shining into the spray and steam gave it the appearance of burnished gold, a wonderful sight."

Small wonder that the early explorers were overwhelmed by their Yellowstone discoveries, and that around their campfires they discussed how this extraordinary land might be preserved for all the people. "None of us definitely suggested the idea of a national park," Cook recalled later. "But we knew that as soon as the wonderful character of the country was generally known outside, plenty of people would be hurrying in to get possession."

As public interest grew, Congress ordered the first official survey party into Yellowstone in 1871, led by geologist Ferdinand V. Hayden. Accompanying the expedition was a prodigious pioneer photographer, William Henry Jackson, whose pictures of Old Faithful and other spectaculars confirmed all the wonders of Yellowstone and profoundly influenced Congress. The following year, Congress passed the act creating the park.

However, having set aside our first national park, Congress almost forfeited the dream. Appropriately, Nathaniel Langford, who had explored Yellowstone lectured and most actively campaigned for a park, was named Yellowstone's first superintendent (at no salary); but Congress gave him neither the funds nor the legal means to protect his 2.3 million acres. As a result, Yellowstone was left wide open to vandalism, poaching and depredation—which soon reached scandalous proportions. Greedy visitors, prowling about with shovel and ax, broke off and carried away wagonloads of geologic formations and mineral specimens. Exploiters sought to secure choice park lands for private gain, to build railroads, racetracks and even to fence in the principal geysers. There was illicit timber cutting and livestock grazing, and saddest of all, near-decimation of the buffalo herds.

By 1886, the wanton destruction forced the Secretary of Interior to ask for U.S. troops to guard the park. Moving in a detachment of First Cavalry, the Army imposed strict military rule, protected the wildlife, constructed headquarters buildings, and laid out a road system. In 1916, after 30 years of sound administration, the Army turned its task over to the newly created National Park Service.

And so the park was saved. Or was it? Unbelievably, Yellowstone today seems to be facing many of the old problems all over again.

At the peak of the summer season, the area is thronged with sightseers who crowd every available camping space, motel and hotel accommodation, and almost inevitably become involved in accidents. "Many people want to visit here under urban conditions," says Superintendent Anderson, "and so we've got traffic, pollution, a startling increase in robberies and, lately, narcotics." The park's long-suffering rangers now spend much of their time on law enforcement.

When not playing policeman, they rush to aid victims of bear maulings,[1] rescue lost hikers by helicopter and try to keep the over-curious safe from the 200° F. pools and hot springs. (Last June, a nine-year-old Virginia boy fell into a pool and was scalded to death almost instantly.) To complicate the problem, Yellowstone has become a prime attraction for winter visitors—21,000 last season, many of them shattering the solitude with noisy snowmobiles.

All of this human impact, with its often serious consequences, is forcing the park authorities to face a pressing problem: How much should facilities be expanded to meet demands?

"What's the matter with you people?" Yellowstone visitors complain. "You've got two million acres, and you squeeze us into camps like sardines!" In fact, the public today utilizes only about five percent of the park. And only three percent of the visitors—some 75,000 a year—take a real overnight hike into back country. On the other hand, the Park Service insists that if it were to open up wilderness areas with blacktop roads and visitors centers, such as now serve at the Canyon and Old Faithful, the primitive character of Yellowstone would be destroyed. The grizzly, bison, elk, moose and bighorn sheep must have vast, empty areas in which to roam, breed, feed and die.

The park is what biologists call a nearly total "ecological system," wherein plant and animal life are in a constant shift and struggle to maintain the balance of nature. "But now man threatens to upset that balance," says supervisory research biologist Glen F. Cole. Each year, for example, visitors account for some 375,000 fishing days on the congested north shore of Yellowstone Lake. This unrelenting drain has depleted the

[1] See "Grizzlies—The Magnificent Menace," The Reader's Digest, July '69.

native cutthroat trout, and reduced average fish size by two inches in the last five years.

The important aspect is that the cutthroat serves as food for the endangered bald eagle, pelican, osprey, grizzly and other wildlife. As fishermen have interfered with the natural food chain, the Park Service has been compelled to set a limit of three fish, none under 14 inches, much to some anglers' annoyance.

What should be the ceiling for man in our first national park? "Our preliminary studies indicate probably about 35,000 visitors a day," says Superintendent Anderson. "But one thing is certain. We simply cannot continue to build more and more campgrounds and facilities to meet more and more demands from more and more visitors. There has to be an end somewhere."

Today we are in danger of losing Yellowstone. And we *will* lose it—unless we determine to preserve this magnificent enclave as one of the last great islands of total wilderness in America.

CENTENNIAL YEAR OF PESHTIGO, WIS., FIRE

Mr. NELSON. Mr. President, this year marks the centennial year of the Peshtigo fire—history's greatest recorded loss of life by fire. The blaze which struck the flourishing sawmill town of 1,700 leveled it to a desert of smoking ashes and killed 1,182 persons.

It is ironic that the horrors of the Peshtigo fire have been forgotten by history; obscured by the more widely known holocaust which engulfed part of the city of Chicago on that same night. The 250 lives taken by this fire are only one-fourth of the death toll attributable to the Peshtigo blaze. Moreover, the property damage resulting from the Chicago fire did not match the destruction visited upon northeastern Wisconsin during the same dreadful hours.

In 1871, northern Wisconsin was a center of the timber industry. Peshtigo a boom town containing the world's largest woodenware factory and railroad construction crews working nearby swelled the town's population.

This had been an unusually dry year and the town's people had become accustomed to sporadic fires. So there was not undue alarm over the fire of October 8. However, the tornado winds which whipped up early in the evening engulfed the town in flames, as well as woodlands and cropland for miles around. The death toll would have been greater if it were not for the Peshtigo River running through the center of town, where many persons were able to save themselves.

Today, the town of Peshtigo stands rebuilt from the ashes and remains a center of forest product materials. Its skilled workers, many of them third generation Americans, make up a community with typical American energy and enthusiasm.

As a tribute to the people of Peshtigo and in memory of the persons who lost their lives in this disaster, I ask unanimous consent to have printed in the RECORD an article published recently in the Peshtigo Times which vividly recounts the events of this natural disaster.

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

PESHTIGO FIRE HISTORY'S GREATEST RECORDED LOSS OF LIFE BY FIRE

Fiery hell descended on Peshtigo the night of October 8, 1871, multilating northern Wisconsin with a livid scar of death and destruction still unequaled in the tragic annals of the world's great fires.

Within a few short hours, the lives of 800 persons were snuffed out in an inferno of flame and terror. A flourishing saw mill town was leveled to a desert of smoking ashes, its streets strewn with the blackened bodies of men, women and children. Miles of rich farm and wood lands were scorched into desolation and littered with the seared corpses of burned victims.

And yet for decades, the horrors of the Peshtigo fire remained forgotten in history, obscured by the more widely known holocaust that devoured a part of Chicago that very night in one of fate's grim coincidences. Chicago reckoned its toll only in the number of its homeless survivors and its gutted buildings, while Peshtigo measured its losses in stark figures of dead and injured, and total destruction.

TIMBER, KING OF BOOM TOWN

Like other communities on the northern frontier of railroad expansion, Peshtigo was a boom town in 1871. Timber was king here, and the mighty spring rush of logs down the surging Peshtigo river brought the substance of life to its industries.

Work was plentiful that year—at the machines and saws of the world's largest woodenware factory turning out pails and tubs, broomhandles and clothespins, barrel covers and shingles. Up river a ways, men hooked logs from the river booms and sheared them into gleaming planks at the saw mill. Nearby was a sash, door and blind factory, and the village boasted a foundry and blacksmith shop. There were jobs with the railroad construction crews working near town, where the Chicago and Northwestern Railroad was then extending its tracks. Hundreds of transient workmen, many of them new immigrants to this country, swelled Peshtigo's population far beyond the official census of 1,750. The stores, hotels and saloons along the main street on both sides of the river bustled with brisk activity. Farmers from the Sugar Bush—the rural area settled by some three hundred families, extending seven miles south and west of the village—came regularly to town.

Hard-living, rough-talking lumberjacks, in Peshtigo between the winter logging camp seasons, along with the settled family folks were proud of Peshtigo. Its two slender spired churches and new frame school building were as fine as any in northern Wisconsin.

DRY SPRING AND SUMMER

It was a good year, blighted only by the hot, unseasonably dry spring and summer. Just two rains fell from July through September, creeks dwindled to muddy trickles, the river level dropped, and even the normally impassable swamps dried to solid prairies of peat. Many of the village wells gave out and water became scarcer as summer ripened into fall. The woods and grasslands were already tinder dry and grew more dangerous with each cloudless day.

Spasmodic fires began breaking out near the village in mid-September, flames licked at its outskirts many times but fighting crews of volunteers beat back the threatening tongues of fire. From the Menominee river, seven miles north of Peshtigo, to far south of Green Bay conditions were the same. For almost three weeks, smoke from the smouldering peat fires dimmed the sky, the acrid smell pervading the atmosphere. The ruddy glow of the blazing grass and woods on the night horizon sharply silhouetted the black shapes of the houses and factories.

A bloody sun shone dimly through the pall of dense smoke over Peshtigo on Sunday, October 8. But the villagers were not unduly alarmed. They lived this last day before their doom much like any other Sabbath in their lives, unaware that they acted on a stage set for disaster.

With the coming of evening, the chill autumn air was suddenly whipped by a stiff, warm wind from the southwest. Flurries of fine white ashes eddied like snow flakes in the gale, and the dull red glare of the outlying fires flickered faintly through the thick curtain of smoke. As quickly as it started, the gale diminished and a dead, ominous calm settled on the village.

SILENT CALM PRECEDES FIRE

Church goers commented on the silent calm and increasingly warm air as they hurried home from evening services, glancing apprehensively at the ruddy southwestern sky. Men in the saloons paused in their drinking to remark on the growing heat, the unnatural stillness. Children stirred uneasily in their sleep.

Just after eight-thirty, a dull roar like the rumbling of a distant volcano, came out of the southwest. As it grew louder, the bloody glow in the sky flared brighter and the bell of the Catholic Church frantically tolled the fire alarm. The wind had started blowing again, strong and hot. Men pulled on their jackets and boots, and rushed to the outskirts for another night of fighting off the encroaching fires.

By ten o'clock, the roar had thundered to an earth shaking crescendo and the ferocious winds, now of tornado velocity, ripped through the village in blinding sheets of sand and smoke. The frenzied blaze whipped closer with savage speed, great gusts of wind carried balls of flaming fury hundreds of feet through the air. Like bolts from hell, they burst on the ground and hungry tongues of devouring flame streaked in every direction. In panic for their lives and families, the fire fighters flung down their buckets and fled towards their homes—Peshtigo could not be saved.

TORNADO WINDS SPREAD FIRE

The tornado ripped a flaming roof from a house on the edge of town and shredded it in a blistering rain of fire, the air was a blizzard of burning coals igniting all they touched. High over the rooftops floated giant black clouds of smoke that exploded into belching flames, and the winds lashed both sides of the river into a raging inferno. In less than twenty minutes all that could be seen for miles were swirling smoke and writhing coils of flame. All that could be heard above the thundering roar of the tornado were the screams of the victims and the crackling fury of a hungry monster unleashed.

Great sheets of fire curled and rolled over the ground, and overhead the very air seemed to be burning. One minute the brightness was blinding, and in the next, fugitives from the flames floundered sightlessly in smothering banks of smoke.

Fear for their lives had gripped those in their homes only a few minutes earlier, when the first showers of sparks began twisting through the streets. Mothers snatched sleeping children from their beds and rushed into the streets seeking safety, men struggled against the winds to reach their families and lead them out of the fire. Fleeing fugitives were hurtled to the ground by the force of the storm, some dropped dead clutching their throats as if strangled by mad unseen fingers, flaming posts smashed into groups of screaming women and children as they ran aimlessly amid the holocaust seeking help.

DEATH STRIKES CITY

A middle aged man, holding his two children, dragged his sick wife on the ground behind him for half a mile—only to drop her a few feet from the safety of the river when her body burst into sickening fire. A young woman, her long blonde hair trailing in flames, shrieked her agony as she stumbled through the stampeding mob. Clutching her infant son to her breast, a bereft mother huddled against the earth, refusing the pleas of her husband to leave their already dead child. A young bridegroom pushed his wife of three days on a wagon bound for the river and as she watched, he crumbled in a lifeless heap and was swallowed by the fire.

About 65 fugitives on the east side jammed the Peshtigo Company's boarding house—a cordon of men fought futilely to save the building but the rain of burning coals turned it into a blazing tomb. There was no sanctuary from the flames, the suffocating smoke, the choking banks of poison gases. A breath of air could be found only with the face pushed against the ground.

The river, get to the river—instinct drove the villagers and even the terrorized dumb animals to the banks of the stream in the center of town. The bridge flamed into a water bound funeral pyre, trapping scores who thought safety lay on the other side. Men, women and children leaped into the water and clung to floating logs or stood neck deep in the river. They huddled under wet blankets and splashed themselves with water to keep the flying sparks and flaming fragments from igniting their clothes and hair.

HORRORS OF THE HISSING HELL

The piercing wails of a pregnant mother in labor cut through the hissing hell. An elderly man tried to shield his fever ridden wife from the torrent of fire, as she lay on a partly submerged feather bed he had dragged to the river. Insane laughter pealed from a wild eyed young husband, gone mad after finding the woman he carried to safety was a stranger and not his young wife. Cows and horses swimming in the river pushed between the people, upsetting logs to which clung whole families. One white haired lady was upset from her log by a swimming cow, but clasped its horns and was carried to shallow water.

Scores of those who could not reach the river killed themselves. One father slashed the throats of his three children and wife then turned the knife on himself. After watching the spire of the Congregationalist church crack off and stick in the ground like a giant candle, one man rushed to a nearby well and hung himself on the bucket chain. Many ran blindly through the blaze shouting that the end of the world had come, and were silenced only when the fires claimed their lives.

In the Sugar Bush the suffering was the same—the all consuming fires that lept over open fields, the giant balls of black smoke that wafted through the air and exploded into flames, the banks of choking gases, the heat so intense it split huge boulders. Those in the Bush who lived through the night found safety in creek beds, in low ravines and freshly plowed fields where they dug holes for their faces with their hands. The toll was tremendous, even proportionately greater than in the village itself, and only eight farm houses escaped destruction.

VILLAGE LEVELED TO HOT ASHES

A few hours before dawn, the fires spent themselves, the wind died down and the autumn chill returned to the air. The survivors pulled themselves from the river and began wandering through the hot ashes of the leveled village seeking their relatives—or their bodies. The only structures jutting from the smouldering desert were the unfinished framework of a house on the east side of the river, and the brick walls of a dry kiln. Streets could be traced only by the charred and twisted bodies, the shapeless remains of iron wagon wheels. The sickened and grief stricken survivors gathered around piles of burning coals to warm themselves and dry their clothes. The only foods to be found were raw turnips, potatoes and cabbages.

Some victims had lived through the night of fire only to be claimed by the fatal fingers of fever and of shock so great their hearts could not withstand it longer. The increasingly colder autumn air chilled all the survivors, many of whom had fled their homes and garbed only in scanty night-clothes that were torn and partially burned in their flight.

Big John Mulligan, himself burned during the night of horror, walked six miles north to Marinette and solicited help for the village. By mid-morning on Monday wagon loads of supplies arrived in Peshtigo. The injured were given treatment and carried to Marinette, where one of the hotels was turned into an extra hospital. Crews worked day and night gathering the remains of the dead and carrying their sad burdens to the cemetery. Those who could not be identified were buried in a mass grave, still visible in the historic burial ground. A memorial marker has been erected there. Tents were brought to Peshtigo to shelter the homeless.

FIRE SAVES THIEF

The same fire that had taken so many lives saved one man from execution by destroying every rope in the village. On the day after the fire, a calloused thief was found rooting through the ashes and stealing the valuables from the burned and charred bodies. A hasty trial was held amid the still smoking ruins, and the looter was found guilty by a jury which unanimously condemned him to be hanged on the spot. But not a rope untouched by the fire could be found in the whole town. Someone suggested stringing him up with a heavy logging chain, and it was placed around his neck in a brutal hangman's noose. He fell to his knees and begged and pleaded for mercy from the hardfaced avengers. His cries ultimately affected the onlookers so much that they gave him his freedom.

When word of the disaster reached Green Bay via a steamer Monday night, relief supplies began pouring into the village. Over $155,000 was raised within the next few months throughout the country and in some foreign lands for the relief of the Peshtigo survivors. Putting aside their sadness, the villagers began rebuilding their homes and industries.

Many freak aspects of the holocaust still defy scientific explanation. Hundreds of humans survived the blaze in the waters of creeks, ponds and the river—yet fish life perished. Heat was intense enough in the center of a wide clearing to burn out stumps, leaving only holes in the smoking ground where the roots had been—yet a neighboring field of corn shocks was untouched. The white wooden tabernacle containing the sacred vessels of the Catholic Church was found unscorched on the bank of the river, where the priest had carried it—yet everything around it was charred into blackness.

OTHER AREAS HIT

Fires, with accompanying phenomena like that at Peshtigo, but on a much smaller scale occurred that night on Wisconsin's Door County across the bay. Although tornadoes of fierce velocity whipped both areas, schooners on the intervening bay reported no unusually strong winds.

The black balls of smoke that exploded into flames have been explained as accumulations of inflammable gases from the great fires that did not ignite until they reached air where the oxygen had not been depleted by the conflagration. The banks of poison gas mentioned by so many survivors may have been concentrations of carbon dioxide, created by the fire.

As if in partial compensation for that disaster, Peshtigo was one of the few cities in the country that was untouched by the depression of the 1930's.

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. WILLIAMS. Mr. President, adequate nutrition is a major concern for our 20 million older Americans.

In many cases a poor diet may intensify the severity of other problems besetting the aged. For example, improper nutrition may lead to chronic disease, or even mental illness. For instance, in a study of elderly patients admitted to two psychiatric institutions in Philadelphia, approximately 60 to 70 percent were reported to have serious nutritional problems.

Several factors—such as low income or lack of information about a proper diet—contribute to the problem. Also important is the need for an effective delivery system, particularly for older single persons.

For these individuals, the Nutrition Program for the Elderly Act would be an important step forward. This measure would make it national policy to provide nutritious meals at conveniently located centers including senior citizen centers, schools, and other public and private nonprofit institutions. Federal funding in the amount of $50 million would be available to provide at least one hot meal per day and at reasonable prices for the aged. In my own State of New Jersey, funding under this program would be sufficient for about 2 million meals in 1 year for elderly persons in need.

This proposal would also help to provide a comprehensive approach to their related problems. Outreach services would be available to assure maximum participation by eligible individuals. Additionally, this special emphasis program would provide counseling, informational, health, and referral services.

Equally important, eating in a group setting would provide a new opportunity to meet others. For lonely persons, this could be an effective means for counteracting isolation. Several pilot projects under the Older Americans Act have demonstrated that a meal in a group setting is oftentimes a drawing card for bringing lonesome and frustrated individuals into a whole range of community activities.

Today the nutrition problems of the elderly are urgent and far reaching. Quite clearly, immediate and special attention is needed now. The Nutrition Program for the Elderly Act, I strongly believe, provides a sensible and coordinated approach for meeting this challenge.

HON. LESLIE C. ARENDS RECEIVES VFW CONGRESSIONAL AWARD

Mr. DOLE. Mr. President, last evening at the Veterans of Foreign Wars 23d annual congressional banquet in Washington, a great American and an outstanding Member of the House of Representatives was honored. Receiving the VFW Congressional Award was the

Honorable LESLIE C. ARENDS, of Illinois' 17th District. In accepting this award, the longtime House Republican whip and ranking Republican on the House Armed Services Committee joins a distinguished list of Congressmen and Senators who over the years have been recognized for their invaluable services to the American people by the VFW.

Given the universal respect and admiration in which LES ARENDS is held by his colleagues and his knowledge gained from years of study of our national defense needs and priorities, whenever he discusses defense and national security affairs, his words are given the utmost attention and studied consideration. Upon being presented with the VFW award last evening LES ARENDS took the opportunity to discuss several of the more prominent aspects of national defense policy as they relate to today's economic, political, and international realities. I believe his thoughts are extremely pertinent to the Senate's ongoing debate of defense policy, and I ask unanimous consent that the remarks of VFW Commander-in-Chief Herbert R. Rainwater presenting the award and the speech of the Honorable LESLIE C. ARENDS be printed in the RECORD at this point.

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

CONGRESSIONAL AWARD INTRODUCTION

(By Commander-in-Chief H. R. Rainwater, Veterans of Foreign Wars of the United States, Tuesday, March 9, 1971)

Tonight we are gathered in our nation's capital to pay homage to one of America's most respected leaders. We honor a man who has unselfishly dedicated his life to our country from the moment he was first elected to Congress during the dark days of the Great Depression nearly two score years ago.

We honor a man whose personal integrity has always been above reproach—a man who has been ever willing to listen to the plea for help and to lend a helping hand—a man who sincerely believes that being a member of Congress is being able to do things for his fellow man.

We honor a man who has been a confidant of America's great Presidents from Franklin D. Roosevelt to Richard Nixon. A man whose counsel has always been relied on for its depth of wisdom based on fact and logic—a man who is considered to be one of the most popular and well-liked members of Congress.

The gentleman we honor tonight, Les Arends, from the great state of Illinois—"the land of Abe Lincoln"—is a great American in the finest sense of that phrase. He believes in service to the nation, in our country's veterans—each and every one—and in a strong America. These are just some of the multitude of reasons that Congressman Arends is considered one of the time.

As Republican Party Whip, Les Arends is charged with making sure his party has all its votes on the floor when necessary. He was first picked by his colleagues for the honor of "Whip" in 1943, and has served in that position longer than anyone in history, on either the Democratic or Republican side of the aisle.

In this crucial position he plays a key role in the determination of party policy and strategy on various measures coming before the House of Representatives.

Friendship for the man we honor is not confined to one side of the political aisle, however, for he has just as many warm boosters on the Democratic side.

Today, only three men in the entire House of Representatives outrank him in years of service. Congressman Arends is the ranking Republican member of the important House Ethics Committee and the member with the most service on the House Armed Services Committee. As a Navy veteran, he is a stanch supporter of the men and women in our armed forces. And he realizes full well that our nation must remain strong if we are to remain a free people.

It has been said of Les Arends that he is as much a part of the House of Representatives as the statue of Freedom atop the Capitol dome. Tonight, with friendship, humility and heartfelt appreciation from all of us, it is my privilege to present the Veterans of Foreign Wars Congressional Award to Congressman Leslie Arends for his outstanding service to our Nation.

SPEECH OF CONGRESSMAN LESLIE C. ARENDS, OF ILLINOIS, HOUSE MINORITY WHIP AND RANKING MEMBER ON HOUSE ARMED SERVICES COMMITTEE, AT THE VETERANS OF FOREIGN WARS ANNUAL CONGRESSIONAL DINNER, SHERATON-PARK HOTEL, WASHINGTON, D.C., TUESDAY, MARCH 9, 1971

It is a real privilege for me to be here with you this evening.

First of all, I should like to offer my personal congratulations, not only to the winners, but to all the fine young men and women who participated in the V.F.W. National Essay Contest. I hope you will pardon my boast when I take the liberty to point out that the essay winner of the State of Illinois, Miss Bailey, is a young lady from my Congressional District.

I am proud, very proud, to have been selected by your great and splendid organization to be the recipient of this coveted Congressional Award.

When I consider the contribution which you Veterans of Foreign Wars have made to the preservation and promulgation of our American ideals, and when I reflect on the outstanding contribution made by those who have previously received this recognition, I feel very humble, very humble indeed. I would that I could be as worthy.

In my many years of service in the Congress no honor has come to me that is more meaningful than the honor you bestow this evening.

When I first came to Congress I was assigned to the House Military Affairs Committee and, of course, have served on the Armed Services Committee since it was first established in 1948, with the unification of the Military Affairs and Naval Affairs Committee. I have the distinction, if indeed it is a distinction, considering that I am not the Chairman, to have served longer on the Armed Services Committee than any member of it.

When I learned that I was to be the recipient of this award, I called our Committee Chairman, the Honorable F. Edward Hébert, of Louisiana, to tell him the good news. Perhaps I was subtly reminding him of my seniority. Perhaps I wanted to impress him with the fact that although in the minority we Republicans do, upon occasion, receive some recognition.

He congratulated me and said, "Now, Les in accepting an award as important as this from an organization as important as the Veterans of Foreign Wars, you cannot make the standard politician's bullfight speech." For those of you who are not familiar with it, that is a speech which, like a bullfight, lasts approximately one-half hour and contains only a moment of truth.

I told him my remarks this evening would be substantially less than a half hour, that what I had to say would be the truth, the whole truth and nothing but the truth, and that I did not intend to make even a non-partisan Republican speech.

As a member of the Armed Services Committee, I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense. When our Committee held its first organization meeting in this new Congress, Congressman Hébert—who succeeded the late Mendel Rivers as Chairman—emphasized in his opening statement that this was one policy he wanted to see continued. I am sure it will be.

As a member of my political party's leadership in the House of Representatives, I have always been proud of the non-partisanship with which the House, as a whole, has approached national security problems.

We used to have a fine old tradition in this country known as a bipartisan foreign policy. You may recall that as Chairman of the Senate Foreign Relations Committee in the 80th Congress, the late Senator Arthur Vandenburg of Michigan, furnished the leadership for a bipartisan foreign policy during the Truman Administration. And this was during the period of the none too popular Korean "police action" as it was then characterized.

It is quite true that we who serve in the Congress, particularly in the United States Senate, have a responsibility in connection with the conduct of foreign relations and in the prosecution of a war. But under our Constitution the President of the United States has *primary* responsibility for the conduct of our foreign relations, and he is Commander-in-chief of all our armed forces. It is imperative that we give him our maximum possible support, and particularly during a period of international stresses and strains and conflict.

That does not mean we should "rubber stamp" whatever our President or any President proposes or undertakes. Bipartisanship does not mean that our voices of disagreement be silent. But let them be voices of restraint, not voices of opposition for opposition's sake.

At no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense posture. One implements and supplements the other. Both pertain to our national security and to the preservation of freedom and to the mainenance of peace.

While our Constitution vests in the President primary responsibility for the formulation of foreign policy and designates him Commander-in-Chief of our armed forces, the Constitution vests in the Congress the primary responsibility for determining the size and the nature of our armed forces. It goes without saying that our national security—our safety as a free people—requires that there be maximum cooperation between the Congress and the President, whoever is our President and whatever the political complexion of the Congress.

In his recent "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments. Were we to do less, there would be no chance of creating a stable world structure."

The measure of sufficiency is not the number of dollars we annually spend on our defense establishment. The size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and the potential threat we face. Our objective is to deter war, not to make war. We do not seek to impose our will on any people anywhere.

Had the conquest of territory and the subjugation of people been our objective we could readily have achieved it at the end of World War II, when we had in being the mightiest military and naval force in all the

world and we were the sole possessors of the atom bomb.

Instead, we initiated the Marshall Plan to assist countries left prostrate from the ravages of war. This in itself belies the oft-repeated propaganda charge of United States imperialism.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security. In my judgment we have been over-committed. Our interests should shape our commitments, not the other way around. We cannot police the world, and we do not seek to maintain a huge defense establishment for any such purpose.

There is no question but that our national defense budget for the current fiscal year is a very substantial sum—$71.8 billion—$76 billion if we include military assistance. Without question military spending places a heavy tax burden on all of our citizens. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security and provided we get a dollar's worth of defense for each dollar expended.

In the Congress, and particularly in the Senate, which incidentally is 750 feet and often one million light-years from the House of Representatives, voices are raised almost daily calling for more and more reductions in our defense budget. Over and over again we hear the quotation from President Eisenhower's Farewell Address when he said we must guard against any unwarranted influence by a military-industrial complex.

They seek to leave the impression that a great amount of this defense spending is due to the insidious influence of the military-industrial complex, whatever that is. They ignore that in the same address Eisenhower warned against other pressure groups. They conveniently ignore that in the same Farewell speech the late President Eisenhower said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction".

Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs. There is no denying that there is an increased need for some of our social problems—in the area of education, housing, health, environment and all such. I have and shall continue to support the President's programs to meet these human needs. But it does not follow that the way to meet these needs is to proceed to disarm unilaterally.

Insofar as the argument with respect to buget priorities is concerned, what program is entitled to a higher priority than our national security? In my judgment this hue and cry about reordering priorities is nothing more than a smoke screen to justify increased spending on programs that are thought to be politically popular.

There has already been a reordering of priorities. For fiscal years 1969, 1970 and 1971 there has been an average annual decrease of around $2 billion in military spending. And during this same period spending on nonmilitary programs—Federal, state and local—there has been an average annual increase of $23 billion.

For the first time in 20 years, the Federal Government will have spent in this fiscal year more to meet human needs than spent on our national defense. In our 1972 budget defense spending will amount to 34 percent of the total spending, and the outlays for human resources programs will amount to 42 percent of total spending in the next fiscal year.

In the 1972 budget it is proposed that we spend $76 million for our military and military assistance programs. That is a tremendous sum. Understandably, the average citizen registers "shock" when he hears the figure—$76 billion. That is why our social planners persist in emphasizing the dollar amount.

But what the average citizen does not know is that it is less than outlayed for social programs, that it is less on a percentage basis than in any year since 1950, and that is less than we actually should spend if we are to continue to have a national defense second to none.

Bear in mind that not only has there been a decrease in the number of dollars spent for defense, there has been a decrease in what these dollars will buy. Like everything else, a ship, an airplane, a tank and every one of our costly weapons systems costs more today than they did two or three years ago.

And, as is always true in an inflationary period, personnel costs have greatly increased. The average citizen does not realize that over one-half of our total defense budget represents personnel costs.

And these costs will become substantially higher if we proceed, as proposed, to phase out the draft and establish an all-volunteer force. Right now this is being considered by our Armed Services Committee.

I am not an alarmist. And I do not think there is any reason to be alarmed as to our present security. But I must frankly say that I am concerned, deeply concerned, as we look to the future.

While Soviet Russia continues to increase its defense spending, we have been in the process of substantially reducing ours. While Russia continues to build up her Navy, we have been allowing ours to stagnate. That Soviet Russia has had a number of naval ships in the Mediterranean, in the Indian Ocean, and in the Caribbean is not without significance. Their navy is impressive, not only in numbers but in quality.

Most ominous, as we look to the future, is the Soviet drive for technological superiority. It is estimated that they are spending 40 to 50 percent more on military research and development than we are—a difference of around 3 billion a year.

In nuclear power the Soviets are not only developing large warheads, much larger than any in our arsenal, but have been increasing the number and accuracy of their intercontinental missile delivery systems at an awesome rate. They have built up their strategic forces to the point where they have achieved nuclear parity and have continued costly missile development in a determination to achieve superiority.

We simply cannot let Soviet Russia control the seas. We simply cannot let the Russians move into a position of strategic superiority. Our strategic offense forces are not only the principal deterrent to global war, they are the principal deterrent to the kind of nuclear blackmail that a superior Soviet Russia could carry out—nuclear blackmail which would endanger freedom in our own country and destroy it in other parts of the world.

The security situation that confronts us today is decidedly different from what faced us before World War I and World War II. We will no longer have the time, as we did then, to delay an adversary long enough to produce the weapons and to train the men. All our defense planning must look not only to the realities of the present but to the grave potentials of the future.

You who have defended our country in foreign wars, as individuals and as an organization, have always recognized that the realities of national defense require something more than the summer soldier and the sunshine patriot. It requires men of all seasons. And we now seem to be in the winter of discontent insofar as our national defense is concerned.

Our objective is not to make war but to deter it. Our objective is to keep the peace. To achieve this objective we must at all times have a national defense second to none—a defense that is well-balanced—one that is sufficiently strong and sufficiently flexible to meet any threat to our security, whenever and wherever it may arise.

I urge you who have fought in past wars, to fight for a level of preparedness that will prevent wars. I urge you to heed the admonition of your comrades who lie in Flanders fields around the globe: "To you from failing hands we throw the torch; Be it yours to hold it high."

The safety of our country, and our cherished right to be free, is at stake. What we do today will determine our tomorrow.

FISH FARMING

Mr. FULBRIGHT. Mr. President, fish farming is one of the fastest growing agricultural industries in the Nation.

The industry has been particularly successful in Arkansas, and I am pleased to have been of some assistance in aiding the development of fish farming by sponsoring legislation which established fish farming experimental stations and other measures which encouraged this industry.

Mr. Roy Prewitt, of Lonoke, Ark., who has been one of the successful pioneers in fish farming, has written a column entitled "Rambling Along," published in the February 1971, issue of the American Fish Farmer. In his column, Mr. Prewitt traces the development of fish farming and some of the problems—past and present—faced by the industry.

Mr. President, I ask unanimous consent the article be printed in the RECORD.

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

RAMBLING ALONG

(By Roy Prewitt)

Previous to World War II, efforts were made to culture channel catfish in several areas of the country. I tried it in 1927 but lost the farm during the depression two years later. Catfish culture met with some success in Kansas and at least two of the original catfish farmers, Vernon Kreibel and Bus Hartley, are still in business.

After that war, a great many people began farming minnows in many states. At that time, minnow farming was being encouraged by wildlife and conservation agencies as a means of conserving the supply of wild minnows as food for the wild fish population. A boom bit the business about 1950 and expansion set in across the nation. This lasted about three years until a series of major setbacks eliminated about 85% of the growers. There were too many reasons for these failures to detail here. It suffices to say that most of the 15% who survived slowly built their enterprises by good business practices and good management until today it is estimated minnow sales may reach $100 million annually at the retail level.

BIG MINNOW CROP

It has been estimated that at least 5 million dollars worth of minnows were exported from the vicinity of Lonoke, Arkansas during the year 1970. The 8,000 acres of minnows in Lonoke County are running a close second to the $9 million earned from 75,000 acres of soybeans grown in the county. I hope this discussion of millions of dollars does not excite some of our readers into jumping into the minnow business with get-rich-quick ideas. I can assure you that it is a tough,

competitive business and is hard for a newcomer to break into. The people in the business are knowledgeable. All the weak ones fell by the wayside long ago. Even now, this business has ups and downs and recessions. Every few years, it seems that a saturation point will soon be reached, but this never quite happens. Those in the business have learned to live with these things.

About the middle 1950's, farmers were encouraged to grow bass and buffalo to utilize fallow land. This kicked off another boom which lasted about three years then collapsed. A few stayed on and their business has steadily grown. How big this business is, no one seems to know or care. There is a high demand for both species in many areas of the nation and they command prices as high or higher than other species being cultivated.

WIDESPREAD MARKET

The buffalo farmers seem to know their markets. I visited a farm last winter where an 80 acre pond was being harvested and saw fish trucks from several states waiting to be loaded. As almost everyone knows, there is perhaps an unlimited demand for live bass for fee fishing lakes and stocking purposes, so farmers are learning to grow them.

Curiously, farmers who are growing in conjunction with catfish are finding that most of them readily learn to eat catfish feed pellets. Bass even hang around the self feeders and feed on the pellets which the catfish cause to drop from the feeders. Farmers have also found that crappie, which in many areas is a gourmet fish, readily feeds and grows on pellets.

EARLY PROBLEMS

Early fish farmers in Arkansas were beset by many difficulties, legal and social. When I left a legal and political career in Little Rock and began carving a choice rice and cotton farm into a fish farm, some people thought I was crazy and many old friends and acquaintances studiously avoided contact with me. Fish farmers had a long legal battle with conservation agencies and their allied and supporting organizations. Farm organizations gave fish farmers no support, and newspapers gave them no editorial help and put news about their activities on the sports pages. The first support for fish farmers in Arkansas in a major newspaper was voiced by Victor Ray, now public relations director for the Farmers Union in Washington, D.C. who was then agricultural editor for the Arkansas Gazette. For this, he was "called on the carpet" by his superiors but was able to convince them, if not of the rightness of his editorial, at least of his right to say what he said.

RICE AND SOYBEAN CULTIVATION

Rice farming in Arkansas had a similar history. The first rice was grown near Lonoke by W. F. Fuller in 1910. His industry, which now brings into Arkansas about 125 million dollars a year, had many difficulties. One of the chief reasons rice culture was opposed was that it was considered a health hazard. At one time the Arkansas Legislature considered barring its culture on these grounds. In some areas, legal injunctions were obtained against farmers who attempted to grow rice. Fuller's mental stability became suspect and at one time, serious consideration was given to incarcerating him in a mental institution. A curious sidelight of the rice saga was that Fuller improvised a handmade device and about 1909 milled some of his rice, packaged it and had Little Rock grocers give it to their customers, for what is now known as a product acceptance test. Subsequently, customers reported that it was almost as good as imported rice, according to results published in the Little Rock papers.

Soybeans did not have the legal difficulties which beset rice and fish farmers, but there were production and marketing difficulties. I remember that my father successfully grew soybeans on our hillside Ozark farm about 1908 but could not decide what to do with them. He tried using them for hay but had insurmountable difficulties in curing them. From that time until about 1962, soybeans were an insignificant crop in Arkansas. Now we export about 209 million dollars worth a year. As late as 1961, a prominent Eastern Arkansas banker who was also a farmer with large holdings voiced the opinion to me that soybeans had no future in Arkansas. This same man in 1965 said that he was netting more money from soybeans than from rice.

BOOM PREDICTED

This brings me to the point I want to make in this column. About four years ago, catfish culture began to boom and this has been the biggest fish farming boom of all. But before 1970 ended there were widely published predictions by knowledgeable people that 1971 would witness the collapse of the catfish industry. Frankly, I don't believe this will happen, and I think that by the middle of 1971 there will be an actual shortage of farm grown catfish. If the catfish farmers will organize in some way to have their fish certified as wholesome, there will be no end to the demand.

As many of our readers know, I have been involved in fish farming a long, long time. During the past 25 years, my activities have enabled me to know, on a first name basis, most of the leaders in every facet of the fish business throughout the U.S. and most of the world. I am acquainted with the people who process and market the fish this nation eats. For 10 years I have tried to interest them in farm fish, to no avail. Suddenly, due to pollution publicity, they are calling me and wanting to know who can supply them steadily, not sporadically, with an attractively packaged farm grown fish with a certificate of wholesomeness. If ever a business was ready to really boom, it is the entire fish farming industry. In telephone conversations this week, I learned that farm grown Israeli carp were being imported to New York from Israel.

PROPOSED LEGISLATION

Much of the nation is just now becoming aware of farm grown fish. The cries that the industry is collapsing may have a tragic effect on legislation recently introduced in Congress by Congressmen Charles Griffin of Mississippi and J. J. Pickle of Texas, which is intended to supply adequate capital and marketing and other research for the entire farm fish industry. I have seen a letter from a very powerful Congressman indicating that he was already being influenced adversely by rumors that fish farming has little future. He mentioned that much of his information came from ocean and sport fishing interests.

The Griffin and Pickle bills encompass all kinds of fish farming—any fish grown under controlled conditions. It is time that all fish farmers' groups realize that they are a very, very small minority, with little power in Washington and that the time has come for them to stand together and promote an industry which has, in my humble opinion, a future as bright as that of soybeans and that is not limited, as some would like us to believe, to specific areas of the country, if we think in terms of the many different species of aquatic animals which show promise. The passage of this bill would mean that the fish farmer could take his rightful place in the business world and begin to make impressive strides toward making aquaculture as commonly known and respected as agriculture is today.

SECOND-GRADE STUDENTS' CONCERN FOR THE ENVIRONMENT

Mr. NELSON. Mr. President, a specific example of the increasing concern for our environment has come to my attention recently.

The second-grade class at the Washington Elementary School in Waupun, Wis., has been working on a project of how we can go about saving wildlife from extinction and abuse.

The students have been involved in writing letters to conservation organizations, studying the materials received in answer to their requests, and putting up displays in their classroom on the problems of saving our wildlife. Their work on this project has not only brought them greater understanding of the problems of our environment but it has also strengthened traditional skills of reading and writing.

This class and their teacher, Miss Marsha Gravitz, deserve recognition for their accomplishments. I ask unanimous consent that an article from the Fond du Lac Commonwealth Reporter describing their efforts be printed in the RECORD.

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

WAUPUN SECOND GRADERS LEARN OF ENVIRONMENT

(By Thelma Kaiser)

WAUPUN.—"What can I do to save our diminishing wildlife from abuse and extinction?"

Twenty-nine students in Miss Marsha Gravitz' second grade at Washington Elementary School can respond with a multitude of answers to that question. They are aware of the gap of misunderstanding between humans and wildlife and "know" wild animals are meant to be free.

They have been introduced to the exploitation of our environment and of our wildlife because Miss Gravitz, a native of Fond du Lac and treasurer of the Fond du Lac Humane Society, has always been concerned about all living things.

She said she has long admired the "reverence-for-life" humanitarians, such as Albert Schweitzer. She believes that the primary functions of education are: fostering an awareness of the needs and concerns of all life; and developing a responsive, responsible empathy, which will result in a happier world for the student and all his contacts.

Miss Gravitz has embodied this philosophy in an article which is scheduled to appear in the May 1971 issue of "The Instructor," a leading elementary education journal. She is using this philosophy as a basis for her master's thesis, which will be an in-depth study of the question, "Will children develop greater empathy toward people and animals as the result of humane education?"

She said that as she presented the aspects of the wildlife problems to the children, they were dismayed as they learned of it. Their broad knowledge not only comes from the classroom discussions, but from TV specials, magazine articles and resource persons—but their concern has not ended there.

"To find comprehensive answers to these pertinent questions, each second grader in the class wrote letters to prominent experts in the conservation field, such as Sen. Gaylord Nelson, renowned naturalist, Carl O. Marty; authoress Hope Sawyer Buyukmihci; the National Wildlife Federation and Defenders of Wildlife, Inc."

"Much to their inspiration, each child received personal letters—along with a wealth of conservation brochures—from these prominent individuals and organizations. Carl Marty even took the time and expense to send each student his own wildlife record and book."

Miss Gravitz said that the children are taking immediate action on this personal ad-

vice. They proudly wear the emblem tag, "Protect and preserve our wildlife." A visit to their classroom is most rewarding as they excitedly tell of what they have learned from TV programs, such as "Penguin City," "The Florida Everglades," "Say Good-Bye" and "Elephant Country."

All hands quickly raised when the question was asked, "What can you do about it?" Their answers are childlike, yet full of wisdom, as they reply, "They should have more marsh rules, they 're not' pos, d to shoot the geese dead!" "When L'm big. I'll send more guards to guard them," "They shouldn't use the wild mustang hoof for glue" and "Animals should have just as long to live as we do."

It is evident that these second graders are "getting involved" before a visitor even enters their classroom, the corridor walls outside the door have pictures of "Penguin city," Once in the classroom, two beautiful bulletin boards, the smaller one depicting the Florida Everglades and the larger one, wildlife are worth saving, perfect examples that they are not just studying wildlife. Through this one study, they are gaining additional experience in reading writing and art work.

As Miss Gravitz pointed out, they are not limiting their knowledge to the classroom, they are taking on the responsibility of educating others of the importance of preservation. She related that one mother even commented to her that her son brings his zeal to the dinner table with the admonition, "We all must get busy before it's too late!"

THE NATION'S DAIRY ECONOMY

Mr. MONDALE. Mr. President, today I am sending a telegram to Secretary of Agriculture Clifford Hardin, urging him to take immediate action to alleviate the increasingly depressed condition of our Nation's dairy economy. Prices paid to milk producers have failed to keep pace with increases in most other areas of our economy. In the mounting inflation of food prices, farmers have steadily lost ground. It is unfair to penalize dairy farmers for price increases over which they have no control.

Costs of production for dairy farmers have increased during the past year while price support levels have remained the same. There is no reason why farmers should be made the scapegoat for this administration's failure to meet its responsibility to control inflation and assure full employment.

I have strongly urged the following actions by Secretary Hardin to insure that dairy farmers are not made step-children in the economic market place: Restoration of the full 90-percent parity that is allowed by law; follow through on administration promises for increased purchases of cheese for schools and needy families and reconsideration of President's decision not to fund the special school milk program which was approved by Congress last year.

Full 90 percent parity is needed to allow dairy farmers a fair return on large investments of capital and labor. Further, it is essential to counteract the inflationary pressure felt by farmers in purchasing replacement equipment, and in meeting tax payments, high interest rates, and other operating costs.

The inadequacy of cheese purchases by the Department of Agriculture is detrimental not only to farmers but also to those in the school lunch program, needy families, and nonprofit institutions whom such purchases are designed to serve. In order to provide an adequate amount of cheese for these programs, USDA should be purchasing between 130 and 135 million pounds of cheese annually. At the present time less than 50 million pounds are being purchased.

Last month Secretary Hardin said that USDA would step up its purchases of cheese. I note that this pledge has not been carried out. Adequate purchases would benefit the poverty stricken, supplement the diets of children in school, and help to stabilize the market price of cheese at a level that would provide a fair return to producers.

In the Child Nutrition Act of 1970, the special school milk program was extended and Congress made plain its support for this program. I am dismayed that the administration is again trying to eliminate the special school milk program. The President has not requested any funds for this program in his fiscal year 1972 budget. A note found in the appendix to the budget clearly indicates that this was not an oversight. I have protested to Secretary Hardin this deliberate effort to frustrate the will of Congress.

I have asked that the Secretary of Agriculture consider each of these recommendations, and redirect USDA policies both in fairness to farmers and for the sake of our entire economy. I have asked that he take action before April 1, 1971, to prevent present economic slippage among dairy farmers from spreading, with its disastrous consequences for farmers and nonfarmers alike.

Mr. President, I ask unanimous consent that the text of my message to Secertary Hardin be printed in the RECORD.

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

MARCH 9, 1971.

Mr. CLIFFORD HARDIN,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.:

I am very concerned about the depressed state of the dairy economy. The prices paid to producers of milk have failed to keep pace with increases in most other areas of the economy. As a result the price support which you established a year ago, that reflected 85% of parity has now been reduced to 79%.

I strongly urge you to increase the support price of manufacturing milk to the full 90% that is allowed by law. This action is necessary to insure that our dairy farmers will be full participants in the economic market place. I also urge you to increase the amount of cheese that is purchased by the Federal Government. This action is necessary to maintain a stable market for dairy products as well as to provide adequate amounts of cheese for the school lunch program, nonprofit institutions and the poverty stricken. It is my understanding that the Department of Agriculture is currently purchasing less than half of the cheese that is needed for these programs.

I was also very disappointed to learn that no funds were requested in the President's budget for the special school milk program. I would hope that this decision would be reconsidered and that the administration would support this vital program.

I hope that you realize the plight of the dairy farmers and will give serious consideration to these requests.

WALTER F. MONDALE,
U.S. Senate.

SENATOR RICHARD B. RUSSELL

Mr. NELSON. Mr. President, with the rest of the U.S. Senate, I would like to give tribute to the late Senator Russell. For 38 years, he dedicated himself to the Senate, gaining the respect of all who have served here and contributing greatly and lastingly to the character of this institution.

Honor, ability, and integrity were the hallmarks of Senator Russell's long career here. And with his unsurpassed knowledge and understanding of the Senate and its rules, he was a commanding figure in the Senate throughout his long career.

A man of enormous persuasiveness and influence, Senator Russell served as chairman of the Committee on Armed Services and the Committee on Appropriations with great decorum and effectiveness for many years.

In his State and his Nation and among his colleagues, his memory will long endure.

DIET INTAKE AND HEART DISEASE

Mr. NELSON. Mr. President, some recent, significant developments in the relationship of diet intake to the incidence of heart disease offer relief for a vast segment of the public that for years has been plagued by advertising and other propaganda urging less consumption of animal fats, including dairy products, as a means of reducing the risk of coronary heart disease.

A report by the U.S. Department of Health, Education, and Welfare, from a study conducted over a 20-year period on a carefully selected sample of 912 persons, concluded that, "With one exception, there was no discernible association between reported diet intake and serum cholesterol level" in the sample that was studied. Serum cholesterol level in the blood has been linked to the incidence of heart disease.

Only a few days ago the Federal Trade Commission and the Food and Drug Administration started an investigation of the credibility of advertisements that suggest a direct relationship between diet and heart disease.

The Government report that I have referred to is a study conducted by the National Institutes of Health under HEW's Public Health Service. It is popularly known as the Framingham Diet Study.

Results of the Framingham Study provide a dramatic refutation of the exaggerated claims and assertions contained in the public campaign that implores members of the general public to switch their diets from wholesome dairy products to margarine and other vegetable fats. The appeal is that such a switch would lower the cholesterol level in the blood, something that contributes to the development of atherosclerosis and heart attack.

Efforts by dairy farmers and other

affected producers to resist this propaganda campaign have not been successful. In light of the available study results, the record must be corrected so that the public's confidence in the high worth of dairy products can be restored.

The conclusion of the Framingham study, edited by William B. Kannel, M.D., and Tavia Gordon, speaks for itself. I quote directly from the report:

In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing a serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.

In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of de novo CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk. There is in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD.

CONCLUSIONS

With one exception there was no discernible association between reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association between caloric intake and serum cholesterol level in men.

While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.

It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.

On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framingham Study Group. Something explains this inter-individual variation, but it is not diet (as measured here.) Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.

We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.

Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

The conclusion of the Framingham study is clear. Other reported studies in the issue of diet and heart disease indicate similar results.

In view of these studies, two Federal agencies—the Food and Drug Administration and the Federal Trade Commission—have begun to scrutinize the advertising claims that have caused so much confusion and bewilderment over the use of wholesome dairy products.

The actions of these two agencies, and events leading up to the actions, were outlined recently in an excellent article by Mr. Morton Mintz in the Washington Post.

I ask unanimous consent that the full text of the article by Mr. Mintz be printed in the RECORD following the printing of "The Framingham Diet Study."

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

THE FRAMINGHAM DIET STUDY: DIET AND THE REGULATION OF SERUM CHOLESTEROL

In 1957–1960 a diet assessment was undertaken for a sample of the Framingham Study cohort on their fifth biennial examination.[1] The method used was a modification of the dietary interview developed by Burke[2] and was directed to evaluating the "usual" long-term intake of each person interviewed.

A sample of 1049 persons was drawn according to an elaborate sampling scheme. A 25 percent random sample was drawn from a listing of the original sample respondents. This sample was then modified as follows:

(a) One half of the women sampled were removed.

(b) All persons who were known dead were removed (25 men, 7 women).

(c) All persons who had missed the last two consecutive examinations were removed (50 men, 25 women).

(d) All persons with the diagnosis of heart disease or definite hypertension were removed (Table 1). (Persons who were diagnosed as having these conditions subsequent to the sampling but prior to the interview were, however, retained). The diagnoses comprised any form of definite heart disease, including myocardial infarction, angina pectoris, and rheumatic heart disease. A total of 173 persons, 124 men and 49 women, were removed for these reasons. However, these were the only medical exclusions and other persons with known disease, some of them involving dietary therapy, are included in the dietary sample.

The wives of all the men selected for the dietary sample were then added in order to have these women available to supplement their husband's stories. The husbands of women in the random sample were not included. Since the degree of lipidemia is involved in the dietary hypotheses of atherogenesis and since this attribute had been measured in past examinations it was used as a criterion for augmenting the dietary sample. For this purpose, all male subjects in the otherwise qualified population with cholesterol levels[3] of 300 mg% or more or below 170 mg% were included in the dietary sample as "high cholesterol" and "low cholesterol males, respectively. These groups promised to be unusually potent in the evaluation of dietary hypotheses. The wives of these men were also included. These methods yielded a total sample of 1049 subjects, 503 men and 546 women. A summary of the dietary sample is shown in Table 2. These persons were to be studied in a period of 36 months.

Of the 1049 persons in the sample only 912 yielded successful interviews. The other 137 were accounted for as follows:

Not interviewed	61
Refused	33
Dead	5
Moved	23
Unsuccessful interview	76
Failed	10
No pattern	11
Dieting	11
Poor communication	4
Uncooperative	31
Other	9

It was not intended by this procedure to provide an estimate of the usual diets in the Framingham Study group as a whole but rather to collect information to test the hypotheses that "The regulation of the level of serum cholesterol and the development of coronary heart disease are related to

1. The caloric balance
2. Level of animal fat intake
3. Level of vegetable fat intake
4. Level of protein intake
5. Level of cholesterol intake . . ."

This paper presents data relating to the hypotheses respecting the regulation of serum cholesterol. To these has been added the hypothesis that serum cholesterol level is related to

6. Level of the ratio of complex to simple carbohydrates (C/S ratio).

THE MEASUREMENT OF DIET

Two reports have appeared describing the techniques used and the reliability of the measurement of dietary intake.[4,5] While the measurement of nutrient intake is exceedingly difficult the general conclusion of these methodological studies was that the procedure provided a relatively valid and reliable measure of usual daily intake.

However, diet interviews were obtained over a 4-year period and it may well be asked whether the technique remained stable over that period of time. Figures 1 and 2 indicate that the total caloric intake reported for the study group decreased measurably over the 4-year period.

In particular, levels during the last year of interviewing were substantially less than during the first three years. If one specific nutrient is considered—total grams of fat—a parallel trend is noted, as might be anticipated. That this is not easily explained by a change with time in the persons interviewed may be judged from Figures 5 and 6 which show trends in body weight. While the average weight was lower for men inter-

[1] A few interviews were obtained on the fourth and sixth examinations.

[2] Burke, B.S. The dietary history as a tool in research. J. Amer. Diet. Assoc. 23: 1041–1046, December 1947.

[3] On the initial study determination.

[4] Dawber, T. R., Pearson, G., Anderson, P., Mann, G. V., Kannel, W. B., Shurtleff, D., McNamara, P. M. Dietary assessment in the epidemiologic study of coronary heart disease: the Framingham Study. Amer. J. Clinical Nutrition 11: 226–234, September 1962.

[5] Mann, G. V., Pearson, G., Gordon, T., Dawber, T. R., Lyell, L. P., Shurtleff, D. Diet and cardiovascular disease in the Framingham Study. Amer. J. Clinical Nutrition 11: 200–226, September 1962.

viewed at the end of the study than men interviewed at the beginning of the study (a finding that might be construed as consistent with trends for total caloric intake) the opposite was true for women interviewed.

Figures 1 and 2 might also be examined for evidence of seasonal variation in reported intake. The interview was intended to elicit "usual" intake; that is, something more general than the recent diet of the individual. If this effort was successful there should be no evidence of seasonality in reported intake. Despite substantial variation from quarter to quarter in total calories reported, there is no evidence that this variation followed a seasonal cycle.

USUAL INTAKE

While it is difficult to specify exactly how the diet for this study group compares with that for the Framingham cohort as a whole or how the Framingham diet compares with that for United States adults generally, there may be some interest in the findings in a carefully evaluated group of American adults (Tables 3 and 4).

On the average, men consumed 3156 calories and women consumed 2142 calories. Some 40 percent of these calories came from fat and 70 percent of the fat was from animal sources. (There was little difference between men and women in these proportions). Caloric intake decreased with age in both men and women but the percent of calories from fat was about the same across the age range. A slightly larger proportion of the fat came from animal sources in older persons.

Distributions of various nutrient measures are given in Figures 7–20. There is obviously considerable variation in all these measures from one person to another. This is also evident in the standard deviations given in Table 3.

While caloric intake had a considerable range in the study group, there was a heavy concentration of reported intakes for men and women at the modal values (Figure 7). This appears visually in the marked "peakedness" of these curves. When caloric intake is expressed as calories per pound of body weight this peakedness becomes less marked (Figure 8). The curves for the major nutrients also tend to have a large number of values at the mode combined with considerable dispersion (Figures 9–20). Probably the most important feature of these curves is the evidence they show that diet as reported for this Study Group is by no means uniform. There is a wide range of intake.

All such assessments are, of course, dependent on one's perspective. In terms of diets in which only 15 or 20 percent of the calories come from fat almost all values for the Study Group are "high," with roughly 90 percent of the group receiving 30 percent or more of their calories from fat. Clearly, if the effects being assessed appear only above or below some threshold value, a population which was truncated at that value would be unsuitable for studying the effect.

An additional piece of information of some interest is the correlation between the major diet components and total caloric intake (Table 5). It will be noted that the major nutrients correlate highly with total caloric intake. Thus, it would be anticipated that any findings for total caloric intake would generally prefigure the findings for the major nutrients. On the other hand the various ratios and percentages tend to have a much lower correlation with total caloric intake.

RELATION OF SPECIFIED DIET CHARACTERISTICS TO SERUM CHOLESTEROL LEVELS

The relationship of specified diet characteristics to serum cholesterol levels is summarized briefly in Table 6, which gives correlation coefficients with serum cholesterol for a number of diet characteristics. The serum cholesterol value used is that determined at the time of the interview.

Caloric balance

The following measures related to caloric balance were looked at for a possible relation to serum cholesterol levels.

(a) Calories per day

(b) Daily caloric intake per pound of body weight

In addition, each measure (a or b) was examined separately at specified levels of physical activity. Calories per day showed a slight negative association with serum cholesterol level (over all age groups) in men but no association in women. This is evident from the correlation coefficients.

When the population is divided into persons above and below median caloric intake, (or median caloric intake per pound of body weight) those men with higher caloric intake tend to have lower serum cholesterol levels; but there is no similar difference found in women (Tables 7 and 8).

This finding is somewhat puzzling and it is reasonable to inquire if this is related in some way to the level of physical activity. In a given weight group persons who report higher activity levels also report higher caloric intakes Table 9). (This may be taken as a validation of both the diet interviews and the physical activity histories). What is more, relative weight tended to be great in men who were more sedentary (caloric intake fixed) or who had a higher level of caloric intake (physical activity fixed.) Again this tends to validate the measuring techniques used. These associations appear to be considerably stronger for men than women, although this may well be a function of the paucity of women reporting higher levels of physical activity.

If, then, the population is divided into high and low classes on the basis of both physical activity and daily caloric intake men in the same physical activity class tend to have higher serum cholesterol levels at lower caloric intake (Table 10). This finding is contrary to expectation.

Constructing a regression equation in the form

Serum cholesterol=a+b (physical activity index) + c (calories per day) + d (Framingham relative weight)

we find that for men aged 37–49 the regression is statistically significant and that it is near statistical significance at 50–59. These regressions are primarily accounted for by the negative coefficient assigned to the daily caloric intake. For men 60–69 and for women the regressions are not statistically significant (Table 11). These findings are generally consistent with the tabular material already discussed.

Level of fat intake

The following measures related to fat intake were used:

(a) Grams of fat per day

(b) Grams of animal fat per day

(c) Percent calories from fat

(d) Ratio of daily intake of plant fat to animal fat.

Paralleling the findings for total calories there is a slight negative association between daily intake of total fat (and also of animal fat) with serum cholesterol level, in men but not in women.[6] This parallel is not surprising given the high correlation between fat intake and total caloric intake. No association between percent of calories from fat and serum cholesterol level was shown; nor between ratio of plant fat intake to animal fat intake and serum cholesterol level (Tables 12–15).

Protein intake

There was a trivial negative correlation between daily protein intake (in grams) and serum cholesterol=a+b(animal fat)+c

[6] The relationships indicated are unchanged if the specified nutrients are expressed in grams per pound of body weight.

C/S ratio

The evidence in Table 16 when taken in the context of Table 6 can be interpreted as showing no relationship between C/S ratio and serum cholesterol level.

Dietary cholesterol

There is no indication of a relationship between dietary cholesterol and serum cholesterol level (Table 17).[6] If the intake level of animal fat is held constant there is stil no relation of cholesterol intake to serum cholesterol level (Table 18).[6] If (further) a multiple regression is calculated in the form

serum cholesterol=a+b(animal fat)+c (dietary cholesterol)

there is also little suggestion of an association between this pair of variables and serum cholesterol level (Table 19). The age group 60–69 in men is the only exception and it may be due to sampling variability. In that age-sex group a significant positive correlation between dietary cholesterol and serum cholesterol is translated into a significant bivariate regression. (Since the correlation between cholesterol intake and fat intake ranges between .606 and .717 in these various age-sex groups, it is unlikely that relationships not evident for either singly would be evident for both jointly.)

Other analyses

The failure to turn up any positive association between food intake and serum cholesterol level in the Framingham Diet Study led to the exploration of a large number of variant analyses. These were uniformly unsuccessful in finding expected relationships. Only a fraction of these explorations are included in this report.

Two other tables might be considered beyond those already presented. One is a look at mean dietary constituents for persons with "high" (300 mg% or greater) and "low" (less than 180 mg% cholesterol levels (Table 20). These groups are defined not by the serum cholesterol measurements used for drawing the diet sample but by the blood measurements made at the time of the diet interview. Another is a multiple regression using some key diet variables (Table 21).

Neither alters the generally negative conclusions already arrived at. The regression equation for men 50–59 is statistically significant (this may be interpreted as a reflection of the significant negative correlation between total caloric intake and serum cholesterol level in this age-sex group) but the regression equations for the other age-sex groups are not. It is evident that the coefficients assigned to the independent variables follow no clear pattern from one age to another. (The multiple correlation coefficients, while low, look large compared to the univariate correlation coefficients. This is a reflection of the use of 7 independent regressors rather than one but only for 50–59 year old men does the multiple correlation coefficient achieve the 5% significance level.)

Energy balance

Food intake is part of an equation which includes relative weight and physical activity. This is a dynamic relationship in which time is an important dimension. The cross-sectional data obtained by this study may reflect this relationship poorly, if at all. The following correlations from the Framingham Diet Study are not very impressive.

	Correlation of Framingham relative weight with—		
	Physical activity index	Calories per day	Both
Men:			
37 to 49	0.075 (0.030)	0.121(0.167)	0.125
50 to 59	−.008 (−.032)	.159 (.185)	.175
60 to 69	−.083 (−.089)	.120 (.110)	.188
Women:			
37 to 49	.048 (.024)	.007 (.033)	.048
50 to 59	.046 (.026)	.006 (−.011)	.046
60 to 69	−.196 (−.157)	−.040 (.013)	.199

The parenthetical entries are correlations with actual weight. These differ trivially from the correlations with relative weight.

The correlation of the physical activity index and daily intake of calories as expressed in the study data is moderate for men and poor for women:

	Men	Women
37 to 49 years	0.394	0.075
50 to 59 years	.372	.135
60 to 69 years	.411	.043

Considering the presumptive reliability of these two measurements the correlations for men are particularly interesting. Taking the data at face value (that is, ignoring sampling variation) one of these measurements, at least, should have a better than 0.6 correlation with the "true" values it purports to describe. While this is far from ideal, it is better than is sometimes suggested. In all likelihood the better measurement in men is the measurement of diet so that the estimate of 0.6 is really on the low side.

* * * * *

The low correlation between physical activity and caloric intake, on the one hand, and relative weight on the other, may be accounted for by the fact that for most people caloric intake and energy expenditure are closely balanced and that relative weight is the end product of minor differences between them accumulated over an extended period of time.

Thus, if the balance between energy intake and expenditure is critical in the control of serum cholesterol levels it might appear in the relationship of serum cholesterol level to weight change. An equation can be made in the form

$$\text{serum cholesterol (at Exam 4)} = a + b\ (\text{FRW}) + c\ (\text{change in FRW})$$

where FRW is the average relative weight over the first four examinations and the change in FRW is measured by the Exam 4 FRW minus the Exam 1 FRW (Table 22). In this analysis we use data from the entire Framingham cohort. Generally speaking, both weight and weight change appear to have a *weak* association with serum cholesterol level. Thus, energy balance, as contrasted with diet as such, does appear to have some relation to serum cholesterol level in this population, albeit not an impressive relation. The data on energy balance, however, deserve a more extended analysis than would be appropriate in this report.

RELATIONSHIP OF DIETARY IRON AND BLOOD HEMOGLOBIN

A secondary hypothesis of the Framingham Diet Study, quite unrelated to the atherogenesis study, was that there was a direct relationship between the intake of iron and blood hemoglobin levels. To the contrary, the study data suggest a weak negative association, not significantly different from zero in most specific age-sex groups but always negative, always about the same order of magnitude, and (for all age-sex groups combined) statistically significant.

FRAMINGHAM STUDY

	Number	Correlation
Men:		
37 to 49	209	−0.075
50 to 59	131	−0.091
60 to 69	83	−0.055
Women:		
37 to 49	221	−0.117
50 to 59	142	−0.084
60 to 69	75	−0.041

Whether this arises from a tendency of persons to take more iron in their diet when informed they have "marginal anemia" is difficult to say for sure but it seems unlikely. If mean intakes of dietary iron are examined for persons with low and high blood hemoglobin levels there is no indication of a dramatically high intake of iron in persons having low blood hemoglobin levels. Rather, there is a trivial difference between the intakes for persons with high and low blood hemoglobin levels (Table 23).

RELATIONSHIP OF DIET TO CHD INCIDENCE

In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.

In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of *de novo* CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk (Table 24). There is, in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD. (The large mean difference in serum cholesterol levels for men (Table 24) is exaggerated by the sampling scheme which oversampled men with very high and very low serum cholesterol levels.)

CONCLUSIONS

With one except there was no discernible association betwen reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association betwen caloric intake and serum cholesterol level in men.

While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.

It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.

On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framington Study Group. Something explains this inter-individual variation, but it is not diet (as measured here). Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.

We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated with a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.

Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact, a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

[From the Washington Post, Mar. 1, 1971]

FDA, FTC QUESTION POLYUNSATURATE ADS

(By Morton Mintz)

For a dozen years, Americans have been confronted with advertisements in medical and lay publications that encourage use of polyunsaturated fats, usually as margarines or oils, as a means to reduce the risk of heart disease.

Presently, claims made in such ads for margarines are under scrutiny by two federal agencies, the Food and Drug Administration and the Federal Trade Commission.

The agencies' investigations are under way, moreover, as medical researchers are reporting findings that heating polyunsaturates at "temperatures that are typical for family cooking" leads to resaturation of the fats—thereby possibly negating the purpose for which polyunsaturates are advertised.

One full-page ad of this kind, for a widely sold cornoil margarine, has appeared frequently in numerous medical journals.

A photograph of a boy dominates the top half of the ad. He is blowing at candles—eight of them—on a birthday cake.

"Is there a heart attack in his future?" the caption asks.

"More and more doctors," the upbeat answer in the text begins, "are coming to the conclusion that the best time to deal with coronary disease is 30 to 40 years before it is likely to occur.

"That is why they are recommending good dietary practices, especially the low-saturated-fat diet—not only for the heart patient, but for people of *all age groups*—as a means of controlling blood cholesterol and to reduce the risk of coronary diseases later on.

"Such a regimen, of course, involves the substitution of vegetable oils for animal fats wherever possible . . ."

In publications for laymen, the manufacturer picks up the same theme, but points it directly at parents.

"Should an 8-year-old worry about cholesterol?" asks the caption in an often-published ad.

Again, the answer is hopeful: Fathers and mothers who take the precaution of giving their children corn-oil margarine, Fleischmann's, in this case, are acting to reduce "one important risk to coronary disease."

Over the years, such ads, along with similar messages from non-commercial sources—the appeals to physicians reinforcing those to laymen, and vice-versa, have hammered home an implied fear:

To refrain from recommending such margarines and oils may be to invite negligently the diseases of the heart and blood vessels that, each year, cause the deaths of more than a half-million Americans.

For millions, meanwhile, such messages have made the avoidance of animal (saturated) fats part of the conventional good-health wisdom for millions.

In the process, an enormous market has been built up for polyunsaturated fats

(mainly, corn, cottonseed, safflower and soy oils. Peanut and olive oils, which are highly monosaturated, do not alter blood chloesterol levels. Coconut oil and cocoa butter are almost completely saturated).

But is it known that lowering the levels of lipids (cholesterol or other fatty substances) in the blood helps to preserve health and life?

The Food and Drug Administration says that despite a large amount of evidence, some of it conflicting, the case has not been proved.

For that reason, the FDA requires pharmaceutical manufacturers to include an "important note" in every ad for prescription medicines that lower blood lipid levels.

It has not been established, the note reminds physicians, whether drug-induced decreases in serum lipids have "a detrimental, a beneficial, or no effect on the morbidity or mortality due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question."

Many eminent men of medicine share this view. "After 20 years and several hundred million dollars," Vanderbilt University biochemist George Mann has said, "we still do not see any convincing evidence" in support of the "overpromoted and overpublicized" dietary concept of the management of heart disease.

In the prestigious Lilly Lecture before the American College of Physicians last April, Swedish research scientist Lars Werko said:

"Despite considerable effort, nobody has been able to demonstrate that it is possible to reduce the incidence of . . . heart disease by lowering serum cholesterol."

Yet, in ads for foods that have the same purpose as the drugs—that is, to lower blood lipid levels—no such cautionary advice appears.

For example, a physician going through the Journal of the American Medical Association may see the "important note" on one page, in an ad for a drug. But in the pages where there are ads for cholesterol-lowering foods he never sees anything of the kind.

Yet the secretary of the AMA's Council on Foods, Dr. Philip L. White, told a recent meeting of food editors, "We are all tired by now of the unending advertisements for oils and margarines that promise to clear our arteries in much the same way a drain cleaner works."

The inconsistency of the medicine and food ads is the product of a bureaucratic division of legal responsibilities between the FDA and the Federal Trade Commission.

The FDA is able to require the "important note" in drug ads because it has responsibility to be sure that advertising as well as labeling of prescription drugs is truthful and balanced. It has no jurisdiction over the advertising of foods.

In previously undisclosed correspondence prompted by Dr. Edward R. Pinckney, a Beverly Hills, Calif., internist, FDA Commissioner Charles C. Edwards has said that his agency would not permit the claims now in the margarine ads to be made in the labeling over which the FDA does have jurisdiction.

If such claims were to be made in the labels, Dr. Edwards told Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, the FDA "would regard the products as misbranded" and would seize them.

Indeed, Dr. Edwards said "we are considering strengthening the prohibitions" on claims of the type made in three sample margarine ads submitted to him by the subcommittee.

In the absence of all effort by the FDA to treat the advertised margarines legally not only as foods, but also as "drugs" promoted for the prevention of disease, possible action is up to the FTC, because it has responsibility for food advertising.

A few days after the Fleishmann margarine ad captioned, "Should an 8-Year-Old Worry About Cholesterol?" appeared in last November's Reader Digest the commission's Food and Drug Advertising Division began an investigation.

The staff sought "to determine whether that ad and similar ads . . . were in violation of any statutes which the commission enforces, Joseph Martin Jr., the FTC's general counsel, said on Feb. 18 in response to an inquiry from Fountain.

"The staff advises me that its investigation should be completed within the next week and that it will be enforcing appropriate enforcement recommendations to the commission," Martin said.

The differing FTC-FDA policies have been but a symptom of the confusion that besets a troubled medical-scientific community as it grapples with the mysteries of coronary and atherosclerotic heart diseases.

Dr. Pickney, the Beverly Hills internist, has assembled "ample evidence" for possibly the most ironical twist of all: that heating polyunsaturates such as corn oil tends to "resaturate" them.

Pinckney, an author and former professor of medicine at Loma Linda College of Medicine, presents his case in a paper prepared for the recent Southern California meeting of the American College of Physicians in Palm Springs.

Cooking with polyunsaturates would—"if the advertised claims for these products are accepted at face value—defeat the very purpose for which polyunsaturates are commercially promoted," he said.

"Resaturation by heating," he went on, "happens at times and temperatures that are typical for family cooking."

"But the degree of saturation becomes worse if the fat or oil is reused (as is a common custom among housewives)," he continued.

"Even more dangerous—again, assuming saturated fats are as dangerous as they are commercially exploited—are the fats and oils used in restaurants and commercial cooking establishments, where this cooking media is sometimes kept at high temperatures for months at a time, or are reheated daily (new fat or oil being added, when necessary, to maintain the proper cooking level . . ."

Pinckney contends that in addition to saturating vegetable oils, heating makes them harmful in other ways. Both contentions have been disputed. But Pinckney's "main point" is:

". . . That it would seem to me to be negligence on the part of physicians to advise the use of polyunsaturated fats and oils—for the purpose of lowering laboratory-measured blood cholesterol and other fats—without stressing the fact that such oils and fats should not be heated, or used in cooking."

(The phrase, "laboratory measure" reflects evidence that stress—along with such other factors as lack of exercise and cigarette smoking—can elevate blood cholesterol.

(". . . making the patient heart-conscious every time he sits down to eat" could have a self-defeating affect, Pinckney contends. It is even "quite possible that the single act of drawing blood from a patient—especially when the patient is made aware that the blood sample is intended to reveal the condition of his heart—could alter the resultant cholesterol value to a false, elevated reading.")

As noted, the regulatory agencies with responsibilities for foods do not require either the labeling or the advertising to disclose possible hazards in heating the oils. Neither do other primary information sources.

The National Heart and Lung Institute (a unit of the National Institutes of Health), for example, has a set of printed guidelines for treating certain patients with an elevated level of blood cholesterol.

Recommend polyunsaturates for "broiling, baking, or frying," as well as for "popping corn," the guidelines urge physicians.

The American Heart Association long has encouraged the use of polyunsaturated fats to replace a portion of the saturated fat in the diet.

The organization has drawn a rebuke for this advice from the conservative American Medical Association. Dr. White of the AMA's Council of Foods, in his talk to food editors, said the AHA's promotional messages sometimes have been confusing because no one really has pinned down the relation of diet to heart disease.

In encouraging use of polyunsaturated fats, the AHA has not referred to evidence that heating them possibly could be harmful.

The AHA has no "rigid" position on the matter, a spokesman in New York City said. Rather, he said, the AHA, as of now, simply does not regard as adequate the evidence of possible ill effects from heating the oils.

This puts the AHA at an opposite pole from Dr. Pinckney. For the past two years, he has researched the medical and scientific literature, has exchanged letters with officials of the Heart and Lung Institute and others, and has tested his views before his peers in articles and letters in the Annals of Internal Medicine and other journals.

Pinckney's new paper is to be published in "Medical Counterpoint," which is widely circulated among internists. Its editor, Dr. Mark D. Altschule, an assistant clinical professor of medicine at Harvard, shares Pinckney's views on the possible hazards of heating polyunsaturates (and, in addition, contends that blood cholesterol "cannot have a primary role" in causing coronary heart disease).

Those who would dispute Pinckney and Altschule face some awkward statistics.

In the years 1909–65, the proportion of cholesterol in the American diet has changed hardly at all, while the rate of coronary heart disease (CHD) has skyrocketed.

Reporting this last July, Dr. Harold A. Kahn of the Heart and Lung Institute said, "The increased risk of CHD reported to have occurred over this period is not related to dietary fat changes to a very important degree."

During the more than 12 years in which physicians in large numbers have tried to control serum cholesterol and CHD through dietary changes, Pinckney pointed out:

The World Health Organization has reported an increase in heart disease.

But Japan, where there has been a large increase in the consumption of dairy products, eggs and saturated fat foods since 1955, has had a 14 per cent decrease in heart attack deaths, according to the WHO.

In a letter responding to inquiries from fellow physicians, Pinckney said that the following have provided "a direct refutation for the use of heated unsaturated fats in the diet for the proclaimed prevention and therapy of heart disease:"

Dr. David Kritchevsky, an organic chemist at the famed Wistar Institute in Philadelphia, has shown, Pinckney said, "that heating an unsaturated fat (especially corn oil) to 200 degrees Fahrenheit for 15 minutes (far less than normal home cooking temperature and time) actually enhanced atherosclerosis in animals." Pinckney noted that "inferential animal studies" were the basis for the removal of synthetic sweeteners from the market.

Dr. Antoine Gattereau, director of the Nutrition Laboratory at the University of Montreal's Clinical Research Institute, has written Pinckney, "I totally agree with you" that resaturation occurs with heating.

Oils chemist Fred Kummerow of the Uni-

versity of Illinois' Burnsides Research Laboratory, also agrees that heating resaturates fats.

"In household operations I don't think there's much trouble," he said. "It's the restaurant friers that are dangerous because they use the same hydrogenated fats over and over again. In Germany these kinds of fats are banned."

Some householders, especially among the poor, also use fats over and over, figuring they cannot afford to throw them away.

Other scientists who say that heating saturates unsaturated fats include: Drs. Laurance M. Hursh, director of health services and professor of health sciences at the University of Illinois, and Dr. Penny Wells, director of the School of Public Health Laboratory at UCLA.

Resaturation is by no means the only concern. Questions have also been raised by researchers, for example, as to whether heating polyunsaturated fats causes the formation of peroxides, which destroy cells, or decreases the fats' content of linoleic acid—the ingredient the American Heart Association considers to be what makes them valuable. Further, one study indicates the possibility that the likelihood of cancer increases in persons who depend heavily on polyunsaturated fat for a long time.

All the adverse findings cited here are sharply disputed by scientists with impressive credentials and unquestioned integrity.

Without doubt, no consensus in the scientific community about the possible harm done by the unsaturated fats is in sight.

But even among those who disagree on the possibility of harmful effects, there are many who agree with Dr. Pinckney that it is inexcusable for the federal government to, say, allow one of its agencies not to impose on food advertisers the same requirements that another of its agencies imposes on drug advertisers.

Nor is there likely to be a permanent lack of consensus on two other issues raised by Pinckney in his paper:

That answers must be found, through research, to such crucial questions as what happens to the cholesterol that diet or drugs takes out of the blood? Where in the body does it go?

That advertising promoting a dietary approach to cholesterol control and prevention of heart disease, and messages from the American Heart Association that do pretty much the same thing, are not the best way to handle one of the most serious health problems of mankind.

AMERICA'S DAIRYMEN NEED PRICE SUPPORT INCREASE

Mr. HUMPHREY. Mr. President, yesterday I addressed myself to the need for increasing Dairy Price Supports. At the present time, America's Dairy Farmers are receiving $4.66 per hundredweight of manufacturing milk. This is just slightly more than 80 percent of parity.

The Secretary of Agriculture is authorized, under the law, to increase the price support to 90 percent of parity, or about $5.21 per hundredweight. Still, this is only 90 percent of a fair price. He must make his decision by April 1—a decision that will affect the livelihood of all of America's dairy farmers.

Mr. President, an excellent analysis of the dairy situation is presented in a paper entitled, "The Dairy Industry and the Public Interest: The Need For a Price Support Increase." I hope the Secretary will give thoughtful study to this paper before making his decision and I ask unanimous consent that it be printed at this point in the RECORD.

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

THE DAIRY INDUSTRY AND THE PUBLIC INTEREST: THE NEED FOR A PRICE SUPPORT INCREASE

The U.S. dairy industry has led the agricultural sector of our economy in organizing so as to better serve both producers and consumers.

The Federal Order program has been an effective means of orderly marketing of dairy products and of assuring the public an adequate supply of pure and wholesome milk and milk products.

In recent years, dairymen have further improved their efficiency through the consolidation of many small and often inefficient cooperatives into more effective regional cooperatives.

The development and operation of the standby pool has made it possible for milk producers in surplus areas to share equitably in the proceeds from the higher class I markets.

Despite this progress, the economic stability of the dairy industry still largely depends upon the income floor provided by the dairy support price for manufacturing milk. Dairymen have sometimes been able to bargain for prices above the minimum. Yet they cannot depend solely on this means of improving their incomes. Dairy farmers still cannot precisely tailor production to demand. Thus, the level of dairy income is still subject to shifts in consumption, to unanticipated increases in dairy imports and to other factors that are beyond the control of the individual producer.

The dairy support price for the marketing year beginning April 1, 1970 was set at $4.66 cwt—or 85 percent of parity at that time. Increased costs since April 1, 1970 have now reduced the parity ratio for milk to 81 percent. And, unless the Government takes remedial action, inflationary pressures in prices paid by dairy farmers will reduce the parity ratio to even lower levels.

Public interest would best be served by a support level of 90 percent of parity or an estimated $5.35 cwt, for the year beginning on April 1, 1971. Both consumers and dairy farmers would benefit. The industry would have the stability needed to deal effectively with anticipated production and consumption patterns foreseen for the 1970's.

There are compelling reasons for such an increase:

(1) A stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

(2) Adequacy and stability of dairy supplies are threatened by sharp acceleration in the downward trend of milk production. Severe and irremediable contraction in the dairy industry would be catastrophic in impact upon consumers and upon the national economy.

(3) Despite recent milk price increases, average income to dairy farmers still remains extremely low. Dairy producers are now faced with a harsh and continuing cost-price squeeze that can be mitigated only by adjustment of the support price level.

4) Establishment of the support level at the legal maximum of 90 percent of parity is needed if there is to be an orderly adjustment of milk output to milk demand during the 1970's.

5) The contribution to the national interest of an increase in the support price to 90 percent of parity would far outweigh its relatively minor adverse impact.

a) The Federal budgetary impact will be fully consistent with budget commitments of previous years. Stocks acquired by Government can be used effectively in programs to which there is firm national commitment.

b) The price support increase would not cause substantially increased prices to consumers, nor would it provoke inflationary price pressures.

6) An increase of price supports to 90 percent of parity is critically needed in order to further dairy industry "self-help" activities that can lead to eventual termination of price support assistance.

I. A Stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

Milk is one of our most basic foods. A sound dairy industry is, therefore, vital to the nutritional welfare of our nation.

Milk and dairy products, excluding butter, provided the following components of consumer diets during 1968: [1]

22.6 percent of the protein supply.
13.5 percent of the fat supply.
76.2 percent of the calcium supply.
36.7 percent of the phosphorous supply.
9.9 percent of the riboflavin supply.
11.3 percent of the Vitamin A value.
1.7 percent of the niacin supply.
4.7 percent of the ascorbic acid supply.
2.2 percent of the iron supply.
7.2 percent of the carbohydrate supply, and
11.8 percent of the food energy supply.

Virtually every developed country has a national policy assuring adequate returns to its dairy farmers in order to assure an adequate and stable supply of milk and dairy products for their consumers. Such assistance often includes subsidies—both for export and domestic consumption—and even direct financial assistance in maintaining a stable dairy cow population.

The European Community promulgates price guidelines for butter and non-fat dry milk and, when necessary, the Community sets "intervention" prices, to assure adequate income to its dairy farmers. Australia has a support price program for butter and cheese. Denmark has a two-price marketing plan through which consumers pay prices that return enhanced income to producers and facilitate exports. The United Kingdom supports the price of milk used for fluid purposes and also sets prices for manufactured products to yield a blended pool price that will assure adequate domestic production. Canada supports dairy prices. New Zealand subsidizes milk consumption.

Recognizing the nutritional importance of dairy products—particularly for children—the United States has for many years undertaken to insure that we shall always have an adequate and stable and dependable supply of milk. There can be differences as how best to achieve this national objective. No one disputes the national purpose to assure that the dairy industry will remain economically viable. Accordingly, there is cause for national concern when continued deterioration in the economic condition of the dairy industry threatens this national goal.

II. Adequacy of milk supply is threatened by acceleration of the downward trend in milk production through a severe contraction of productive capacity.

To maintain an adequate supply of milk and dairy products for the growing population of the future requires protection against sudden and sharp decline in productive capacity. During the past 20 years, there has been a steady and continuing decrease in the number of dairy farms.

This contraction of numbers is expected to continue. This trend is summarized in the following table:

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[1] U.S.D.A. "Agricultural Statistics" 1969, Table 805.

Number of U.S. farms selling milk and cream

Year	(Thousands)
1950	1,959
1955	1,475
1960	1,032
1964	641
1969	[1] 400
1980	[2] 200

[1] *Dairy Situation*, September 1969, p. 29, U.S.D.A. estimate.

[2] *Dairying in the 1970's*. Anthony G. Mathis, Agricultural Economist, Economic Research Service, U.S. Department of Agriculture, DS-329, March 1970, p. 30.

Thus, there are now only 400,000 dairy farms in this country. Four-fifths of the dairy farms operating in 1950 have gone out of business. The Department of Agriculture considers that in 1980 there will be only one-tenth as many dairy farms as there were in 1950.

This contraction has not simply been a consolidation of dairy herds into larger farms. The number of milk cows on U.S. farms has also been declining sharply.[2]

In 1950, there were almost 22 million milk cows on American dairy farms.

By 1970, this number had decreased by nearly 10 million cows to a total of 12.5 million.

By 1980, milk cows on farms are expected to decrease by another one-third or some four million cows, to a total of eight or nine million.

Decreases in cow numbers have been offset in part by increases in milk production per cow. Thus the decreases in numbers of farms and cows does not always mean an absolute reduction in milk production. In the early years of the downtrend in numbers, offsetting increases in efficiency have tempered its impact upon output. Yet efficiency gains are increasingly hard to come by. As the number of cows decreases, capacity to maintain aggregate output becomes more difficult. Dairy cows cannot be replaced quickly and inexpensively and it is increasingly difficult to increase output per cow.

All of these factors are reflected in the steady downward trend of milk production during recent years. It is a remarkable fact that 1970 milk production of 117.4 billion pounds was no higher than the production level of 1950—despite the expansion of the American economy. Moreover, annual production of milk has declined from the 1964 high of 127 billion pounds by approximately 10 billion pounds in the past six years.[3]

U.S.D.A. estimates indicate that output rose slightly in 1970 to 117.4 billion pounds, or about one percent above the 1969 output. This is the first time since 1964 that milk output deviated from its prolonged downward tend. Even so, the sustained decline in production per capita continued through 1970.

A number of factors—such as exceptionally good weather conditions and deterioration in pork and beef prices—contributed to this slight increase. Moreover, the general slowdown of the economy during 1970 provided less off-farm employment opportunities for dairymen who might otherwise have quit dairying. It also provided sources of labor for those dairymen who wanted to expand production.

Ignoring possible statistical errors in estimating 1970 output, sustained increase in annual production is not foreseen by the Department. High economic growth will eliminate the causes for the slight upturn in 1970. General increases in wages and other costs will generate increases in dairy farm wage rates and other production costs. Currently rising dairy cattle prices are again inducing close herd culling. As unemployment rates decline, off-farm employment opportunities will attract dairy farmers and dairy labor. All of these economic factors are likely soon to reverse the 1970 increase in production and to resume the long-term downtrend projected by the Department. Indeed, U.S.D.A. economists consider that, by 1980, milk production could fall below 110 billion pounds.[4] Thus, there is standing danger that sharp contraction of output could occur, with major injury to consumers and to the national economy.

III. Despite recent milk price increases, average income to dairy farmers remain extremely low and dairy producers are faced with a continuing cost-price squeeze.

The reasons for the sustained downtrend in production are not hard to find. As in any industry, dairy farmers must have sufficient income incentive if they are to remain on the farm. They must have reasonable prospect that they can produce and market milk at prices that will yield reasonable returns for their work and investment.

These fundamental conditions do not exist today for many dairy farmers. The statistics tell the story in vivid terms: [5]

From 1952 to 1970, the wholesale price of milk increased by only 17.3 percent.

Prices paid by farmers for production items increased by 36 percent. Currently, production cost increases are outstripping price increases. Under present conditions, further production cost increases appear to be inevitable.

During these years, real per capita disposable income for all U.S. wage earners rose by 50.5 percent. There is little wonder that dairy farmers have sought better opportunities.

As a percentage of parity, average prices paid for all milk sold to plants are now lower than a year ago. In January 1971 the average price of all milk amounted to only 81 percent of the parity equivalent as compared to 82 percent in January 1970.

At the end of 1970, the Index of Prices *Paid* by Farmers was up nearly 5 percent above the previous year. The Index of Prices *Received* by Farmers was up only 3 percent. The percentage increase in prices paid for manufacturing grade milk was greater than for fluid milk, due largely to a relatively strong market for cheese. Prices for cheese may not increase as much during 1971 as in 1970, while milk production costs can be expected to increase at least as rapidly as in 1970.

Some of the production items that have increased dairy farmers costs are reported in February 1971 "Farm Cost Situation" as follows:

Farm wage rates in 1970 were nearly seven percent above 1969.

Farm machinery and equipment costs were six percent higher in 1970 than in 1969, but will likely be greater in 1971.

1970 interest cost on real estate debt rose seven percent above 1969, while interest cost on non-real estate debt was up 18 percent.

State and local taxes on farm real estate in 1969 increased by 11 percent over 1968.

Insurance related to farm production is expected to increase in cost by about ten percent in 1971.

Herbicide costs have increased by 50 percent from 1964 to 1968. If herbicide use is reduced, as expected, due to anti-pollution measures, crop production costs will be increased through increased cultivation and lower yields.

A significant feature stressed in the February 1970 *Farm Cost Situation* is that purchased inputs were three-fourths the total in 1969 whereas they were less than one-half the total in 1940. This means that farmers are increasingly vulnerable to price increases in the commercial market for purchased inputs.

The single most important expense item for dairy farms is the concentrate ration fed to milk cows. The key indicator of the relationship of feed prices to returns to dairy farmers is the milk-feed price ratio. This ratio indicates the number of pounds of concentrate ration which can be purchased with the value received from one pound of milk sold to plants and dealers.[6]

As feed prices increased without a corresponding increase in milk prices—such as we have witnessed the past six months—the milk-feed ratio is lowered. This is a prime example of the recent and continuing cost-price squeeze on dairy farmers.

Corn is a major component of the dairy ration. The cost of concentrate rations has increased rather dramatically since July of 1970.[7] The corn blight crisis, and the resulting increase in feed grain prices has definitely affected this cost increase.

Accordingly, as this ration value has increased, the milk-feed price ratio has been diluted to its lowest January level since 1968. With further indications that the corn blight may have further impact in 1971 which would further increase the cost of dairy rations, an upward adjustment of at least 30 cents per cwt in the milk price is needed to offset just this one cost increase.

The special hardship to dairymen that is caused by the downward slide of milk prices as a percent of parity is compounded by the fact that dairying is more labor intensive than most farm enterprises.

The labor intensive nature of dairying is demonstrated by the table in Exhibit F. More labor is used to generate $1,000 of cash receipts in dairying than in nearly all other enterprises for which U.S.D.A. reports such data.

Further, more operator and family labor is used to generate $1,000 of income than in most other farm enterprises. This is partly because a high quality of labor is required for a productive dairy farm. Such labor tends to be relatively scarce and high-priced even in times of high unemployment because the quality of labor required by a dairyman is also likely to be demanded by industrial enterprises.

Because of predictable increases in costs of production, milk prices as a percentage of parity—and therefore real income levels—will continue to slide downward for the next two years unless the price support level is increased. The upward trend in costs of production of at least 5 percent per year will continue at its present rate during 1971 and 1972. Indeed, a review of major items suggests that annual rates of increase may go even *higher* than 5 percent during those two years.

Recent history indicates that when dairy farmers finally respond to sharply unfavorable price relationships they often do so through massive exodus from farming. The ultimate cost of repairing such a sharp down swing could be much more than the relatively modest price increases that would avert large-scale exit of resources out of dairying.

IV. Maintenance of the support level at the legal maximum is needed to provide for an orderly adjustment of milk output to milk demand during the 1970's.

There is no real disagreement between the dairy industry and the government as to the basic economic conditions that will face the industry during the 1970's. There will be sharp and continuing contraction of the industry. There will be fewer commercial dairy farms, fewer cows, higher capital costs and a higher proportion of paid labor and other purchased inputs. While number of cows per

[2] See Mathis, *ibid.*

[3] See Exhibit B.

[4] Mathis, supra, p. 32.

[5] See Exhibit D.

[6] See Exhibit E.

[7] See Exhibit E.

farm will rise, aggregate milk production will continue to decline. Indeed, the U.S.D.A. forecasts that the "dairy surplus will fade" during the 1970's if price supports were maintained at the present level.[8]

We differ with this analysis only in degree. The surplus may well disappear, but the productive capacity to meet the needs of the nation for milk may also disappear. We believe that probable U.S.D.A. estimates of milk production place too little regard on the price-cost factors that can hasten production declines. We consider that consumption estimates are unduly pessimistic.

Our estimates of U.S.D.A. projections for 1971 both at the present price support level and at 90 percent of parity are compared with estimates derived by Associated Dairymen in Exhibit G.

The U.S.D.A. projects substantial decline in dairy production over the next ten years at current levels of price support and government acquisition of stocks. Therefore, it is unrealistic to believe that the proposed 1971 support price of 90 percent of parity would have dramatic or sustained effect upon U.S.D.A. projections. For example, average milk prices rose by $1.30 per cwt. during the 1960's. Gross dairy farm income rose by $1.5 billion. Yet, production trended *down* because net income to dairy farmers was still among the lowest in the economy.

Dairy incomes are *still* at distress levels. Prospective cost increases indicate little prospect for improvement. Given adequate and stable income, production will continue to shrink and surpluses will indeed vanish. These are the basic trends.

The challenge is so to manage this downward trend as to serve the national interest—to provide an orderly adjustment of milk output to milk demand—and to avert sudden shrinkage that bankrupts producers and deprives consumers of adequate supplies at reasonable prices. Indeed, the prevention of such liquidation and the assurance of orderly adjustment are major objectives of the price support program.

The level of price support set for the 1970 marketing year cannot fully assure against the threat of such costly and irreparable liquidation. It is not even certain that support at the maximum statutory level of 90 percent will fully serve the intent of the Congress in defining milk as a mandatory price support commodity. But it is clear that this level is needed now if the intended objectives of the program are to be achieved.

V. An increase in the support price to 90 percent of parity would not have adverse public policy consequences sufficient to offset its contribution to the national interest.

In weighing the need for higher support price, there must be consideration of likely impact upon production, consumption, prices and net Treasury costs.

A. The Federal budgetary impact would be consistent with budget costs in previous years and stocks acquired by the Government could be used effectively in programs to which there is a national commitment.

We estimate that milk production in calendar 1971 will not exceed 118.2 billion pounds if the price support goal is set at $5.35 or 90 percent of parity.[9]

Supply elasticity coefficients in use some years ago are no longer valid. Farmers do not now respond to milk price increases with production increases as they did prior to 1965. As example, the $1.26 increase in all milk wholesale prices from 1965–69, an increase of 30 percent, was accompanied by a milk production *decline* of 6.4 percent.

We also estimate that commercial consumption in 1971 will be not less than 109.3 billion pounds if support prices are set at 90 percent of parity.

Population will increase in 1971 by more than two million people. Per capita disposable income should be higher. The March, 1970, Dairy Situation points out that increases in per capita disposable income of about four percent per year can be expected.

The November, 1970, Dairy Situation states that commercial disappearance of milk in all products turned upward in the third quarter of 1970 by about one percent, and that sales for 1970 are likely to be near the 1969 total of 109 billion pounds of milk equivalent. This demand strength should be maintained in 1971, even with the proposed increased support price, as a result of the stronger economy, the larger population and increased sales promotion by producer groups, using newly authorized pool funds in Federal order markets for this purpose.

Given these production and consumption estimates, projected CCC purchases during calendar 1971—assuming an increase to $5.35 cwt.—would be 5.4 billion pounds as compared to 5.8 billion pounds in 1970. The budget cost would be approximately $324 million as compared to $331 million in 1970—a level consistent with previous budgetary commitments to this program.

Of course, it may be argued that budgetary costs would be even less if the price support were set at a lower level. But this "savings" would be achieved at the expense of denying the necessary minimum income level for dairy farmers to be able to assure an adequate supply for the dairy consumer. The nation would forego the benefits of long-term stability and incur the costs of long-term dislocation of productive capacity. This is too high a price to pay. It is much too high a price to pay when regard is given to the need for dairy products in programs for which there is already firm national commitment.

B. Price support at 90 percent would not cause substantial consumer price increases nor would it provoke inflationary price pressures.

This needed price support increase would not be at the expense of substantially higher consumer prices.

Present market prices for milk and dairy products are above the "price floor" of $4.66 established by the support price announced April 1, 1970. Thus, increase to 90 percent would not increase farm or consumer prices by as much as the increase in the support level.

Dairy farmers have increased productivity at remarkable rates since World War II. They have not shared equitably in the returns for such productivity. In fact, real wage costs of dairy products have decreased dramatically. Yet, these efficiency gains passed onward to consumers have not been paralleled by comparable increases in real income to dairy farmers.

The sharp declines in real wage costs of milk are set out below:

	Man hours required to produce 100 pounds of milk [1]	Pounds of annual milk production per cow [1]
1950	2.36	5,314
1955	1.97	5,842
1960	1.42	7,029
1965	1.04	8,304
1967	.88	8,797
1968	.82	8,992
1969	.77	9,166

[1] Derived from Changes in Farm Production and Efficiency, USDA Statistical Bulletin No. 233, June 1970, table 14 and Dairy Situation, November 1970, table 2 with revised estimates for 1968 and 1969.

As the House Committee on Agriculture states it: [10]

"One hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for one hour's factory labor would buy: Milk (delivered): 10.2 quarts in 1969, 6.5 quarts in 1949, 5.1 quarts in 1939."

With these efficiency indicators, a valid case cannot be made that an increase in the support price to 90 percent of parity would generate an inflationary effect in real wage terms.

The average price in December 1970 was $4.96 per cwt. for manufacturing milk of average butterfat test of 3.80 percent. The 90 percent of parity price proposed is approximately $5.35 for milk of average test for the year. Allowing for the difference in butterfat test of approximately 0.12%, the proposed increase over the December 1970 level would amount to about 47 cents per cwt. for manufacturing milk.

This 47 cents would not be reflected in its entirety in the cost of all milk sold to consumers. Approximately 50 percent of total marketings of milk is used for fluid purposes. Much of the fluid milk supply is priced under formulae reflecting factors other than manufacturing milk values. Other fluid milk prices based directly on the Minnesota-Wisconsin manufacturing milk series values, are currently higher than the minimum Federal order price. Such milk being sold at premium prices will not automatically reflect the higher values for manufacturing milk established by the 90 percent announcement. The average price of all milk wholesale could be expected to increase by approximately 6 percent from its January 1971 level of $5.98 to $6.34.

The American consumer has not paid a disproportionately high price for milk. As noted, the real wage cost of milk has fallen sharply. Further, increases in money prices for milk at retail have been substantially lower than for all foods or for all consumer goods. The consumer price index (1957–59 price=100), shows the following relative price increases at the end of the third quarter of 1970.[11]

The overall consumer price index was 135.0.

The retail price for all foods was 132.3.

The retail price for fluid milk was 126.6.

Thus, milk has been a "good buy" even during this inflationary period. In the balancing process between the consumer interest in reasonable prices and the dairy farmer's need for an adequate return, the consumer has continued to fare well in the marketplace.

One note of caution: There *is* a continuing danger to the consumer interests. Price instability causing losses to dairy producers could generate drastic and prolonged dislocation of production and of productive capacity. Such dislocation could in turn generate drastic and prolonged increases in consumer prices.

Thus, consumer interest is best served by stable prices at adequate levels. This is why support prices are of benefit to consumers. The requested support level will assure farm income that is reasonably related to prevailing and projected farm production costs. Assured farm prices for milk can assure stable and equitable prices for consumers.

VI. An increase of price supports to 90 percent of parity is needed to maintain dairy industry "self-help" efforts so that price support assistance may eventually be terminated.

[8] See Mathis, *supra*.

[9] See Exhibit G.

[10] "Food Cost—Farm Prices," Report to House Committee on Agriculture, June 20, 1970.

[11] See Exhibit H.

No dairy farmer wants to be permanently dependent on the government for part of his income. In recent years, regional dairy cooperative have been formed to bargain for better prices, to enhance efficiency of dairy operations, and to assure more dependable dairy supplies. These cooperatives are instruments of "self-help" in the best sense—and they represent the best opportunity for eventual termination of price support programs.

But the dairy industry is still in a state of transition. Still unable fully to tailor production to demand, it must depend upon a "price floor" to maintain the returns needed for maintenance of adequate production capacity. With incomes still among the lowest in the economy, support prices must be set at levels that will counter inflationary pressures and cost increases if the industry is to reach the self-sufficiency that is now in view.

As the dairy industry "comes of age" through price bargaining, marketing activities, product research, nutritional education and improved organizational techniques, it is essential that dairy prices be maintained at tenable levels. The alternative is a permanent and growing dependence on the government as dairy price levels sink below the minimum necessary to sustain the individual producer.

Thus, an increase in the support price to 90 percent of parity is important—not only to assure adequate long-term supplies, to provide a more equitable income level, and to assure an orderly adjustment between production and demand—but to realize the potential for a fully self-supporting industry.

For these reasons, we submit that an increase of the support price to 90 percent of parity will best serve the interests of our nation in 1971 and in the years ahead.

EXHIBIT B.—MILK PRODUCTION AND PER CAPITA MILK PRODUCTION (UNITED STATES 1960-70)

Year	Total milk production (million pounds) [1]	Per capita milk production (pounds) [2]
1960	123,109	681
1961	125,707	684
1962	126,251	676
1963	125,202	661
1964	126,967	661
1965	124,173	638
1966	119,892	609
1967	118,769	597
1968	117,234	583
1969	116,345	573
1970	117,436	572

[1] Dairy situation, November 1970, p. 6.
[2] Milk production, SRS, USDA, February 1971, p. 6.

EXHIBIT D

	Index of prices paid by farmers for production items, interest, taxes, and wage rates (1957-59, 100)	Price of all milk wholesale [1]	Real per capita disposable income [2]
1952	100	$4.85	$1,641
1953	95	4.32	1,697
1954	95	3.97	1,693
1955	94	4.01	1,786
1956	94	4.14	1,841
1957	97	4.21	1,838
1958	100	4.13	1,818
1959	102	4.16	1,877
1960	103	4.21	1,879
1961	104	4.22	1,903
1962	106	4.09	1,958
1963	108	4.10	2,002
1964	108	4.15	2,109
1965	111	4.23	2,213
1966	116	4.81	2,298
1967	119	5.02	2,360
1968	123	5.24	2,425
1969	131	5.49	2,434
1970 (preliminary)	136	5.69	2,470
Percent change, 1952-1970		17.3	50.5

[1] Dairy Situation, November 1970, p. 10 and other issues of Dairy Situation.
[2] Dairy Situation, November 1970, p. 13.

EXHIBIT E.—MILK-FEED PRICE RATIOS AND RATION VALUE FOR UNITED STATES

Month	Milk-feed price ratio [1]						Ration value [2]					
	1966	1967	1968	1969	1970	1971	1966	1967	1968	1969	1970	1971
January	1.49	1.56	1.69	1.78	1.80	1.69	3.04	3.30	3.12	3.11	3.23	3.54
February	1.48	1.54	1.66	1.74	1.76		3.07	3.28	2.13	3.13	3.23	
March	1.48	1.51	1.62	1.72	1.73		3.06	3.28	3.13	3.11	3.20	
April	1.45	1.46	1.60	1.67	1.71		3.07	3.28	3.14	3.13	3.20	
May	1.41	1.45	1.60	1.63	1.66		3.07	3.27	3.13	3.15	3.25	
June	1.40	1.43	1.58	1.60	1.64		3.11	3.26	3.11	3.17	3.25	
July	1.49	1.48	1.64	1.64	1.66		3.17	3.24	3.09	3.18	3.29	
August	1.56	1.55	1.71	1.71	1.68		3.21	3.21	3.06	3.14	3.31	
September	1.63	1.64	1.78	1.80	1.70		3.24	3.18	3.05	3.13	3.41	
October	1.66	1.68	1.83	1.85	1.76		3.24	3.14	3.03	3.13	3.39	
November	1.66	1.71	1.86	1.87	1.79		3.23	3.12	3.05	3.14	3.39	
December	1.61	1.69	1.83	1.85	1.74		3.28	3.13	3.06	3.16	3.47	

[1] Pounds of concentrate ration equal in value to 1 pound milk sold to plants.
[2] Value per 100 pounds of concentrate ration fed to milk cows.

EXHIBIT F.—CASH RECEIPTS AND LABOR USED ON 21 TYPES OF FARM ENTERPRISE, UNITED STATES' 1968

Type enterprise	Total cash receipts	Total labor used	Operator and family labor	Hired labor
Dairy farms:				
Grade A, Central New York	$27,833	$4,480	$4,000	$480
Grade A, Southeast Wisconsin	25,642	4,560	4,000	560
Egg producing farms, New Jersey	30,076	4,820	3,950	870
Broiler farms, Georgia	3,474	1,850	1,700	150
Hog-beef:				
Raising farms, Corn Belt	16,387	3,600	3,000	600
Fattening farms, Corn Belt	47,627	4,210	3,200	1,010
Cash grain farms, Corn Belt	24,791	2,580	2,070	510
Cotton farms, Mississippi Delta	84,215	15,670	3,000	12,670
Tobacco:				
Farms, coastal plain, North Carolina	10,883	3,780	1,760	2,020
Livestock farms, inner Bluegrass area, Kentucky	18,815	4,030	2,420	1,610
Dairy farms, outer Bluegrass area, Kentucky	14,421	4,650	3,950	700
Beef farms, Pennyroyal area, Kentucky-Tennessee	$15,755	$4,220	$2,850	$1,370
Dairy, Pennyroyal area, Kentucky-Tennessee	17,979	5,210	3,800	1,410
Wheat-fallow farms, northern plains	16,093	2,820	2,600	220
Winter wheat farms, southern plains	18,617	3,400	3,160	240
Wheat-fallow farms, Washington and Oregon	33,632	4,110	3,570	540
Cattle:				
Ranches, northern plains-livestock area	39,844	6,570	3,000	3,570
Ranches, northern Rocky Mountain	40,259	6,700	3,000	3,700
Ranches, southwest	16,799	3,690	2,320	1,370
Sheep:				
Ranches, Utah, Nevada	48,676	6,570	3,000	3,570
Ranches, southwest	20,983	4,910	2,600	2,310

Source: "Farm Costs and Returns," Agricultural Information Bul. No. 230, revised September 1969, ERS-USDE, Washington 1969.

EXHIBIT G.—MILK SUPPLY USE AND CCC PURCHASES (MILK EQUIVALENT IN BILLION POUNDS)

	1970 actual	Anticipated USDA estimate 1971		Associated dairymen estimate calendar 1971	
		$4.66 (no change in supports)	$5.35	$4.66 (no change in supports)	$5.35
Supply:					
Milk production	117.4	117.9	118.9	117.4	118.2
Less farm use	4.1	4.0	4.0	4.0	4.0
Marketings	113.3	113.9	114.9	113.4	114.2
Beginning inventory	3.8	3.6	3.6	3.6	3.6
Imports	1.9	1.4	1.4	1.4	1.4
Total supply	119.0	118.9	119.9	118.4	119.2
Utilization:					
Commercial:					
Domestic	108.7	107.6	106.9	109.5	109.3
Foreign	.9	.9	.9	.9	.9
Total	109.6	108.5	107.8	110.4	110.2
Ending inventory	3.6	3.6	3.6	3.6	3.6
Total use	113.2	112.1	111.4	114.0	113.8
CCC purchases	5.8	6.8	8.5	4.4	5.4
USDA cost (millions)	331.0	388.0	535.0	251.0	324.0

EXHIBIT H.—COMPARISON OF INDEX OF AVERAGE RETAIL PRICES FOR MILK (GRO); INDEX OF AVERAGE PRICES FOR ALL FOODS AND CONSUMER PRICE INDEX, BY YEARS, 1950-70[1]

	Average retail prices		
	Fluid milk[2] (grocery)	All foods[2]	Consumer Price Index[2]
Year:			
1950	81.8	85.8	83.8
1951	90.7	95.4	90.5
1952	95.2	97.1	92.5
1953	94.1	95.6	93.2
1954	92.1	95.4	93.6
1955	92.3	94.0	93.3
1956	95.1	94.7	94.7
1957	98.4	97.8	98.0
1958	100.3	101.9	100.7
1959	101.3	100.3	101.5
1960	103.7	101.4	103.1
1961	104.0	102.6	104.2
1962	103.5	103.6	105.4
1963	103.0	105.1	106.7
1964	103.3	106.4	108.1
1965	102.8	108.8	109.9
1966	109.4	114.2	113.3
1967	113.8	115.2	116.3
1968	118.5	119.3	121.2
1969	121.8	125.5	127.7
1970	[3] 126.6	[3] 132.3	[3] 135.0

[1] Source: "Dairy Situation" November 1970, p. 13.
[2] 1957-59=100.
[3] Nine month average.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, so ordered.

EXTENSION OF RIGHT TO VOTE

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT 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 Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. Pursuant to the previous order, the pending question is on agreeing to the amendment (No. 11) of the Senator from Massachusetts (Mr. KENNEDY).

Under the previous order, there will now be 2 hours of debate, to be controlled by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Massachusetts (Mr. KENNEDY).

Who yields time?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of my time.

The PRESIDING OFFICER. The clerk will call the roll, with the time to be deducted from the majority leader's time.

The assistant 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.

Mr. KENNEDY. Mr. President, I send a modification of amendment No. 11 to the desk which modifies the pending amendment so that it is applicable to the reported resolution, and I ask that the modification be stated.

The PRESIDING OFFICER. The modification will be reported.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the modified amendment will be printed in the RECORD.

The amendment reads as follows:

Beginning with the word "That" in line 1, page 2, strike out all to and including the colon in line 7, page 2, 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 4, 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."

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Massachusetts has 59 minutes remaining. The Senator from Montana has 49 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself such time as I shall require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all I commend the authors of the constitutional amendment that the Senate is considering today which will provide by constitutional amendment the right for 18-year-olds to participate in all elections throughout the country. I think a great deal of the credit must go to the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Indiana (Mr. BAYH).

The Senator from Indiana (Mr. BAYH) chaired the various hearings that have been held and has been greatly interested in providing the right to vote to 18-year-olds, the millions of Americans who have for so long been denied that right and privilege.

I also congratulate the majority leader who played such an important and significant role in the passage of the statute last year, the amendment to the Voting Rights Act, which was upheld by the Supreme Court as it applied to national elections. It has been through his interest in the matter and his feeling of a sense of urgency that we in the Senate have the opportunity, hopefully, to act today to provide to all 18-year-old Americans the right to vote.

Mr. President, as one who is greatly committed to this proposal and who worked closely with the majority leader and the Senator from Washington (Mr. MAGNUSON) in the last session on the amendment which provided the vote for 18-year-olds, I enthusiastically support what I am sure will be the action taken by the Senate this afternoon and by the House of Representatives at a later date. It will at least indicate, as 86 Members of the Senate have indicated, our confidence in the young people of this country participating in a meaningful way in the democratic process in the selection of the people who will represent the citizens in the various offices across the land.

Today we are offering an amendment to this measure which, I think, is completely consistent with the spirit of the constitutional amendment to extend the right to voting to 18-year-olds, a group of citizens in our society who have been disadvantaged and disenfranchised invidiously because of not having the right to vote.

It is entirely appropriate that we consider another group of people who are disadvantaged and have been disenfranchised invidiously—the 750,000 people who live in our Nation's Capital, the District of Columbia. These citizens are similarly denied the opportunity to have representation in the House of Representatives and the Senate of the United States. They have been denied the right of representation which I think all Americans realize is so fundamental to our system and to our society.

I know, Mr. President, that there will be arguments made on the floor today that this amendment is, out of order for various procedural reasons, despite the fact those same critics know how worthy and valuable this amendment is. I am sure that there will be those who will suggest that this is a matter that ought to go through the various committee processes and that we ought to have the due deliberation of the various committees in the Senate and in the House of Representatives. However, the fact remains that this proposition providing for the representation of the people in the District of Columbia has been considered in one form or another by the Congress of the United States for some 70 or 80 years. It has been in the form of legislative proposals for some 40 years.

Yet there has not been one time over this period of time when the Congress of the United States has had a single chance to vote on this proposition. There have been few proposals that have been considered by the Members of the Senate which have been diverted and frustrated as much as the proposition we are considering today.

I think, therefore, that when we consider the days of hearings that have been held by the respective committees of the House and Senate and when we realize the simplicity of the issue, justice demands and compels us to take this action on the floor of the Senate this afternoon.

I think that the Senate will be acting completely responsively and completely within its rights in offering this amendment to the measure we are considering which would lower the voting age to the 18-years of age.

We can ask why on the basis of the merits the 750,000 individuals living in the District of Columbia should not be entitled to some representation.

The Constitution of the United States provides quite clearly that Congress will provide laws to regulate the conduct of business in the District of Columbia.

I for one cannot believe that the Founding Fathers ever thought that someday the environs of the District of Columbia would include 750,000 American citizens. Perhaps a narrow Federal triangle, yes. However, certainly they did not consider disenfranchising the number of citizens that now reside in the Federal Capital. The mothers of the District of Columbia have sent their sons to Southeast Asia to fight and die in that war.

I am mindful that more citizens from the District of Columbia have died in South Vietnam than in nine of the other States. Each one of those nine States has representation in Congress. Each of those States has two Senators and at least one Representative in the House of Representatives. The citizens of the District of Columbia know that they have lost more men in Southeast Asia than any of those nine States.

We know of the hundreds of millions of dollars that are paid in Federal income taxes that go to the various Federal programs that are approved in Congress, and still there is no spokesman in our committees, on the floor of the Senate, or in the House of Representatives speaking for the people who pay Federal income taxes. Simple justice requires and demands that we move toward consideration and enactment of this proposal.

I suppose it must appear as an extraordinary irony to the citizens of the District of Columbia when they send their sons 10,000 miles away to fight in Southeast Asia for the right of self-government of the South Vietnamese; and I suppose this must rise in their minds time and time again when their sons are in training, or traveling across the South Pacific, or in the jungles of Southeast Asia. They must wonder why they are out there fighting for self-determination on the part of the South Vietnamese when they are denied that right in the Nation's Capital. Certainly, very little justice is suggested by this course of action.

Finally, it is extraordinary that we in this Nation who pride ourselves on being the bastion of freedom and democracy in the world should have the citizens of the Nation's Capital denied the opportunity and the role of participating in decisions and judgments which affect directly their lives and well being.

We hear time and time again talk about participatory democracy and bringing more people into the system. Well, there is no example which presents itself more vividly than the fact that the citizens of this great community are denied the opportunity to participate in the routine decisions which affect so dramatically their welfare.

It has been said that the District of Columbia is America's last colony. I think this comment is entirely accurate. We admit it with no sense of pride. We admit it and I think today we have an opportunity to move in a significant and important way to remedy that situation.

That is why the distinguished Senator from Missouri (Mr. EAGLETON), and Members on both sides of the aisle, Republicans as well as Democrats, join in this effort to eliminate this injustice.

Mr. EAGLETON and Mr. COOK addressed the Chair.

Mr. KENNEDY. Mr. President, we are under a time limitation. If the Senator from Kentucky wishes to be recognized I will be glad to yield to him but first I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I wish to support the remarks just made by the distinguished Senator from Massachusetts. I desire not to be repetitive but to approach the matter from perhaps an additional and different point of view.

The notion of full voting representation for the 750,000 of the people of the District of Columbia is not new. It did not originate ab initio in the mind of the Senator from Massachusetts. It had a long history before this Congress, a history of inaction and inattention.

It has been proposed by Presidents of the United States, including the most recent three Presidents of the United States, Presidents Kennedy, Johnson, and the incumbent in the White House, President Nixon. In his April 1969, message to Congress, President Nixon said:

> It should offend the democratic sense of this Nation that the citizens of its capital comprising a population larger than ten of the States, have no voice in Congress.

So there is nothing new about this matter; there is nothing sudden about it; and there is nothing unforeseen.

The question that arises, Is this an appropriate time and place, and is the 18-year-old vote amendment an appropriate vehicle to consider full voting representation for the District of Columbia? I submit that it is unquestionably.

We have before us now in the 18-year-old vote proposition a measure which will afford voting rights to a class of individuals throughout the length and breadth of this Nation who have up until now been denied the right to cast their votes for President, U.S. Senator, Representative, and so forth. We will attempt to remedy that long-standing omission by passing a constitutional amendment to be submitted to the 50 States for ratification so that individuals of this country who are 18, 19, and 20 years of age can fully participate in the fruits of democracy.

Just as that class of citizens has been denied the right to participate—and by participation I mean to be able to vote for people of their choice by ballot—so, too, for the entire history of this country has a class, a group of citizens likewise been denied full participation in the selection of their public officials, namely, the residents of the District of Columbia. Therefore, I think this is the right time and this is the right vehicle to debate, discuss, and hopefully to adopt this particular measure.

The constitutional amendment providing for the 18-year-old vote presumably will be moved along expeditiously and sent to the 50 States for ratification in the hope that three-fourths of them may act promptly enough so as to avoid the disparity in the voting process by the 1972 election which might flow from the Supreme Court decision of a few months ago. The District of Columbia amendment of the Senator from Massachusetts (Mr. KENNEDY) in no way encumbers this process. It is, by its own words, separable. It would go to the States and those States that wish to act promptly and quickly with respect to the 18-year-old vote provision could do so and hold in abeyance for greater debate, if they desire, for a year or so, or to a later date, the efficacy of giving the vote to the residents of the District of Columbia. It in no way impedes or obstructs the quick ratification of the 18-year-old vote amendment by the several States.

That is the history, in brief, and the procedure, as I view it, that we face at this time. Why is it important that the residents of the District of Columbia have a full voice in Congress and not a muffled voice, not a voice that can speak when permitted, but a full voice that can be heard not only in terms of speechmaking, but in voting. And is that not what counts in Congress? The ultimate test of success of legislation is the number of votes obtained. In the Senate 51 votes are required now and 218 are now required in the House of Representa-

tives. Speechmaking is fine. We are indulging in that now and there will be other speeches. But the point is, Mr. President, can you vote yes or no on a particular piece of legislation as it may affect your constituents? That is what the residents of the District of Columbia are denied and have been denied.

We in Congress come from 50 States outside the District of Columbia, from as far away as Alaska and Hawaii, to as close by as Maryland and Virginia—100 Senators and 435 Representatives—and make decisions, some minuscule and some of tremendous importance as to the destiny of the District of Columbia, and at no time is a spokesman of the District of Columbia, accountable to the people of the District, permitted to participate in that process.

What are some of these decisions that we make on behalf of our constituents, and I use that word loosely—accountable or unaccountable constituents? We have a part of Mayor Washington's legislative package before us at the present time in the Committee on the District of Columbia. One of the measures Congress will be called upon to decide this year—and I suggest we can dispose of it more quickly than the SST—is whether we should authorize members of the District of Columbia Fire Department and the Park Police to participate in the Metropolitan Police Department Band.

That is going to be a Federal statute, apparently, that one of these days 100 U.S. Senators and 435 Members of the House are going to be called upon to decide.

Last year, in order to make life easier in the District of Columbia, we passed a reform statute that permits the flying of kites in the District of Columbia, so that the international fly-out contest could be held at the base of the Washington Monument.

We passed, I think, a good reform procedure last year relating to snow and ice removal.

Another one of our reforms last year related to license fees for the District of Columbia. In order to alleviate the financial crisis in the District of Columbia, we imposed license fees by Federal statute so that a registration fee of 25 cents was reequired for each dog owned or kept in the District of Columbia. We are also going to charge $2 if it is necessary that we impound the dog of a resident of the District of Columbia, and we do that by Federal statute.

One hundred of us in this body from without the District of Columbia passed legislation—a Federal law—requiring a $100 fee if one wishes to conduct a closeout sale.

In previous years we have passed such fine pieces of legislation on behalf of these constituents who are voiceless as those which I now name:

In the 90th Congress we amended an act to provide for a public crematorium.

Also, to make life easier in the District of Columbia, we passed a Federal statute in the 90th Congress to permit the name of a spouse to be added to a trailer registration.

Perhaps most significant of all—and I am sure life is much better by reason of it—in the 89th Congress this body considered a provision for construction of a velodrome in the District of Columbia. For those of you who are not athletically inclined, as I am, a velodrome is a place where bicycles are raced.

This is the minuscule; this is what 100 people from 50 States spend their time for on behalf of the District of Columbia residents who have no voice. I do not know that anybody wanted a velodrome in the District of Columbia. I guess somebody did. I suppose somebody wanted to impose a $100 license fee for a closeout sale. I guess; I guess; I do not know.

But the truth is, if we are going to continue in this exercise of minutia, in this endeavor to pass Federal statutes on matters which even most city councils would not do by ordinance, at the very least there ought to be two Members in this body from the District of Columbia who can speak up for their people and who are accountable to their people, to see whether they want some of these unimportant statutes or, more importantly, whether they want something which is more significant. For example, should they not have a right to vote in the District of Columbia to decide whether they ought to have an elected mayor or elected city council? Here we have Federal statutes to cover the "itty-bitty" matters I have mentioned. They should have a right to decide whether there should be a Federal law providing for a 30-percent Federal contribution. That is important. There should be an ongoing Federal contribution.

Should there not be two men or women in this body who have just as much interest in what is good for the District of Columbia and what they want, as every one of the States has, some of them very small, 10 of them smaller in population than the District of Columbia, who can keep ever present in their minds the question, "Is it good for my people," as they do for Nevada or Utah or the Dakotas or Montana?

Why should the people of the District of Columbia be represented either by absence or by sufferance or by tag-along? I am a perfect example of what is representation by tag-along. I am chairman of the District of Columbia Committee, not the most coveted position in the U.S. Senate, I assure my colleagues. In my normal routine day, after trying to dispose and contemplate those matters that I think have some direct bearing on the people of my home State, Missouri, the people who sent me here—and I hope will keep me here—and then considering such matters as are before committees of the Senate that have some national scope insofar as jurisdiction is concerned, and after perhaps attending to personal chores, if I have 5 minutes, or perhaps 10 minutes, then I can contemplate and guess at what might be good for 750,000 people that I do not know, and to whom I am not accountable. They cannot elect me and they cannot defeat me. And if I have time, if I want to give it some time, that is what they get from me. That is what they get from other members of the District of Columbia Committee, and I daresay they get even less from the other 93 Members of the Senate who do not serve on the District of Columbia Committee.

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

Mr. EAGLETON. I yield.

Mr. HUMPHREY. Will the Senator explain if his particular proposal contains what we call separability, so that the constitutional amendment proposal for the 18-year-old voting would not in any way be jeopardized by the tie-in of the District of Columbia proposal?

Mr. EAGLETON. The Senator from Minnesota is correct. It is separable. If the Minnesota Legislature, when it met this year, said "We want to ratify the constitutional amendment for 18-year-olds to vote," it could ratify it—and we hope three-fourths of the States will do that—but it could also say, "We want to think for 2 more years about the District of Columbia representation in Congress, so we will postpone that until later."

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

Mr. EAGLETON. I yield.

Mr. HUMPHREY. In other words, is the proposal of the Senator from Massachusetts and the Senator from Missouri that we should get before the States in the process of amending the national Constitution the proposal for adequate representation in the Senate and the House for the District of Columbia, equivalent to the representation of the States?

Mr. EAGLETON. That is precisely our position.

Mr. HUMPHREY. So it is wrong to assume that the passage of this particular proposal would in any way impair the 18-year-old-vote constitutional amendment?

Mr. EAGLETON. That is the way the Senator from Massachusetts and I view it.

Mr. HUMPHREY. Permit me to take just a moment, if the Senator will yield for that purpose. I have another appointment, and there is no need for me to say more——

Mr. EAGLETON. With the permission of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield.

Mr. HUMPHREY. Mr. President, I want to take about 2 minutes to say that I have long been an advocate of home rule for the District of Columbia. We have made some progress with an elected school board. We now have an appointed mayor and an appointed city council.

The argument that has been made, year in and year out, for home rule, I believe is a solid, irrefutable argument, justified by the history of this country and justified by the simple arguments for equal treatment.

The Senator from Missouri, chairman of the Senate Committee on the District of Columbia, has stated directly the problems that the committee and this body and this Congress face in dealing with all the tag and minutia of local government. There is an old American maxim or slogan, "No taxation without representation," and here we are in the

Nation's Capital, one of the great cities of America, larger in population than several States, in which citizens are required to pay substantial amounts of Federal taxes, voted by representatives in Congress but taxes paid by people who have no representation in Congress.

I think it is indefensible. I do not care what the history of the Federal city may be. The fact is that there are American citizens living here who only recently were given even the right to vote. We treat them worse than we treat people in other parts of the world.

The Senator from Massachusetts and the Senator from Missouri are once again asking the Senate to do what is just, to do what is right, and to do what is fair. If their proposal were tied in to the point where it would jeopardize the 18-year-old vote amendment, I could not support it; but I must say I believe it is time the people of the United States faced up to the facts of this great Federal city. The fact is that this city has no representation in the Congress of the United States. The fact is it is getting very difficult to get Members of Congress to serve on the Committee on the District of Columbia.

The facts are that people here have no real representation, except out of the kindness and goodness of heart of men like the Senator from Missouri. The facts are that it is time for reform. We have been talking a great deal about modernizing and reforming the Government, and I think one of the necessary reforms is reform for the District of Columbia.

I commend the Senators. I think they have again demonstrated their insight into the problems of government. This city is not going to be the kind of city it ought to be until the people of the city feel that they have a stake in their Government. I think it was John Stuart Mill who once said:

> Let a man have nothing to do for his country, and he will have no love for it.

If a man have no participation in his government, and no representation in his government, why should he call it his government, then? A community of almost a million people cannot or should not be long denied the opportunity to call its government its own.

I thank the Senator.

Mr. EAGLETON. Mr. President, I am deeply grateful, as I know the Senator from Massachusetts is grateful, for the most compelling and persuasive remarks of one who has labored long and hard in this body on behalf of the residents of the District of Columbia.

Mr. MANSFIELD. Mr. President, I yield not to exceed 10 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I rise first to state that on the introduction of Senate Joint Resolution 7 my name appears as a cosponsor. I must say in all fairness to the distingushed Senator from Massachusetts and the distinguished Senator from Missouri that I did not authorize the use of my name as a cosponsor of this resolution, and I would like the RECORD to so show.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator's name be withdrawn.

I point out at this time that there must have been a breakdown in communications, because it was my understanding that there was authorization; but I ask unanimous consent that the Senator's name be withdrawn.

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

Mr. COOK. Second, Mr. President, I rise to oppose the amendment and the remarks that have been made in support of it by the Senator from Massachusetts, the Senator from Missouri, and the Senator from Minnesota. I oppose it because of its limitations.

Its limtations are that regardless of the size of the District of Columbia, regardless of how big it may become in the future, regardless of how many representatives it may be entitled to, it still is completely and thoroughly subjected to the limitations of the 23d amendment to the Constitution, which say that under no circumstances will the District of Columbia and its people ever be allowed more than the electoral votes of the smallest State of this Union.

I refer to section 3 of the pending amendment, which says:

> 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.

In other words, they have taken care of the matter on a piecemeal basis. They say that the District of Columbia should be entitled to voting representatives; that the District of Columbia should be entitled to Senators; that the two or three or four political parties can have political races; but we would say to the people themselves according to this amendment:

> The built-in inequality of the Twenty-third Amendment as to you, the inequality that regardless of your size, you shall be considered no greater in force under the present system of electing a President and a Vice President than the smallest State in this Union, shall remain.

I suggest, Mr. President, that there are many American citizens in this position. For instance, I serve on the ad hoc committee to determine the availability of the presidential and vice-presidential vote for the people of the Island of Puerto Rico. Every one of them are American citizens, Mr. President. The people of the Virgin Islands are American citizens. Yet they do not even have the opportunity to vote for President or Vice President. The people of the Virgin Islands pay Federal income taxes, and yet they have no vote.

If we are to determine, Mr. President, that the people of Puerto Rico, for instance, when we make our report to the President, should be entitled to vote, how do we get around the 23d amendment, which says that we have taken, for the first time, with the adoption of the 23d amendment, a territory other than a State, given them the right to vote for President and Vice President, and yet said to them, "Your proportion of the electoral vote for President and Vice President shall be limited to that of the smallest State?"

The population of Puerto Rico is almost 3 million. Would they really want to be limited to the built-in inequality of the 23d amendment? I think not. So I can only say that when we talk in terms of seeing to it that the people of the District of Columbia are entitled to representation, let us not talk about whether the people of the District of Columbia are entitled to two Senators, or a number of Representatives proportionate to their population; let us talk about all of the people of the District of Columbia, Mr. President. Let us talk about whether all of the people of the District of Columbia have an equal say in the selection of the President and the Vice President.

This community may grow in size to 5 million. It would then be entitled to two Senators and nine Representatives. Yet under this amendment, they would still have only three electoral votes.

In essence, I am asking, Are the people of the District of Columbia really being represented by reason of this proposal? I ask the question sincerely. And I can only say, in that respect, that if section 3 means what it says, that—

> This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution—

And I read the 23d amendment, the second paragraph:

> A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.

That means, right now, that they have three electoral votes. So I can only say, Mr. President, that if we are going to take care of the problems of the District of Columbia, in all fairness, let us take care of all the problems. Let us take care of the built-in inequality that was built into the 23d amendment. If we do that, we take care of the problems that present themselves to the other millions of American citizens who do not live in States, who live on the island of Puerto Rico, which has belonged to us ever since we acquired it from the Spanish.

Under the 23d amendment, we have limited the representation of the people of the District of Columbia, in choosing their President and their Vice President, to equality with the least State of this Nation; and the amendment proposed by the distinguished Senator from Massachusetts and the distinguished Senator from Missouri retains that problem.

So, Mr. President, I have risen to speak against the amendment only because I think when one tackles a problem, one should tackle the whole problem. I think the amendment tackles a very serious part of the problem, but I do not believe it tackles all of it.

I do not think we should have to come back at a later date and say, "Now, we have one more problem that has to be solved for the people of the District of Columbia, that of amending the 23d amendment to give full equality for the citizens of the District of Columbia."

Mr. President, I yield the floor.

Mr. KENNEDY. I yield myself 3 minutes, and then I will yield to the distinguished Senator from Maryland.

Mr. President, it amazes me that my good friend, the Senator from Kentucky,

would like to use the quotation from the 23d amendment, which is one additional kind of example of discrimination against the people in the District of Columbia. In order for them to get the right to vote, one of the most basic and fundamental rights, they had to make adjustments and compromises to limit their representation in terms of the electoral system. It is one additional example of invidious discrimination. To use the 23d amendment as justification for denying this right today is just compounding the felony.

The examples that the distinguished Senator from Kentucky used are a good deal different from the proposal we have here today. The people of Puerto Rico had an opportunity to vote and indicate whether they wanted statehood. Procedures were established. They had an opportunity to vote for commonwealth or independence or statehood, and they made a determination based on their desires. Perhaps sometime in the future they will change that judgment. Nevertheless, they have been afforded that opportunity, which the people of the District of Columbia have for too long been denied. If the people of the Virgin Islands want to make some proposal and want some admission and representation here, too, we should not deny them that opportunity. We have a procedure for permitting them to make some indication as to what they want for their future. But the District of Columbia is the only example written into the Constitution that denies them the right for representation, and this is the basic and fundamental question. That is why this matter is of such urgency and importance.

The whole tradition, the whole history, in terms of consideration of the District of Columbia, is sufficiently unique to bring about a distinction.

If the Senator from Kentucky would like to say that just because our proposal for two Members of the Senate and two Members of the House of Representatives would be, in effect, four electoral votes, and he thinks that under the 23d amendment they are allowed only three, would he be willing to support two Members in the Senate and one Member in the House? Why are we setting up this kind of test for the District of Columbia?

The distinguished Senator from Kentucky was not in the Senate when Hawaii became a State but when it became a State, they got two Members of the Senate and two Members of the House of Representatives. Why were we not standing up then or saying they had to come in as the smallest or the least of the States because they would have more electoral votes than a number of other States? Once again, we are advancing a proposal to work to the disadvantage of the people of the District of Columbia, and I think this has really been all too well written into our tradition in the past.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. COOK. Did I correctly understand the Senator to say that the people of Puerto Rico had a choice as to whether they wanted to be a State?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. MANSFIELD. I yield the Senator 2 minutes.

Mr. COOK. Whether they wanted to be a State or whether they did not want to be a State? Did I correctly understand the Senator to say that?

Mr. KENNEDY. In 1967 there was a plebiscite in which, as I understand, the alternatives were suggested or the people of Puerto Rico had an opportunity to express themselves on the question of independent commonwealth status or procedures to move to statehood. No such procedure has ever been advanced for the District of Columbia.

It is always interesting that those who oppose any kind of representation are always throwing up roadblocks in the final hours before we have a chance to vote on this. I am for establishing similar kinds of procedures for the District of Columbia and let them decide eventually whether or not they want statehood.

Mr. COOK. I hope that the Senator from Massachusetts does not think that I am throwing up roadblocks. I have presented what I thought was a serious problem and serious defect in this resolution. It is not my resolution. If this cure could be made in this resolution, I would vote for this resolution, because I think the 23d amendment is an inequality developed for the purpose of seeing to it that the District of Columbia has no greater representation than the smallest State. If that could be cured, I would be in favor of the Senator's resolution, and I want him to know that.

Mr. KENNEDY. Mr. President, will the Senator yield, on my time?

Mr. COOK. No. I have been yielded 2 minutes by the majority leader.

Mr. KENNEDY. I mean that I would use my time to make a response, instead of using the Senator's time.

Mr. COOK. I yield.

Mr. KENNEDY. Do I correctly understand the position of the Senator from Kentucky to be that he supports the representation of two Members from the District of Columbia in the U.S. Senate?

Mr. COOK. I am for representation for the District of Columbia as if it were adopted and considered a State of the Union, on an equal basis for all its people, not representation for its people only in the House or in the Senate, but for the selection of the President and Vice President as well. The 23d amendment denies them equality in the selection of the President and the Vice President.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 24 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Maryland whatever time he desires.

Mr. MATHIAS. I thank the Senator from Massachusetts for yielding.

Mr. President, my reaction to the remarks of the Senator from Kentucky is somewhat different from that of the Senator from Massachusetts. My reaction is that the Senator from Kentucky has done a very thoughtful and valuable thing here today, because what he has underscored and emphasized is the shabby treatment that the District of Columbia and the people of the District of Columbia have received from Congress from the day the District of Columbia was established pursuant to the provisions of the Constitution of the United States.

I think this is shabby treatment today, because, while I am in great sympathy with the motives and goals of the Senator from Massachusetts and the Senator from Missouri, the distinguished chairman of the Committee on the District of Columbia, it is almost inconceivable that a proposition with the merit of the proposition for which we seek to gain the support of the Senate today would not sit on its own bottom, would not sail through the Senate with nearly unanimous approval. Yet, here we are, because of the long history of shabby treatment that has been given to the Nation's Capital, forced to resort to treating this subject as a rider on another measure of proven popularity. I think that is part of the shabby history.

Mr. President, I am going to vote for this amendment, and will vote against any motion that may be made to table it, because I think that clearly we are here dealing with one of the anomalies of history that has plagued the District of Columbia for almost 200 years.

The reason for the District of Columbia is this: Before there was a city of Washington, before there was a District of Columbia, the Continental Congress was sitting in Philadelphia. The unhappy fact is that troops, who were desperate because of poor pay and inflated money and various other grievances, mutinied and threatened the Continental Congress. The Continental Congress felt that neither the city of Philadelphia, the municipal authority, nor the Commonwealth of Pennsylvania, the State police power, exerted itself to protect Congress. The Members of the Continental Congress, who were in some cases the same Members who later were elected to the Constitutional Convention, determined that never again would the Federal Government be placed in a position where there was a State or municipal police power interposed between the people and the Federal Government.

So they wrote the constitutional provision for the establishment of a seat of national government with no police power interposed between Congress and the people, so that the police power at the seat of government would be the police power of the Federal Government.

I think that is sound constitutional policy. I do not think that anything we are doing here today impinges upon that. Once we have removed the police power of a State or a city from between the Federal Government and the people, then we have accomplished the full constitutional purpose of the founders of this Republic. That has been done. Once that purpose has been accomplished, there is no other reason why the people of the District of Columbia should be

any less American citizens than anyone else in any one of the 50 States. They are entitled to full citizenship.

I have not come to this position lightly. When I first came to Congress nearly 12 years ago, I was rather opposed to some of these ideas about home rule and representation for the District of Columbia. But my experience on the District Committee in the other body and on the District Committee in the Senate, my experience and observation of what is really the neglect of the essential interests of the people of the District of Columbia, plus the fact that they are more numerous than the populations of a number of States which are represented here in the Senate, and the fact that we deny, by the conditions which exist here, some of the most fundamental principles of this Republic—all of these have slowly led me to the belief that home rule, as desirable as it is, is not enough without that full representation in Congress which is an attribute of American citizenship. There is no constitutional reason and no reason in principle why that attribute of citizenship should not belong to the people of the District of Columbia.

I, therefore, hope that the Senate will recognize and advance this right this afternoon. I intend to support the measure offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Missouri (Mr. EAGLETON), the chairman of the Senate District Committee.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Maryland for his comments.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. (STEVENSON). The Senator from Massachusetts has 19 minutes and the Senator from Montana has 40 minutes remaining.

Mr. MANSFIELD. Mr. President, so far as the Senator from Montana is concerned, he would be prepared to allot to himself the last 9 minutes to wind up this debate and turn the other time over to the distinguished senior Senator from Massachusetts.

Mr. KENNEDY. What we would like the opportunity to do is to develop these points further with the distinguished majority leader and those who have reservations about procedures which we follow regarding the merits of our cause. Both the Senator from Missouri (Mr. EAGLETON) and I have additional comments to make but we are interested, I think, in trying to respond to the questions of those who have reservations about either the procedures we are following here or the merits of our proposal.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, will the distinguished Senator from Massachusetts yield to me at this point for a question?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. As the Senator knows, I am a cosponsor of the legislation which he introduced earlier this year on this subject. I have not cosponsored the amendment being discussed today. The purpose of his legislation has my support. It is a needed measure to secure full representation for the citizens of the District of Columbia. And I will vote in the Senate on the merits of that resolution when it is before us, but I cannot today vote for it in connection with Senate Joint Resolution 7, I just make this statement for the RECORD, indicating that I believe presentation of the amendment now, worthy as it is—and it is understandable that the Senator, joined by the Senator from Missouri (Mr. EAGLETON), would present it—is not the opportune time. I say that in good purpose, believing in the subject matter and in the cause which the Senator and others have advocated.

Mr. KENNEDY. Mr. President, I appreciate the comments of the Senator from West Virginia. As the Senator might be aware, I have commended him on his efforts to bring about a constitutional amendment to provide for the 18-year-old vote which we are about to consider in the Senate. I believe he has been the earliest sponsor of such a proposition and he deserves great credit for bringing it to the point where we are now having the opportunity to consider it here today.

On the question of timing, we can always consider various alternatives. I remember, when we were considering proposing this as an amendment to the electoral reform bill, there were those who said, "Well, if we put this amendment onto electoral reform, where we need only five more votes to get two-thirds for electoral reform, and if this gets attached to it, we will send electoral reform down to defeat and therefore it is not timely to have that."

There have been those who opposed it in terms of an amendment to the equal rights for women, saying that it would not be able to make it if it has to go with that proposition as well.

So there is always a question of timeliness. I am aware of the observations that have been made by some Senators that if we attached this to the 18-year-old vote we will see a delay and even frustration in the purpose of the direction of the legislation. I am very much aware of those propositions, because I heard them all last year when we were talking about amending the Voting Rights Act with the 18-year-old amendment. There were those prophets of gloom and doom who said that if we attached the 18-year-old vote to the Voting Rights Act we would find delay in the most basic right, the right to vote, and if we attached it the Senate would not take it, and so forth, and there would also be the question of more complication.

We took the better part of wisdom and moved forward. The Senate, on both sides of the aisle, responded admirably to the 18-year-old proposal. The House of Representatives passed it and it was upheld in terms of national elections for 18-year-olds. I think in terms of our present procedures, we are acting prudently and we are acting responsibly.

I know there are those who say that this may be blocked in conference, but we can come to that when we have to come to it. We are not there at the present time.

There are also those who say the different State legislatures, if this is delayed for a few days, will not be in session. But once again that proposition has to fall when we realize that coming into next year there will be some 34 State legislatures that will meet in 1972 and nine others later this year, to ratify this 18-year-old voting constitutional amendment even if the District of Columbia amendment is attached to it. There are many other State legislatures that will be meeting to consider reapportionment. There are congressional districts also, so I think we are providing adequately for a possibility of this nature.

So I would hope that those who feel this would serve as some kind of hindrance, in terms of reaching orderly consideration of the 18-year-old constitutional amendment by the respective States, would have some appreciation for these facts.

Mr. RANDOLPH. Mr. President, will the distinguished senior Senator from Massachusetts yield further?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. When I was serving in the House of Representatives, I introduced legislation for District of Columbia representation in Congress. I believed in it then and I believe in it now. I will welcome the opportunity to support such legislation as a separate measure.

I am not critical of the commendable efforts being made at this time to attach the amendment to the pending resolution. I am only saying that each Senator in his own thinking has to resolve a matter of this kind. That is why I have explained my position today.

Mr. KENNEDY. Mr. President, I appreciate that, and I understand the Senator's position.

Mr. EAGLETON. Mr. President, will the Senator from Massachusetts yield me 3 minutes?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I address myself to the only objections that have been voiced vocally by the Senator from Kentucky and will then, in a shadowboxing way, try to address myself to such objections as I can conjure that might be raised by others who have not spoken and will not speak before 2 o'clock. It is a bit difficult and rather hypothetical, but it is about the best we can do under these circumstances in this debate.

Insofar as the objection of the Senator from Kentucky is concerned, he loves the Kennedy-Eagleton amendment. He loves it to death. He loves it so much that he says it does not go far enough. It is not good enough for him to have two Senators and two Congressmen, which is what the current population of the District of Columbia would warrant if it were a State. He is very much worried what will happen when the city has 5 million people with the gigantic high-rises by that time built on the Four Sisters Bridge, or will it be the Five Sisters Bridge or the Six Sisters Bridge.

He wonders what we will do when we

have 5 million people. He thinks that we must provide for this contingency. I am sure that the Senator from Massachusetts and I will be very willing to accept a perfecting amendment to this amendment from the Senator from Kentucky to this amendment, which we hope will be the 26th amendment to the Constitution, that would rectify the inequities that have been created by the 23d amendment.

Mr. President, we appreciate his warm embrace of our proposal. We wish he loved it a bit more realistically than stated on the floor.

As to the objections that might be raised, the Senator from Minnesota raised a question in a very appropriate way. He asked what would happen if this proposed amendment to the Constitution containing both the right for the 18-year-olds to vote and congressional representation for the District of Columbia goes to the 50 State legislatures. He asked whether they must ratify it en bloc or separate it and act expeditiously and promptly on one part and be deliberative on the other. The answer is a categorical yes. Any State legislature can ratify it en bloc, in toto, or one part or the other, as they see fit. In no way, in my judgment, will it impede the ultimate progress and success of the 18-year-old amendment.

Finally, the point may be raised that this is not the way to do it procedurally. As is so often the case, we have with us people who agree with us on the merits but say that procedurally this is not the way to do it. They say that we should take the clean bill reported from the committee.

Mr. President, if we were to do that, this would be a long way down the road. Mr. President, District of Columbia home rule bills, representation bills, and the constitutional amendments relating to the District of Columbia have been pending in the committees of Congress, I guess, since the very first day that Congress convened.

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

Mr. KENNEDY. Mr. President, I yield the Senator from Missouri 2 additional minutes.

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

Mr. EAGLETON. Mr. President, if procedure be a hangup—and I am not sure that it is—I point out that the 23d amendment to the Constitution, which was promptly acted on by the Senate committee, was adopted by the Senate as a floor amendment. That was the only way we could get it acted on. It could not come out of the committee. That is the amendment that provides that the people of the District of Columbia could vote for the President and have three electoral votes. That measure had been kicked around in Congress not for a millenium, but for a century.

Interestingly enough, that was one of the most swiftly ratified constitutional amendments in the Nation's history. From the time in 1960 that Congress tacked the 23d amendment on as a floor amendment to the time it went to the States and was ratified, it took 10 months. That is almost a track record for brevity insofar as State ratification of a proposed or submitted constitutional amendment.

So, in my judgment, talking somewhat legalistically, it is a precedent. It is a case in point, first, for doing this by the amendment route on the floor; and, second, it is illustrative of the fact that it in no way impedes, impairs, obstructs, or delays action. That amendment, as I have pointed out, was one of the most swiftly ratified of all constitutional amendments.

Mr. President, I attempt, as best I can, to meet objections that have been voiced and try to anticipate the objections that might be raised in the minds of some.

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

Mr. EAGLETON. I yield.

Mr. KENNEDY. Mr. President, would not the Senator agree with me, as suggested by his recent comments, that this is really a question on which the American people really do not understand that there are 750,000 people in the District of Columbia that really do not have voting representation?

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

Mr. KENNEDY. Mr. President, I yield myself such time as we might require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am convinced that great numbers of American people never realized that the people in the District of Columbia did not have the right to vote in presidential elections.

As pointed out by the Senator from Missouri, when the people realized that fact, they were just as amazed and surprised as one could possibly imagine. They then took action to insure that the people of the District of Columbia would have the right to vote.

I think it is an exact parallel in terms of representatives in the Government. Obviously if they have the right to vote in presidential elections, they should have the right to vote for people who would represent them.

Would not the Senator agree with me that the people of this country are, by and large, unaware of the fact that the District of Columbia does not have voting representation in the House of Representatives or in the Senate?

Mr. EAGLETON. Mr. President, in response to the Senator from Massachusetts, I state that he is unquestionably correct. The unawareness and, I am sad to say, the unconcernedness—pardon my sematics—of the American people in the 50 States for the governmental structure, the problems, and the plight of those in the District of Columbia are appalling.

Let me cite one example. When it was announced that I had become a part of the Senate power structure, having become chairman of the District of Columbia Committee, I went back to my State.

They inquired at the Kiwanis Clubs and the Rotary Clubs lunches as to the job I held. I told them it involves whether one can fly a kite in the District, what a dog license will cost, and also that I sponsored a bill to provide for $100 closing costs in the District of Columbia.

Without trying to be clever, the truth is that people in my State do not know, and, I am sad to say, do not care whether in the District of Columbia people vote for President, for a Senator, for a Congressman, whether they have a Governor or a mayor, an elected or an appointed council.

They do not know. It is out of sight. It is out of mind. It is out of heart.

It is going to take an educational campaign to acquaint the people of this country with this problem, and the only way we can get one going is by passing this amendment today so that we can then submit it to the 50 State legislatures.

Then the Senator from Massachusetts (Mr. KENNEDY) can go to Boston, I can go to Boston, I can go to Jefferson City, and the Senator from West Virginia (Mr. RANDOLPH) can go to his State capital. We can educate our general assemblies that there are 750,000 American citizens in the District of Columbia who pay $345 million in Federal taxes, who have had more sons—as the Senator from Massachusetts pointed out—that died in Vietnam than 14 other States.

They are fit to pay taxes. They are fit to die. But they are not fit to vote for the Senators who ratify treaties, and who vote on the most pressing national issues. They have no voice in that. But they are fit to pay taxes which pay the costs of these proposals.

It came as a shock to the Nation, as the Senator knows, when the people of this country first learned a few years ago that the people in the District of Columbia could not vote for President. They admitted that that was unfair.

Three-fourths of the States quickly ratified that in 10 months. I will wager—even though I predicted the victory of Mohammed Ali——

[Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries.

The PRESIDING OFFICER. The galleries will be in order.

Mr. EAGLETON. I will wager that if we adopt this amendment at this time as part of the 18-year-old vote measure, it will be ratified by three-fourths of the States in under 10 months. If I am wrong someone will point it out.

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

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, I was under the impression that the majority leader had yielded the remainder of his time, reserving the final 9 minutes of his time. Am I correct?

The PRESIDING OFFICER (Mr. GAMBRELL). According to the understanding of the Chair, a statement was made to that effect but a unanimous-consent agreement was not entered into.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Massachu-

setts has clearly stated the position of the majority leader. He did indicate he would like to yield all the time, with the understanding that the final 9 minutes be reserved.

The PRESIDING OFFICER. Is there objection to that agreement? If not, it is so ordered.

Mr. KENNEDY. I thank the Senator.

Mr. President, I wish to discuss the final point.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, if I have time remaining from the Senator from Montana, I would like to yield to myself whatever time I might use, with the understanding that the Senator from Montana reserves the final 9 minutes, and with the understanding that if he wants any of that time, it will be yielded to him.

Mr. MANSFIELD. No, I do not want it back. Nine minutes is plenty.

Mr. KENNEDY. I thank the Senator

Mr. President, the fact remains that the great majority of the American people really do not understand the lack of representation on the part of the people of the District of Columbia. When they have been made aware of it, they have been extremely sympathetic to this proposition.

I am reminded of the fact that the League of Women Voters made this proposition one of their priority items last year and they were able to get 1.5 million signatures from people all over the country on this question. Time and time again when they presented this matter to their constituents, on every occasion when they went to the American people, the people were willing to sign up; and they were amazed by the fact that there was no representation of the people of the District of Columbia in Congress. I think this supports the argument of the Senator from Missouri and myself that most Americans are unaware of the situation and that once they are aware, if given the chance to address this question, they would support the kind of proposition we have advanced here today.

On the question of adequacy of hearings, I would like to include a short excerpt from the RECORD in the Senate of September 16, 1970, which is a partial list of congressional hearings on representation for the District of Columbia in Congress. There is a list of the different hearings going back from June 1, 1970, by the Committee on the Judiciary, to February 24, and March 9, 1960, by the Senate District Committee. The list contains page after page and hour after hour of testimony, in many instances with recognition of the fundamental tenet which motivates our amendment today, and that is the fact that the District of Columbia does not have representative government.

I ask unanimous consent that the list to which I have referred be printed in the RECORD.

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

PARTIAL LIST OF CONGRESSIONAL HEARINGS ON REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Congressional Representation for the District of Columbia—June 1, 1970; 91st Congress, 2d session; Senate Judiciary Committee.

Congressional Representation for D.C.—November 8, 9, 1967; 90th Congress, 1st session; Senate Judiciary Committee.

D.C. Representation in Congress—July 19–August 2, 1967; 90th Congress, 1st session; House Judiciary Committee.

Congressional Representation for D.C.—May 23, 25, 1962; 87th Congress, Senate Judiciary Committee.

D.C. Enfranchisement—April 6, 7, 1960; 86th Congress; House Judiciary Committee.

D.C. Enfranchisement—September 9, 1959; 86th Congress; Senate Judiciary Committee.

D.C. Enfranchisement—August 17, 27, 1959; 86th Congress; Senate Judiciary Committee.

National Representation for D.C.—May 20, 1954; 83d Congress; Senate Judiciary.

Delegate to Congress for D.C.—July 1, 1953; 83d Congress; Senate District Committee.

Congressional Representation for D.C.—September 25, 1945; 79th Congress; Senate Judiciary Committee.

Congressional Representation for D.C.—February 14, 1945; 79th Congress; House Judiciary Committee.

Congressional Representation for D.C.—June 16, 1943; 78th Congress; House Judiciary Committee.

Congressional Representation for D.C.—April 16, 17, 29, May 6, 8, 1941; 77th Congress; Senate Judiciary Committee.

Suffrage for D.C.—May 18, 19, 20, 1938; 75th Congress; House Judiciary Committee.

National Representation for D.C.—January 24, February 2, 6, March 8, 15, 1928; 70th Congress, 1st Session; House Judiciary Committee.

National Representation for D.C.—April 20, 21, 28, 1926; 69th Congress; House Judiciary Committee.

Delegate to House of Representatives for D.C.—January 15, 1923; 67th Congress, 4th session; House District Committee.

Suffrage for D.C.—November 8, 14, 21; December 13, 1921; January 12, 13, 1922; 67th Congress; Senate District Committee.

Representation of D.C. in Congress and Electoral College—January 11, 12, 15, 1921; 66th Congress; House Judiciary Committee.

Representation of D.C. in Congress—February 24, 29, March 2, 1916; 64th Congress; Senate District Committee.

Mr. KENNEDY. Mr. President, I would like to include at this time a comment from Senate Report No. 507, 67th Congress which states:

> Yet in the District of Columbia, the seat of the government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.
>
> What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government?

Mr. President, the excerpt I have just read is taken from a Senate committee report prepared in 1922. One could make the same statement today about the situation in our Nation's capital. Except that now the population figure should read 760,000 Americans. The situation is the same today as it was in 1922; and some 50 years later we in this body should be able to meet the responsibilities in providing for representative government.

Finally, I observe that those of us who are sponsors of this amendment have been trying to respond to the interrogatories that might be addressed to us in the best way we can, and the reasons we have put forward this proposition in terms of its procedures, and the substance of the issue. We are prepared to discuss and debate this matter within the framework of time, but we are frustrated by the fact that we are unable to engage in the kind of illumination which I think would be of great service and great value to the Members of this body.

I think once again it is part of the tradition, and that is when the Congress considers questions affecting the District of Columbia, that far too often those questions are decided in the quietness of the committee room or in the isolation of the Senate Chamber. That obviously has been part of the tragic tradition of this measure. But we are still firm in support of this proposal and we are extremely hopeful that we may be able to get the kind of support necessary to have it implemented.

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.

Mr. KENNEDY. Mr. President, I shall not speak long. I wish to touch on a few points in support of the amendment, on which shortly a motion to table will be made. There are a few final observations that I would like to make.

First of all, the amendment which will be considered in just a few moments has bipartisan support. Only yesterday we had a meeting with some of the leaders of the Republican Party in the District of Columbia and with national committeemen from the District of Columbia who represent the national party, who expressed quite clearly and unequivocably support of the members of the Republican Party for the efforts we are undertaking here this afternoon.

I think the support and cosponsorship we have been able to gather for the total amendment, as an independent proposition as well as the proposition we are making here today, indicates that there is strong bipartisan support for this proposition, as there should be. I commend those leaders of the Republican Party who have taken this position and for the support they have indicated for it. So there is no issue of partisanship involved in the consideration of this matter.

Second, I am certainly hopeful that the contemplation of representatives

from the District of Columbia who might be elected by people whose skin is black would not be a justification for rejecting this proposal. I think it is significant and important to realize that, in view of the fact that the overwhelming majority of the people who live in this community have black skin, there is every reason to believe and justifiably so, that those who would be sent to represent them in the House of Representatives and in the Senate would have black skin as well. And that is as it should be. I certainly am hopeful we have moved beyond the point where there would be any reservation on the part of any Member of the Senate in terms of opposition to this proposal because of the possibility that in the future individuals who would be selected to this body would be of a different color.

There are those who say, well, the District of Columbia is just another American city; there are many cities in this country that have a larger population, with many of the same kinds of problems that are attendant in the District of Columbia, whether they be in education, health, welfare, rebuilding of the cities, or pollution. If we are going to provide representation for the District of Columbia in terms of two Senators and two Members of the House of Representatives, why should we not do the same kind of thing for New York City, Maimi, or Boston, and ensure that there will be appropriate representation?

There is, of course, one obvious distinction, and that is that the cities of this country and the inhabitants of those cities are represented uniformly throughout the country by spokesmen within the Senate and the House of Representatives. The District of Columbia is the only city that fails to have that kind of representation. Therefore, it is a unique situation, which requires a unique but fully justified proposal.

Finally, there is the proposition that article V of the Constitution provides that no State's representation shall be diluted in the Senate of the United States. That proposition has been interpreted as meaning that if we are in fact to allow the District of Columbia representation in the Senate, in effect we are diluting the voting power of the representatives of the 50 States.

There has been no such interpretation of article V, nor could there be, because if we were to follow the rationale of that argument, we would still be 13 States scattered along the eastern seaboard. Time and time again when new States have been admitted to the Union that article has been interpreted to permit representatives to come to this body to represent the people of their respective States. Therefore, there should not be any reasonable interpretation of that position as justifying the exclusion of Members here in the Senate.

Finally, let me just reiterate that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), and other Senators who have stated unequivocal support for this proposal have indicated that we would not advance this proposal as an amendment to the 18-year-old voting amendment if we thought there was a chance of jeopardizing the ratification of that proposition.

There is no such justification made by those who are opposed to it, that this would be the case. And there will be no substantial delays, Mr. President, in achieving this 18-year-old proposition. This is a proposal whose time is well overdue. The equities require, I believe, that we provide this opportunity for representative government to the 760,000 people who live in the District of Columbia, and I am exceedingly hopeful that we can have favorable consideration of it.

Finally, Mr. President, I would like to make a brief summary of the issue.

The time has come for Congress to bring the people of the District of Columbia out of the shadows and into the sunlight of American democracy. For nearly 200 years, we have condemned the people of the Nation's Capital to the status of second-class citizens—subject to all the burdens and responsibilities of American citizens, but deprived of the most basic right of all in a democratic society, the right to vote, the right to a voice in making the laws by which they are governed.

For too long, Congress has played George III to the colonists of the District of Columbia. At a time when 50,000 Americans have fought and died thousands of miles away in Asia to secure the right of self-government for the people of Vietnam, it is intolerable that we should deny the self-same right to the people on our own doorstep, the people of the Nation's Capital. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its Capital the blessings of democracy.

The facts of the situation are clear:

Washington, D.C., today is a city of 756,000 people. It has a population greater than that of 10 States. Yet, each of these States has two Senators and at least one Congressman to help in writing the Nation's laws. The District of Columbia has none.

Washington, D.C., has had more sons killed in Vietnam than nine States. Yet, the people of Washington have no voice or vote in making the laws by which their sons are drafted to fight and die half way around the world.

In 1970, Washington, D.C., paid $990 million in taxes to the Federal Government—more Federal taxes than were paid by 15 States. In addition, the people of the District of Columbia paid $341 million in local taxes—more local taxes than were paid by the people of 12 States. Per capita, the District of Columbia has one of the heaviest tax burdens in the Nation—$427 per person, heavier than in 43 States. The 200 million Americans in the 50 States have a voice in determining the taxes they pay. Yet, "taxation without representation," the war cry of the American revolution, is a way of life for the people of the Nation's Capital.

Tragically, the plight of the citizens of Washington is virtually unknown to the people of America at large. But that ignorance, however much it may explain our years of neglect for the basic rights of the people of the District of Columbia, cannot excuse our inaction. Wherever I travel in the Nation, I find people amazed to learn that self-government is a myth for the people of Washington. Wherever I travel, however, I also find people anxious to remedy this glaring injustice, if only we give them the opportunity.

At last, the call for an end to this mockery of American democracy has reached the floor of the U.S. Senate. The movement for reform has begun in earnest. We are no longer whistling pious platitudes in House and Senate hearing rooms.

Earlier in this decade, we saw what can happen when the Nation is aroused to the plight of the District of Columbia. In 1961, the people of Washington obtained the right to vote for their President. The constitutional amendment that accomplished that goal—the 23d amendment—was one of the most rapidly ratified amendments in our history. I am confident that the same rapid ratification would be granted for the District of Columbia representation in Congress amendment, if only we can get the issue to the people and give them a chance to work their will.

Indeed, the 23d amendment is a striking precedent for our action today. That reform itself began its life as a Senate floor amendment, offered by Senator Kenneth Keating of New York to give the citizens of Washington the right to vote in presidential elections. It is precisely this procedure, justified by recent history, that I seek to follow for the amendment to achieve full voting representation in Congress for the people of the District.

Although the present opportunity to achieve District of Columbia representation has come up quickly, I believe it may be the only real chance we will have—now and for the foreseeable future—to reach the goal.

We start with the proposition that the District of Columbia amendment, on its own, simply cannot survive the gauntlet it has always been forced to run in the Senate Judiciary Committee and the House Rules Committee. For nearly a century, since the first District of Columbia representation amendment was introduced in 1888, hundreds of amendments and dozens of legislative hearings in the Senate and the House have been ignored by Congress. It is a tragic commentary on the fate of these amendments that the hearings held in 1970 are almost a precise replay of hearings held half a century ago. The record is always the same. All we ever do is change the needle.

I doubt, therefore, that there has ever been a more meritorious case in Congress that called out for the unusual procedure of legislation by rider. For generations, the basic rights of hundreds of thousands of our citizens have been ignored—or worse, actively suppressed—behind the closed doors of congressional committees. Now, however, the debate has reached the bright light of the Senate floor.

The record we make today is a record of a new kind. It will be heard by millions of Americans throughout the Nation. I am confident that the people will respond, that the conscience of the Nation will be seared, and that we will be farther toward our goal.

It is entirely appropriate that the vote today seeks to use the 18-year-old voting amendment as a vehicle to win District of Columbia representation in Congress. At a time when Congress is moving to extend the franchise to millions of 18-, 19-, and 20-year-olds in State and local elections, it is extremely fitting that we should also seek to give the franchise to the hundreds of thousands of Washingtonians who have been denied this right for so long.

The argument that somehow the District of Columbia amendment will jeopardize the voting age amendment is false. Indeed, the present parliamentary situation has a double irony.

Many of the Senators who so vigorously oppose the District of Columbia amendment today as a threat to the voting age amendment were the same Senators who joined me so vigorously last year in our successful effort to amend the Voting Rights Act on the Senate floor to lower the voting age to 18 by statute. We heard the same claims last year—that our floor amendment would jeopardize the Voting Rights Act. We know that argument was false, just as I believe the argument of jeopardy is false today, and even more so. Support for the voting age amendment is overwhelming. Rarely, if ever, have so many Senators—86—supported any measure as it reached the Senate floor.

Last year, when we sought to add the District of Columbia amendment to the direct election amendment, many Senators asked us to delay, to wait for a vehicle that had clear support in the Senate. Today, we have that vehicle, but still they ask us to wait. The message is clear. So far as the District of Columbia is concerned, the time is never now.

At the very most, if the Senate accepts the District of Columbia amendment, there will be a brief delay—of the order of days, not weeks—while the two amendments proceed through the House of Representatives. I believe that the House will accept the District of Columbia amendment. But if the House should refuse to do so, I would fully acquiesce in action by the conference committee to remove the District of Columbia provision. The point is that we should try, and abide by the result.

A brief delay now is a small price to pay to achieve the great goal of District of Columbia representation in Congress. Whether or not the District of Columbia amendment is added, the voting age amendment can easily be ratified in time for the 1972 elections.

In 1972 alone, at least 34 State legislatures will meet and have the opportunity to ratify the amendment. Another nine legislatures will have the opportunity to ratify it in their regular sessions later this year, 1971. In addition, in both 1971 and 1972, many State legislatures will be meeting in special session to reapportion their congressional districts on the basis of the 1970 census.

Clearly, there will be ample opportunity to ratify the voting age amendment before the 1972 elections. It makes no sense to me to pass by this extraordinary opportunity. We must end the long night of injustice for the citizens of Washington. We must reject the cruel and myopic argument that we have to get the voting age amendment to the States today and not tomorrow.

The opportunity is at hand to perform an act of simple justice for the people of this city, and I urge the Senate to embrace it.

CONSUMER FRAUD CONVENTION ACT OF 1971—MULTIPLE REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the office of the Attorney General on the Consumer Fraud Convention Act of 1971, which has been referred to the Committee on the Judiciary only, be jointly referred to the Committee on the Judiciary and the Committee on Commerce.

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

MESSAGE FROM THE PRESIDENT ON RURAL COMMUNITY DEVELOPMENT—MULTIPLE REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President of the United States on rural community development, received today, be referred jointly to the Committee on Agriculture and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Public Works.

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

The message from the President is as follows:

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local governments within our Federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the Nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agri-business," the number of openings was not nearly enough to match the number of people cast adrift by technolcgical progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure attractive enough to keep people *in* rural America, or to lure jobs and opportunity *to* rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school teachers or physicians; many fight stagnation while most of the economy is expanding;

they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

GENERAL

New Money $179 Million
Title V Regional Commissions
Appalachian Regional Commission
Economic Development Administration
Resource Conservation and Development Program

EDUCATION

Cooperative Agricultural Extension Service

WATER AND SEWER

Rural Water and Waste Disposal Grants

ENVIRONMENT

Rural Environmental Assistance Program
Forestry Assistance Grants
Great Plains Agricultural Conservation Program
Water Bank Program
Tree Planting Grants

Altogether, the 11 programs listed above are spending $921 million in fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the incomes of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the State's rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Development, as it now receives from the eleven existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no Federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people*. The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this Act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been receiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The

Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The act would apply the requirements of title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of ongoing development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out farther and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960s, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localities to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intent; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and

public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally important areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural outmigration and attracting a share of future growth to rural communities.

The key to a rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multi-county development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971.*

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, amendment No. 11 would add to the 18-year-old vote amendment, Senate Joint Resolution 7, a second constitutional amendment. This amendment is identical to the text of Senate Joint Resolution 6, which would provide for full voting representation for the District of Columbia in the U.S. Congress.

Mr. President, I am one of the three principal sponsors of the measure giving the District of Columbia full voting representation, together with the distinguished Senators from Massachusetts (Mr. KENNEDY) and Maryland (Mr. MATHIAS). No one who has studied the arguments on this question, as I have in the course of hearings before the Subcommittee on Constitutional Amendment, can have any doubt of the desperate need for full voting representation for the District of Columbia. Here in the Nation's Capital we have completely disenfranchised—with the exception of presidential elections—nearly 800,000 of the Nation's citizens, a population larger than that of each of the 10 least populous States.

The people who live in the District are subject to the most complete control by the Congress of the United States. The Congress imposes their taxes, conscripts them into the military service, and even regulates the most minute detail of municipal government and civil law. Yet the people have no vote for any Member of the U.S. Senate, and they are entitled only to nonvoting representation in the House. This is the kind of immoral imposition, the kind of political hypocrisy, that has no place in a democratic society.

But I am deeply troubled at the prospect of achieving reform in this area by the manner proposed today.

First, I fear that this amendment, if successful, could substantially delay the prospects for passage and ratification of the 18-year-old vote amendment. It would be less than candid not to recognize the danger of a filibuster if amendment No. 11 were to carry. Although some 40 legislatures are expected to be in session sometime next year, we must recognize that securing ratification by 38 legislatures is a difficult and time-consuming process. It is currently expected that at least 47 legislatures will be in session during this calendar year. However, many of these 47 are either required by law or expected by custom to adjourn by the end of March. Indeed, by the end of April, 24 of these legislatures are expected to have concluded their sessions. Therefore, the delay of any protracted filibuster could be a very serious handicap.

Second, I have very serious doubts whether a fundamental constitutional change of any kind should be undertaken by this mechanism. I agree with the distinguished Senator from Massachusetts (Mr. KENNEDY) who has shown such progressive and forceful leadership on this issue, when he condemns the committee structure which allows an issue of this magnitude and significance to be stymied without debate, to be prevented from coming to the floor of the Senate. But I believe that a different question is involved when we are discussing the mandate of the Constitution, in article V, that proposed constitutional amendments must secure a two-thirds vote in both Houses of the Congress. That requirement was written into the Constitution to provide a fundamental safeguard and to insure that basic changes are made only when they have gained the very broadest kind of national support.

I do not mean to imply that this amendment is unconstitutional. I believe that is constitutional, and I recognize that in at least one other case, the 23d and 24th amendments, the Senate and the House were forced to vote on proposing two constitutional amendments at the same time.

However, I think it vitally important that we recognize that procedures of this kind can be used in other cases but this one. Those of us who believe Senate Joint Resolution 6 proposes a commendable and desirable constitutional amendment may not agree that other possible constitutional amendments are commendable or desirable. The Senator from Indiana has fought for many years for passage not only of the amendment proposing full voting representation for the District of Columbia, but for constitutional amendments providing for the election of the President by a system of direct popular vote, and for the equal rights amendment. These are measures which this body has faced in the past. I am hopeful that we will face them again in the near future, and with somewhat more success. But I believe that the Senate has a right to face each constitutional issue on its merits, and to vote it

up or down by a two-thirds vote. If we follow other procedures when it suits us, we weaken our moral force for the day it may not suit us.

Despite the objections, Mr. President, I will vote against a motion to table this amendment. I do so because, in my judgment, this vote will be taken as a test of strength for District of Columbia representation. I do not think such a vote is a true test, but I am not prepared to diminish the support for District of Columbia representation in any way. But I cast this vote with substantial doubt as to the effect of this procedure if we continue on this course. I hope we will have the opportunity to fight this battle on its merits in the very near future.

Mr. TAFT. Mr. President, for too many years the political role of young Americans, 18 to 21 years of age, has been restricted to ringing doorbells and licking postage stamps. Now for the first time these young people will be able to vote in Federal elections.

I have long been a supporter of lowering the voting age to 18 and was pleased to support this legislation in the last Congress. I believe that the decision of the Supreme Court to uphold the constitutionality of the 18-year-old vote in national elections was a sound one.

It seems logical that this right to vote should be extended to 18-year-olds in State and local elections as well. I am a cosponsor of Senate Resolution 7 which would amend the Constitution to lower the voting age to 18 in all elections.

Never before has America's youth had a better opportunity to exercise its influence. Today's young people are more highly educated and better informed than ever. I believe that they are willing to work through the system to achieve progress and they deserve the opportunity to do so.

Unfortunately, election statistics indicate that a large percentage of young people, 21 to 24, have not exercised the right to vote. The task of improving the country is too important for young people not to be involved.

Passage of this resolution will give young people who want to make our Nation a better place in which to live, an opportunity and an obligation to become participants in the political process. I believe that our political parties will benefit from increased active participation of young people and respond to their concerns in a meaningful way.

This resolution is too important to be clouded by additional amendments. I oppose any attempt to complicate the issue with consideration of voting representation for the District of Columbia. Each of these proposals merits separate and careful consideration and neither should suffer from opposition generated by the other.

Mr. MANSFIELD. Mr. President, it is with the greatest reluctance that I rise at this time to explain the action that I am about to take. What I intend to do is move to table the pending amendment. In my judgment, prevailing circumstances justify such action. The circumstances are as follows: There are at present two issues pending before the Senate. Each is distinct. Each stands alone on its merits.

With respect to the 18-year-old proposition, it will be recalled that last year many of my colleagues on both sides of the Senate aisle, including the distinguished senior Senator from Massachusetts (Mr. KENNEDY), offered an amendment to the Voting Rights Act which by law would have granted voting rights to all citizens 18 years of age and over in all elections—Federal, State, and local. That amendment was eventually enacted into law on the basis of responsible legal authority. When the issue was reviewed by the Supreme Court, however, so much of the proposal that applied to State and local elections was struck down as not authorized by the Constitution. The States are thus confronted with a most serious dilemma. They are now required to permit—quite correctly—citizens who are 18, 19, and 20 to register to vote in all elections for Federal office. When it comes to State and local elections, however, the registration rolls—just as correctly—must be limited to citizens qualified under State law and the age requirement is 21 years in all but nine States. As discussed fully by the distinguished Senator from Indiana (Mr. BAYH), and the Senator from West Virginia (Mr. RANDOLPH)—the granddaddy, if I may say so of this legislation—such a dual-age voting system can result only in added cost, confusion, delay, and waste, to say nothing of the unjust and unreasonable burden it imposes upon those citizens who are 18, 19, and 20 years of age. The adoption of Senate Joint Resolution 7, as reported by the committee, provides the exclusive way out of this dilemma.

It is imperative, in my judgment, that no action be taken to jeopardize the effort to extend to 18-, 19-, and 20-year-olds the full franchise of the ballot in all elections. I have advocated such an extension ever since coming to the Senate, and before. I have advocated the extension not only to Federal elections, but to all elections. I have done so and I do so today because our young men and women 18 years of age and older should participate fully in the political processes of this Nation. They have demonstrated their capability of assuming obligations and responsibilities in keeping with this right—in school, in work and in military service. Their contribution to the electoral process is not only welcome, it will be indispensable in the years ahead.

It is not enough to say that they now enjoy the right to vote for the President of the United States. Nor is it enough to say that they are now permitted to vote for the Senators from their States and for the Representatives from their Congressional districts. This last barrier ought also to be removed. They must be fully enfranchised, and no action should be tolerated that would jeopardize this effort to give them the ballot in State and local elections. With that proposition, I believe just about every Member of this body agrees.

But there is far from unanimity on the second proposition now confronting the Senate. It is the issue of representation in Congress for the people of the District of Columbia as provided by the amendment of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), and others.

Unquestionably, the people of the District deserve full and fair representation. Unquestionably, there is a rational basis for providing such representation. It is no secret, however, that many Members of this body—not to mention the other body—would insist that such a proposal undergo exhaustive examination and have at least full benefit of committee consideration before allowing it to come to a vote. The prospect of such a filibuster can have no effect but to jeopardize the whole effort to gain full voting rights for citizens 18 years old and older in all elections all across the land.

And if this measure should be brought before the Senate as an appendage to the 18-year-old voting measure, what of other constitutional proposals? What about public school prayer, electoral college reform, equal rights for women, and all the rest—all of which I favor? It is my intention to move to table all of these proposals that would serve only to endanger full access to the ballot box by all citizens 18 and older.

In closing, it should be said that I am not unsympathetic to the position in which the Senator from Massachusetts finds himself. I know how sincerely he has devoted himself to this cause, as he did, last year, to the passage of the 18-year-old amendment. He was, in reality, the initiator and father of the amendment giving to all 18- to 20-year-olds the right to vote in State and local as well as national elections. I only suggest that this is not the time; nor is it the place for pressing the proposal he now advocates.

Mr. President, I wish to see the full franchise of the ballot a reality for 18-, 19-, and 20-year-olds next year in all elections. I move to table the pending amendment.

Mr. President, I withhold that motion for the time being, and yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Miss Nancy Camden and Mr. Carey Parker, assistants to Mr. EAGLETON and Mr. KENNEDY, respectively, the coauthors of the amendment, be permitted the privilege of the floor during the rollcall vote on the amendment.

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

Mr. MANSFIELD. Mr. President, before I renew my motion, 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 move to table the pending amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the standing order, the Sergeant at Arms will clear the Senate Chamber of

all aides to Senators during the yea and nay vote.

The Chair would remind visitors in the gallery that the rules of the Senate prohibit demonstrations of any type by occupants of the gallery. Unless order is observed by our visitors, the Chair will be compelled to direct attendants in the gallery to remove those causing the disturbance, so that the Senate may conduct its business in an orderly manner.

The question is on agreeing to the motion to table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

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 Oklahoma (Mr. HARRIS) would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) 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.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 68, nays 23, as follows:

[No. 17 Leg.]

YEAS—68

Aiken	Dominick	Pearson
Allen	Eastland	Pell
Allott	Ellender	Percy
Anderson	Ervin	Prouty
Baker	Fannin	Randolph
Beall	Fong	Roth
Bellmon	Fulbright	Saxbe
Bennett	Gambrell	Schweiker
Bentsen	Goldwater	Scott
Bible	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hollings	Spong
Buckley	Hruska	Stennis
Burdick	Jordan, Idaho	Stevens
Byrd, Va.	Long	Symington
Byrd, W. Va.	Magnuson	Taft
Cannon	Mansfield	Talmadge
Case	McClellan	Thurmond
Chiles	McGee	Tower
Cook	McIntyre	Weicker
Cotton	Miller	Williams
Curtis	Moss	Young
Dole	Packwood	

NAYS—23

Bayh	Humphrey	Mondale
Brooke	Inouye	Montoya
Cooper	Jackson	Pastore
Cranston	Javits	Proxmire
Eagleton	Kennedy	Ribicoff
Griffin	Mathias	Stevenson
Hart	McGovern	Tunney
Hughes	Metcalf	

NOT VOTING—9

Church	Hartke	Mundt
Gravel	Hatfield	Muskie
Harris	Jordan, N.C.	Nelson

So Mr. MANSFIELD's motion to table Mr. KENNEDY's amendment was agreed to.

Mr. NELSON subsequently said: Mr. President, when the vote was held on the motion to table an hour ago, I was in the Senate dining room and did not hear the bell. If I had been present, I would have voted "nay."

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the majority leader if he can give us some information as to the order of business for the rest of this week and perhaps for the beginning of the next week.

Mr. BYRD of West Virginia. Mr. President, may we have order so that Senators can hear the majority leader?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, in response may I say that——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader will suspend until we have order in the Senate. There will be order in the Senate.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, may I say that on yesterday the joint leadership, with the approval of the manager of the bill, the Senator from Indiana (Mr. BAYH), and the sponsors of the amendment just considered, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Missouri (Mr. EAGLETON), did ask and did receive the unanimous consent of the Senate to continue for 1 hour after the disposal of the amendment. But that consent agreement was later negated.

If the distinguished minority leader would like me to discuss this matter, I would like to ask unanimous consent at this time that there be an hour on the pending resolution, at the conclusion of which the vote will take place.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that S. 575, the so-called Appalachian Regional Development Act of 1965, will be laid before the Senate this afternoon. However, there will be no debate on that measure—unless someone wants to debate it—until tomorrow.

That will be followed on Friday by 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—the so-called Debt Ceiling Act. There may well be some contention on that bill.

Mr. BYRD of West Virginia, Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, there are indications that an amendment dealing with social security will be offered. It is quite possible that on Friday there will be votes. It is quite possible that that measure will have to be carried over until Monday.

Following that, it is hoped, with the approval of the distinguished Senator from New Hampshire (Mr. COTTON), and my distinguished colleague, the junior Senator from Montana (Mr. METCALF), that the Senate will take up Senate Joint Resolution 17, a joint resolution to establish a Joint Committee on the Environment.

Following that, if nothing intervenes, there is the possibility of taking up Senate Resolution 17, a resolution submitted by the distinguished Senator from Oklahome (Mr. HARRIS), the distinguished Senator from Maryland (Mr. MATHIAS).

At some time or other, the Senate will consider the bill introduced by my distinguished colleague, Senator METCALF, and me having to do with 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., may well be taken up.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I had nothing to do with placing that bill on the calendar, I assure the distinguished minority leader.

Mr. SCOTT. I was going to praise the majority leader for mentioning Montana twice in one sentence. But I want to revert to the question of the debt limit bill and social security. If we are going to have votes on Friday, we want to have everyone here. If there is any way to work out agreements on time, since there is the possibility there will be a great deal of debate on the social security aspect, I want to express the hope that the manager of the bill might consider whether Senators can expect votes on Friday or whether they could come on Monday. I realize that if we are not able to work out something, we will have to be here.

Mr. MANSFIELD. The debt limit matter cannot be taken up until Friday because the chairman of the Committee on Finance (Mr. LONG) will be absent on official business tomorrow, but any agreement which he and the distinguished ranking minority Member, the Senator from Utah (Mr. BENNETT), would care to advance I am sure the joint leadership would be happy to consider in an effort to try to accommodate Senators. But I should point out that on the basis of the recess schedule which has been laid down on the basis of 4 or 5 days off at the end of certain months, it really behooves us to be here and I am happy to note that no Senator up to this time on either side has asked that he be given special consideration with respect to voting on a day certain; but wherever the leadership can, we will try to accommodate Senators.

Mr. SCOTT. I thank the Senator.

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.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Montana if the time for colloquy which has just taken place is to be subtracted from the allotted time.

Mr. MANSFIELD. Yes.

Mr. PERCY and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair believes the Senator from Illinois had requested recognition.

Mr. PERCY. Mr. President, because we are under controlled time I will limit my comments. If the Senator from Indiana wishes to be recognized, my remarks on this subject will only take 5 or 6 minutes.

Mr. BAYH. I was going to make a 30 second observation relative to the question that I thought was rightfully posed by the Chair. We are in the midst of debating a major matter, and I think 1 hour is not excessive for Senators to express their thoughts. I will be quiet now so Senators can express themselves.

I yield to the Senator from Illinois.

Mr. MANSFIELD. Mr. President, the Senator from Indiana will be in charge of the time.

Mr. PERCY. Mr. President, I agree that this is an extremely important subject. I have long advocated the extension of the franchise to 18-year-olds. I cosponsored legislation which passed in the last Congress lowering the voting age, and I was very pleased when the Supreme Court ruled the 18-year-old vote constitutional when applied to Federal elections.

Unfortunately, however, the Supreme Court decided that the new law franchising citizens 18, 19, and 20 years old was unconstitutional for State and local elections. As a consequence, State and local election boards face what may be an administrative nightmare unless we take the remedial action that is available to us today.

I speak with deep feeling with reference to the administrative nightmare facing State and local election boards. I have spent every election since 1948 in the polling booths in Cook County, and particularly in Chicago. I have observed the voting practices, the charges of irregularity, and the great problem we have in the two party system, even in a simple election, to insure an honest vote and an honest count.

I cannot imagine the complexities that will be added if we impose this tremendous burden. I do not make this charge in a partisan sense. Republicans through the years have charged that elections in Cook County have been stolen; and the Democrats, in turn, have charged that down State elections have been derelict in assuring honest elections and count; but there is no use adding to the complexities.

The mere prospect of dual voting machines or separate paper ballots, one listing all offices and candidates and the other—for younger voters—listing only Federal candidates, should by itself be enough to convince us to support the constitutional amendment that is now before us. If it is enacted by the Congress and ratified by three-quarters of the States, we will have a uniform national voting age for all elections—Federal, State and local. Not only would this relieve the States and localities of the administrative burdens connected with dual election procedures, but it would also save them the millions of dollars that implementing such procedures would unquestionably entail.

But the principal reason for my support of the constitutional amendment giving the right to vote to 18-year-olds in State and local elections goes far beyond the serious mechanical problems posed by dual elections.

It also goes beyond the often cited issue of the "voteless soldier." The argument that an individual who is old enough to fight and die for his country should also be old enough to vote is certainly very persuasive, but there are others that are equally impressive. Eighteen-year-olds are regarded as adults by the penal codes, by the insurance companies, by the state agencies which issue automobile operator's licenses. They can enter the Federal Civil Service; they can be taxed; they are legally entitled to marry in any State.

In brief, Americans who are 18, 19 and 20 are adults in virtually every legal sense. There is no justifiable reason for withholding from them the most basic of their civil rights—the right to vote, in any and all elections.

It makes no sense to young people today to say that they are qualified and empowered to vote for President and Vice President, for Senator and Congressman, but that they cannot vote for their mayor, city councilman, Governor, and in Cook County they cannot even vote for a sanitary district candidate.

The contention that young people are too ill-informed about public affairs to exercise wisely the right to vote can have little credence. Perhaps this argument had some validity at the turn of the century, when only 6 percent of the Americans who had reached 18 were high school graduates, or in 1940, when only about half had completed high school.

But in the year 1971, when 81 percent of all Americans have graduated from high school by the age of 18 and when nearly half of the 18-, 19-, and 20-year-olds are college students, young Americans have the education and the maturity to participate fully in our political process. Anyone who watches television or reads a newspaper understands that they already are deeply involved in questions of public policy. Their commitment is likely to become even deeper if we give them a peaceful means to achieve the ends they seek.

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

Mr. GRIFFIN. Mr. President, how much additional time does the Senator need?

Mr. PERCY. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. Mr. President, the argument that the vote should be denied to young people because a small minority of them hold views that are unacceptable to many adults would not be worth discussing if it were not so prevalent. To do so would be comparable to taking the franchise away from any group whose views are not held by a majority of Americans—whether they be prohibitionists, Presbyterians or—for that matter—Republicans. Diversity of belief is one of this country's most important assets. It must be encouraged—not merely tolerated—if we wish to avoid the intellectual stagnation that is characteristic of nations in which ideas are imposed upon the people.

It is true, of course, that if the State legislatures were to act to lower the voting age to 18 in State and local elections, a constitutional amendment would not be required. But even if this is theoretically possible, I do not believe that any among us is naive enough to believe that the legislatures will act swiftly enough to avoid chaos by the next general election. If we wish to have a uniform voting age requirement—and to have it in time for the 1972 elections—we must amend the Constitution.

My own State of Illinois is one of the several States that have rejected the 18-year-old vote proposition at the polls. But these decisions were made before the Supreme Court affirmed the constitutionality of the 18-year-old vote in Federal elections. I strongly believe that, in light of this ruling, it is very likely that the electorates in these States would now view the question somewhat differently. I cannot conceive of any State's voluntarily selecting a dual system of voting.

The Census Bureau's projections indicate that approximately 11.5 million Americans between 18 and 20 years old will be eligible to vote in the 1972 elections. We will determine today whether or not they will be fully or partially enfranchised citizens, eligible to vote in all elections or simply in presidential and congressional contests.

Mr. President, this is not a partisan issue. The distinguished Senator from Kentucky (Mr. COOK) has noted that in his State, which has permitted 18-year-olds to vote for 15 years, the rise of the Republican Party has paralleled the enfranchisement and increased participation in politics of 18-to-20-year-olds. Many other political analysts feel that a majority of young people tend to be Democrats. And Richard M. Scammon, the perceptive director of the Elections Research Center, has suggested that young voters will in all likelihood behave in much the same way at the polls as their elders do.

Obviously we will be dealing principally in speculation until young people actually begin to vote in large numbers. I, for one, am perfectly willing to compete for the allegiance of young people, and I am sure that my colleagues on both sides of the aisle will agree that this type of healthy competition is the essence of politics.

The basic question we are examining today has nothing to do with political parties. It can be summarized in one word—justice. We must give 18- to 20-year-olds the vote because it is right. Mr. President, I strongly urge the adop-

tion by the Senate of this constitutional amendment.

I would like to close by stating that young people in this country have had a tremendous impact on public affairs. It was young people who went South to register voters, and had their skulls cracked open sometimes, but that resulted in the Voting Rights Act of 1964 and a whole new policy. It was young people who started the trend to get out of Vietnam rather than deeper into it. Young people saw that this war was getting no place fast, and we had to have a policy of getting out and a clear-cut policy enunciated to the South Vietnamese, rather than getting into it deeper. They were right. Everyone agrees with that. Young people brought about the environmental control situation we face today.

The PRESIDING OFFICER (Mr. TAFT). The time of the Senator has expired.

Mr. PERCY. May I have 30 seconds more?

Mr. GRIFFIN. Mr. President, I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. I would like to explain that my vote in favor of the tabling motion was not a vote against representation for Washington, D.C. I believe deeply in a voting representation for Washington, D.C., but I firmly believe that this issue on the 18-year-old vote before us is so important that we should not encumber it with any other single issue.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOK). However, I would like to preface the Senator's remarks with an observation that I think should go into the RECORD. He has been an eloquent and faithful member of the Subcommittee on Constitutional Amendments, who has advocated lowering the voting age since he came to the Senate. The State of Kentucky has practiced that principle, and I think we can look to him because of his firsthand experience. The chairman of the Constitutional Amendments Subcommittee is deeply grateful to the Senator from Kentucky for the time and effort he has devoted to that subject, and to the subcommittee.

Mr. COOK. Mr. President, I thank the Senator from Indiana for his remarks.

It is a pleasure to rise in support of Senate Joint Resolution 7, a measure permitting 18-year-olds to vote in all elections—State and local as well as Federal.

Since 1955, when the voters of the Commonwealth of Kentucky ratified an amendment to the State constitution, this age group has voted in all primary and general, local, State, and National elections subject to the same residency and registration requirements as all other voters. We have now had the benefit of 14 years' experience, and it has been a complete success. I know of no public official in Kentucky who has not been satisfied with this experience.

As is often the case, the Federal Government is often behind some States in the enactment of progressive and rational legislation. Since 1942, when the first joint resolution was introduced, by then Congressman JENNINGS RANDOLPH, to amend the Constitution and lower the voting age to 18 for both Federal and State elections, a similar proposal has been introduced in every Congress. Each year it gained momentum and support. It was endorsed by President Eisenhower in his 1954 state of the Union address, again by President Johnson in a message to the 90th Congress, and by the Nixon administration in the 91st Congress. Deputy Attorney General Richard Kleindienst said in testimony before the Constitutional Amendments Subcommittee:

> America's 10 million young people between the ages of 18 and 21 are better equipped today then ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-formed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

By March of last year, the question of lowering the voting age became by which method, rather than why or when. At hearings held by the Subcommittee on Constitutional Amendments a number of leading constitutional law scholars suggested that the Congress, under the 14th amendment, could accomplish this by a Federal statute. The concept gathered broad support from such diverse thinkers as Senator EDWARD KENNEDY and Senator BARRY GOLDWATER.

On March 9, 1970, I introduced with the support of Senators GOLDWATER, DOMINICK, SCOTT, JAVITS, PACKWOOD, HATFIELD, CASE, BOGGS, SCHWEIKER, BROOKE, FONG, PERCY, YOUNG of Ohio, BAYH, RIBICOFF, MCGEE, CHURCH, CRANSTON, and HUGHES, S. 3560, a bill to lower the voting age to 18 years by statute.

I ask that my remarks concerning that bill be inserted in the RECORD at the end of this speech.

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

(See exhibit 1.)

Mr. COOK. Mr. President, 3 days later Senator MANSFIELD offered an amendment to the Voting Rights Act of 1970, the pending Senate business, which would accomplish this same purpose. Within 3 months the measure was passed by the Congress. After having been signed into law by President Nixon, an early decision by the Supreme Court was sought to determine the bill's constitutionality.

In Oregon against Mitchell, by a narrow 5-to-4 decision, the Court upheld those sections of the act allowing 18-year-olds to participate in Federal elections but denying them a similar right in State and local elections. As a result of this ruling, 10 million young people from ages 18 to 20 in 47 States may vote for their President, Senator, and Congressman, but not for their Governor, mayor, and other local officials.

While the Court may have been constitutionally correct, its decision lacked reason, understanding, and practicality. All of the arguments made in favor of enfranchising this age group have been brought forth, debated, and accepted. That they apply equally to both Federal and State elections cannot be denied.

A report by the Constitutional Amendments Subcommittee, "A 50-State Survey of the Costs and Other Problems of Dual-Age Voting," pointed out the difficulties in implementing this decision at the State and local level. Because of the Court's decision, special and separate facilities and procedures will become a necessity in order to accommodate two classes of voters. By age, voters will have to be separated at the time of registration and at each election. In those areas of the country which do not require registration it will be necessary to verify not only the voter's identification and residence but also his exact age.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. COOK. May I have 3 more minutes?

Mr. BAYH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, at least 50 percent of the country's voters vote by machine. Some election officials have stated that their voting machines cannot be adapted in order to "lock out" State and local elections. Others say it is possible but that it would require an additional person at the polls and would likely result in delay, confusion, and possible fraud. Reliance on paper ballots put an additional burden on those using machines. Where paper ballots are still in use, special ballots will have to be used. Also, additional administrative burden will necessarily result in added costs to the States. There will be the initial expense for new equipment and the continuing expenses of maintaining dual sets of registration books, additional election supervisors, and voting personnel clerks. The subcommittee report estimated this cost to be between $10 and $20 million.

To avoid this additional cost and to grant full and complete citizenship to this age group, there are two alternatives. The most difficult would be amending each State constitution. Only eight States reported to the subcommittee that it would be possible to complete such action in time for the 1972 elections. The quickest method is the passage and ratification of an amendment to the Federal constitution. Should the Congress report out such a measure, at least 35 State legislatures may act upon it before 1972. In addition, a number of legislatures will be holding special sessions for various reasons, including apportionment required by the 1970 census.

The right to vote—in all elections—is a basic right for the young people between 18 and 21. We must not tarry in the fulfillment of this objective. As President Johnson so eloquently stated:

> Today, the young people of America are asking the opportunity to give of their talents and abilities, their energies and enthusiasms, to the greater tasks of their times. I believe their proper request can and must be properly answered by a national affirmation of our faith in them. For a nation without faith in its sons and daughters is a nation without faith in itself.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 9, 1970]

ALLOWING 18-YEAR-OLDS TO VOTE

Mr. COOK. Mr. President, the question of allowing 18-year-olds to vote has become not whether but when and how. With the exception of a few aged relics in Congress, the

overwhelming majority of the peoples' representatives now realize we must enfranchise 18-year-olds and do it as soon as possible.

Since almost all Senators now recognize the need to lower the age of democratic participation to 18 and are familiar with the arguments for such a step, I will be very brief in describing the other ways in which this age group fully participates in our society. Deputy Attorney General Kleindienst, indicating the support of the Nixon administration for lowering the voting age, named just some of the ways in which they are currently involved, in his testimony before the Constitutional Amendments Subcommittee the other day. He stated:

"We do not wait until 21 years of age to permit our young people to enter the labor market or to require the payment of income taxes. Before 21 many states permit our young men and women to shoulder the responsibility of marriage; we ask that they man our Armed Forces and "provide for the common defense." We hold them liable for their civil and criminal actions."

In that regard, I should like to note for the Record that, according to Defense Department statistics of June 1968, of the 3,510,000 men in the Armed Forces, 27,000 were 17 years of age, 123,000 were 18 years of age, 266,000 were 19 years of age, and 567,000 were 20 years of age. In other words, of the 3,510,000, 983,000 were under 21.

With regard to the present conflict in Vietnam, I should like the RECORD to show that of this group and of those who have lost their lives for this country, nine were 17, 2,413 were 18, 6,368 were 19, and 10,421 were 20.

Little more needs to be said in answering the question "whether?" except to relate, briefly, the experience in my own State of Kentucky. In 1954, the general assembly of my State enacted a bill submitting to the electorate the matter of lowering the voting age to 18. In November 1955 the voters ratified the proposal with little or no controversy.

We have now had the benefit of 14 years experience with responsible voter participation by this block. Contrary to the allegations of many of my conservative friends, there has not been any discernible pattern of voting behavior. In fact, it could be strongly contended that the growth of the Republican Party in Kentucky, generally considered to be the more conservative of the two parties, has directly paralleled the enfranchisement and increase in participation of this age group.

Every major statewide candidate in recent memory has had a fulltime youth chairman whose sole function it was to seek out and secure the support of this block of roughly 100,000 potential voters. For those who attend a college in Kentucky, politics is a way of life. Some argue we should keep politics off the campuses. I agree to the extent that that means political interference by State officials or even Federal officials with academic and political freedom of thought and expression. I most emphatically do not agree if it means college people should not be allowed to vote and in a meaningful way support the candidates of their choice.

Politics on the campus in Kentucky means that for a candidate to be credible he must appear and subject himself to the intelligence and insight of today's politically sagacious youth. Our bright young Kentuckians are a great force against the hypocritical handshaking, backslapping, baby kissers of the old school of politics. In fact, it could be argued very persuasively that their participation has significantly up-graded both the caliber and the campaigns of the Kentucky politician of today.

In summary, the Kentucky experience has been a complete success, and I would venture a wager that one could not find 1 percent of Kentuckians, whether liberal or conservative, mountaineer or farmer, city dweller or tobacco grower, who would advocate raising the age.

The next question is, "How?" We have traditionally believed that lowering the voting age must be done by constitutional amendment, primarily because we took this course in enfranchising blacks and women. This view, however, does not take into account our living Constitution and the expanding role of the 14th amendment when aided by an act of Congress, in striking down the irrational barriers which States have placed between those who would otherwise be qualified to vote and the ballot box.

The expanded role of the 14th amendment in this area, when supported by an act of Congress, is a relatively new feature in the constitutional law of our land traceable to the historic Voting Rights Act of 1965 and the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, which rules section 4(e) of that act constitutional. It is upon the authority of this case that we can reasonably predict that a statute lowering the voting age to 18 under the authority of the 14th amendment, section (5), would be upheld as constitutional.

Let us look briefly at the facts of that case to see how they apply to what we are seeking to do this year. The Morgan case tested the constitutionality of section 4(e) of the Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school in, or a private school accredited by, the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. New York claimed the statute to be justified because of a State interest in assuring intelligent use of the franchise.

As Prof. Archibald Cox pointed out in his testimony before the Constitutional Amendments Subcommittee, in the absence of statute, the Supreme Court might have sustained New York's position. However, the court said, in effect, as Professor Cox put it, that "Congress may decide, within broad limits, how the general principle of equal protection applied to actual conditions."

The Court cited, in Morgan, the early case of *Ex parte Virginia*, 100 U.S. 339, 345, in describing what section (5) of the 14th amendment intended to give to Congress—

"It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendment fully effective."

Section (1) of the 14th amendment provides that no State shall deny to any person within its jurisdiction equal protection of the laws. The equal protection clause is violated by any State which imposes an arbitrary or unreasonable discrimination or an invidious classification. This is then followed by section (5) of the amendment which gives Congress the power to enforce the amendment by "appropriate" legislation.

It would be entirely possible to find two different results on the same set of facts where in one instance Congress had acted pursuant to section (5) to strike down invidious discrimination and in the other case where it had not so acted. Thus, the speculation earlier that the result might have been different in Morgan in the absence of the passage of 4(e) of the Voting Rights Bill pursuant to section (5) of the 14th amendment.

In support of this assertion, the Court said in the Morgan case:

"Without regard to whether the Judiciary would find that the equal protection clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section (5) of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by section (5), *appropriate* [emphasis added] legislation to enforce the equal protection clause."

The Court then proceeded to consider whether section 4(e) was "appropriate" legislation—the *McCulloch* v. *Maryland*, 4 Wheat 316, 421, standard. In deciding what was appropriate legislation to enforce the equal protection clause, the Court said:

"It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk of pervasiveness of the discrimination in government services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. *It is not for us to review the Congressional resolution of these factors. It is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did."* [Emphasis added.]

The question, then, is whether the language and logic of Morgan would be equally applicable to a statute passed by Congress pursuant to section (5) of the 14th amendment lowering the voting age to 18. Under the 14th amendment, in the absence of statute, the question would be whether denying the right to vote to 18-, 19-, and 20-year-olds is arbitrary or capricious. I agree with Professor Cox that the Supreme Court would not so hold.

However, if Congress passed legislation under section (5) of the 14th amendment then the Court, it is reasonable to predict, would uphold the constitutionality of such a statute, with a supporting statute the Court's inquiry would be, under Morgan, could it "perceive a basis upon which the Congress might resolve the conflict (between state interest in not allowing 18, 19 and 20 year olds to vote and Congress' interest in lowering the age to 18) as it did."

In examining the congressional basis for the passage of such a statute the Court would surely find as Cox put it:

"Congress would seem to have power [under section (5), 14th Amendment] to make a similar finding [as in *Morgan*, that English language requirement is constitutionally irrelevant] about the state laws denying the franchise to eighteen, nineteen, and twenty year olds even though they work, pay taxes, raise families, and are subjects to military service."

I might suggest, for those who would deny the vote to 18-, 19-, and 20-year-olds, in regard to that service, that we allow young men at 18 to go into officers' candidate school in this country and become officers in the military service of this Nation.

It is clear to me that we are constitutionally able to proceed with the long-overdue task of lowering the voting age to 18 in all elections in one of two ways.

The final question is "when?" We may, out of some inexplicable reverence for the past, choose the difficult route of the constitutional amendment or we may, recognizing that we exist under a living, changing Constitution, choose a more expeditious alternative. I see no virtue in masochistically proceeding with a constitutional amendment which will require years to ratify, when the Congress could have the courage to act now to remedy one of the most pervasive injustices of our day.

I, therefore, introduce for appropriate reference a bill to provide for lowering the minimum age at which citizens shall be allowed to vote in all elections to 18. Also, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks, and that the following Senators be added as cosponsors: Mr. GOLDWATER, Mr.

DOMINICK, Mr. SCOTT, Mr. JAVITS, Mr. PACKWOOD, Mr. HATFIELD, Mr. CASE, Mr. BOGGS, Mr. SCHWEIKER, Mr. BROOKE, Mr. FONG, Mr. PERCY, Mr. YOUNG of Ohio, Mr. BAYH, Mr. RIBICOFF, Mr. MCGEE, Mr. CHURCH, Mr. CRANSTON, and Mr. HUGHES.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at this point.

The bill (S. 3560) to provide for lowering the minimum age of which citizens shall be eligible to vote in elections, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3560

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 "Voting at Eighteen Act".

SEC. 2. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens who are eighteen years of age but not twenty-one years of age to vote, which is unfair in view of the national defense burdens imposed on such citizens;

(2) has the purpose and effect of denying to citizens who are eighteen years of age but not twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution, particularly in view of the unreasonable classification based upon the proposition that such citizens are not intelligent or mature enough to exercise the right to vote; and

(3) does not bear a reasonable relationship to any compelling State interest in the conduct of elections.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

SEC. 3. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

SEC. 4. (a) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution and section 5 of the fourteenth amendment of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this Act.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

SEC. 5. Whoever shall deny or attempt to deny any person of any right secured by this Act shall be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 6. As used in this Act the term "State" includes the District of Columbia.

SEC. 7. The provisions of this Act shall take effect with respect to any primary or election held on or after January 1, 1971.

Mr. COOK. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement made today by the Senator from Arizona (Mr. GOLDWATER) before the Subcommittee on Constitutional Amendments entitled "18 Is Old Enough."

This is one of the finest statements I have ever read on this subject, and I recommend it to the reading of all Senators.

EIGHTEEN IS OLD ENOUGH

Mr. Chairman and Members of the Subcommittee: It is a pleasure to have the opportunity to testify on the important question of whether or not the minimum voting age should be lowered to 18.

Mr. Chairman, I want to say at the outset that I think it should. This is a goal that I have worked for over a long period of years. And I am delighted to be able to restate my position at this time.

The main argument that I have heard against the proposal is the claim that young persons are not mature enough. They are said to be too rebellious and militant.

But I want to say here and now that this kind of reasoning is nonsense. Talk about young people being irrational. What about the supposedly mature persons who would deny the right to vote to nearly 11 million citizens just because a tiny minority has engaged in militant behavior?

When will people learn that what they see and hear through the mass media is not necessarily typical of the way things really are? Yes, if all people do is to sit in front of their T.V. screens or skim over the headlines, then the predominate image which they are going to get of our young men and women is one of an unclean, vile-tongued, rock-throwing, campus-storming, street-rioting bunch of hoodlums and misfits.

But, Mr. Chairman, I want to state as firmly as I can that this picture is distorted, stupid, and absolutely wrong. All that the major networks and liberal newspayers have achieved by their endless over-exposure of the extremist tactics used by a piddling few of our young Americans is to prejudice the judgment of many of their elders against youth in general.

Mr. Chairman, I ask the public to think for themselves. I want the average American to make his impressions from what he himself has actually seen. Don't rely upon the defamatory bunk which you are being fed by liberal journalists and reporters who are falling all over each other to see who can shock their audience the most.

If the average viewer or the average reader could travel through the length and breadth of our nation as I have to meet with students on the campuses of universities, both large and small, then I know that they would agree with me that this generation of young people is the finest generation that has ever come along.

Mr. Chairman, I have probably visited more colleges and universities in the last decade than anyone in the country. And I am constantly impressed by the wisdom and interest, and concern with vital matters, that is shown by the students whom I have met.

In fact, their grasp of national issues is downright amazing. Far from being the possible victims of demagogues, I think the challenging, probing minds of today's youth will serve to expose the dishonest politician quicker than anything else.

Unless a person has honest convictions and sincere principles, these eighteen year olds, and 19 year olds, will shatter his veil of hypocrisy in short order. They will see through the phony promise and the faked crisis sooner than many of their elders do.

Mr. Chairman, I have confidence in our nation's educational system. I have pride in the way our young people are being taught to analyze issues and to think things through for themselves. Unlike many older persons, these young Americans are willing to question what they read and what they watch in the mass media.

Some people, who should know better, say eighteen-year-olds are too idealistic. They are said to be unable to follow the complicated, practical reasons why the things politicians promise them don't really happen.

Well, I want to say that this is exactly what we need more of in this country. We need more citizens who are concerned enough to pose high social and more goals for the nation. Civil servants and legislators, of any political party, need to be prodded to cut through the bureaucratic jungle of red tape so that the government will serve the people in the way it is intended.

Some more idealism will do us all good. It will help remove the crusty, shop-worn reasons why the policies and goals which are promised to voters don't ever seem to get accomplished. It wil make us find the positive answers that will put us on the right track. Instead of explaining why this law or that program can't benefit the public the way we thought it would when it was passed, idealism will send us searching for innovations and new departures that will get the job done.

Whether we are speaking of world peace, cleaning the air and water, stopping crime in the streets, eliminating smut in the mails, or any other important goal, the energies and enthusiasm and urgings of young Americans will help us do our best.

Mr. Chairman, I support extending the vote to young citizens because I know it is right. I do not rely on the argument that because a person is old enough to serve in the Armed Forces he is old enough to vote. That is a duty of citizenship.

But there are other impressive arguments which demonstrate that eighteen-year-olds have reached maturity. Insurance companies hold a person to be an adult when he is eighteen. Eighteen-year olds are treated as adults by penal codes. Eighteen-year-olds are allowed to obtain unrestricted automobile operator's licenses in every State. Young Americans can enter the Federal Civil Service at 18, be taxed at 18, and marry in any State at 18. Indeed, 25% of all girls are married at 18 and 19, and 50% are married at 20.

So they can raise families, hold jobs, be taxed, be tried in adult courts, and be trusted on the public highways. And yet they are not allowed to vote.

Mr. Chairman, this attitude is outmoded and archaic. It is literally based on a tradition which dates back to medieval times.

Perhaps, in the days around the turn of the century, it once had meaning. In 1900 only 6% of Americans who had reached 18 were high school graduates. In fact, as late as 1940, only one-half of all 18-year-olds had completed high school.

But this is 1970. This is the age of instant communications, all-news radio stations, T.V. news, and the most avid political concern on the part of young Americans that I have ever witnessed.

Today fully 81% of Americans have graduated from high school before they reach 18. Almost 50% of 18-, 19-, and 20-year olds are enrolled in college. And the education which they are receiving is more advanced and intense than at any time in our history.

In short, youth today is better informed and better equipped than any previous generation. They are without a doubt equally mature, both mentally and physically, as the average citizen who had reached 25 when I was growing up. In fact, they may be better able to comprehend the dramatic technological advances and changing perspectives of modern life than many of their parents.

Therefore, I hold that there is no sensible reason for denying the vote to 18-year-olds. What's more, I think we have studied the issue long enough. The voting age should be lowered and lowered at once across the entire nation.

To my mind, the change can validly be achieved by either a Constitutional Amendment or a statute. For once a person reaches the conclusion, as I have, that there is no reasonable justification for denying the right to vote to eighteen-year-olds, then it is quite clear that Congress can act to protect and enhance that right.

It is true that the States possess a power to set reasonable qualifications for voters in their elections. When these requirements are applied in a sensible way, they should not be altered by Federal intrusion.

But not even the strongest advocate of State's rights could claim that a State may limit the right to vote on arbitrary or unreasonable grounds. It would be nonsense to say that a State could fence out all left-handed persons from the polls. Or all Catholics. Or all males with long hair.

Clearly there are limits as to how this authority may be used. To say that the States may establish voting qualifications is not to say that their power is absolute.

To me, where there is a conflict between the fundamental, personal right to vote and the purely administrative power of a State to regulate its elections, the State power may prevail over the right of the individual citizen only if it serves a major and compelling State interest. Since no such interest has been shown in the case at hand, I believe it is entirely fitting for Congress to act to protect the freedom to vote of young Americans.

While I am not a lawyer, I would like to present a few arguments which will establish the principles on which I base my conclusion.

The first principle which I want to set forth is as old as our Union itself. This is the concept that Congress may act by statute to secure the rights which are inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward* v. *Maryland*, 12 Wallace 418, 430 (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States* v. *Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consqeuently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that the right to vote is included among these fundamental rights. *Ex parte Yarbrough*, 110 U.S. 651, 663, (1884), is but one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

The rule was expanded by the recent case of *Texas* v. *United States*, 384 U.S. 155 (1966), in which the Supreme Court affirmed the decision of a three-judge District Court that the right to vote in all elections, State or Federal, "clearly constitutes one of the most basic elements of our freedom—the 'core of our constitutional system."

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the test to be applied in cases where Congress is acting to enforce or enhance an inherent Constitutional right is the one laid down by Chief Justice Marshall for all cases involving the power of Congress under the Necessary and Proper Clause.

According to this rule, three questions must be asked: (1) Is the end "legitimate?" (2) Is the statute "plainly adapted to that end?" and (3) Is the approach used "not prohibited, but consistent with the letter and spirit of Constitution." *McCulloch v. Maryland*, 4 Wheaton, 316, 420 (1819).

In applying these standards to the proposal at hand, I believe the Courts would uphold the power of Congress to pass a statute reducing the voting age in all elections, Federal, State and local.

First, there can be no doubt that the end is "legitimate." The legislation would be designed to protect the fundamental right to vote for almost 11 million citizens.

Second, the proposal is "plainly adapted to that end." By removing a voting impediment which Congress has found to be unnecessary and unfair, the Constitutional right to vote will be immediately and effectively enhanced for millions of Americans.

Third, the law is "not prohibited, but consistent with the letter and spirit of the constitution."

Here is where the crux of the whole issue must stand or fall. It will unquestionably be argued by some that since the Constitution allows the States to create reasonable voting qualifications, Congress may not override those State requirements.

However, I believe that the rule of *United States* v. *Texas*, 252 Federal Supplement 234 (1966), which I have cited above, settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

Although the Court recognized that the poll tax system in Texas had the important function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250.)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin* v. *State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384, U.S. 155 (1966), I believe it offers the controlling principle which must be applied to cases involving a conflict between the assertion of an individual's Constitutional right and a State law that touches on that right but serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro v. Thompson*, 394 U.S. 618 (1969). This case concerned the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The case is relevant to the question which we are considering because the Court specifically rejected the argument that a mere showing of a rational relationship between the qualification and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise elegible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional." (394 U.S. 634)

Since the State qualifications involved here also touch on the exercise of a fundamental Constitutional right, I believe the same rule will be applied. Congress may, in order to protect the exercise of the right to vote, regulate State laws which deny that right, unless the State laws are shown to be necessary in order to promote a "compelling" State interest.

Under this standard, I conclude that Congress may, consistent with the Constitution, establish a minimum voting age of 18 years.

There simply is no compelling reason why a State has to deprive citizens who are between the ages of 18 and 21 of their right to vote. As I have discussed earlier in my statement, the only reason put forth to justify the present minimum of 21 is a distrust of the intelligence of maturity of young persons.

There is no rhyme or reason to either of these points in today's setting. They are based strictly on emotion rather than facts. Unless a State can come up with a better explanation than this; I believe Congress can and should act to enhance the right of young citizens to vote.

Mr. Chairman, there is another ground upon which Congress may act. For the Supreme Court has held that Congress may act independently of the courts to enforce the guarantees of the Fourteenth Amendment.

This doctrine was first announced in the recent case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

There the Court was faced with deciding whether or not Congress could preclude the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the State law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649)

Justice Brennan said: "In answering this question, our task is limited to determining

whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch* v. *Maryland*, when he defined the powers of Congress under the Necessary and Proper Clause. As adapted to legislation passed under section 5, this test requires that three questions shall be asked: (1) Is the statute designed to enforce the Fourteenth Amendment? (2) Is it "plainly adapted" to that end? and (3) Is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said: "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did. (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State laws which deny the right to vote to eighteen-year-olds.

It may be granted that the Courts have never held that the enforcement of a 21-year-old voting requirement is invalid. But according to the rule of *Morgan* this doesn't matter. When the case involves an enactment of Congress which is designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law violates that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

Under this doctrine, I have no difficulty in believing that the enactment of a uniform voting age is Constitutional. The identical analysis would apply here that I have given above with regard to the power of Congress to act under the Necessary and Proper Clause.

The proposed statute is clearly meant to carry out the legitimate purpose of enhancing the right to vote, is plainly adapted to that end, and is consistent with the Constitution in the absence of a compelling State interest.

Mr. Chairman, this completes my discussion of the authority under which Congress may act. But we must also consider the policy questions. Is this an appropriate issue to tackle by legislation? And is this the time to do it?

Only two States have set the voting age at 18. Should we impose a standard on 48 States which has been accepted in merely two States?

Since 1960, voters in nine States have turned thumbs down on proposals to reduce the voting age below 21. Should we change the laws in these States whose residents have expressly voted not to do so?

In 1970 the voters of ten States will be asked to pass on amendments which would lower the voting age in their States. Should we preempt the issue and remove the choice from the local citizens themselves?

These are the kinds of hard questions which we must consider and discuss in detail. We must set out the conflicting considerations fully and fairly. We must balance a proper concern for the preservation of State authority against the attractive opportunity to enhance the right to vote for nearly 11 million citizens—a full 15% of the number of Americans who went to the polls in 1968.

So, let each of us make his own decision. Let us determine what we believe the citizens in our State want us to do and what we believe to be right.

To me, one thing is clear. The idea has found its time. This is the year to act. The proposal for giving full citizenship to young Americans is right. I know it in my heart.

For my part, I shall join with the distinguished Senator from Kentucky (Mr. Cook) in proposing a bill to extend complete voting privileges to all Americans between 18 and 21.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we don't intend to risk the voting opportunities of tens of millions of Americans by tossing the age issue into the Voting Rights struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

Let's face it. There have been no prior extensive hearings in the Senate. There has been no previous consideration of the Constitutional issues in the House of Representatives. And the Chairman of the House Committee which holds jurisdiction over the subject is known to possess a career-long record of opposition to dropping the voting age.

In circumstances such as these, the House is not about to follow the statutory route until it can study the matter for itself.

This means that passage of the Voting Rights bill is certain to be endangered, and at the very least held up, if the voting age question is tied to the pending Senate bill.

Let's also face up to the fact that we do not yet have the kind of solid legislative record that is needed to bring the issue before the Courts. We have only the testimony of two or three United States Senators and two Professors of law to show that this can be done by a statute.

While this might be impressive to those of us who are among this group, I am not so certain we have won our case before the entire Congress or before the nine men in black robes who sit in the chamber across the street.

We still need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments for our cause.

We still have not heard from any State or local officials who might want to advise us of their problems or give us their recommendations as to the swiftest way in which the Constitutional questions can be decided in the courts.

Therefore, the junior Senator from Kentucky and I will seek to lower the voting age by means of a separate bill, which can be considered on its own merits.

Our bill will provide for the unusual step of an appeal directly to the Supreme Court from a three-judge District Court. By removing the Court of Appeals as the "middle man," the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can improve this feature of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something on this order has been used in the original Voting Rights Act of 1965, and if appropriate here, it would provide a means to settle the legal issues without tying up an election.

In any event, Mr. Chairman, I agree 100% with the proposal to grant full voting rights to our young Americans. To me, 18 is old enough.

Mr. Chairman, I have prepared a four-part summary on the most recent State actions to lower the voting age, and I ask that this material be inserted at the end of my statement.

APPENDIX TO SENATOR GOLDWATER'S TESTIMONY

I. 18-, 19-, AND 20-YEAR-OLD POPULATION

1. Age 18:	
Male	1,830,000
Female	1,776,000
2. Age 19:	
Male	1,781,000
Female	1,729,000
3. Age 20:	
Male	1,791,000
Female	1,747,000
Total males	5,402,000
Total females	5,252,000
Total population	10,654,000

SOURCE.—United States Bureau of the Census, as of July 1, 1969.

II. RECENT STATE ACTION TO LOWER THE VOTING AGE

1. *Alaska.* In 1969 the legislature passed an amendment to lower the voting age from 19 to 18. The proposal will go to the voters in the 1970 elections.

2. *California.* In 1969 the California Constitutional Commission recommended lowering the voting age to 19.

3. *Connecticut.* In 1969 the Connecticut legislature approved an 18-year-old vote proposal which will go on the ballot in November, 1970.

4. *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.

5. *Hawaii.* In 1969 the legislature approved an 18-year-old vote amendment. It will be on the ballot in 1970.

6. *Maine.* In 1969 the legislature passed a 20-year-old amendment. It will go before the voters in 1970.

7. *Massachusetts.* In 1967 the General Court approved a reduction in 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.

8. *Minnesota.* In 1969 the legislature approved an amendment lowering the voting age to 19. This proposal will be on the ballot in 1970.

9. *Montana.* In 1969 approval was given to a 19-year-old amendment by the legislature. It will be submitted to the voters in 1970.

10. *Nebraska.* The legislature approved a 20-year-old vote amendment in 1969. This proposal will be submitted to the voters in 1970.

11. *Nevada.* In 1969 the legislature approved an 18-year-old voting amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

12. *Oregon.* The legislature passed a 19-year-old vote amendment in 1968. It will go to the voters in 1970.

13. *Wyoming.* In 1969 the legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970.

III. VOTER APPROVAL OF PROPOSALS TO LOWER THE VOTING AGE

1. *Alaska.* The State constitution contains a provision making all citizens 19 years of age and older entitled to vote. The constitution was approved by a 2 to 1 majority of the voters on April 24, 1956.

2. *Georgia.* In 1943 the voters ratified the 18-year-old voting amendment. The vote was 42,284 (yes) and 19,682 (no).

3. *Hawaii.* The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20. Ratification: 82,788 (for) and 27,109 (against).

4. *Kentucky.* In 1955 a referendum was held to lower the voting age to 18. The proposal passed by a 2½ to 1 margin: 190,838 (for) and 107,650 (against).

IV. VOTER REJECTIONS OF PROPOSALS TO LOWER THE VOTING AGE

1. *Idaho.* In 1960 a referendum was held on the proposal to amend the constitution to lower the voting age to 19. The measure was defeated: 113,594 (yes) and 155,548 (no).

2. *Hawaii.* In 1968 the voters specifically rejected a part of the new constitution which would have lowered the voting age to 18. The vote was 72,930 (yes) and 80,660 (no).

3. *Maryland.* In 1968 a constitutional provision to lower the voting age to 19 was defeated by the electorate. The vote was 283,050 (yes) and 366,575 (no).

4. *Michigan.* In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18. The vote was 1,267,872 (yes) and 703,076 (no).

5. *Nebraska.* In 1968 a proposal to lower the voting age to 19 was submitted to the voters. The vote was 246,672 (yes) and 255,-051 (no).

6. *New Jersey.* In 1969 the voters decisively rejected a proposal to lower the voting age to 18 years old. The vote was 788,978 (yes) and 1,154,606 (no).

7. *North Dakota.* In 1968 a 19-year-old voting age amendment went to the voters. It was rejected: 59,034 (yes) and 61,813 (no).

8. *Ohio.* In 1969 the voters considered a 19-year-old vote amendment. It was rejected: 1,226,590 (for) and 1,274,334 (against).

9. *Oklahoma.* In 1952 the proposal to lower the voting age to 18 was overwhelmingly defeated at the referendum. The vote was 233,-094 (yes) and 639,224 (no).

10. *South Dakota.* In 1958 the voters defeated a proposal to lower the voting age to 18. The vote was 71,033 (yes) and 137,942 (no).

11. *Tennessee.* In 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18. The vote was 236,214 (yes) and 290,922 (no).

SOURCE.—For Items 2, 3, and 4: Library of Congress, Legislative Reference Service, Report Number 69, 241, December 11, 1969.

RESUMPTION OF PROCEEDINGS

Mr. GOLDWATER. Mr. President, the goal of extending full voting rights to all Americans 18 and over is one which I have worked for throughout a long time.

Today it was my privilege to restate my position before the Senate Subcommittee on Constitutional Amendments. At that time I announced that it was my intention to join as a coauthor of a bill to be introduced today by the distinguished Senator from Kentucky (Mr. COOK).

Our bill is designed to establish a nationwide minimum voting age of 18 and to obtain a swift judicial decision on the constitutional issues involved.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we do not wish to risk the voting opportunities of tens of millions of Americans by adding the age issue into the voting right struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

In our view, the responsible way to handle this proposal is to offer a completely separate bill to lower the voting age, which can be considered in committee and stand on its own merits.

One important feature of our bill is that it provides for the unusual step of an appeal directly to the Supreme Court from a three-judge district court. By removing the court of appeals as the middle man, the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can carry out this goal of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something like this has been used in section 10(b) of the original Voting Rights Act of 1965. And, if appropriate here, it would provide a means to settle the legal issues without tying up an election.

It is this kind of question that we need time to study in detail.

We also need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments that will support our cause.

Mr. President, it is for these reasons that I believe the wisest course is for Congress to act on separate legislation, rather than on an amendment to the voting rights bill.

Mr. President, to my mind Congress may properly act by means of a statute.

To me, the proposal for giving full voting privileges to our young Americans is right. It should be enacted sometime in this year.

But let us do it right. Let us build a strong legislative history and work on shaping a means of judicial review that can produce a court ruling without throwing an election in doubt.

Mr. President, I am pleased to join with my good friend from Kentucky in this effort and I hope that most of our colleagues will see fit to pursue this goal in the manner we suggest.

Mr. PERCY. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) intended to be here at this time in order to compliment the Senator from Kentucky (Mr. COOK) on his presentation. However, he was called away for a speech he had to give and is not in the Chamber now. I, therefore, ask unanimous consent that the statement he intended to deliver in person be printed in the RECORD.

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

STATEMENT BY SENATOR SCOTT

Mr. President, I rise to compliment the distinguished Senator from Kentucky on his presentation on lowering the voting age to 18. I cosponsored this legislation with nine other distinguished Senators.

The time has come to lower the voting age in the U.S. and to bring our young people into the main stream of our political process. We can do no less than to give the legislation introduced today by Senator Cook, my colleagues, and me, the fullest attention and consideration. I think it is possible, constitutionally, for the Congress to adopt a statute permitting the lowering of the voting age. As I have stated before, I tend to feel that 19 may perhaps be a better age than 18. However, I have cosponsored this legislation in order to stress my particularly strong feelings that the legislation now before this body—the Voting Rights legislation—not be encumbered with what, in essence, is a very complex and complicated matter. The legislation which the distinguished Senator from Kentucky has proposed would permit voting at the age of 18 in all elections, but would not be operative until January 1, 1971. There are, of course, many alternatives to be considered including a constitutional amendment.

I believe it possible and essential for this body to act favorably on the issue of lowering the voting age this session. But I do not feel that an amendment to the present legislation is the proper way to proceed. Hearings on this subject are progressing well within the Judiciary Committee and I would think the members of this body would want to avail themselves of the opportunity to study the alternative which Senator Cook, my colleagues, and I have proposed today in detail.

However, I do not want to delay the consideration of an 18 or 19 year old vote beyond a reasonable time.

I am suggesting, however, that we should not risk embroiling the extension of the Voting Rights Act of 1965 with the subject of an 18 or 19 year old voting age.

Federal action on lowering the voting age is both necessary and appropriate this year. I believe that Congress has the authority to act in this area by statute, by establishing a uniform minimum voting age applicable to all states and to all elections.

RESUMPTION OF PROCEEDINGS

Mr. PERCY. Mr. President, I too, should like to commend the distinguished Senator from Kentucky (Mr. Cook) on his presentation this morning. He has answered the questions thoroughly and completely which I had in my own mind as to whether we could, by statute, provide for 18 year olds to vote. I am content that his arguments are complete and thorough in that regard.

Second, I think that we are blessed by the fact that four States have had tested the 18-year-old vote. As the Senator from Kentucky has indicated, it has been a successful experience in Kentucky, and in other areas. We see that England itself has gone to the 18-year-old vote so it is not a radical proposal. It has been tested here and in other countries.

The Senator has pointed out, and the research I have done myself has proved, that the young vote is not a radical vote; it follows pretty much the patterns of the established vote in the various regions.

We need to acknowledge that there is presently, an anti-youth feeling in the country. Two States have tried to lower the voting age, and the effort was rejected at the polls. But I believe that those voters who feel antagonistic toward youths are penalizing the majority of the young today for the excesses of some of them.

In studying the violence on campus in the Committee on Government Operations, we determined that less than one-half of 1 percent of college and university students in the United States were engaged in any kind of disruptions that involved violence.

I look upon the college and university student as an intelligent, concerned, and deeply involved individual. I think he is worthy of support, and the privilege to vote.

Mr. President, I think the proposal of the Senator from Kentucky is an excellent one and ask unanimous consent that my name be added as a cosponsor of the bill he has just introduced.

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

Mr. COOPER. Mr. President, I join in congratulating and commending my colleague from Kentucky on his very able presentation.

I recall that I made five statewide races in Kentucky before the voting age was lowered to 18. The contrast since that time is remarkable. In days before, meetings were usually attended by partisan members of one's party and seldom were questions directed to the candidate about the points at issue. But now, candidates speak before colleges and even high school classes and are subjected and properly so, to important and penetrating questioning. I believe that it has attained its greatest purpose and value, in that it gives the young men and women of our country the right of participating in their government, State, local, and national, in its decisions, and under the processes of law.

I understand that the Senator is not intending to offer the bill as an amendment to the Voting Rights Act. Is that correct?

Mr. COOK. That is correct.

Mr. COOPER. I thank my colleague. I am glad because in my studies of two recent cases—South Carolina against Katzenbach and Katzenbach against Morgan—the court

indicated that the Congress must provide the facts upon which the country can determine that the Congress has acted rationally, under section 5 of the 14th amendment. The purpose of the Senator's bill is one in which I concur, but there are grave questions about the constitutionality of a statute as compared to an amendment. I am very happy to have heard my colleague from Kentucky.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from South Carolina (Mr. THURMOND) 8 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, today we are presented with a unique opportunity to register a vote of confidence in the youth of our country. By approving Senate Joint Resolution 7, proposing a Constitutional amendment which would lower the voting age to 18 for all elections, we can entrust our young citizens to expand their role in the process of self-government and reaffirm our faith in the principles of our Nation's founders.

Mr. President, I have long advocated reducing the voting age to 18. I have always maintained, however, that this goal must be achieved within the framework of the Constitution. That is why I was a cosponsor of an amendment to the Constitution last year, and of the proposed amendment this year.

The Congress took an unconstitutional approach to enfranchising 18-year-olds by enacting the Voting Rights Act of 1970. The right to vote for the 18- to 20-year-old age group should never have been attempted by Federal legislation. In my opinion, this right should only be granted by an amendment to the Constitution.

The Supreme Court, however, upheld the constitutionality of the Voting Rights Act of 1970 as it applies to Federal elections only. Since the right to vote in State and local elections has only been granted by three States, we, therefore, presently have a burdensome and unworkable system. This situation should be corrected by amending the Constitution to grant the right to vote to 18-year-olds in all elections.

Mr. President, by its very nature, a dual-age voting system imposes a financial burden on the States and generates confusion among the electorate. According to a 50-State survey of election officials recently completed by the Constitutional Amendments Subcommittee, putting the dual-age system into effect would cost the Nation's taxpayers a minimum of from $10 to $20 million. In my home State of South Carolina alone, the costs of maintaining a dual system for the more than 165,000 of our citizens in the 18 to 21 age bracket are estimated at between $25,000 and $30,000 per calendar year.

Unless a uniform minimum age is established for voting in all elections, separate registration and voting procedures will have to be established in most of our States. More manpower will be needed in handling elections. More voting machines, or special "lock-out" devices for existing machines, will have to be bought by all communities.

Mr. President, dual-age voting would also prove unworkable because of the difficulty in determining just what constitutes a Federal election. Some States select nominees for Federal office in State conventions. Delegates to these State conventions are often selected in State elections or caucuses. The existing law prohibits the young voter from participating in this vital activity, thus denying him even an indirect voice in choosing his party's candidates for Federal office.

The greatest cost of not allowing our young people full participation cannot be measured in monetary terms. In traveling throughout this country and talking with young citizens from many different backgrounds I am deeply impressed with the knowledge and maturity of the great majority of our youth. They are the most highly educated of any generation this Nation has produced. By the age of 18 the majority have completed their high school education, and many are continuing their education in trade schools, colleges, and universities. Nearly 1 million young men and women in this age bracket are serving with honor in the Armed Forces. More than 3 million work at full-time jobs, and countless more serve as part-time employees, paying taxes on their earnings to finance the operations of our local and State governments.

Mr. President, I believe young people have proven their responsibility, and should be granted full citizenship. It just does not make sense to permit young people to have a voice in choosing national leaders while denying them the opportunity to participate in local government. I am convinced that government functions best at the local level, where citizens have the greatest individual effect by working with their elected officials to solve their own problems. Effective local government demands greater citizen involvement. To stifle the potentially productive power of the young—especially at a time when our youth have a greater appreciation of government and are stimulated to become involved in its processes—would be a grave error.

I believe in the young people of our country, for they are our Nation's future. The self-styled revolutionaries performing on the nightly news are not the real spokesmen for their generation. The responsible actions of the majority of our young people speak for themselves. I look forward to working with them in finding solutions to our common problems, in helping to make this Nation a better place through what President Nixon has called "those small, splendid efforts" made at the local level.

Mr. President, there must be no generation gap barring the path to the voting booth. Our 18-year-olds are not preparing for citizenship, they are living as citizens; thus they should be accorded all the attendant rights and responsibilities. This is why I have cosponsored this resolution and urge my colleagues to join in granting our young citizens full partnership in the political process.

Mr. JACKSON. Mr. President, if the Constitution of the United States is amended to lower the voting age to 18, this will be thanks more than anything else to the efforts of one man—the distinguished senior Senator from West Virginia.

Senator RANDOLPH is the staunchest friend the 18-year-old vote ever had. Twenty-nine years ago, back in 1942, Senator RANDOLPH, who was then a Member of the other body, introduced his first joint resolution to enfranchise 18-year-olds. Since that time, he has introduced 10 other resolutions with the same aim—two in the House and eight in the Senate. In his quiet personal style and without ever seeking the limelight, Senator RANDOLPH has continued to champion a cause that he believes in, and in the 29 years that have elapsed since his first House joint resolution, he has seen an increasing number of people come to feel the way he does about the 18-year-old vote.

More and more people now agree with Senator RANDOLPH that there is something deeply unfair about requiring a man to fight for his country while at the same time denying him the right to vote for his country's elected officials. More and more people now see that if 18-year-olds are considered responsible citizens by one standard—because they are treated as adults in courts of law, because they can be sued in many States and make wills and purchase insurance—then they should also be considered responsible citizens by the standard that gives them the right to vote.

Personally, Mr. President, I feel that Senator RANDOLPH's confidence in the intelligence, commonsense, and high ideals of our young people is justified. I have never seen any evidence to suggest that 18-year-olds are incapable of exercising sound judgment as responsible voters, and I am proud to be a cosponsor of this resolution, Senate Joint Resolution 7.

Mr. MONDALE. Mr. President, I want to register my strong support for Senate Joint Resolution 7, the proposed constitutional amendment to lower the voting age to 18 in all elections—State and local, as well as Federal.

This resolution is a singular tribute to the wisdom and fortitude of its principal author, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) who has worked with such dedication for almost three decades for this progressive extension of the franchise.

The case for this amendment could not be more clear or compelling.

We have given the vote to our young citizens in Federal elections. To withhold that right in State and local elections would be a senseless travesty.

But there is much more here than a matter of consistency. The enormous problems and the fateful choices we will face in the 1970's are too big for any single level of Government.

If ever there was a moment when we had to make "grassroots democracy" more than rhetorical flourish, it is now.

And the way to breathe life into our political institutions at every level is to engage in the political process the energy, the idealism, the critical intelligence, and the fresh integrity of our young people.

This resolution is an essential step in that direction. The passage of Senate Joint Resolution 7 is a responsibility that

Congress must meet. The rest will be up to the young people of this country.

It makes no sense to continually admonish young people to work within the system—while denying them the basic tool for making the system work.

There are many legitimate ways to bring about social change. But nothing is so effective as the right to vote.

The vast potential for constructive and orderly change inherent in the right to vote cannot be overestimated. In the past several years, we have witnessed the dramatic changes in this country resulting from the passage of the Voting Rights Act of 1965.

In 1972, there will be over 15 million Americans between the ages of 18 and 21. We have an obligation to bring that vital part of our population into the political decisions that will shape their future.

There are those who argue that young Americans no longer care about their country.

But I am convinced that they do care—that they are concerned about the plight of their communities and their Nation as never before.

This amendment can be a building block for a new America. I am proud to join the distinguished senior Senator from West Virginia in urging its passage.

Mr. BROOKE. Mr. President, I am pleased to cosponsor and to vote for final passage of Senate Joint Resolution 7, a constitutional amendment extending the right to vote in all elections—Federal, State, and local—to citizens 18 years and older.

Approval of this proposal will represent a highly significant event in the history of the effort to extend the voting franchise. Millions of individuals who rightly merit a voice in the operation of the government that affects their lives in many ways will be afforded an opportunity to shape the policies of their country.

This amendment represents democracy at its best; it assumes that those who are obligated to pay taxes, who are held legally responsible for their actions, and who are required to defend their Nation can have an equal voice with their peers in setting its laws and policies. Indeed, it could well be said that ratification of this constitutional amendment will remove one of the last vestiges of compulsory servitude in our legal system.

But more than that, our support of this proposal will be a clear message to young people that in the eyes of their country they possess the maturity and wisdom to register a full voice in the functioning of government. It will be a firm statement to them that they can work to change the system while operating within the system. At a time when many of them have an opportunity to do intensive thinking about American tradition and its social and legal structures, college-age individuals will now have a greater incentive to test their own ideas and to be able to judge as well as to influence their Nation's direction.

The average 18-year-old in 1969 had completed 12.2 years of education. More than 50 percent of those age 18—male and female—are today enrolled in school. This, of course, is a great change—and a welcome one—from the statistics of a generation ago, when only 16 percent of all young people went to college in 1940.

Our young adults have conclusively proven, I believe, that they do deserve and will use wisely the full political rights which this proposal will bestow upon them.

From a practical standpoint, there is another important reason why this constitutional amendment should be ratified as soon as possible. As a result of the Supreme Court decision last December upholding a provision of the 1970 Voting Rights Act which lowered the voting age to 18—but making it applicable only to Federal elections—there are bound to be many complex administrative problems and added expenses for election officials for so long as there are different minimum ages for voter qualification in State and local as opposed to Federal elections. The best and most expeditious solution to the problem will be for the Senate and House to each pass the amendment and then for at least three-fourths of the State legislatures to approve it.

Congressional action followed by the Supreme Court's ruling will, hopefully, have the effect of hastening the implementation of this proposal which so many distinguished individuals and groups have been advocating for so many years.

It is a change which I have long advocated. I firmly believe that the millions of young people who will be given the right to vote by this amendment will use that right proudly and honestly, and that our country will benefit greatly from their contributions.

SENATOR JENNINGS RANDOLPH, FATHER OF THE 18-YEAR-OLD VOTE

Mr. CRANSTON. Mr. President, no Member of the Congress deserves more credit for action on lowering the voting age to 18 than my distinguished friend and colleague, the Senator from West Virginia (Mr. RANDOLPH). The Senator has been fighting for this measure for 29 years, in both Houses. In 1942, while serving in the other body, Senator RANDOLPH introduced his first joint resolution to achieve his conviction that more of our young people should be given full participation in setting the course of this country. Senate Joint Resolution 7, now before us, is the 12th such measure my colleague has proposed. I have made clear my own firm support of Senate Joint Resolution 7, as have 86 other Senators.

I feel certain that not one of my colleagues does not share my gratitude and sincere appreciation for the nearly three decades of diligent work given this legislation by the Senator from West Virginia. I think he is deserving of our highest commendation. It was Senator RANDOLPH, testifying before the Senate Committee on the Judiciary, who gave the most compelling reason why this measure should be favored by every Member of the Congress.

"The future in large part," he said, "belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Mr. President, I am personally confident that Senate Joint Resolution 7 will be passed by the Congress. We owe this eventuality to Senator RANDOLPH. Millions of American young people, and the Congress, are already in his debt.

THE 18-YEAR-OLD VOTE: A LONG, HARD BATTLE

Mr. WILLIAMS. Mr. President, I wish to applaud the efforts of the Senator from West Virginia in his attempt to extend the right to vote, one of the most privileged rights of our democratic society, to those Americans between the ages of 18 and 21 who are presently disenfranchised by State and local regulations.

The recent decision of the U.S. Supreme Court, which has brought this dream partly to fruition, marks a turning point in the history of Senator RANDOLPH's long struggle in behalf of this measure. As a Congressman in 1952, Senator RANDOLPH submitted his first proposed constitutional amendment to this effect, and the degree of his dedication and persistence in attaining this goal is reflected in the fact that Senate Joint Resolution 7, which now has the support of a total of 86 cosponsors, is the 11th in a series of proposed constitutional amendments that the Senator from West Virginia has sponsored since 1942.

Few times in my memory has a proposed constitutional amendment had such overwhelming support from the Senate. This is a tribute not only to the diligence of the senior Senator from West Virginia, but to the basic justice inherent in his proposed resolution.

Those young Americans who are now required to bear arms in the furtherance of our foreign policy—indeed all young people who share full citizenship responsibility in every other way—should have a right to participate, through the electoral process, in the formulation of national policies and goals. This has been affirmed in principle by our Supreme Court and by the overwhelming support that the Senate has given to this measure.

The correctness of this stand is also attested to by the unmistakably high level of political maturity evident in young people today. Due to the impact of our media and educational system, they are extremely well-informed and interested in the political issues of our day, and, overwhelmingly interested in participation in the political process. It is important that we afford them this opportunity to increase their participation in this respect, not only because it is fair, but because I firmly believe that Americans in the 18- to 21-year-old category can make very positive contributions to our society. Through their idealism, their energy, and their ability to take a fresh look at our unsuccessful attempts to solve problems, they can be of invaluable assistance. I have created a Subcommittee on Youth within Labor and Public Welfare Committee for essentially this same purpose, to provide for the channeling of this constructive potential into our governmental process.

The resolution of the Senator from West Virginia provides young Americans with an even more direct access to our democratic institutions. It is a resolution I wholeheartedly support. I am proud to

have been associated with him in this determined and relentless pursuit of this goal.

Mr. TUNNEY. Mr. President, we are here today to decide whether or not 18-year-olds ought to be granted the right to vote. All of us in the Senate are aware of the fact that since 1942 the distinguished Senator from West Virginia, Senator RANDOLPH, has championed the cause of providing 18-year-olds with voting rights. It is most appropriate that we are today considering his bill.

Mr. President, we are here today while, half a world away, 18-year-olds are fighting and dying for their country in Southeast Asia.

We are here today as Senators; as elected representatives of the 50 States, trying to deal with the issues of war and peace, of race, of justice, of repression, and of civil liberties. We deal with many issues. That is our mandate.

All of these issues affect 10 million Americans between the ages of 18 and 21. They are taxed. They are drafted. They fight and die in wars. They can marry. They have children. They can be jailed; but they cannot vote.

They carry all of the responsibilities of adults and yet they do not carry the most important right that can be granted to any American citizen, the right to vote. They are both disillusioned and disenfranchised. They have played an important part in American politics within the last 5 years. They have helped lead our country on the most important single issue of our times—the war. They have canvassed the land on behalf of new priorities and new candidates. They have represented a trend toward conscience instead of consensus. They have relied on issues and not merely ideology. They have stood for their beliefs.

And yet, despite all of their interest, their awareness, and their activity, they have been denied the right to vote.

I feel that it is long past time that we lower the voting age to 18 in every election across the land. We cannot, in good conscience, continue to ask 10 million Americans to share in the responsibilities of democracy while denying them a real voice in shaping the policies that they live with and die for.

Mr. MONTOYA. Mr. President, I want to commend those workers in the vineyard who have labored hard and whose determination has finally brought general acceptance to the proposition which is before the Senate today.

For years the distinguished senior Senator from West Virginia (Mr. RANDOLPH) was the prime mover and sponsor of this resolution. Little by little he gained a following which mushroomed into today's general acceptance. I congratulate him for his tenacity and perseverance and for the culmination of his great efforts in this fine victory which is about to be realized.

The distinguished Senator from Indiana has been the real shepherd of this legislation in its journey through the Judiciary Committee and his presentation has been most effective.

THE 18-YEAR-OLD VOTE

Mr. DOLE. Mr. President, last year Congress and the Supreme Court took significant steps toward expanding the franchise to a large segment of the American public. Congress enacted the Voting Rights Act Amendments of 1970 which by legislative authority sought to reduce the minimum voting age from 21 to 18 years in all elections. Later, in passing on the validity of this congressional action, the Court held that the 18-year-old-vote provisions were "constitutional and enforceable as they pertain to State and local elections." Going further, Mr. Justice Black, in delivering the judgment of the Court, said:

> It is obvious that the whole constitution reserves to the States the power to set voter qualifications in State and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States.

This decision confirmed the apprehension of many constitutional scholars who held serious doubts as to the propriety and validity of legislative action in this area. The President and many Members of Congress submitted their belief last year that a constitutional amendment to lower the minimum voting age was the appropriate vehicle for realizing this commendable and worthwhile goal. Nonetheless, Congress chose to utilize its legislative powers, and we are faced with the obligations of ameliorating the consequences.

The Court's decision created a formidable problem for State and local officials charged with administering elections in jurisdictions which have not adopted the 18-year-old minimum age. Under the present state of the law, separate registration and balloting procedures will be required for those individuals who are qualified to vote only for presidential and vice presidential electors, Senators and Congressmen, and for those qualified to vote for all candidates and issues presented to the electorate. Needless to say, this requirement will impose a substantial burden on State and local election officials. In my State of Kansas alone approximately a quarter-million new voters have been granted the Federal franchise. The monetary and administrative factors are staggering; the cost for implementing dual systems in the 47 States required to deal specifically with at least 10 million voters between 18 and 21 is estimated to be in excess of $20 million. In view of the Congress' creation of this problem it is imperative for Congress to act expeditiously to remedy it.

Swift approval of Senate Joint Resolution 7 is the best and most appropriate means of providing an 18-year-old minimum voting age for all elections. As the Senator from West Virginia (Mr. RANDOLPH) said yesterday, the hour is late, but it is still possible to arrange a solution in time for the 1972 elections. The Senate can do its part by approving the proposed constitutional amendment contained in this joint resolution and sending it to the House, from where it can be sent to the State legislatures, which, it is hoped, will cooperate in solving this expensive and invidious form of discrimination.

At this point I believe it would be appropriate to remark on the vision, foresight, and persistence of the distinguished senior Senator from West Virginia, who since 1942, as a Member of the House of Representatives, has been in the forefront of efforts to secure passage of an 18-year-old vote amendment. As the author of Senate Joint Resolution 7 he has again this year championed the cause of constitutional approbation for the 18-year-old vote, and he must take well-deserved pride in being associated with an ideal, the ripeness and momentum of which are nearly universally recognized.

I have had the privilege of being associated with the Senator from West Virginia's efforts in this cause since coming to the Senate, and prior to entering the Senate I was associated with similar efforts in the House of Representatives. I wholeheartedly support the goal of universal 18-year-old suffrage and commend the Senator from West Virginia for his efforts.

As the list of cosponsors of Senate Joint Resolution 7 attests, this measure has exceptional bipartisan support, and I urge that, as amended by the Committee on the Judiciary, it receive the approval of which it is so deserving.

Mr. RANDOLPH. Mr. President, I rise at this point to express general appreciation to those Senators who have just reiterated their support of Senate Joint Resolution 7. A total of 86 Senators have joined as cosponsors of the resolution we are now considering. I ask unanimous consent to have printed in the RECORD at this point the list of Senators who have joined me as cosponsors of Senate Joint Resolution 7.

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

Mr. Aiken, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Gambrell, Mr. Goldwater, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young.

Mr. BAYH. Mr. President, I yield 1 minute to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I want to pay my tribute to the Senator from Indiana (Mr. BAYH) and my colleague from Kentucky (Mr. COOK) for their work in bringing this amendment from the Committee on the Judiciary to the Senate. I particularly wish to pay honor to the distinguished senior Senator from West Virginia (Mr. RANDOLPH) for spon-

soring this amendment, and for his earlier sponsorship of 1942 similar amendments in, and since that time. He should be very proud that he was one of the first to propose this constitutional amendment 29 years ago, even in broader form, and that at last his work and his hopes will be realized. We owe him our appreciation, but his greatest satisfaction will come in the knowledge that he has played a major part in strengthening the democratic process, and our country.

My reason for speaking, other than commending our colleagues, is to speak of the experience of my State of Kentucky. It was the second State in the Union to give, in 1955, to its 18-year-old citizens the right to vote. I had participated in five general State elections before that date, and three since then, and I know that giving to these young men and women the right to vote invigorated the election process in Kentucky.

They have not only participated in their parties as Democrats and Republicans, but they have broken away from parties when they felt they should do so. They brought into the debate between candidates and the people a fuller discussion of the issues.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOPER. Could I have an additional half minute?

Mr. RANDOLPH. Mr. President, acting for the chairman of our Subcommittee on Constitutional Amendments (Mr. BAYH), and with his authority, I yield 2 additional minutes to the Senator.

Mr. COOPER. I wanted only to finish the sentence.

I have said they brought into political debate and discussion in our State a fuller inquiry. They ask questions; they do not just listen to candidates' speeches, but they want to know the reasons for their stands upon issues. They have brought to our State and to our people a wider intelligence, a better understanding of the issues, and a more faithful democratic process. I believe the experience of Kentucky will be confirmed throughout the United States when this amendment is ratified.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. I yield myself 1 minute.

Mr. President, I am appreciative of the reference of my cherished friend from Kentucky (Mr. COOPER) in referring to the intense interest, over a considerable number of years, which I have had in this very important, very vital, and very basic subject.

Mr. President, I yield 2 minutes to my able colleague from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I wish to pay tribute to my senior colleague today. It was 29 years ago when, as a Representative from the Second District of West Virginia in the U.S. House of Representatives, the then Representative JENNINGS RANDOLPH initiated the effort which is going to culminate today, certainly with respect to this body's action, in the adoption of a resolution putting before the people of the United States an amendment to the Federal Constitution to allow 18-year-old citizens to vote in State and local elections.

I commend my colleague on his statesmanship, his vision, his dedication, and his never tiring efforts to see this amendment ultimately brought before the people of the United States for their decision. He has been very active here in the Senate in obtaining cosponsors of which I am one. He has actively urged upon the Committee on the Judiciary and the appropriate subcommittee the favorable reporting of this resolution. He cast his "bread upon the waters" 29 years ago, and it is returning now, after "many days."

I also want to express commendation and appreciation to the distinguished Senator from Indiana (Mr. BAYH), who has so ably guided the proposed legislation through his subcommittee. It was largely through his vigorous leadership on the subcommittee and in the full Committee on the Judiciary that favorable action was taken by the subcommittee and the full committee.

So, I join my colleagues today in paying very deserved tribute again to my senior colleague (Mr. RANDOLPH), and also to the Senator from Indiana (Mr. BAYH), and to the Members on both sides of the aisle who have worked in the subcommittee and on the full committee to bring this proposed legislation to its fruition. They have done an excellent job.

Not only the young people of the United States are going to benefit from the vision and the work of these Senators, but also, this great Nation as a whole may benefit therefrom.

I know that my senior colleague looks upon the action of the Senate today with great satisfaction and pride as it prepares to vote on this measure, which he has so long diligently supported and endeavored to bring to a final decision. I congratulate him.

Mr. RANDOLPH. Mr. President, will the Senator yield me 2 additional minutes?

Mr. BAYH. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, perhaps I rise too often, but I do so because of the statements, rather of a personal as well as of an official nature, which are being made as we near the time for a vote on this important matter.

The Senator from West Virginia (Mr. BYRD) is a cosponsor of the resolution. He has been an effective advocate.

I have noted, Mr. President, that approximately 35 young people are sitting in the gallery at this time, in one particular section. As they came in and took their seats, I thought again, as I have thought through the years, how important it is to implement the body politic, as we know it, with the franchise of freedom and responsibility to this group of 18-, 19-, and 20-year-olds, whom I call young adults. I think we perhaps emphasize too much that they are just youth. They are young adults, and they are faced with the problems that we, who are older, are faced with in considerable degree. To have them, in a sense, not on the sidelines but in the main arena, as participants is a satisfaction which I have anticipated.

I earnestly set forth my thinking now, as I have on many, many occasions, that if we refer this matter to the States, as I believe we should, and if a sufficient number of the States ratify, as I believe they will, we will have strengthened the process under which the elective system of government moves forward, meeting the changes and the challenges of this Republic and all its people.

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

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished minority leader.

Mr. President, usually it is said that there are two sides to every question; but, apparently, there is only one side to the issue now before the Senate, and that is the matter of granting the vote to young people of the age of 18 years and older.

I, too, want to commend the distinguished senior Senator from West Virginia (Mr. RANDOLPH) on his statesmanship and on his determination and the dedication he has had to the cause of providing the vote for 18-year-olds. He initiated this movement in Congress in October 1942, when he introduced a resolution in the House, of which he was then a Member. He has never let up in this drive to submit a constitutional amendment back to the States, and during the 91st Congress he was the author and the chief sponsor of Senate Joint Resolution 147, of which there were 73 cosponsors. I am proud to say that the junior Senator from Alabama was one of the cosponsors of Senate Joint Resolution 147, which should have been submitted to the States in the 91st Congress. We are running 7 months behind the schedule that we would have been on had the amendment been submitted back at the time the 18-year-old by statute effort was made in the Senate and the amendment added to the voting rights bill.

At that time, the junior Senator from Alabama and several other Senators urged that we follow the route of submitting the constitutional amendment to the States at that time. Senate Joint Resolution 147 provided for giving the franchise to 18-year-olds in all elections. That would have been the better practice, and it would have avoided the chaos and confusion that has been created by the opinion of the Supreme Court. The purpose of Senate Joint Resolution 7 is to mop up and clean up the confusion caused by that decision of the Supreme Court.

In the 91st Congress, the junior Senator from Alabama argued that it would be unconstitutional to change by statute a right given to the States by the Constitution. Considered legal opinion in this country is that the Supreme Court resorted to the worst sort of legal gymnastics in coming to a 5-to-4 decision authorizing 18-year-olds to vote in na-

tional elections but denying that right in State and local elections.

It is interesting to note that five separate opinions were written by the Justices in the 18-year-olds vote case and that the supposed majority opinion held that 18-year-olds are authorized to vote in Federal elections but not in State and local elections, and that the majority opinion was not agreed to by a single other of the Justices, because not a single other Justice agreed with the conclusion that 18-year-old voting is authorized in one and not authorized in the other.

So it is significant to note that Senate Joint Resolution 7 is not confined to giving the franchise to 18-year-olds in State and local elections. It gives the franchise to those 18 years of age and older in all elections.

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

Mr. ALLEN. I ask for 1 additional minute.

This should have been done during the last Congress. If it had been done at that time, then we would be 7 months ahead of the schedule we are on now. The junior Senator from Alabama is one of only 17 who voted against doing by statute what should have been done at that time by constitutional amendment.

I am proud to be a cosponsor of Senate Joint Resolution 7 in the 92d Congress, just as I am proud that I was a cosponsor of Senate Joint Resolution in the 91st Congress, and just as I am proud that I opposed 18-year-old voting authorization by statute and insisted that it be authorized by constitutional amendment.

Mr. GRIFFIN. Mr. President, may I inquire how much time is left?

The PRESIDING OFFICER (Mr. BROCK). Three minutes to the Senator from Michigan and 9 minutes to the Senator from Indiana (Mr. BAYH).

Mr. GRIFFIN. Mr. President, I yield myself the remaining 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I rise to indicate my strong support for this proposed constitutional amendment to lower the voting age to 18 years for all elections.

Mr. President, proposals similar to Senate Joint Resolution 7 have been before Congress since 1941. Since that time literally hundreds of bills and resolutions have been introduced to lower the voting age.

Yet today is only the second time that either House of Congress has had the opportunity to vote to extend the franchise to 18-,19-, and 20-year-olds by means of a constitutional amendment—the first opportunity was in 1954 when the Senate by a vote of 34 to 24 fell short of the necessary two-thirds majority.

Last June Congress passed the Voting Rights Amendments of 1970 which included a provision purporting to lower the voting age to 18 by statute. I indicated my serious concern then that such an attempt to lower the voting age by statute would run into grave constitutional questions. I urged then that the Senate proceed instead to adopt a constitutional amendment such as the one before us now.

Six months later, on December 21, 1970, the Supreme Court, in Oregon against Mitchell, struck down the statute at it applied to non-Federal elections.

As a result, we are confronted with a confusing, nonsensical situation in which persons 18 to 20 years old are entitled to vote in Federal elections but they are precluded in most States from voting in State and local elections.

I agreed with the President when, as he signed the voting rights amendments on June 22, 1970, he said:

> The time has also come to give 18-year-olds the vote, as I have long urged.
>
> The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of the law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

This appeal by the President is all the more meaningful now that the Supreme Court's predictable decision has left in its wake a confusing, chaotic situation.

Mr. President, I cosponsored a resolution proposing a constitutional amendment to lower the voting age in the 91st Congress, and I was pleased this year to be a cosponsor of Senate Joint Resolution 7, now before the Senate.

Our 18-, 19-, and 20-year-olds are the best educated and best informed young people in our Nation's history.

Two hundred years ago, the average 18-year-old had received only 5 years of education.

Today the typical 18- and 19-year-old has more than 12 years of education.

Today, of the 11½ million persons in the 18- to 20-year group, 80 percent are high school graduates and 46 percent are college students.

That young people today are politically aware hardly needs to be stated. Indeed, there has been no lack of criticism of extreme behavior on the part of a very small minority of these young people, particularly during the past few years. However, we need to keep in mind, as reported by the Eisenhower Commission on the Causes and Prevention of Violence, that less than 2 percent of young people in this country have been involved in violent behavior.

The remaining 98 percent—the concerned but law-abiding majority—are entitled to assurances that avenues are open for responsible and constructive political expression. If these young people are to work "within the system," they need access to the system. The right to vote will provide that access.

Mr. President, there is another important reason why Congress should act now to send a constitutional amendment to the States for ratification.

Since 18-year-olds in most States can vote only in Federal elections, the prospect, in the absence of such a constitutional amendment, is confusion and added expense if election officials should be required to conduct divided elections.

In Michigan, it is reported that an additional 400,000 new voters will be eligible to participate in Federal elections. Although exact figures are not yet available, it has been estimated that dual age voting could cost the State of Michigan several hundred thousand dollars by 1972.

Estimates in other States run much higher. For example, the extra cost of dual voting arrangements may run as high as $5 million for New York City alone.

Prompt action is necessary if we are to save these extra costs by extending the franchise to young people in time for them to vote in local and State elections, as well as Federal elections in 1972.

The Senate Subcommittee on Constitutional Amendments reported in February 1971 that—

> 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.

On the other hand, the subcommittee has indicated that there is a "realistic possibility" of ratification of a Federal constitutional amendment by the requisite 38 States before the 1972 election.

In this regard it may be significant to recall that when Congress approved a constitutional amendment extending the vote to women in 1919, many predicted that the States would not ratify it. In fact, however, the 19th amendment was ratified by the required number of States in less than 15 months.

Mr. President, I was pleased to note that a special commission on the age of majority appointed by Michigan's Governor, William A. Milliken, recommended last Monday, after a 6-month study, that the voting age in Michigan be lowered from 21 to 18 for all elections.

I heartily endorse Governor Milliken's recommendation, and I hope that Michigan will be among the first States in the Union to ratify this proposed amendment to the Constitution. I am happy to report that my own State representative, the Hon. Mike Dively, who serves as vice chairman of the Youth and Student Participation Committee of the Michigan House of Representatives, is confident and optimistic about the prospects for prompt ratification by the State Legislature of Michigan.

For the sake of equity and clarity, as well as economy, I urge the Senate to give its overwhelming approval to this historic amendment.

Mr. RANDOLPH. Mr. President, I rise to express appreciation to Senators ALLEN and GRIFFIN who have just spoken. I remember the effective leadership in the constitutional amendment approach which the Senator from Alabama (Mr. ALLEN) ardently advocated during consideration of the Voting Rights Act in the 91st Congress.

I think he might take some solace—if that is the correct word—in the comments contained in an editorial published in the New York Times last Sunday, which expressed the belief that it would have been preferable, or it would have been the right way, if we had pursued a constitutional amendment.

I am in agreement with the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). He is, as always, factual. He has referred

to the situation which obtains in his own State of Michigan with reference to the action which has been taken there. Of course, considerable problems would not only affect that great State and its people, but also the people of the United States generally, if we do not act promptly and bring to fruition the effort which is now being made.

I express my thanks again to these two Senators who have just spoken.

Mr. BAYH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 6 minutes remaining.

Mr. BAYH. Mr. President, just about everything has been said that conceivably could be said about the merits of this proposed constitutional amendment, which will soon be voted on. In the course of the debate much praise has been heard for many Members of this body, but there has been special praise—and deservedly so—for the distinguished Senator from West Virginia (Mr. RANDOLPH).

I have already expressed my deep appreciation to the Senator from West Virginia for his untiring efforts in this cause. I had the opportunity to be on three college and university campuses in the last 4 or 5 days. Some of the younger generation tend to think that the problems confronting us today might be the result of the generation gap. That is not true. The Senator from West Virginia—who, I have just learned to my surprise, turned 69 a day or so ago—has been in the forefront of very far-reaching legislation not only here, but also in the other body.

Senator RANDOLPH has been an effective advocate in the formulation and enactment of numerous programs of vision which have as their aim the betterment of our society. His philosophy in promoting projects and programs is to offer a basis on which people can work out their needs in common undertakings and through which more segments of our population have greater flexibility and alternatives in a creative partnership with their government. The senior West Virginia Senator is a staunch believer in providing a helping hand—not a handout to those in need.

The meaningful programs in health, education, training, public facilities, pollution control, and environmental improvement, which have been fashioned through the dedicated efforts of Senator RANDOLPH reflect his philosophy and are impressive.

In reviewing these achievements, it is well to remember that, in many of these areas, this is the first time our Government, in focusing on the needs of the people, has developed comprehensive attacks on problems too long overlooked and neglected.

The Senator from West Virginia was the principal sponsor and Senate floor manager of the Appalachian Regional Development Act of 1965—and subsequent renewal amendments—which authorizes a program of regional economic development in all of West Virginia and parts of 12 other States. Shortly, he will bring reauthorization amendments to the Senate for consideration.

The Public Works and Economic Development Act was cosponsored by Senator RANDOLPH and he assisted in the floor management of these measures. He has now directed the Public Works Subcommittee on Economic Development to undertake extensive economic development hearings in preparation for new legislation this year.

As a member of the Senate Committee on Labor and Public Welfare and its Subcommittees on Education, Employment, Manpower, and Poverty, Labor, and Alcoholism and Narcotics, Senator RANDOLPH has been an active sponsor of legislation to develop human resources and health care and medical facility programs and increased educational and training opportunities for all citizens. He has been an effective force in the formulation and passage of the Manpower Development and Training Act, the Elementary and Secondary Education Act, Higher Education Facilities Act, Library Services and Construction Act, Economic Opportunity Act, and the Juvenile Delinquency Prevention and Control Act. The Senator's efforts in the area of education and human resources span the entire spectrum of education and training needs of our society. Despite the remarkable successes in the existing programs, the senior West Virginia Senator is the first to recognize that much remains to be done and that the Nation's efforts must be redoubled.

The Randolph-Sheppard Act, authored by Senator RANDOLPH when he was a Member of the House of Representatives, established the program of vending facilities operated by blind persons. There are approximately 3,400 blind persons who are gainfully employed under the vending stand program.

From the enactment of the original Fair Labor Standards Act in 1938 to the passage in the 91st Congress of the Coal Mine Health and Safety Act and the Occupational Safety and Health Act, Senator RANDOLPH's name has been synonymous with the efforts and programs to aid the working people of our Nation. In the House of Representatives, he was an active advocate in the fight to secure a minimum-wage program. He participated in the formulation of the National Labor Relations Act and the Full Employment Act. Throughout his public service career, he has consistently endeavored to secure programs to assist our working people and to better working conditions.

Senator RANDOLPH's advocacy of effective programs to improve public facilities, transportation systems, and the environment goes back many years. His record of achievement in these fields of endeavor is known throughout our Nation. As a member of the Senate Committee on Public Works since 1958 and its chairman since 1966, the West Virginia Senator has been intimately involved with the legislative leadership in the areas of air and water pollution control, solid waste disposal, highways, and water resources development.

Truly, Senator RANDOLPH is one of the influential Members of Congress who for several years have been providing active opposition to the continued environmental degradation that has now aroused national outrage. Under his guidance, the Committee on Public Works has moved on numerous fronts to develop a national policy to halt destruction of America's natural resources and reversing the pollution that is making increasingly large parts of the Nation undesirable. The landmark pollution control and environmental measures of recent years, including the Federal Water Pollution Control Act, Solid Waste Disposal and Resource Recovery Acts, Water Quality Improvement Act, the Air Quality Act, the Clean Air Act, and the Environmental Quality Act, bear the imprint of my esteemed colleague's work and represent significant steps toward enhancement of environmental quality.

The Senator from West Virginia has had a long and distinguished record in the field of highway legislation. This notable record had its beginning when he was a Member of the House of Representatives and authorized legislation prior to World War II which led to the consideration and establishment of the National System of Interstate and Defense Highways. Today, he is recognized as the leading authority on highways in the U.S. Senate. The highway measures which the Senator has sponsored or cosponsored have covered every aspect of highways from planning, design, and research to their safe and efficient use by the motoring public. Among them are such landmark measures as the Federal Aid Highway Act of 1964, the Highway Beautification Act of 1965, the Federal Aid Highway Act of 1966, the Highway Safety Act of 1966, the Federal Aid Highway Act of 1968, and the Federal Aid Highway Act of 1970.

Among public officials, he is probably the one most aware of the importance of a soundly developed road program to provide the Nation with the safest and most efficient means of transporting people and goods. During Senator RANDOLPH's chairmanship, highway legislation has reflected the changing needs and wishes of the public and reflects a move toward greater public responsibility in the relationship of highways and the communities. Highway laws developed in the committee now require the consideration of social and environmental goals and objectives in the location of proposed highway projects.

Today, Mr. President, I believe that the Senate will pass yet another one of Senator RANDOLPH's fine proposals. I think that this measure will pass the Senate today, that it will pass the House of Representatives, and that it will be ratified in time for the 1972 elections.

I think that we ought to ask ourselves what will happen after ratification, I have said to young and old that lowering the age is not a panacea for the problems confronting us. Both young and old have both strengths and weaknesses. There are young peoeple who will not vote just as there are older people who will not vote.

This amendment will not solve all our problems and sweep away all our woes. It will give the 11½ million young people who are outside of much of the legislative process, young people who are

subject to all laws passed in this body and in all other legislative bodies, the right to participate in the election process and shape and mold their own futures.

Passage of this amendment will challenge young Americans to accept even more responsibility and show that they will participate. I have faith that they will participate.

I think the RECORD ought to show that, according to material the Senator from Kentucky submitted during the hearings, young people do vote when they have the opportunity. The record of the participation in the franchise is one of the real tragedies in our democratic society. There should be no reason under the sun why less than 60 percent of our citizens vote.

I predict that young people will vote, in large numbers. I believe that once these younger citizens have the right they have sought, they will use it.

Mr. COOK. Mr. President, will the Senator yield before the Senator from West Virginia closes? Obviously he should do so, because this really has been his project for 30 years.

Mr. BAYH. I yield to the Senator from Kentucky.

Mr. COOK. Mr President, with all due respect to all people who have worked in this of recent vintage, I really hope that someone in the country after this measure passes does the Senator from West Virginia the honor of referring to this as the Randolph amendment.

Mr. RANDOLPH. Mr. President, I am genuinely grateful for the thoughtful remarks of the Senator from Kentucky. He is very kind.

The PRESIDING OFFICER. All time has expired.

QUORUM CALL

Mr. GRIFFIN. 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. GRIFFIN. 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 question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question 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 Oklahoma (Mr. HARRIS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

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 Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) would each 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.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[No. 18 Leg.]

YEAS—94

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

NAYS—0

NOT VOTING—6

Gravel	Hatfield	Mundt
Harris	Jordan, N.C.	Muskie

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution (S.J. Res. 7) is passed.

The joint resolution as passed reads as follows:

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. BAYH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Joint Resolution 7.

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

Mr. BURDICK. Mr. President, I commend the subcommittee for its expeditious handling of this amendment. I would like also to say that this is a supreme moment for our colleague from West Virginia (Mr. RANDOLPH). The passage of this resolution today marks the end of a fight which has been waged by him since 1942, when he first introduced a House joint resolution for a constitutional amendment permitting 18-year-olds to vote.

Time after time he introduced his resolution, and doggedly pursued it. The resolution we have passed today was the 11th he had sponsored since the original one.

So today we see the culmination of years of effort with success. I congratulate the able Senator from West Virginia (Mr. RANDOLPH) upon the successful passage by the Senate of Senate Joint Resolution 7, which affects the rights of so many people.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that the Senate turn to the consideration of Calendar No. 36, S. 575. I do this so that it may be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 2, after line 24, insert a new section, as follows:

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any

easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

On page 4, after line 16, insert a new section, as follows:

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

On page 5, after line 12, insert a new section, as follows:

SEC. 107. (a) The first sentence of subsection (a) (1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

On page 6, after line 16, insert a new section, as follows:

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organization and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

On page 9, after line 3, insert a new section, as follows:

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate area wide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its cost.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operation for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

On page 11, at the beginning of line 9, change the section number from "105" to "110"; on page 13, after line 6, insert a new section, as follows:

SEC. 111. Section 224(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out

"or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

After line 16, insert a new section, as follows:

SEC. 112. Subsection (a)(2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a)(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

On page 14, at the beginning of line 8, change the section number from "106" to "113"; in line 12, after the word "expenses", strike out "and"; in line 14, after the word "Roads", insert a comma and "and in section 201A for Appalachian Airport Safety Improvements,"; in line 20, after "June 30,", strike out "1975, of which amounts so authorized for such periods ending June 30, 1973, and June 30, 1975, not to exceed $155,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $170,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 202 and 211; not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 203, 204, 205, 206, and 212; not to exceed $4,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $6,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 207; not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 214; and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 302." and insert "1975"; and, on page 15, at the beginning of line 17, change the section number from "107" to "114"; so as to make the bill read:

S. 575

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 "Appalachian Regional Development Act Amendments of 1971".

SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section, there is hereby authorized to be appropriated to the Commission, to be available until expended, such sums as may be necessary."

SEC. 103. Section 106(7) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106(7) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975".

SEC. 104. Section (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

SEC. 107. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under sections 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the

cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for pofit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operated for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

SEC. 110. (a) Section 214 (a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"SEC. 214 (a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 111. Section 224 (b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

SEC. 112. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a) (2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

SEC. 113. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 201A for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $277,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 114. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

Mr. MANSFIELD. Mr. President, it is my understanding that there will be no action on the bill today; that the introductory remarks and debate will occur tomorrow.

SUMMER JOBS FOR YOUTH

Mr. JAVITS. Mr. President, on February 23, with 14 other Members of this body, we wrote the Vice President, who is the chairman of the President's Council on Youth Opportunity, urging the Council to fulfill at an early date its responsibility of assuring summer jobs and other manpower and recreational programs adequate to meet the growing unemployment problem faced by white

and nonwhite youths in poor neighborhoods.

We were moved by the facts that while the most recently available quarterly statistics place teenage unemployment at 18.8 percent and among poor black teenagers at a startling 42.4 percent and while everyone—including the administration—expects continued unemployment above the 4.5 percent benchmark well into fiscal year 1972, the President's budget for that year would permit the funding of only 49,600 more employment and training opportunities under current authorizations than in this fiscal year, meeting less than one-tenth of the so-called "target" population.

Of particular and immediate concern is the inadequacy of funding for next summer's Neighborhood Youth Corps summer job program, which provides work experience for disadvantaged youths 14 to 21 years of age. The funds appropriated for projects under that program for this summer's program—which begins in June and which is—contained in the fiscal year 1971 budget—total $164,000,000, some $18,600,000 below the $182,600,000 available last summer.

Despite this cut, the Department of Labor proposes to provide the same number of opportunities as provided last year—414,000—by reducing the program from 10 weeks to 8 weeks. This, in our opinion, is most inadvisable.

The fact is that the needs for the coming summer's programs extend well beyond even last year's level. As a letter dated December 4, 1970, and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors has documented, there is a total need of at least 641,639 full-time opportunities nationwide, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas, for example, in Wilmington, Del., Little Rock, Ark., and South Bend, Ind.

Since a Federal expenditure of $481—compared with $442 last year—will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in Federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

Our letter urged both in respect to these programs and other programs that the Council assess the overall job and recreational situation for the period of expected continued high unemployment and recommend that the appropriate agencies of the Federal Government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response. In particular, to insure effective planning, we urged that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer job and related recreational programs.

Mr. President, so that Members will be able to assess the extent to which the needs in their particular areas will be met under current plans, I ask unanimous consent that there be included in the RECORD at this point a chart prepared by my office comparing the slot allocation for the 50 major cities under present funds with the needs documented by the National League of Cities—U.S. Conference of Mayors, along with the supportive materials consisting of the following: a letter dated February 17, 1971 from the Secretary of Labor; three tables provided on March 4, 1971, by the Department of Labor; the letter dated December 4, 1970, from the League of Cities, and a copy of the letter which we have sent to the Vice President.

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

NEEDS FOR ADDITIONAL NEIGHBORHOOD YOUTH CORPS SUMMER OPPORTUNITIES IN THE NATION'S 50 LARGEST CITIES

	Opportunities as documented by League of Cities—U.S. Conference of Mayors [1]	Opportunities allocated by the DOL with funds now appropriated [2]	Additional opportunities needed
City:			
Akron	1,200	477	723
Atlanta	3,408	1,795	1,613
Baltimore	8,000	5,068	2,932
Birmingham	2,086	1,186	900
Boston	3,500	2,156	1,344
Buffalo	4,268	2,159	2,109
Chicago	40,000	23,434	16,566
Cincinnatti	3,000	1,512	1,488
Cleveland	10,000	5,315	4,685
Columbus	2,000	852	1,148
Dade County (Miami)	8,226	2,492	5,734
Dallas	2,280	1,194	1,086
Dayton	930	572	358
Denver	2,100	739	1,361
Detroit	11,670	8,270	3,400
El Paso	1,125	517	608
Fort Worth	1,178	604	574
Gary	4,300	1,584	2,716
Honolulu	2,191	405	1,786
Houston	3,000	2,106	894
Indianapolis	2,500	710	1,790
Jersey City	1,993	1,076	917
Kansas City Mo	4,000	1,300	2,700
Los Angeles (including Long Beach)	20,000	12,459	7,541
Louisville	3,500	1,874	1,626
Memphis	2,394	1,214	1,180
Milwaukee	3,000	1,656	1,079
Minneapolis	2,735	1,286	1,449
Newark	14,563	3,415	11,148
New Orleans	5,000	1,412	3,588
New York	77,500	31,362	46,138
Norfolk	2,625	1,386	1,239
Oakland	5,785	3,114	2,671
Oklahoma City	1,000	931	69
Omaha	700	1,056	−356
Philadelphia	12,500	4,339	8,161
Phoenix	17,000	2,388	14,612
Pittsburgh	2,500	4,321	−1,821
Portland, Oreg	5,000	1,075	3,925
Rochester	1,000	918	82
St. Louis	1,500	1,755	−255
St. Paul	1,025	386	639
San Antonio	5,514	2,782	2,732
San Diego	2,500	2,172	328
San Francisco	5,000	2,152	2,848
Seattle	5,000	1,558	3,442
Tampa	2,887	2,384	503
Toledo	990	545	445
Tulsa	850	311	539
Washington, D.C	36,000	10,775	25,225
Total	330,973	141,064	189,909

[1] See letter dated Dec. 4, 1970, and accompanying chart.
[2] See table III provided by U.S. Department of Labor, Mar. 4, 1971.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., February 17, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of January 28, 1971, concerning the funding and enrollment opportunity levels for the 1971 Neighborhood Youth Corps (NYC) summer program.

A total of 414 thousand enrollment opportunities is planned for summer 1971. This is the same as the full-term equivalent opportunity level of the summer 1970 program, which included a number of short-term opportunities which raised the contracted level above 414 thousand.

In 1970, obligations for the regular NYC summer program were $182.6 million, including obligations against the supplemental appropriation. The average cost per full-term equivalent enrollment was $442.

The funding level for 1971 is $165.7 million. Subtracting National Office costs for audit, $164.0 million are available for allocation to project sponsors. The minimum wage will be $1.60 per hour compared to $1.45 per hour last year. The unit per enrollment, at the higher wage, is estimated at $481 if the same 260 hours allowed each enrollee last summer is repealed.

With fewer total dollars and higher wage costs it is evident that either the number enrolled, or the hours of participation and the earnings of enrollees would have to be adjusted.

We plan to continue to finance the program with 90 percent of Federal money and 10 percent cash or in-kind contributions from local sponsors. Therefore, it is our judgment that it is best to maintain enrollment at 414 thousand but reduce each enrollee's maximum participation from 260 to 212 hours for the summer.

I appreciate your continued interest in the Neighborhood Youth Corps.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region and State	1970	Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Region I		12,409	16,631
Connecticut		2,636	3,765
Maine		10,360	1,813
Massachusetts		5,590	7,588
New Hampshire		690	894
Rhode Island		1,430	1,727
Vermont		703	844
Region II		51,626	64,545
New Jersey		8,633	10,891
New York		36,927	45,561
Puerto Rico		5,936	7,937
Virgin Islands		130	156
Region III		32,546	40,270
Delaware		552	818
Maryland		6,116	7,285
Pennsylvania		13,507	17,339
Virginia		6,091	7,351
West Virginia		6,280	2,447
Region IV		60,070	75,772
Alabama		6,186	8,204
Florida		6,234	9,760
Georgia		8,375	10,298
Kentucky		9,245	11,010
Mississippi		5,879	7,500
North Carolina		11,253	13,401
South Carolina		5,476	6,523
Tennessee		7,422	9,076
Region V		61,236	77,644
Illinois		24,111	28,715
Indiana		4,612	6,808
Michigan		10,125	14,258
Minnesota		5,189	6,179
Ohio		12,433	15,692
Wisconsin		4,766	5,992
Region VI		37,881	45,874
Arkansas		5,215	6,212
Louisiana		7,564	9,399
New Mexico		2,553	3,041
Oklahoma		4,453	5,303

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS—Continued

Region and State	1970 Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Texas	18,096	21,919
Region VII	13,644	17,381
Iowa	3,198	3,894
Kansas	2,219	2,929
Missouri	6,122	8,050
Nebraska	2,105	2,508
Region VIII	8,002	10,104
Colorado	2,214	3,134
Montana	1,578	1,879
North Dakota	1,077	1,283
South Dakota	1,331	1,583
Utah	1,394	1,684
Wyoming	408	541
Region IX	34,235	43,788
Arizona	5,636	6,712
California	27,032	34,977
Hawaii	889	1,061
Nevada	592	788
Guam	86	205
American Samoa and Trust Territories	0	45
Region X	7,821	11,216
Alaska	1,117	1,561
Idaho	670	930
Oregon	2,366	3,273
Washington	3,668	5,452
District of Columbia	8,530	10,775
National total	328,000	414,000

Source: Department of Labor (Mar. 4, 1971).

TABLE 2.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, NOA FUNDS ALLOCATION

[In thousands of dollars]

Region and State	EOA	MDTA	Total fiscal year 1971 NOA funds allocation
Region I	$5,475	$1,111	$6,586
Connecticut	1,240	251	1,491
Maine	597	121	718
Massachusetts	2,497	508	3,005
New Hampshire	294	60	354
Rhode Island	569	115	684
Vermont	278	56	334
Region II	21,240	4,320	25,560
New Jersey	3,585	728	4,313
New York	14,450	3,592	18,042
Puerto Rico	3,143	0	3,143
Virgin Islands	62	0	62
Region III	13,252	2,695	15,947
Delaware	269	55	324
Maryland	2,398	487	2,885
Pennsylvania	5,706	1,160	6,866
Virginia	2,419	492	2,911
West Virginia	2,400	501	2,961
Region IV	24,935	5,071	30,006
Alabama	2,700	549	3,249
Florida	3,212	653	3,865
Georgia	3,389	689	4,078
Kentucky	3,623	737	4,360
Mississippi	2,468	502	2,970
North Carolina	4,410	897	5,307
South Carolina	2,146	437	2,583
Tennessee	2,987	607	3,594
Region V	25,553	5,194	30,747
Illinois	9,450	1,921	11,371
Indiana	2,240	456	2,696
Michigan	4,692	954	5,646
Minnesota	2,034	413	2,447
Ohio	5,164	1,050	6,214
Wisconsin	1,973	400	2,373
Region VI	15,100	3,066	18,166
Arkansas	2,045	415	2,460
Louisiana	3,095	627	3,722
New Mexico	1,000	204	1,204
Oklahoma	1,745	355	2,100
Texas	7,215	1,465	8,680
Region VII	5,720	1,163	6,883
Iowa	1,282	260	1,542
Kansas	964	196	1,160
Missouri	2,649	539	3,188
Nebraska	825	168	993
Region VIII	3,325	676	4,001
Colorado	1,031	210	1,241
Montana	618	126	744
North Dakota	422	86	508
South Dakota	521	106	627
Utah	555	112	667
Wyoming	178	36	214
Region IX	14,410	2,930	17,340
Arizona	2,209	449	2,658
California	11,370	2,481	13,851
Hawaii	420	0	420
Nevada	312	0	312
Guam	81	0	81
American Samoa and Trust Territory	18	0	18
Region X	3,807	774	4,581
Alaska	758	0	758
Idaho	368	0	368
Oregon	1,077	219	1,296
Washington	1,604	555	2,159
District of Columbia	4,267	0	4,267
Total	137,084	27,000	164,084

Source: Department of Labor (Mar. 4, 1971).

TABLE 3.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM—50 CITY ALLOCATIONS

	Fiscal year 1970 initial slot allocation	Fiscal year 1971 slot allocation	Fiscal year 1971 NOA funds allocation
Region I:			
Boston	1,588	2,156	$853,780
Region II:			
Jersey City	853	1,076	426,100
Newark	2,707	3,415	1,352,340
Buffalo	1,750	2,159	854,960
New York	25,419	31,362	12,419,350
Rochester	744	918	363,530
Region III:			
Baltimore	4,255	5,068	2,006,930
Philadelphia	3,380	4,339	1,718,240
Pittsburgh	3,366	4,321	1,711,120
Norfolk	1,148	1,386	548,860
Region IV:			
Birmingham	894	1,186	469,660
Dade County (Miami)	1,592	2,492	986,830
Tampa	1,523	2,384	944,060
Atlanta	1,460	1,795	710,820
Louisville	1,574	1,874	742,100
Memphis	993	1,214	480,740
Region V:			
Chicago	19,676	23,434	9,279,860
Gary	1,073	1,584	627,260
Indianapolis	481	710	281,160
Detroit	5,873	8,270	3,274,920
Minneapolis	1,080	1,286	509,260
St. Paul	324	386	152,860
Akron	378	477	188,890
Cincinnati	1,198	1,512	598,750
Cleveland	4,211	5,315	2,104,740
Columbus	675	852	337,390
Dayton	453	572	226,510
Toledo	432	545	215,820
Milwaukee	1,317	1,656	655,780
Region VI:			
New Orleans	1,136	1,412	$559,150
Oklahoma City	782	931	368,680
Tulsa	261	311	123,160
Dallas	986	1,194	472,820
El Paso	427	517	204,730
Ft. Worth	499	604	239,180
Houston	1,739	2,106	833,980
San Antonio	2,297	2,782	1,101,670
Region VII:			
Kansas City	989	1,300	$514,800
St. Louis	1,335	1,755	694,980
Omaha	886	1,056	418,180
Region VIII: Denver	522	739	292,640
Region IX:			
Phoenix	2,005	2,388	945,650
Los Angeles (Incl. Long Beach)	9,629	12,459	4,933,760
Oakland	2,407	3,114	1,233,140
San Diego	1,679	2,172	860,110
San Francisco	1,663	2,152	852,190
Honolulu	339	405	160,380
Region X:			
Portland	777	1,075	425,700
Seattle	1,048	1,558	616,970
Washington, D.C.	8,530	10,775	4,267,000
Total	130,353	164,549	65,161,490

Source: Department of Labor, Mar. 4, 1971.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
December 4, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contacts with a sample of smaller cities, we estimate their needs and the number of slots these cities could effectively utilize to total 310,666.

Combining these figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1,200
Atlanta	2,267	1,460	3,408
Baltimore	7,000	8,000	8,000
Birmingham	1,390	1,738	2,086
Boston	2,200	2,750	3,500
Buffalo	2,845	3,557	4,268
Chicago	31,000	38,750	40,000
Cincinnatti	1,935	2,419	3,000
Cleveland	6,900	8,000	10,000
Columbus	1,100	1,378	2,000
Dade County (Miami)	2,150	2,668	8,226
Dallas	1,520	1,900	2,280
Dayton	620	775	930
Denver	800	1,000	2,100
Detroit	7,780	9,725	11,670
El Paso	719	900	1,125
Fort Worth	785	981	1,178
Gary	1,380	1,725	4,300
Honolulu	1,461	1,826	2,191
Houston	2,844	3,555	3,000
Indianapolis	650	812	2,500
Jersey City	1,275	1,584	1,993
Kansas City Mo	1,400	2,225	4,000
Los Angeles (including Long Beach)	12,828	16,000	20,000
Louisville	2,605	3,256	3,500
Memphis	1,500	1,875	2,394
Milwaukee	1,925	2,406	3,000
Minneapolis	1,750	2,188	2,735
Newark	1,480	12,000	14,563
New Orleans	8,490	10,615	5,000

THE NEEDS OF THE 50 LARGEST CITIES—Continued

City	1969 total need	1970 total need	1971 total need
New York	50,000	62,500	77,500
Norfolk	1,750	2,188	2,625
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Ohmaha	1,455	1,819	700
Piladelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,887
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	333,973

1970 estimate need balance of Nation, selected smaller cities

[1971 total need]

Wilmington, Del	2,000
Fort Lauderdale, Fla	400
Winston-Salem, N.C	250
Little Rock, Ark	300
Providence, R.I	1,100
Utica, N.Y	400
South Bend, Ind	450
Estimated need balance of Nation	310,666
Estimated total need of 1971 for Nation	641,639

(Source: League of Cities.)

U.S. SENATE,
Washington, D.C., February 22, 1971.

DEAR MR. VICE PRESIDENT: We are writing you to urge that the President's Council on Youth Opportunity fulfill at the earliest possible date its responsibility of assuring effective program planning for summer and other youth programs of the Federal Government.

The current national unemployment rate of 6 percent falls very heavily on disadvantaged youth. The most recent available statistics show a jobless rate among all teenagers in poor neighborhoods of 27.8 percent in the last quarter of 1970—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers in such neighborhoods was 18.8 percent—compared with 11 percent in 1969; and the rate among black teenagers in such areas was 42.4 percent—or almost half—compared with 26.7 percent in the last quarter of 1969.

While we hope that the situation will be otherwise, past experience indicates that unemployment usually reaches its highest point after the economy has started its recovery and expert opinion holds that high levels of unemployment will continue into 1972. In that connection, we note the recent Economic Report of the President which indicates that the Administration's own plan is to set a path that will probably not reduce the unemployment rate to "the 4½ percent zone" at the earliest until the second quarter of 1972.

Accordingly, we are concerned that the appropriations already made or requested for manpower training and employment programs from now through mid 1972 will not be adequate to alleviate the hardship imposed upon youth, as well as others, by these conditions.

For example, the appropriation for projects under the Neighborhood Youth Corp Summer job program—which provides opportunities to disadvantaged youth 14-21 years—is at a level (funded under this fiscal 1971 budget) of $164,000,000 for next summer, $18,600,000 below the $182,600,000 available last summer.

We understand that despite the lower federal funding level, the Department of Labor intends to provide approximately the same number of opportunities, 414,000, by reducing the hours of participation for each youth to 212 (approximately 8 weeks) compared with 260 (approximately ten weeks) in past years.

In our opinion, this new policy is regrettable in light of the need to provide a full experience for youths enrolled in the programs, particularly under the current economic circumstances.

Indeed, the established needs for the coming summer's programs extend well beyond even last year's level. As the enclosed letter dated December 4, 1970 and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors shows, there is a total need of at least 641,639 opportunities, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas.

Since a federal expenditure of $481 (compared with $442 last year) will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

We also note with concern that, although the adoption of the President's revenue sharing proposals might improve the situation, the President's budget for fiscal year 1972 for currently authorized manpower programs will permit the funding of only 49,600 more employment and training opportunities than in this fiscal year. Of special concern is the fact that public sector programs which particularly reach youth—for example, the Neighborhood Youth Corp out-of-school program and the Public Sector on the Job Training program would be held at the current funding levels.

Accordingly, we hope that the Council will assess the overall job and recreational situation for the period of expected continued high unemployment and will recommend that the appropriate agencies of the federal government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response.

In particular, to ensure effective planning, we urge that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer and related recreational programs.

It is clear that as in the past summer, economic conditions will also make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen.

As members of the Senate, we share responsibility with the Council and the concerned agencies to help to alleviate the problem of unemployment as it affects youth and we hope to work together to that end.

Sincerely,

JACOB K. JAVITS, ALAN CRANSTON, JENNINGS RANDOLPH, ABRAHAM RIBICOFF, GAYLORD NELSON, BIRCH BAYH, ADLAI STEVENSON III, CLIFFORD P. CASE, WALTER F. MONDALE, EDWARD W. BROOKE, WILLIAM PROXMIRE, THOMAS F. EAGLETON, GEORGE MCGOVERN, EDWARD M. KENNEDY, PHILIP A. HART.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will cal the roll.

The legislative clerk proceeded to call will 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.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the colloquy for which an order already has been entered, recognizing the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Maryland (Mr. MATHIAS) for 30 minutes, the able senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able Senator from New York (Mr. JAVITS) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the time for the transaction of routine morning business not to exceed 45 minutes.

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

ORDER OF BUSINESS

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.

ORDER FOR ADJOURNMENT FROM THURSDAY, MARCH 11, UNTIL 10 A.M., FRIDAY, MARCH 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday next.

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

QUORUM CALL

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION FOR ADDITIONAL TIME TO FILE COMMITTEE REPORT

Mr. CHURCH. Mr. President, I ask unanimous consent, on behalf of both the minority and majority members of the Special Committee on Aging, that the time for filing the report of the committee be extended from March 10, today, to March 24, 1971.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA AND SENATOR DOLE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the disposition of the reading of the Journal, the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the calendar, if there be any, the able Senator from Virginia (Mr. BYRD) and the able Senator from Kansas (Mr. DOLE) be recognized for not to exceed 20 minutes for the purpose of conducting a colloquy.

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

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene, following an adjournment, at 10:30 a.m. and, following the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the Calendar, if there be any, there will be colloquy for not to exceed 20 minutes, the time to be controlled by the distinguished senior Senator from Virginia, (Mr. BYRD) and the distinguished junior Senator from Kansas (Mr. DOLE).

Following the aforementioned colloquy, the distinguished senior Senator from Georgia (Mr. TALMADGE) will be recognized under a previous order for not to exceed 10 minutes; to be followed by the equally distinguished senior Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

Following the remarks of the able Senator from Idaho (Mr. CHURCH), there will be a colloquy for not to exceed 30 minutes with the time to be controlled by the distinguished Senator from South Dakota (Mr. MCGOVERN) and the able Senator from Maryland (Mr. MATHIAS); following which the able senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes; to be followed at about 12 o'clock meridian by a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the pending business—which by virtue of the adjournment will become the unfinished business—will be laid before the Senate and the Senate will continue its consideration thereof.

The unfinished business will be S. 575, a bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965 as amended.

It is likely that one or more rollcall votes will occur tomorrow.

Mr. President, as a reminder to Senators, the able majority leader has indicated that following action—hopefully tomorrow—on S. 575, extending the Appalachian Regional Development Act, the Senate is expected to take up H.R. 4690, the bill to raise the ceiling on the public debt. Action on that bill is expected to occur on Friday.

The able majority leader has indicated that there might be some contention on the bill raising the debt ceiling and that a social security amendment will likely be offered thereto.

The majority leader has indicated that there will likely be rollcall votes on Friday and that if action on that bill, H.R. 4690, is not completed on Friday, the Senate will continue to consider the matter on Monday next.

The majority leader also indicated that, following action on H.R. 4690, there would likely be action on Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

The majority leader stated that there is a possibility, following action on the measures heretofore enumerated, that the Senate will likely consider S. Res. 17, a resolution amending rule XXIV of the Standing Rules of the Senate, by the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maryland (Mr. MATHIAS).

The majority leader further indicated that at some time—sooner or later—there is a likelihood that the Senate will act on S. 671, a bill introduced by Senators METCALF and MANSFIELD, 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, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

So, Senators are reminded that rollcall votes are anticipated on tomorrow and Friday and perhaps Monday. That is as far into the future as we can see for the present.

ADJOURNMENT TO 10:30 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 10:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 11, 1971, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1971:

IN THE AIR FORCE

Ernest F. Hasselbrink, [redacted] for reappointment to the active list of the Regular Air Force, in the grade of captain, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duty indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (judge advocate)

Lyman D. Bedford, [redacted]
Jack S. Bender III, [redacted]
Michael R. Emerson, [redacted]
Frank J. Falk, Jr., [redacted]
William C. Thompson, Jr., [redacted]
Frank M. Wells, [redacted]

The following Air Force officers for appointment in the Regular Air Force in the grade of first lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abbott, Sherwood S., [redacted]
Abney, Billy W., [redacted]
Adkins, Joel E., [redacted]
Adler, Bradley B., [redacted]
Alexander, Joseph D., [redacted]
Alexander, Thomas L., [redacted]
Allen, George W., [redacted]
Allen, Richard H., [redacted]
Alley, Charles E., [redacted]
Allgaier, William A., III, [redacted]
Allick, Samual O., [redacted]
Alvord, Robert A., [redacted]
Alwood, Gary L., [redacted]
Ambrose, John W., III, [redacted]
Amick, Michael D., [redacted]
Anderson, Frank W., Jr., [redacted]
Anderson, John M., Jr., [redacted]
Anderson, Jon J., [redacted]
Anderson, Morris E., [redacted]
Angelo, William J., [redacted]
Armstrong, Francis C., III, [redacted]
Arzola, Nelson, [redacted]
Asadourian, George G., Jr., [redacted]
Ashman, David, [redacted]
Atchley, Gordon H., [redacted]
Augspurger, David E., [redacted]
Austin, Charles E., [redacted]

Azuma, Robert T., xxx-xx-xxxx.
Backers, Glen E., xxx-xx-xxxx.
Bainbridge, Richard R., xxx-xx-xxxx.
Bair, Charles A., Jr., xxx-xx-xxxx.
Baker, George L., xxx-xx-xxxx.
Bakonyi, Laszlo J., xxx-xx-xxxx.
Baldwin, Ralph H., III, xxx-xx-xxxx.
Ball, Norman K., xxx-xx-xxxx.
Balmanno, William F., xxx-xx-xxxx.
Bangeman, Mark P., xxx-xx-xxxx.
Baratelli, Philip J., xxx-xx-xxxx.
Barber, David M., xxx-xx-xxxx.
Barnhardt, James W., Jr., xxx-xx-xxxx.
Barr, Charles M., xxx-xx-xxxx.
Barr, Tommy D., xxx-xx-xxxx.
Barrett, Gerald F., Jr., xxx-xx-xxxx.
Barrett, John R., xxx-xx-xxxx.
Barry, Maurice H., xxx-xx-xxxx.
Bartenfeld, Chelsea L., xxx-xx-xxxx.
Barton, Richard W., xxx-xx-xxxx.
Bartos, Henry S., xxx-xx-xxxx.
Bass, Charles A., xxx-xx-xxxx.
Bassham, Cecil N., xxx-xx-xxxx.
Baugh, John E., xxx-xx-xxxx.
Baxter, Ronald L., xxx-xx-xxxx.
Beal, John F., xxx-xx-xxxx.
Beard, Faye L., xxx-xx-xxxx.
Beaver, Phillip E., xxx-xx-xxxx.
Beck, Gerald D., xxx-xx-xxxx.
Beggs, Richard G., xxx-xx-xxxx.
Beierschmitt, Gerald A., Jr., xxx-xx-xxxx.
Bell, Craig S., xxx-xx-xxxx.
Belman, Larry J., xxx-xx-xxxx.
Bencks, Edward G., xxx-xx-xxxx.
Benedict, Andrew H., xxx-xx-xxxx.
Benedict, Stephen L., xxx-xx-xxxx.
Benner, Joseph G., xxx-xx-xxxx.
Bennett, Stephen L., xxx-xx-xxxx.
Benson, Joseph L., xxx-xx-xxxx.
Bentley, Edward F., xxx-xx-xxxx.
Bergo, Kenneth M., xxx-xx-xxxx.
Bernard, Julius A., Jr., xxx-xx-xxxx.
Berry, Danny L., xxx-xx-xxxx.
Berta, William C., xxx-xx-xxxx.
Best Stoddard L., xxx-xx-xxxx.
Bevan, Wayne, R., xxx-xx-xxxx.
Biezad, Daniel J., xxx-xx-xxxx.
Biggs, John C., xxx-xx-xxxx.
Birch, Craig A., xxx-xx-xxxx.
Bird, Ronald W., xxx-xx-xxxx.
Bishop, William R., xxx-xx-xxxx.
Blackwell, Joe E., xxx-xx-xxxx.
Blair, Harry B., xxx-xx-xxxx.
Blake, Earl G., Jr., xxx-xx-xxxx.
Bochicchio, Leonard P., xxx-xx-xxxx.
Bolhm, Albert R., xxx-xx-xxxx.
Bor, Frederick C., xxx-xx-xxxx.
Bond, James F., xxx-xx-xxxx.
Bonner, Lawrence M., xxx-xx-xxxx.
Borandi, Bernard A., xxx-xx-xxxx.
Borders, Gerald D., xxx-xx-xxxx.
Borgon, Frank A., xxx-xx-xxxx.
Boswell, Lance, xxx-xx-xxxx.
Bothwell, Robert L., Jr., xxx-xx-xxxx.
Boudreaux, Ray M., xxx-xx-xxxx.
Bowen, Vernon W., Jr., xxx-xx-xxxx.
Bowman, John G., Jr., xxx-xx-xxxx.
Boyle, Matthew A., xxx-xx-xxxx.
Brackenhoff, Don M., xxx-xx-xxxx.
Bradley, John L., III, xxx-xx-xxxx.
Brady, Cedric T., xxx-xx-xxxx.
Brady, John M., xxx-xx-xxxx.
Brady, Thomas F., Jr., xxx-xx-xxxx.
Braeutigam, Robert E., xxx-xx-xxxx.
Bremer, Donald H., xxx-xx-xxxx.
Brickman, Larry E., xxx-xx-xxxx.
Britton, Jack W., xxx-xx-xxxx.
Brock, James D., xxx-xx-xxxx.
Brooks, Frank S., III, xxx-xx-xxxx.
Brust, William P., xxx-xx-xxxx.
Brothers, Douglas A., xxx-xx-xxxx.
Brown, Benjamin J., xxx-xx-xxxx.
Brown, Edward C., xxx-xx-xxxx.
Brown, James R., xxx-xx-xxxx.
Brown, Louis C., Jr., xxx-xx-xxxx.
Brown, Robert L., xxx-xx-xxxx.
Bruce, David J., xxx-xx-xxxx.
Bruer, Charles R., xxx-xx-xxxx.
Brunstetter, David A., xxx-xx-xxxx.
Brus, Robert A., xxx-xx-xxxx.
Bryson, Bernard E., xxx-xx-xxxx.
Bryson, Jon H., xxx-xx-xxxx.
Buchanan, Norman H., xxx-xx-xxxx.
Buettell, Roger B., III, xxx-xx-xxxx.
Butler, Billy G., xxx-xx-xxxx.
Butler, Marlin J., xxx-xx-xxxx.
Butler, Robert L., xxx-xx-xxxx.
Butterfield, William F., xxx-xx-xxxx.
Buyniski, Edward F., Jr., xxx-xx-xxxx.
Byron, Robert A., xxx-xx-xxxx.
Calder, William T., xxx-xx-xxxx.
Callahan, John C., xxx-xx-xxxx.
Camacho, Francisco P., xxx-xx-xxxx.
Cameron, Charles D., xxx-xx-xxxx.
Campbell, Donald D., xxx-xx-xxxx.
Campbell, Tom J., xxx-xx-xxxx.
Canavan, Thomas, xxx-xx-xxxx.
Canida, H. B., xxx-xx-xxxx.
Cannon, Roger S., xxx-xx-xxxx.
Carington, Thomas C., xxx-xx-xxxx.
Carlson, Rodney L., xxx-xx-xxxx.
Carpeaux, Walter B., xxx-xx-xxxx.
Carpenter, Charles L., xxx-xx-xxxx.
Carpenter, Dennis D., xxx-xx-xxxx.
Carr, Ronald L., xxx-xx-xxxx.
Carrillo, John, xxx-xx-xxxx.
Carrington, Henry G., xxx-xx-xxxx.
Carroll, Gerard M., Jr., xxx-xx-xxxx.
Carter, Edward B., xxx-xx-xxxx.
Carter, Larry G., xxx-xx-xxxx.
Carter, Robert W., xxx-xx-xxxx.
Cassulo, Frank A., xxx-xx-xxxx.
Castonguay, Joseph L., xxx-xx-xxxx.
Cathers, George R., xxx-xx-xxxx.
Center, James W., xxx-xx-xxxx.
Chadwick, Charles R., xxx-xx-xxxx.
Chaffee, Robert G., xxx-xx-xxxx.
Charlton, John T., xxx-xx-xxxx.
Childs, Charles I., xxx-xx-xxxx.
Christenson, Gerald A., xxx-xx-xxxx.
Christian, Don O., xxx-xx-xxxx.
Christian, James D., xxx-xx-xxxx.
Clark, Gary L., xxx-xx-xxxx.
Clark, John C., II, xxx-xx-xxxx.
Clark, Raymond E., xxx-xx-xxxx.
Clark, Ronald D., xxx-xx-xxxx.
Clement, Thomas E., xxx-xx-xxxx.
Clements, Frederick D., xxx-xx-xxxx.
Clements, John R., xxx-xx-xxxx.
Clendenin, Gary L., xxx-xx-xxxx.
Cobb, Earl H., xxx-xx-xxxx.
Cochran, Charlie T., xxx-xx-xxxx.
Collard, Robert L., Jr., xxx-xx-xxxx.
Congleton, Duane E., xxx-xx-xxxx.
Conley, David R., xxx-xx-xxxx.
Connors, Paul C., xxx-xx-xxxx.
Coon, Richard K., xxx-xx-xxxx.
Cooper, David W., xxx-xx-xxxx.
Cooper, Robert M., xxx-xx-xxxx.
Cooper, Roger S., xxx-xx-xxxx.
Cooper, William D., xxx-xx-xxxx.
Copeland, David W., xxx-xx-xxxx.
Copler, Thomas H., xxx-xx-xxxx.
Copley, Waldo H., xxx-xx-xxxx.
Core, Charles M., Jr., xxx-xx-xxxx.
Coughlin, Raymond J., xxx-xx-xxxx.
Councilman, Richard A., xxx-xx-xxxx.
Counts, Jake S., xxx-xx-xxxx.
Cox, Joseph E., Jr., xxx-xx-xxxx.
Cox, Ronald O., xxx-xx-xxxx.
Craft, Robert D., xxx-xx-xxxx.
Crane, Stephen G., xxx-xx-xxxx.
Crawford, James W., xxx-xx-xxxx.
Creedon, Michael J., xxx-xx-xxxx.
Crunholm, John J., xxx-xx-xxxx.
Cropper, William P., Jr., xxx-xx-xxxx.
Crossett, David C., xxx-xx-xxxx.
Crowther, Wayne R., xxx-xx-xxxx.
Crump, Manning L., xxx-xx-xxxx.
Cullen, Bruce J., xxx-xx-xxxx.
Cunningham, Jimmie D., xxx-xx-xxxx.
Curry, Arthur A., xxx-xx-xxxx.
Curtin, Gary L., xxx-xx-xxxx.
Curtis, Larry L., xxx-xx-xxxx.
Dale, Kenneth W., xxx-xx-xxxx.
Dangerfield, Joseph W., xxx-xx-xxxx.
Darnell, Donald R., xxx-xx-xxxx.
Darter, Lewie J., III, xxx-xx-xxxx.
Daugherty, Ronald H., xxx-xx-xxxx.
Davidson, William F., xxx-xx-xxxx.
Davis, Charles W., xxx-xx-xxxx.
Davis, Gene R., xxx-xx-xxxx.
Davis, John A., xxx-xx-xxxx.
Davis, Noel C., xxx-xx-xxxx.
Davis, Perry P., Jr., xxx-xx-xxxx.
Davis, Randolph R., xxx-xx-xxxx.
Dearing, James W., xxx-xx-xxxx.
Deck, Ronald L., xxx-xx-xxxx.
Decker, Daniel E., xxx-xx-xxxx.
Deer, Thomas E., xxx-xx-xxxx.
Degrand, James M., xxx-xx-xxxx.
Dehay, Jesse C., Jr., xxx-xx-xxxx.
Delury, John W., Jr., xxx-xx-xxxx.
Denne, Arthur C., xxx-xx-xxxx.
Dennis, William G., xxx-xx-xxxx.
Dettmer, Herman W., xxx-xx-xxxx.
Detrow, Carl S., xxx-xx-xxxx.
Devincenzo, William M., xxx-xx-xxxx.
Devine, Lawrence L., xxx-xx-xxxx.
Dewees, Ronald H., xxx-xx-xxxx.
Dewerff, Robert W., xxx-xx-xxxx.
Dibartolomed, Frank, xxx-xx-xxxx.
Dickinson, David J., xxx-xx-xxxx.
Diggins, William H., xxx-xx-xxxx.
Dillehay, Lawrence B., xxx-xx-xxxx.
Dimon, Frederick L., xxx-xx-xxxx.
Dineen, Peter F., xxx-xx-xxxx.
Dixon, Glenn R., Jr., xxx-xx-xxxx.
Doak, Larry A., xxx-xx-xxxx.
Doege, Larry B., xxx-xx-xxxx.
Dominguez, Joseph T., Jr., xxx-xx-xxxx.
Donahue, William J., xxx-xx-xxxx.
Donkonics, Peter J., xxx-xx-xxxx.
Donovan, Michael L., xxx-xx-xxxx.
Dooly, Michael R., xxx-xx-xxxx.
Dorsey, Phillip A., xxx-xx-xxxx.
Dotson, Bernard E., Jr., xxx-xx-xxxx.
Dotson, Robert S., xxx-xx-xxxx.
Doucette, Christopher, xxx-xx-xxxx.
Douglas, Donald E., xxx-xx-xxxx.
Douglas, Jerry M., xxx-xx-xxxx.
Douthitt, Gary L., xxx-xx-xxxx.
Downer, Charles P., Jr., xxx-xx-xxxx.
Doyle, Bruford L., xxx-xx-xxxx.
Dressler, Daryl V., xxx-xx-xxxx.
Drulet, Richard, xxx-xx-xxxx.
Drury, Edward T., xxx-xx-xxxx.
Duchamp, Eugene A., III, xxx-xx-xxxx.
Duck, Eugene D., xxx-xx-xxxx.
Duerbig, Alfred H., Jr., xxx-xx-xxxx.
Dugan, Frank J., xxx-xx-xxxx.
Duke, William W., xxx-xx-xxxx.
Dunlap, Marvin D., xxx-xx-xxxx.
Durbin, Michael E., xxx-xx-xxxx.
Dutton, Gilbert W., xxx-xx-xxxx.
Dvurak, Vic G., xxx-xx-xxxx.
Eagle, John P., xxx-xx-xxxx.
Earle, Lawrence C., xxx-xx-xxxx.
Earley, William M., xxx-xx-xxxx.
Ebron, Gene I., xxx-xx-xxxx.
Eccellente, Robert L., xxx-xx-xxxx.
Edmondson, Michael D., xxx-xx-xxxx.
Edson, Robert W., xxx-xx-xxxx.
Egan, Dennis, xxx-xx-xxxx.
Ehrie, William J., xxx-xx-xxxx.
Eichner, David L., xxx-xx-xxxx.
Eidson, Merrill L., xxx-xx-xxxx.
Eigenbrot, Richard L., xxx-xx-xxxx.
Ekberg, David J., xxx-xx-xxxx.
Elder, Frank R., Jr., xxx-xx-xxxx.
Elston, Gary J., xxx-xx-xxxx.
Emry, Raleigh E., xxx-xx-xxxx.
Englund, Gene E., xxx-xx-xxxx.
Engman, Richard N., xxx-xx-xxxx.
Epner, Gerald I., xxx-xx-xxxx.
Eppler, Frank M., xxx-xx-xxxx.
Eppler, Gary D., xxx-xx-xxxx.
Eramo, Daniel J., Jr., xxx-xx-xxxx.
Erbacher, John K., xxx-xx-xxxx.
Erhardt, William F., III, xxx-xx-xxxx.
Estep, Eldon E., xxx-xx-xxxx.
Eychner, George L., xxx-xx-xxxx.
Fagan, William M., Jr., xxx-xx-xxxx.
Fandel, William T., xxx-xx-xxxx.
Farmer, Peter E., xxx-xx-xxxx.
Farnsworth, Earnest L., xxx-xx-xxxx.

Farr, Herbert M., xxx-xx-xxxx.
Farrar, James D., Jr., xxx-xx-xxxx.
Felty, Norman P., xxx-xx-xxxx.
Ferenz, John J., Jr., xxx-xx-xxxx.
Ferenz, Paul J., xxx-xx-xxxx.
Ferron, Francis R., xxx-xx-xxxx.
Fersch, Joseph E., xxx-xx-xxxx.
Fields, McArthur, xxx-xx-xxxx.
Files, William S., Jr., xxx-xx-xxxx.
Filo, Robert J., xxx-xx-xxxx.
Finch, James R., xxx-xx-xxxx.
Finnegan, John M., xxx-xx-xxxx.
Fisher, Larry E., xxx-xx-xxxx.
Fjelsted, Lyle G., xxx-xx-xxxx.
Flanagan, Edward E., xxx-xx-xxxx.
Fleckten, Thomas C., xxx-xx-xxxx.
Flowers, David A., xxx-xx-xxxx.
Flynn, William A., Jr., xxx-xx-xxxx.
Ford, Charloie, M. K., xxx-xx-xxxx.
Ford, Maynard W., Jr., xxx-xx-xxxx.
Fortner, William F., xxx-xx-xxxx.
Fowler, J. R., Jr., xxx-xx-xxxx.
Fowler, Terry R., xxx-xx-xxxx.
Fox, Lewis R., xxx-xx-xxxx.
Foye, Martin J., xxx-xx-xxxx.
Fraser, David J., xxx-xx-xxxx.
Frazer, Stuart A., xxx-xx-xxxx.
Freeman, Charles W., xxx-xx-xxxx.
Freeman, Kenneth P., xxx-xx-xxxx.
French, Larry W., xxx-xx-xxxx.
Friend, Shelby L., xxx-xx-xxxx.
Friestad, David E., xxx-xx-xxxx.
Frunzaglia, Anthony, xxx-xx-xxxx.
Frost, Timothy B., xxx-xx-xxxx.
Folford, Jimmy N., xxx-xx-xxxx.
Fuykerson, Grover D., xxx-xx-xxxx.
Fuqua, William J., Jr., xxx-xx-xxxx.
Furness, Thomas A., III, xxx-xx-xxxx.
Furuta, Gary S., xxx-xx-xxxx.
Gabriel, Edward J., Jr., xxx-xx-xxxx.
Gagnon, David J., xxx-xx-xxxx.
Gallagher, John J., xxx-xx-xxxx.
Gallof, Sanford, xxx-xx-xxxx.
Gamble, Lynn L., xxx-xx-xxxx.
Gangl, Eugene L., xxx-xx-xxxx.
Garcia, Miguel, xxx-xx-xxxx.
Garner, William J., xxx-xx-xxxx.
Garretson, Henry C., III, xxx-xx-xxxx.
Garriss, James P., xxx-xx-xxxx.
Gates, Thomas G., xxx-xx-xxxx.
Gatz, James R., xxx-xx-xxxx.
Gaudet, Kathleen A., xxx-xx-xxxx.
Gentry, James M., xxx-xx-xxxx.
George, Robert L., xxx-xx-xxxx.
Gerroth, H. M., xxx-xx-xxxx.
Gerringer, Luther T., xxx-xx-xxxx.
Gex, Louis J., III, xxx-xx-xxxx.
Ghormley, Robert C., II, xxx-xx-xxxx.
Gibbs, Daniel P., xxx-xx-xxxx.
Giblin, Richard T., xxx-xx-xxxx.
Gillespie, John M., II, xxx-xx-xxxx.
Girard, Christopher S., xxx-xx-xxxx.
Girard, Roger J., xxx-xx-xxxx.
Glasser, Gerald T., xxx-xx-xxxx.
Glisson, John S., xxx-xx-xxxx.
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Xander, Thomas C. xxx-xx-xxxx
Yagmin, James F. xxx-xx-xxxx
Yoachim, William G. xxx-xx-xxxx
Young, William J., Jr. xxx-xx-xxxx
Zerda, Peter A. xxx-xx-xxxx
Zettler, Wilbur T. xxx-xx-xxxx
Zimmermann, Conrad R. xxx-xx-xxxx
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Ziuber, Richard J. xxx-xx-xxxx
Zody, James G. xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is everyone that feareth the Lord: That walketh in His ways.

—Psalms 128: 1.

Eternal God, our Father, we turn aside from the noise and clamor of the world seeking wisdom for our minds, strength for our spirits, and love for our hearts. To Thee we bring our sins to be forgiven, our wounds to be healed, our courage to be renewed, and our faith to be strengthened. Fill us with Thy love and truth that we may ever be noble in spirit, humble in heart, and considerate of others as we face the duties of these days.

May Thy blessing rest upon us, upon our Nation, and upon all people in all lands. Hasten the time when Thy children shall learn to live together in peace.

In the Master's name we pray. 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.

MESSAGE FROM THE PRESIDENT

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

AIRLINE ADVERTISING

(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, in recent weeks, the press and the other communication media have been barraged with commercial airline advertising based on the width of the passenger seat.

TWA says:

On board, if the plane is not crowded, you will find our twin seat in coach.

American Airlines says:

Stretch out in the widest 2 and 2 coach seat in the air—load factors permitting.

On its 747 flight to the coast, American advertises "specially cushioned lumbar seats."

United tape measures its seat at 23 inches in claiming to offer "the widest coach seat to California."

The year before last the advertising was directed toward the quality of food. Last year the competition was a choice of movies between a John Wayne or a Jerry Lewis classic—either of which would provide a reason not to fly.

This wasteful kind of stupid and ridiculous advertising for air travel on commercial aircraft which go to the same places at the same time in the same kind of equipment completely disregards the overwhelming public interest in air travel based on safe, low-cost transportation.

Present policies of price escalation and seat elimination will drive more potential air travelers to the automobile where five can still travel for the price of one.

RESTRUCTURING THE EXECUTIVE BRANCH

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

Mr. PELLY. Mr. Speaker, I hope that the Federal reorganization proposals to be submitted by President Nixon will receive our prompt attention. Comprehensive committee hearings should reveal how Government functions can be improved to better serve our constituencies.

The President's legislation would streamline Government functions by making one department secretary directly accountable for each of the major purposes of Government.

We all know only too well that this is not presently the case. When constituents come to us with problems needing prompt solutions—not next month, or next year—we frequently discover that several offices in different departments exercise overlapping authority.

It is often difficult to get a direct and clear ruling for our constituents. Therefore, I urge my colleagues to reflect on the benefits of consolidating similar groups within Government, bringing activities in line with real purposes. Let us make Government truly accountable to the people.

SPECIAL REVENUE-SHARING PROGRAM OF RURAL COMMUNITY DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-66)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local government within our Federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the Nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agribusiness," the number of openings was not nearly enough to match the number of people cast adrift by technological progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure

attractive enough to keep people *in* rural America, or to lure jobs and opportunity *to* rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school teachers or physicians; many fight stagnation while most of the economy is expanding; they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

GENERAL

New Money $179 Million.

Title V Regional Commissions.

Appalachian Regional Commission.

Economic Development Administration.

Resource Conservation and Development Program.

EDUCATION

Cooperative Agricultural Extension Service.

WATER AND SEWER

Rural Water and Waste Disposal Grants.

ENVIRONMENT

Rural Environmental Assistance Program.

Forestry Assistance Grants.

Great Plains Agricultural Conservation Program.

Water Bank Program.

Tree Planting Grants.

Altogether, the eleven programs listed above are spending $921 million in Fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our Society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the incomes of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the State's rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Development as it now receives from the 11 existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people*. The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been re-

ceiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The Act would apply the requirements of Title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of on-going development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out farther and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960s, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localities to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with

the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intent; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally important areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural outmigration and attracting a share of future growth to rural communities.

The key to rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multi-county development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971.*

REVENUE SHARING FOR RURAL DEVELOPMENT

Mr. GERALD R. FORD. Mr Speaker, the President has sent the Congress a program of special revenue sharing designed to accelerate rural development in America.

If there are any Americans who need special help today it is those of our citizens who live in our rural communities.

They need 100 percent of opportunity to achieve to their fullest capacity, to realize all of their potentialities. But opportunity in agriculture has shrunk dramatically due to tremendous advances in farm technology. This means new fields—new opportunities—must be opened up in rural America.

The President's special revenue sharing program for rural development is offered as a doorway to such opportunities, the opening of opportunities for a richer life in our sparsely populated communities. The paramount need is to develop and diversify the economy of rural America. This is the challenge that faces us, and the administration's special revenue sharing program for rural development comes before us as a proper vehicle by which that challenge can be met.

Mr. Speaker, I urge the careful attention of Congress for this program laid before us by the President today. We must build a new road to progress for rural Americans. Action is needed—and now.

PROVIDING FOR CONSIDERATION OF H.R. 4246, EXTENDING UNTIL MARCH 1, 1973, CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 276 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 276

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4246, it shall be in order in the House to take from the Speaker's table the joint resolution S.J. Res. 55 and to move to strike out all after the resolving clause of the said Senate joint resolution and insert in lieu thereof the provisions contained in H.R. 4246 as passed by the House.

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

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) and pending that I yield myself such time as I may consume.

Mr. Speaker, this rule is an ordinary one with 2 hours of general debate. This is an open rule but it does have one provision that should be briefly discussed. On the second page of the resolution there is this language:

After the passage of H.R. 4246, it shall be in order in the House to take from the Speaker's table the joint resolution S.J. Res. 55 and to move to strike out all after the resolving clause of the said Senate joint resolution and insert in lieu thereof the provisions contained in H.R. 4246 as passed by the House.

Some Members may remember that the Committee on Rules had stopped providing that language in resolutions for a number of months during the last Congress. The Committee on Rules did so because a rule of the House, designed to prevent a conference from reporting matter that had not been considered and adopted in one of the two Houses, had been interpreted in the past in such a way that when this procedure was followed, when only one bill was before the conference, that much broader language could be put in the conference report as long as it was germane. The rather, in my judgment, specious reasoning that

had been used in the precedents was to the effect that there was not really a conference, there were not really two bills before the conference, but there was only one bill. There was one bill with two versions. In order to close the loophole that had developed, the Committee on Rules ceased to provide this type of language in the rules that were granted. However, the Committe on Rules decided that it should provide a permanent solution to the problem and it did so or rather the House did so in following the recommendation of the Committee on Rules in the Legislative Reorganization Act of 1970. Section 135 of the Reorganization Act—Public Law 91–510—deals with conference reports. The language that corrects this problem for all time in my judgment and I believe in the judgment of all concerned reads as follows:

Moreover, their report—

That is, the conference report—

shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee.

On the basis of the adoption by the Congress of this clarification there no longer seems to be any objection to the use of the heretofore questionable language included in this resolution, House Resolution 276, which makes it simpler to get to conference. And that is the only thing that will be accomplished by this language, as I understand it, because there is no longer the loophole, the rather complicated loophole that I have tried to describe since it has been eliminated.

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

Mr. BOLLING. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I believe the gentleman from Missouri said that this was an ordinary rule. I do not want to quarrel with the gentleman over semantics but to me this is a most unordinary rule in that it apparently is a completely open rule.

Mr. BOLLING. The gentleman from Missouri will state to the gentleman from Iowa that he would be delighted to continue this semantics discussion with the gentleman.

Mr. GROSS. All I want to say to the gentleman—if the gentleman will yield further—is——

Mr. BOLLING. I am delighted to yield further to the gentleman from Iowa.

Mr. GROSS. Thank you, thank you, for this unusual open rule.

Mr. BOLLING. On behalf of the Committee on Rules, we are delighted that the gentleman from Iowa is pleased.

Mr. MARTIN. Mr. Speaker, I want to concur in the comments made by the gentleman from Missouri concerning the intent and understanding of the Rules Committee in drafting the amendments to clause 3 of rule XXVIII with respect to the authority of House conferees.

Stated simply, the intent of the committee was to insure first, that no issue or question not committed to the committee on conference by either House could be included in conference reports, and second, to insure that with respect to those issues committed to conference, no resolution thereof would be reported which had the effect of going beyond the differences as framed by the two Houses in their individual passage of the legislation.

I might mention that in the last Congress, on at least two occasions Members were required to accept in a conference report matters beyond the limits I have mentioned above. In both instances, the coal mine safety and airport and airways trust fund bills, new material beyond the scope of the differences sent to the committee on conference were reported back. In each instance a number of Members felt that the conferees had clearly exceeded their authority, but the parliamentary situation and the precedents applicable to the then existing rule seem to make it impossible for Members to remedy the situation on the floor.

The Rules Committee, by its amendment to clause 3 of rule XXVIII, believes it has eliminated this problem with respect to reports of a committee on conference.

The purpose of the bill is to extend through March 31, 1973, the authority: First, to establish ceilings on interest rates paid by financial institutions on time and savings deposits; second, for the President to establish controls over wages, prices, rents, and salaries at levels not less than those existing on May 25, 1970.

The existing authority, or regulation Q as it is known, to provide for flexible ceilings on interest rates was first enacted during the 1966 "credit crunch" to eliminate damaging competitiveness among lending institutions. The law gives Federal banking agencies authority to establish interest rate ceilings paid upon commercial bank certificates of deposit, based on the size of the deposit. Currently, interest rates are well below previous ceilings. Also in 1966, Federal authorities were given authority to prescribe maximum interest rates in federally insured savings and loan institutions. Failure to renew these authorities—which expire on March 31—could cause a revival of an interest rate war between banks and thrift institutions and distort the financial markets, and almost surely damage the reviving homebuilding industry.

Public Law 91–558 created the present standby authority in the President to freeze wages and prices at a predetermined level. No implementing authority or authorization of funds was contained in that legislation. If not extended, the statutory authority expires at midnight March 31.

Two changes are incorporated in the reported bill. If the standby authority is activated by the President, such action will automatically terminate after 6 months unless Congress renews his authority prior to its expiration. The bill authorizes $20 million for administrative expenses necessary to set up a price and wage control system.

Additional views are filed by Mr. BROWN of Michigan. He opposes the creation of standby wage and price control authority without the Congress facing up to its responsibility and legislating such controls, while requiring the President to administer the program enacted by the Congress. He will offer an amendment to achieve this end.

Mr. ROUSSELOT, Mr. CRANE, Mr. BLACKBURN, and Mr. ARCHER have filed dissenting views opposing the bill. They do not believe the authority would ever be used and also that such controls do not effectively attack the real economic problems facing the Nation.

The vote to report the bill was 30 to 3.

Mr. BOLLING. 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.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 17]

Abzug	Edwards, La.	Mollohan
Anderson, Tenn.	Fisher	Murphy, Ill.
Ashley	Foley	O'Hara
Badillo	Fraser	O'Neill
Baker	Gallagher	Pepper
Bingham	Giaimo	Peyser
Blatnik	Gray	Pryor, Ark.
Boggs	Green, Pa.	Reid, N.Y.
Brown, Ohio	Hastings	Riegle
Chisholm	Hébert	Roncalio
Clark	Heckler, Mass.	Roy
Clawson, Del	Hogan	Ruth
Clay	Karth	Sarbanes
Collins, Ill.	Kluczynski	Scheuer
Colmer	Long, La.	Stephens
Conyers	McCulloch	Stokes
Coughlin	McEwen	Stuckey
Denholm	McKay	Teague, Calif.
Derwinski	Macdonald, Mass.	Thompson, N.J.
Diggs	Mahon	Ware
Dowdy	Mikva	Yates

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT AS MEMBERS OF SPECIAL COMMISSION ON MODERNIZATION OF HOUSE GALLERY FACILITIES

The SPEAKER. Pursuant to the provisions of section 499(a), title 4, Public Law 91–510, the Chair appoints as members of the special commission on modernization of House gallery facilities the following Members of the House: Mr. WAGGONNER, of Louisiana, chairman; Mr. SCHEUER, of New York; Mr. DENHOLM, of South Dakota; Mr. SMITH, of California; and Mr. DEVINE, of Ohio.

EXTENDING UNTIL MARCH 31, 1973, CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4246, with Mr. ANDREWS of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill we are considering today would accomplish two things. First, it would extend the so-called regulation Q authority to allow the various Federal financial regulatory agencies to impose different interest rates on various time and savings deposits until March 31, 1973. Second, this legislation, if enacted, would continue to provide the President with discretionary authority to impose a freeze on prices, rents, wages, and salaries. This authority, too, would expire under the law on March 31, 1973.

Your committee recommends that the regulation Q authority be extended, based on the fact that if another tight money-high interest rate situation were to occur, it could cause excessive and unfair competition between financial institutions and, thereby, again drive billions of dollars of savings out of those financial institutions which traditionally invest their funds in home mortgage loans.

Since this legislation was initially enacted into law in 1966, it has provided, in effect, upon regulations promulgated by the various Federal regulatory agencies, for financial institutions to discriminate and offer higher interest rates on large savings, as opposed to small savings. Its effect, therefore, has been to discriminate against the small saver and in favor of the large saver.

Since this provision was initially enacted into law in 1966, it has been your committee's intent and request to have the various Federal agencies make recommendations to the Congress which would eliminate this discrimination against the small saver. Unfortunately, such recommendatitons have not been forthcoming. Therefore, an amendment was adopted by your committee which directs the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Comptroller of the Currency through the Treasury Department, and the Federal Home Loan Bank Board to provide the Congress, by December 31, 1971, with recommendations that will eliminate any discrimination by regulated financial institutions against the small saver.

The second section of the legislation before us, which concerns itself with extending the discretionary authority of the President to, in essence, institute wage and price controls, was, as we know, fully debated by the Congress and enacted into law last year. Your committee believes that the President should again have this authority to be used if necessary. With the unfortunate situation of still having inflation running at high levels and unemployment running at high levels—with no clear indication that this situation will change any time in the near future—it may well be necessary for the President to use this authority. It should be pointed out, however, that it is not the intention of your committee that this legislation be used on a single-shot basis, but rather should be used to apply across the board in those major economic areas which have led to the unwholesome situation in which we now find our economy.

Two amendments were accepted by the committee to this section of the bill. One amendment provides that if the President does use his standby authority to institute such controls, such authority would expire within 6 months of the date of the President's action, unless the Congress renews the authority. The rationale behind this provision is simply that the Congress, under this authority, would be able to maintain a continuing surveillance over the exercise of any such authority.

The second amendment to this section of the bill would authorize the appropriation of $20 million to enable the President, if needed, to have funds to staff whatever organization he feels necessary to carry out this action.

Mr. Chairman, many of our witnesses believed, as do many members of the committee, that the President, through the utilization of existing agencies and their staffs, can most efficiently carry out the authority under this section and that no additional staff or funds are needed. In order, however, to assure efficient operation of the program if utilized by the President, the committee does recommend that this committee amendment be adopted.

Mr. Chairman, as we all know, when this legislation was first proposed by the House Banking and Currency Committee as a vital economic stabilization measure, it was actively opposed by the administration. It appears that since that time the administration has at least changed its position somewhat in that some of the recent comments and actions emanating from the White House indicate that the President not only accepts jawboning as necessary, but a viable tool by the action he took in recent weeks concerning wages paid in the construction industry. While many of us are highly critical of the single-shot action taken against the wage earners in this industry, there can be no question that the President is taking a more active role and using the office of the Presidency in an attempt to bring about economic stability.

Prior to the highly questionable action taken by the President under the Davis-Bacon Act concerning construction workers, the Secretary of the Treasury appeared before your Committee on Banking and Currency on H.R. 4246, the bill which we are now discussing. Many of us on the committee were surprised when the Secretary, in his testimony, stated that, "We also accept section 2 of H.R. 4246"—the discretionary wage-price authority section of the bill. This position taken by the administration perhaps accounts for the fact that the committee, by a vote of 30 to 3, favorably ordered the bill reported from your committee.

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

Mr. PATMAN. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Last year when similar legislation was before the House, an issue was made of the fact that there was not a time authorized for administration of wage and price controls. This year the bill has $20 million in it. Why the change of mind?

Mr. PATMAN. This is not an appropriation bill. This is an authorization.

Mr. GROSS. I said authorization. There was no authorization at all in last year's bill.

Mr. PATMAN. It does not take a penny out of the Treasury, but if the President imposes these controls, he will certainly ask Congress for money, and the authorization is there. It makes it easy for him.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, in further response to the question by the gentleman from Iowa, the reason there was no authorization for specific administrative funds in the bill which became law last August was that the administration at that time vehemently opposed the bill, and the position of the majority was that until the administration requested a specific amount, it would not be helpful to put anything in.

This time the administration, through a member of the minority party, let it be known that the sum of $20 million would be satisfactory and could take care of any conceivable administrative expense. So in order to accommodate that wish, the amendment was adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield for one more question?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding

Do I understand the administration wants this legislation?

Mr. PATMAN. I can only take the word of the Secretary of the Treasury who said, "We accept section 2 of H.R. 4246."

What he means by that "we accept it," speaking for the White House, obviously, is that he is accepting it, of course.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the distinguished chairman of the committee for yielding.

Is it not also true, Mr. Chairman, to clarify the record, that when I specifically asked Secretary of the Treasury Connally as to whether he would object to removal of section 2, which is the wage and price controls discretionary authority, he did state he would not object to removing that section; is that not correct?

Mr. PATMAN. I do not recall, but the gentleman was there. If he says it is correct, I am sure it is correct.

Mr. ROUSSELOT. So the point is that the administration was really not advocating, that is as a strong advocate, having this included in the bill. They merely said that they would abide by Congress' decision and were not asking for this authority.

Mr. PATMAN. That depends on the kind of interpretation one places upon the words, "we accept section 2." If that means he is against it, I cannot interpret it that way myself, but any Member has a right to interpret it any way he desires. But acceptance, in my book means he is not against it.

Mr. ROUSSELOT. In specifically asking that question, as I did, the Secretary said he would not object to section 2 being stricken from the bill. When the vote came up it is true the majority of the committee decided not to strike that section of the bill.

Mr. PATMAN. The minority could offer such an amendment.

Mr. ROUSSELOT. That is right.

Mr. PATMAN. Mr. Chairman, I reserve the remainder of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have mixed feelings about this legislation. While I support the bill as it was reported by our committee, I do not delude myself that passage of the legislation is of critical importance.

Section 1 of the bill would extend for 2 years the authority of the Federal regulatory agencies to classify and set ceilings on interest paid on time and savings accounts. This authority was granted on a temporary basis in the money crunch of 1966. It proved useful in cooling down competition that was causing diversion of funds from mortgage lending institutions, thereby deepening the housing recession. The authority again proved useful in the period of monetary stringency last year. But today, the picture is different. Savings institutions are experiencing a massive flood of savings deposits. Mortgage money is freely available and will continue so for the foreseeable future. Accordingly, because of this tremendous inflow of savings, operation of this law has become moot already. The flood of savings is such that institutions are backing away from the ceiling rates authorized by the regulatory agencies and very shortly, generally, will be paying less than the ceiling rates authorized. No longer do you see the ads formerly appearing so freely in the papers saying "we pay the highest legal permissible rate on savings." The six percent consumer type CD available from savings institutions a year ago has virtually become a nonexistant instrument as far as new savings are concerned.

As I have already said, it is not of critical importance whether this authority is extended or not at this time. Rate control authority is one of the issues which the President's Commission on Monetary Institutions is considering and will be reporting on at the end of year and, of course, the Congress will later be considering those recommendations in detail. Therefore, pending this report, I would go along with extension of the rate control authority even though at the moment it is not in effective use.

The second section of the bill would extend for 2 years authority for the President to impose price, wage, rent, and salary controls on a selective or across-the-board basis. This authority remains just what it was when it was initially authorized by the Congress, namely, in my opinion, a partisan political gimmick. This was made abundantly clear when the authority was granted. You will recall, no authorization was provided for expenses that would be necessary if the authority was to be implemented. Further, when the issue was squarely put to the House as to whether or not it would direct the imposition of price and wage controls, the proposal was overwhelmingly defeated by a vote of 270 to 11.

The Secretary of the Treasury in testifying for the administration on this proposal, made clear that the administration was not asking for extension of price and wage control authority but that it would have no objection if Congress saw fit to grant it, and, therefore, the administration supported the chairman's bill as introduced.

The administration also made clear that it would not impose general price and wage controls without further direction by the Congress.

It is true, the bill was amended this year to authorize appropriations of up to $20 million to fund action under the authority, if utilized. That, of course, would only cover expenses of selective uses of the program. I make no predictions, but I ask you to reflect with your own conscience as to whether or not you honestly believe the Congress would pass an appropriation to meet the expenses of price and wage controls imposed on a selective basis. Obviously, if across-the-board controls were imposed, a much larger appropriation than $20 million would have to be authorized and passed. Again, ask your own conscience if you think the Congress would do that.

So, my position on extending the section 2 political authority of this bill is that it is really immaterial whether it is done or not.

I would like to comment further on the prospects for this legislation. Our committee was wise enough not to load it up with other extraneous measures. I am not at all sure that will be the case with the Senate. Already, the Senate has passed a 60-day extension of the interest rate and price and wage control authorities. There was nothing involved about our committee considering and promptly reporting the 2-year extension bill. If that is all the Senate wanted to consider, there would have been no reason why they could not have done likewise. The fact that they have gone to the 60-day extension approach leads me to be suspicious that the Senate may think they can tack on other extraneous measures, some of which possibly might not be acceptable to the administration. It is my opinion that such action would be a mistake because if ever a bill was not veto proof, this is it. I do not know what the outcome will be, but as I stated at the beginning, it is with mixed feelings that I support the legislation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to these proposals for wage and price controls. It is difficult for me to judge whether the proposals are serious or just a political ploy. In any case I would like to suggest what the economic and social effects of wage-price controls would be.

Controls would treat the symptoms rather than the causes of inflation; prices would still rise anyway. Even during World War II prices rose at a rate of 9 percent per year, 38 percent altogether during the war period. During the first year of controls in the Korean war, prices also rose 9 percent.

Controls would create shortage of goods. Through artificial pricing the demand rises immediately and many goods simply disappear from the market. Beef disappeared from the stores in the fall of 1946. Prices were so low that farmers could not bring their animals to market. Low priced clothing disappeared from the store windows.

Controls would require rationing. Either implicitly or explicitly, wage and price controls mean rationing. People immediately buy up the cheap articles unless they are equally apportioned.

Controls would create a black market. Knowledge that there would be shortages encourages unscrupulous operators to buy up large quantities of desirable goods for resale. Even normally law-abiding citizens are encouraged to participate in such illegal operations. One OPA official reported that while traveling in Texas he stopped in a rural area where a farmer was slaughtering a steer for illegal sale. He asked the farmer whether he was not doing something against the law, and the farmer said, "I reckon we ain't heard about that law out here."

Controls would result in declining quality of goods; when producers can-

not raise prices they cut corners on quality.

Controls would divert resources away from the controlled areas—if only primary, critical areas of production are subject to controls—thus aggravating the problem which created the inflation—lack of primary goods.

Controls would divert monetary resources into nonproductive sectors. Antiques, coins, stamps, paintings, and fine wines provide hedges against inflation. These reflect the true inflation in the economy by rising in price, while the controlled areas cannot.

Controls would be impossible to administer. Over 300,000 people worked in the OPA during World War II. Price-wage controls would create a monstrous bureaucracy with associated high administrative costs and ineffectiveness. One thing controls would do—they would solve the unemployment of economists.

Controls would create mountains of redtape for business and labor. A standing joke during World War II was that Lincoln took only 267 words for his Gettysburg Address, but it took the OPA 22,000 words to establish the price for a head of cabbage.

Controls will lead to exceptions being made for individual firms, workers, and industries, or sectors which by some criteria or another deserve special treatment.

By the end of September 1951, during the Korean war, 63 special regulations had been issued to relieve particular manufacturers and retailers. In August 1951, cost-of-living adjustments were authorized for all workers. The distortions in the economy caused by the exceptions bore heaviest on those who were not able to obtain relief because they did not have the political power or know-how.

Controls would result in inequities. They would ignore productivity differences among industries, and the situation at the time of the imposition. For example, some businesses may have just raised prices, others may be having sales, some workers may have just won a raise, others may have been a long time without wage increases. Some unions may have negotiated multiyear contracts with successive increases built in, while others may have not. Schemes are easy to design in order to avoid the system, such as fake overtime and phoney promotions.

Controls, to be at all effective, would require broad-based public support. This existed in World War II; even then price control did not work very well; but public support did not exist during the Korean war. It does not exist today.

Finally, controls would be as difficult to get rid of as to establish in the first place. For example, the freeze order during the Korean war was issued in January of 1951. The OPS spent the first 6 months after that trying to develop appropriate escape hatches, and then the next 18 months decontrolling.

In sum, wage-price controls would conceal rather than solve the problem of inflation. They would play havoc with the working of the economic system by causing shortages, rationing, black-marketeering, and deteriorated quality. They would create a top-heavy administrative bureaucracy of thousands of people in nonproductive jobs while generating enormous amounts of paperwork for business, labor, and government. They would be unfair in their application, and they will be difficult to eliminate. Inflation is bad enough. The medicine of wage-price controls is many times worse than the disease.

Mr. WIDNALL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of the pending legislation.

Mr. Chairman, at a time when the national economy continues to suffer from considerable uncertainty and instability, and at a time when the administration is beginning to find hopeful signs that its efforts to revive and stabilize the economy may be achieving some results, it is especially important to assure ourselves that the authority to act effectively remains available. The pending bill does just that, and I support it.

All of us hope, I am sure, that the President's economic policies make it unnecessary to utilize the standby authority to control wages, prices, salaries, and rents which this legislation extends. But in the interests of timely action, should such action become necessary, the President should have the authority—subject, of course, to the limitations and qualifications spelled out by the bill.

In the same way, most of us may be concerned at the apparent inequities in the interest rates available to large savers as opposed to small savers. Yet, the authority to establish such flexible ceilings on rates, which would also be extended by this legislation, is a necessary one if we are to continue to control the cutthroat and destructive competition that could weaken our financial system. I share the hope of my colleagues on the committee, however, that the appropriate agencies can find a way to eliminate discrimination between large and small savers. The extraordinary efforts made by millions of middle-income families to increase their levels of savings during the past year, for example, have contributed significantly to the lowering of interest rates, the increased availability of money, and the new hope we see for a reduction in inflation. Their efforts should not be penalized by limiting them to rates of interest hardly adequate to compensate for inflationary price increases when higher rates are available to others.

Mr. Chairman, enactment of this bill will not complete the Congress responsibility for taking effective action to help stabilize and strengthen our economy. Last year, I introduced H.R. 18084, a bill to provide for the development of price-wage guideposts within the context of sound fiscal and monetary policies. I plan to reintroduce this bill shortly, hopefully with some strengthening amendments, for I am convinced we can do more to promote maximum employment, production, and purchasing power, including reasonable price stability, than we have done to date.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in vigorous support of this legislation because this is legislation we need and this is legislation which very soon the President may find it necessary to use.

The fact of the matter is the President of the United States has been attempting in various industries to get an agreement on voluntary controls and he has been unsuccessful. Even if the President decides not to use the powers given to him under this legislation, and I am referring to the powers relative to economic stabilization, it still gives him something with some muscle in it while he is attempting to get various industries to adopt voluntary controls.

Let me call your attention today to conditions in this country. We see tremendous wage and price increases that are taking place constantly. It does have a very real and very direct effect on inflation. I do not care whether the economists are talking of a 3-percent inflation this year or a 6-percent or 7-percent inflation this year—our economy is not in a position to withstand any inflation. As long as we permit a constantly increasing and rising spiral of wages and prices, we are going to have inflation.

I recognize under the dissenting views in the report that attention is called to other conditions which also cause inflation. Well, I say to you we have to do those things also, as well as approve this legislation, if we are going to preserve the economy of this country.

The fact of the matter is that the wage and price increases in this country have priced American-made products right out of the world market. You know the conditions in the American textile and shoe manufacturing industries today.

You are also aware of the fact that in places like Japan, Italy, and France, and these are anything but underdeveloped countries with a low standard of living, that they can actually make power generating equipment and power transmitting equipment cheaper in those countries and ship it here than we can manufacture those same products in this country.

Now let me call to your attention the authority that the President has under the Economic Stabilization Act of 1970. I will read it as follows:

> The President is authorized 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. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

Furthermore, to the legislation we have added an authorization for $20 million to implement the powers given to the President so that this will give the President even more muscle in striving to achieve voluntary controls.

The previous speaker dwelt at some

length on the thousands of people who were employed by the OPA, that is the Office of Price Administration. The attempt was made to compare these economic stabilization powers contained in this bill with this plight during wartime.

I can tell you that there is absolutely no shortage of any product in this country. You are not going to need a massive agency employing many, many thousands of people in order to handle rationing. You are not going to have any rationing and as far as policing the action that the President may take, if he is given these powers, I can tell you that the American people will be the first ones to report any increases in prices, and we are not going to need thousands upon thousands of people.

The fact of the matter is that we are not going to have any gas stamps and we are not going to have any food rationing stamps. We are not going to have any of that. The only thing the President would find it necessary to do, if he should invoke the proposed powers, is to set up one master Stabilization Board with regional Stabilization Boards under it.

I would presume that the President might decide to freeze wages and prices at a level of, say, something like January 1 or February 1, 1971. Then once the Stabilization Boards were set up, the only way that wages and salaries could be increased would be if it was proven that productivity had increased. The only way that prices could be increased would be if the manufacturer or producer could prove that he was paying more money for imports that went into his product. They would have to make a case.

I believe this is excellent legislation. I think it is a power the President needs. I would personally urge him to consider using these powers in order to help stop inflation, which is devaluing the American dollar, which is pricing our American products out of the world markets, and, therefore, adding to our already unfavorable balance of payments.

Therefore, I urge support of this legislation.

Mr. PATMAN. Mr. Chairman, I yield whatever time she may desire to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, this bill was extremely controversial last year, when we first gave President Nixon standby authority to apply price, wage, salary, and rent controls either on a selective basis or across the board. I do not think it is a very controversial measure today.

The administration has never asked for the authority this bill contains, and has said repeatedly that it has no intention of using the power for a general price and wage freeze except in case of unforeseen national emergency, but I think the administration is now not only willing—but quite happy—to have this power in being.

It was the same thing with the credit control authority we gave to the President in December 1969, over his very vigorous objections. He has not used the credit stabilization powers and has indicated he does not plan to use them—although many of us think he should have done so during several periods of the last 16 months—but the fact that the standby credit control powers do exist, and can be used, is undoubtedly a source of comfort to the economic leaders of the administration. In fact, Federal Reserve Chairman Arthur F. Burns told us he felt that way about having the standby credit control powers in the Government's arsenal of economic weapons.

STANDBY POWERS SHOULD REMAIN IN LAW

In my opinion, Mr. Chairman, the standby powers for selective economic controls should always be available to a President. In 1953, when I first came to this House, I joined the late Senator Homer Capehart of Indiana, then chairman of the Senate Committee on Banking and Currency, in an effort to retain in the law, on a standby basis, the economic stabilization controls of the Defense Production Act which were used during the Korean war period and were about to expire in 1953. The Eisenhower administration would not support such legislation, and it never got very far.

The bill before us now continues for 2 years the standby powers we gave to the President last year to stabilize prices, wages, salaries, rents, and also continues the authority to impose ceilings under regulation Q on the interest rates paid by insured savings institutions on time deposits. One section of the bill enables the Government to limit how much interest you can receive on your savings, another section provides the power to control the wage increases you can receive, or increases in the prices you pay for the things you buy.

Neither section of this bill will solve our inflation problem or end unemployment or build more houses or do any of the affirmative things we have to do in order to get our economy back into health again. These are only some tools the administration could use to ameliorate certain of the pressures at some places in the economy. But without economic statesmanship and leadership—not just drift, but leadership—the remaining 2 years of this administration's term in office do not contain much prospect for full employment in a stable economy.

(Mr. BARRETT (at the request of Mrs. SULLIVAN) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I rise in support of the bill, H.R. 4246, the extension of the Economic Stabilization Act of 1970. It is fitting that this bill is the first bill to be reported out by the Committee on Banking and Currency in this Congress. We are again attempting to provide the President of the United States with the tools to bring some sanity back into the economy. In enacting this legislation last year, the President made an undying pledge never to seek any kind of wage-price controls, and he further pledged that it was not the business of the President to tamper with the economy by either "jawboning" or direct controls. With the economy in worse shape than it was last year, the administration is grudgingly admitting that perhaps Congress was right last year in giving the President the authority to impose wage-price controls. I am pleased that the President, despite his high-interest tight-money Republican economic philosophy, finally realizes that perhaps Congress was right last year in enacting this piece of legislation.

Mr. Chairman, it is very important that we enact H.R. 4246 since the provisions of this act expire on March 31. Section I of the bill extends until March 31, 1973, the authority to establish flexible ceilings on rates paid by financial institutions on time and savings deposits. This authority was first enacted by Congress during the 1966 credit crunch to restrain excessive competition for funds by commercial banks and savings and loan associations. Unless this authority is renewed by us, this rate control authority would expire on March 21. The authority to control the rates of interest paid on time and savings accounts is needed if we are to prevent ruinous competition between the savings institutions which provide the bulk of mortgage credit in this Nation and the commercial banks. In order to attract consumer savings, commercial banks have engaged in the practice of providing savers with consumer-type certificates of deposits at competitive rates with the thrift institutions. Commercial banks also offer large denomination certificates of deposits—$100,000 and over—that compete with the general money market instruments. It is very important that this particular provision be enacted immediately if we are to continue to provide a balanced market for time and savings deposits. This provision also extends the authority of the Federal Home Loan Bank Board to prescribe the maximum rates of interest which federally insured savings and loan associations can pay on savings deposits. Under this authority the Home Loan Bank Board has established a ceiling of 5 percent on passbook accounts and from 5¼ to 6 percent on certificates of deposit, depending on their maturity.

I am pleased that we amended this section directing the Federal Reserve Board, the Federal Deposit Insurance Corporation, Comptroller of the Currency, and the Federal Home Loan Bank Board, to provide the Congress by December 31, 1971, with recommendations that would eliminate any discrimination by regulated financial institutions between small and large savers, while at the same time maintaining whatever authority is necessary to prevent excessive and unfair competition between financial institutions. We on the committee feel that the small saver has been discriminated against under existing conditions that allow interest rates to be higher on large deposits, than they are on the small consumer savers deposits.

WAGE-PRICE CONTROLS

Section 2 of H.R. 4246 extends the authority of the President to issue orders

and regulations to stabilize prices, rents, wages, and salaries at levels of not less than those prevailing on May 25, 1970. This provision extends this presidential authority to March 31, 1973. The President would have the authority to determine whether or not such orders and regulations should be issued, and he would further have the authority to make adjustments within such orders and regulations as he may deem necessary to prevent any inequities that might occur as a result of such stabilization orders.

Since unemployment is still running at close to 6 percent of the labor force, with approximately 5.4 million people unemployed, with the Consumer Price Index still increasing at approximately 6 percent a year, we felt it necessary to give the President the authority to impose selected controls as a necessary weapon without relying exclusively on fiscal and monetary actions that place an inordinate burden on the citizens of our country. We felt that the President can use this authority to dampen the inflationary pressures on the economy. An important amendment was added in the committee which provided that if the President uses this authority to institute controls of wages, salaries, prices, and rents, that such authority would expire within 6 months of the date of the President's initial action unless the Congress renews the authority during that 6 months so we could maintain a continuing surveillance of the exercise of this authority.

Before concluding, Mr. Chairman, I would like to make an observation on the President's recent action in suspending the provisions of the Davis-Bacon Act. By so doing the President has made American trade unions the convenient whipping boys in his fight against inflation. By this action he has laid the total finger of blame on the American workingman, who is by no means solely responsible for the inflation which this country is suffering from today. The increased wages that labor has obtained in the past 2 years solely results from the high interest, tight money policy of the Nixon administration. Labor is only attempting to keep its head above the choppy economic waters. I fail to see how the President of the United States cannot look to the other side of the bargaining table if he is attempting to restrain recent price increases.

Mr. Chairman, I urge the adoption of H.R. 4246.

Mr. WIDNALL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the first section of this bill is a desirable extension of rate regulation of financial institutions.

The second part is the extension of Public Law 91-379, euphemistically called the Economic Stabilization Act of 1970.

When this measure was passed last August, the act contained flaws. The most significant were: First, that it was an exercise in congressional buck-passing to the President; second, it failed to provide either funds or machinery to accomplish a significant, or more importantly, an equitable freeze; third, the duration, 7 months, was inadequate.

The extension before us today gives us the beginnings of a remedy for the money flaw. But, of course, there is no appropriation. It preserves the short duration flaw by a 6-month limitation. It conveys to the President a "now-you-see-it, now-you-don't" kind of authority.

It is still a pass-the-buck bill. It tries to give responsibilities to the President for which he has not asked. But, in so doing, it places such restrictions on his authority that it is highly questionable whether we have shifted any responsibility at all.

The committee report states that this authority gives the President "all of the necessary weapons needed to dampen down any inflationary pressures in the economy."

I hope no person deludes himself, or anyone else, into thinking that this bill does provide all the weaponry, because much committee testimony centered on the obvious limitations on the freeze authority. The bill is an indication of congressional interest and, perhaps, an invitation to the President to come back for real powers if he wants them.

On that basis, and on the theory that something is better than nothing, I intend to vote for the bill, and this section of it. But let us not kid ourselves, or anybody else, into thinking we have done something great and wonderful and that we have provided a magic cure for inflation.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman from Minnesota an additional 30 seconds.

Mr. FRENZEL. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, in the gentleman's comment he remarked about a 6-month limitation. I believe what the gentleman meant to say is, if the President invokes the powers granted to him under this bill, that within 6 months the committee has to review the action, but it is not terminated within 6 months.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield, that is not true.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to this bill, because of the inclusion of section 2.

Section 2 of this legislation, H.R. 4246, would extend for 2 years discretionary authority to the President of the United States to establish general wage and price controls. President Richard Nixon on previous occasions has objected to the granting of this authority to the executive branch of the Government and, as a matter of fact, on August 17, 1970, stated:

> I have previously indicated that I did not intend to exercise such authority if it were given me. Price and wage controls simply do not fit the economic conditions which exist today.

In the 1969 annual report of President Johnson's Council of Economic Advisers, the following comment was made regarding such wage and price controls with which President Nixon concurred:

> Mandatory price and wage controls are no answer. Such controls freeze the market mechanism which guides the economy in responding to the changing pattern and volume of demand; they distort decisions on production and employment; they require a huge and cumbersome bureaucracy; they impose a heavy and costly burden on business; they perpetuate inevitable injustices. They are incompatible with a free enterprise economy and must be regarded as a last resort appropriate only in an extreme emergency such as all-out war.

Mr. Chairman, we, of course, do not today have an emergency such as an all-out war and even during World War II, when we did have such an emergency, it was proven conclusively that wage and price controls did not work and merely postponed the day of reckoning.

In a recent discussion on the subject of economics on a television program entitled "The Advocates"—a weekly program that goes over the educational network—Economist and Prof. Milton Friedman and Prof. John Kenneth Galbraith discussed advantages and disadvantages of wage and price controls.

During that discussion, Milton Friedman said that, aside from his disagreement on philosophical grounds—that is, controls are coercive—in a very logical way argued that wage and price controls simply have not worked in the past. Mr. Friedman also commented that we have over 2,000 years of recorded history to show that attempts to control prices and wages have failed. In addition, Mr. Friedman mentioned that price controls have not worked in England and are about to be phased out in Canada. For the foregoing reasons, and taking into consideration my additional comments contained in the report of the House Committee on Banking and Currency, dated March 5, 1971, Dissenting Views. I cannot support section 2 of this legislation.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, last year when the Banking and Currency Committee and the House of Representatives considered H.R. 17880, I indicated my dissatisfaction with the provisions for standby wage and price controls which were incorporated in that legislation. My position on this issue has not changed and, for the reasons given at that time plus those which I here further enounce, I again urge an alternative to the granting to the President of unlimited authority and prerogatives with respect to the imposition of wage and price controls.

There can be little question but what popular opinion today sees wage and price controls as a way out of our inflationary dilemma and that wage and price controls would be a panacea for all

of our fiscal problems. My constituents on several occasions have so responded when the question has been put to them in my questionnaire. When my irritation over inflation prevails over my judgment, even I often think we should invoke such controls, but as at least a mediocre students of economics and experience, I seriously doubt that wage and price controls are the answer to the type of economic destabilization we are now suffering.

However, I am willing, if are my colleagues, to bite the bullet and put the machinery of controls into being. But I refuse to aline myself with my less forthright colleagues who would pass the buck to the President and in this way be able to criticize the failure of the President to impose such controls or criticize the imposition of such controls, should they be ordered.

Much of what I had to say in my "additional views" to the report on H.R. 17880 last year bears repeating because the standby wage and price control authority in H.R. 4246 is merely an extension of title II of H.R. 17880. In those "additional views" of last year, I said:

The almost unlimited grant of authority to the President to impose and implement wage and price controls provided for in Title II would be considered ludicrous were it not so serious.

At a time when the electorate and some members of Congress are vehemently criticizing the failure of the Congress to assume greater authority and responsibility in the war-making power the President is exercising in international affairs, it is almost unbelievable that anyone would suggest the Congress totally abdicate its responsibility and retain no authority with respect to the power of the President to wage war on the economy.

As I have previously indicated, I have serious doubts about the wisdom of imposing wage and price controls because I believe they would be counter-productive in our effort to stem inflation. But if standby authority is to be legislated, it should be done in the way proposed by an amendment I will offer.

Briefly stated, my amendment provides the standby authority necessary for the invoking of wage and price controls. But there is a significant difference between my amendment and the provisions of Sec. 2. My amendment retains authority in the Congress to invoke a wage and price freeze and then grants to the President the authority to make adjustments in wages and prices necessary for the stabilization of the economy and prevention or elimination of inequities within our wage and price structure.

To permit timely action, my proposal delegates to a joint committee consisting of the Joint Economic Committee, the Speaker and Minority Leader of the House, and the Majority Leader and Minority Leader of the Senate the authority to determine when and if the wage and price control provisions shall be activated.

In essence, my amendment puts the issue of standby authority for wage and price controls in an absolutely clear context. If such standby authority is to be enacted, responsible Members of Congress will support my amendment and those who only wish to play politics will oppose it.

The situation today is little different from what it was when the above remarks were written. The fact that the administration may have changed somewhat its position of outright opposition to such standby authority to one of "accepting" the provisions of H.R. 4246 should not enhance, but should make more doubtful, the desirability of passage of such standby authority. Even Dr. Burns, the Chairman of the Federal Reserve Board, questions the wisdom of giving the President such authority, the Chairman having suggested that granting the President a 2-year extension of standby powers to freeze prices and wages was virtually a granting to the President of "dictatorial authority."

I think the amendment I will propose again this year, which requires Congress to express itself if a freeze on wages and prices is to be imposed, is totally consistent with the administration's position as stated by Secretary Connally when he said in his testimony before the Banking and Currency Committee that the administration would not consider the imposition of such controls without first obtaining further authorization and a formal approval by the Congress for the taking of such action.

Effective utilization of wage and price controls can only occur if there is substantial public acceptance of such controls. And, substantial public acceptance of action in the wage-price area will only occur when there is substantial unanimity in the Congress and executive branch with respect to the necessity for controls.

Under the amendment I will offer, the President could ask the joint committee to adopt the resolution invoking a freeze, selective or general, on wages and prices and a determination by the joint committee that such action should be taken would provide the kind of support necessary for effective control action. I urge my colleagues to retain for the Congress this very important policy decision by adoption of the amendment I will offer.

I think there is even more reason today to adopt my amendment than existed before.

First. The willingness of the administration to accept the standby wage-price authority this year when it actively opposed it last year should prompt fears in many about unnecessary or improper use of the broad discretionary authority by the President.

Second. Those who voice concern about the President exercising "selective" controls should not want to grant to the President an unrestricted right to do just that—yet, without my amendment, the President could pick and choose as he pleases and the Congress would be helpless to do anything about it.

Third. Secretary Connally in his testimony before our committee several times said that the President would not utilize the authority granted to him by the legislators without first obtaining further specific authorization from the Congress. My amendment provides the mechanics for this very kind of cooperative action.

In the absence of my amendment there are no legislative standards or guidelines by which the wage-price authority would be exercised by the President.

The gentleman from Texas, the chairman of the committee has suggested this legislation puts a shot gun on the corner for use by the administration if needed. I suggested the authority is so unrestricted it is more like putting a bone in the corner for the President.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. The gentleman's proposed amendment, which will be offered at the proper time, places the authority to freeze prices and wages with the Joint Economic Committee; does it not?

Mr. BROWN of Michigan. Yes. With the Joint Economic Committee plus the leadership of the Senate and the leadership of the House.

Mr. WILLIAMS. All right. Now, if the Joint Economic Committee and the leadership of the House and the Senate decided to invoke these powers is it not true that the actual execution and policing of the wage and price freezes would have to be done by the executive branch of the Government?

Mr. BROWN of Michigan. Absolutely. All that happens is that the Joint Economic Committee for the Congress exercises its proper policymaking function. If the Congress should decide a freeze should be imposed I presume it would not occur until the President asked the Joint Committee to do just that. The committee would impose the freeze and the President would implement and administer the wage and price controls.

Mr. WILLIAMS. I will say that I probably will support the amendment to be offered by the gentleman but I want to make it clear that the ultimate enforcement does lie with the executive branch of the Government.

Mr. BROWN of Michigan. Absolutely, where it should.

Mr. BOGGS. Mr. Chairman, it is good to see so many of our Republican colleagues beginning to rally around Democratic economic policies. Some may say this is a little late in the game but our GOP friends are welcome nonetheless.

When President Nixon was inaugurated back in January 1969, the country was told that we now had a laissez-faire administration on our hands. The marketplace was going to decide everything without any interference from the Federal Government.

That is what we were told in January 1969. During this period, the Republicans spent a great deal of time deriding Democratic suggestions that the President might help curb inflation, hold down interest rates, and stabilize the economy through jawboning. We got lots of knots on the head from the GOP for even suggesting such action.

While the Republicans continued to revel in their recollections of Adam Smith, the economy kept falling apart. Inflation rose and millions joined the unemployment lines.

In the Congress, the Democrats tried to do everything they could to urge the President to take action on the economy. In December 1969, the Democratic-con-

trolled Congress passed legislation which gave the President authority to control credit transactions and interest rates. The Nixon administration of course denounced the Congress for passing these standby authorities.

Then last summer, the Democrats in the Congress got together and pushed through standby authority for the President to stabilize wages, prices, salaries, and rents. Once again, the thing that the Democrats got were more criticism from the President and the Republican leaders.

Then last November, we had an election. And during the course of the campaign, a number of people started talking about the economy, about inflation, about high interest rates, and about the growing unemployment. When the returns came in on November 4, the Democrats, who had urged strong action on the economy, fared very well indeed.

The President and his advisers of course spent a lot of time downgrading the election results and still claimed that all was well with the eccnomic game plan.

But it is obvious that someone in the administration did read the election returns carefully. Suddenly, we started seeing the President using "jawboning"—that Democratic remedy that the Republicans had so loudly denounced. He decided to use it on the steel industry and gained some success despite the hesitancy.

More recently, we have seen the Presidential advisers run up and down the east coast proclaiming the possibility that the President might use the much-denounced wage and price authorities on the construction industry. And then to top off this evolution of Republican economic policies, the new Secretary of the Treasury trotted up to Capitol Hill on February 23 and announced that the administration was endorsing the extension of the wage and price authorities for 2 years.

Mr. Chairman, the Republicans have come a long way—all the way from no jawboning to acceptance of wage and price authorities. The education of the GOP is slow and it is too bad that economic troubles have to be so widespread before there is Presidential action in a Republican administration.

Mr. Chairman, let me cite some key statements by administration officials on this question of wage and price authorities:

Vice President SPIRO AGNEW, quoted in the New York Times, May 29, 1970:

> We have not run for the superficially attractive solution of wage-price controls.

President Nixon in a national television speech on the economy, June 17, 1970:

> I will not take this nation down the road of wage and price controls . . . This is not the time for Congress to play politics with inflation by passing legislation granting the President standby powers to impose wage and price controls.

Under Secretary of the Treasury Charls E. Walker, testifying before the House Banking and Currency Committee, June 22, 1970:

> Wage and price controls must be ruled out completely.

President Nixon on the signing of the Extension of the Defense Production Act which included standby wage and price authorities, August 15, 1970:

> Price and wage controls simply do not fit the economic conditions which exist today.

White House Press Secretary Ronald Ziegler, December 4, 1970:

> There is no change in the President's attitude about wage and price controls.

The Economic Report of the President submitted to the 92d Congress, February 1, 1971:

> I do not intend to impose wage and price controls which would substitute new, growing, and more vexatious problems for the problems of inflation.

Secretary of the Treasury John Connally testifying before the House Banking and Currency Committee, February 23, 1971:

> We . . . accept Section Two of H.R. 4246 which extends the President's standby authority to set up wage-price controls.

Mr. Chairman, it took 9 long months to convince the Nixon administration of the value of these standby wage and price authorities. We are happy to have our GOP friends aboard and I hope that we can discover the means to cut down the long leadtime in gaining administration understanding of the Nation's economic problems.

Mr. LLOYD. Mr. Chairman, in casting a reluctant vote for this bill to give standby authority to the executive to invoke wage and price controls, I do so as a reflection of the great anxiety with which I and my constituents look upon the dangers of an extreme inflation which would demoralize the country and destroy most of the incentive for our citizens to work to provide for their own security rather than to become completely dependent upon Government.

It is obvious this bill will pass overwhelmingly, but it is my hope that the President will not conclude from this overwhelming vote that this House has surrendered to the idea of compulsory economic controls of wages and prices and that by this action we encourage the President to use this authority. In expressing my own view here, I think I am also expressing the innate judgment of the majority of the people whom I represent. That is, that greatly added emphasis should be placed on other methods to attack inflation before any serious consideration is given to the invocation of the compulsory controls of a totalitarian society which I consider wage-price control to be. These free society methods of attacking inflation would include the announcement by the President of an incomes policy to be followed by clear and strong denunciation of any business or labor organization which purposely violated this incomes policy. While many people immediately blame the monopoly of labor unions for excessive price increases, in my mind there is no doubt that business is equally guilty of price inflation when given the encouragement and the opportunity. Therefore, it is incumbent upon the occupant of the White House to establish an incomes policy in an inflationary period such as the present, and to solicit the aid of the American people in securing adherence thereto.

Today's action by this House should not be interpreted by the President as great encouragement to invoke this authority in periods when we are not engaged in an all-out war. I am sure there are many dozens and perhaps even a majority who would vote against this legislation today except for the fact that they felt it may be in harmony with a desire, both personal and political, to take some tangible action, however feeble, as an objection against excessive inflation. If the President uses this authority impulsively or improperly, I for one will regret my vote and the action which we have taken.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 4246.

I authored the amendment which cuts off Executive wage and price control authority 6 months after it is invoked.

I believe that this formula is sound insurance against unwise Presidential use of wage and price control power.

This section of the bill gives Congress the necessary oversight to scrutinize just how an Executive might use his authority. With this limitation, Congress knows that in 6 months an Executive will have to appear before a congressional committee for an additional extension of authority should he desire it.

At this time, Congress will be able to question the manner in which the authority has been employed and offer new directions that the President might want to explore should wage and price controls be extended further.

The Honorable Arthur Burns, Chairman of the Board of Governors of the Federal Reserve Board, testified before the Joint Economic Committee that a simple 2-year extension is, and I quote Chairman Burns, "giving too much power to the President."

Chairman Burns went on to say that 2-year authority would give the President "virtually dictatorial authority."

The entire statement of Chairman Burns concluded with this note, and once again I quote Arthur Burns:

> If you do give this power to the President, extend this authority beyond March 31, I hope you will do so only for a very brief period, because you are giving dictatorial powers to the President and you ought to do that with the greatest of caution.

I believe that our committee has done precisely this, we have extended the President's power for 2 years, but cut to 6 months the effective time of any order or regulation issued under this authority.

I think we have given the President enough power to deal with certain major problems in the economy and at the same time we have insured that Con-

gress has sufficient control on the authority to end unwise use of it.

Mr. COTTER. Mr. Chairman, I rise in strong support of H.R. 4246. As a member of the Committee on Banking and Currency I was proud to join with my Democratic colleagues in introducing this necessary legislation. The Democratic leadership in the House and the leadership on the Banking and Currency Committee are to be commended for their effort in expediting consideration of this important legislation.

The purpose of this bill is well-known to my colleagues. It is designed to give the President power to attack forcefully our economic problems. I am hopeful that the time of Presidential timidity is past, but the impounding of $11 billion of vital funds and limited attacks on small sectors of the economy have produced not only extremely high inflation but also economic stagnation. Inaction can no longer be allowed. This legislation gives the President the powers to move decisively in the economy.

It extends the Presidential standby authority to stabilize wages and prices by establishing mandatory controls over prices, rents, wages, and salaries. It allows the voluntary implementation of credit controls, and it extends the authority for establishing the maximum rates of interest that banks and savings and loans can pay.

These are powerful economic levers and they should be used in a fair and equitable manner, but they should be used. The Presidential reliance on a "full employment budget" is one step in the correct direction, but the recent disclosure that the Office of Budget Management has impounded $11 billion of funds to stop inflation seems to belie the new directions charted by the President. Of this impounded money, it has been established that almost one-third of the urban renewal money is being impounded. Also moneys for public works, water and sewer facilities, and some mass transit money. I am hopeful that this situation will be rectified, but in the meantime, the Congress must assist the President in lessening the inflationary pressures while attempting to stimulate the stagnating economy.

The bill before the House today is a definite addition to this fight and I hope it is passed overwhelmingly, and more importantly, that the President uses these powers to attack our dire economic problems.

Mr. MONAGAN. Mr. Chairman, I support H.R. 4246, which will extend until March 31, 1973, the authority to establish flexible ceilings on rates paid by financial institutions, and continue the President's discretionary authority to issue orders and regulations to stabilize prices, rents, wages, and salaries.

I supported the Economic Stabilization Act in the 91st Congress because I felt that the President should have extraordinary power to deal with inflationary increases in wages and prices in an emergency economic situation. With approximately 5.6 million people now unemployed and the Consumer Price Index increasing at an annual rate of 6 percent, there is no doubt that the economic emergency continues and, in fact, increases in acuteness, and I want to continue this standby discretionary authority in the President as a supplement to his fiscal and monetary authority.

In connection with the problem of stabilizing the economy, I have introduced legislation which I believe offers a reasonable and workable method to restore national economic stability without resorting to across-the-board freezes.

Like the bill under consideration, my proposal is directed against inflationary increases in prices and wages and is calculated to keep the economy at an even keel at a time when an expansionary monetary policy is being pursued by the executive branch. If the money supply is greatly expanded at this time without a mechanism to keep a lid on wages and prices, we cannot realistically expect the wage-price spiral to be broken or even to be slowed down. In the event the President continues in his reluctance to exercise the power to freeze prices and wages authorized by H.R. 4246, my proposal presents a responsible intermediate measure to maintain domestic economic stability.

My proposal, the Emergency Guidance Board bill, which is being cosponsored by Messrs. McFALL, DONOHUE, BOLAND, BURKE, SIKES, HECHLER, MIKVA, HARRINGTON, LEGGETT, and SISK, creates a temporary Emergency Guidance Board to set and administer a system of voluntary price and wage guidelines for certain concentrated industries and large labor organizations. Under the terms of my bill, the Emergency Guidance Board would be composed of five members appointed by the President subject to Senate confirmation, and would represent business, labor, and consumers. The Board is empowered to monitor adherence to its published guidelines by requiring large industries and labor organizations to file economic justifications indicating how a price increase or wage settlement complies with or departs from the price and wage guidelines. The Board could publish economic justifications filed with it, negotiate with corporations where the guidelines appeared likely to be breached, hold hearings, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. The life of the Board would be limited to 18 months, except that its life could be extended for an additional 18 months by a concurrent resolution of Congress.

I believe that my proposal for a temporary Emergency Guidance Board deserves serious and immediate consideration by Congress and the executive, and although I support H.R. 4246 to authorize the President to effect across-the-board price-wage freezes, I think that enactment of my proposal would also provide an equitable and effective cure for our current economic ills.

Mr. PRICE of Illinois. Mr. Chairman, I support the bill, H.R. 4246, extending the President's authority to control price and wages. At a time when inflation remains serious and our economic health in question, it is imperative that we provide the President with the tools he needs to wage an effective battle against inflationary recession. Hopefully, the President will recognize the merits of this legislation. To date, the highly publicized administration game plan for economic recovery has failed.

Instead of relying on selective pressures which at best have little effect, it might be better if the administration dealt with the problem on an across-the-board fashion. If the administration is serious about fighting inflation, the problem must be dealt with in comprehensive fashion. Too little, too late has been the posture in fighting inflation at a time when industrial capacity is down, business profits are down, unemployment still up and wages eaten up by inflation.

The gap between economic security and inflation widens while the Federal Reserve Board, the Council of Economic Advisers, and the Office of Budget and Management argue over the rate of money supply and economic growth. Without decisive action on the administration's part, the Republican antitrust may well have to concern itself with far more serious economic problems.

It is past time to turn this thing around. Coupled with increased employment opportunities through the public service employment and accelerated public works legislation, the bill before us today can help put our economic house in order.

Mr. LEGGETT. Mr. Chairman, I support H.R. 4246 to give to the President standby authority to control wages, profits, interest, and rents with a rollback authority to May 25, 1970. My only reservation is that the President should have used the authority of the previous bill over a year ago.

On November 25 last, I exhaustively analyzed what I considered then was President Nixon's 22-month economic disaster—need for wage and price controls now.

The need is even greater today. The latest economic figures from February point up the continuing disaster.

The President indicated that he had things under control in the state of the Union message. Since that date a little over 1 month ago there have been recorded two of the highest monthly escalations in wholesale prices in years.

These escalations must be reflected in a few months in still higher consumer prices.

I pointed up last November the disaster in employment figures—at that time we had 78,916,000—today we have over 1½ million less employed at 77,238,000. Then we had 4.2 million unemployed. Today we have 5.4 million out of work—over 6.6 percent of the labor market.

Over 9 percent of the workers are not working in many parts of California today.

The following table from the Council of Economic Advisers tells the story:

Period	Total labor force (including Armed Forces)	Civilian employment		Unemployment	Total labor force (including Armed Forces)	Civilian labor force	Civilian employment			Unemployment	Unemployment rate (percent of civilian labor force)		Labor force participation rate, unadjusted [1]
		Total	Nonagricultural				Total	Agricultural	Nonagricultural		Unadjusted	Seasonally adjusted	
	THOUSANDS OF PERSONS 16 YEARS OF AGE AND OVER										PERCENT		
1966	78,893	72,899	68,915	2,875	78,893	75,770	72,899	3,979	68,915	2,878	3.8		60.1
1967	80,793	74,373	70,527	2,975	80,793	77,347	74,373	3,844	70,527	2,977	3.8		60.6
1968	82,272	75,921	72,103	2,817	82,272	78,737	75,921	3,817	72,103	2,816	3.6		60.7
1969	84,239	77,902	74,296	2,831	84,239	80,733	77,902	3,606	74,296	2,832	3.5		61.1
1970	85,903	78,627	75,165	4,088	85,903	82,715	78,627	3,462	75,165	4,085	4.9		61.3
1969:	UNADJUSTED				SEASONALLY ADJUSTED								
Dec.	84,856	78,788	75,805	2,628	85,109	81,669	78,728	3,430	75,298	2,941	3.2	3.6	61.1
1970:													
January	84,105	77,313	74,398	3,406	85,551	82,165	78,943	3,439	75,504	3,222	4.2	3.9	60.5
February	84,625	77,489	74,495	3,794	85,539	82,198	78,781	3,481	75,300	3,417	4.7	4.2	60.8
March	85,008	77,957	74,786	3,733	85,918	82,600	78,969	3,533	75,436	3,631	4.6	4.4	60.9
April	85,231	78,408	74,877	3,552	86,031	82,760	78,886	3,569	75,317	3,874	4.3	4.7	61.0
May	84,968	78,357	74,632	3,384	85,849	82,621	78,601	3,570	75,031	4,020	4.1	4.9	60.7
June	87,230	79,382	75,174	4,669	85,392	82,213	78,299	3,536	74,763	3,914	5.6	4.8	62.3
July	87,955	80,291	76,173	4,510	85,865	82,711	78,574	3,508	75,066	4,137	5.3	5.0	62.7
August	87,248	79,894	76,112	4,220	85,904	82,770	78,508	3,435	75,073	4,262	5.0	5.1	62.1
September	85,656	78,256	74,730	4,292	86,084	82,975	78,479	3,436	75,043	4,496	5.2	5.4	60.9
October	86,255	78,916	75,522	4,259	86,379	83,300	78,691	3,293	75,398	4,609	5.1	5.5	61.2
November	86,386	78,741	75,515	4,607	86,512	83,473	78,550	3,353	75,197	4,923	5.5	5.9	61.2
December	86,165	78,516	75,564	4,636	86,622	83,609	78,463	3,408	75,055	5,146	5.6	6.2	61.0
1971:													
January	85,628	77,238	74,361	5,414	86,873	83,897	78,864	3,413	75,451	5,033	6.6	6.0	60.5

[1] Total labor force as percent of noninstitutional population.

Note: Beginning 1960, data include Alaska and Hawaii.
Source: Department of Labor.

In the "price" statistics area the advisers pull a real coup. At a time when we are trying to gain a perspective to see exactly what escalations have occurred, the Council shifts from the 1957 to 1959 base period to the 1969 base period. The later base period makes the members distorted and confuses an already foggy situation.

The figures do show a price escalation January 1970 to January 1971 of 6.3 percent—the most calamitous in 30 years. The figures follow:

[1967=100]

Period	All items	Commodities				Services		
		All commodities	Food	Commodities less food		All services	Ren	Services less rent
				All	Durable / Nondurable			
1961	89.6	92.0	89.1	93.4	96.6 / 91.2	85.2	92.9	83.9
1962	90.6	92.8	89.9	94.1	97.6 / 91.8	86.8	94.0	85.5
1963	91.7	93.6	91.2	94.8	97.9 / 92.7	88.5	95.0	87.3
1964	92.9	94.6	92.4	95.6	98.8 / 93.5	90.2	95.9	89.2
1965	94.5	95.7	94.4	96.2	98.4 / 94.8	92.2	96.9	91.5
1966	97.2	98.2	99.1	97.5	98.5 / 97.0	95.8	98.2	95.3
1967	100.0	100.0	100.0	100.0	100.0 / 100.0	100.0	100.0	100.0
1968	104.2	103.7	103.6	103.7	103.1 / 104.1	105.2	102.4	105.7
1969	109.8	108.4	108.9	108.1	107.0 / 108.8	112.5	105.7	113.8
1970	116.3	113.5	114.9	112.5	111.8 / 113.1	121.6	110.1	123.7
1969: December	112.9	111.2	112.8	110.2	108.9 / 111.1	116.1	107.7	117.7
1970: January	113.3	111.2	113.5	110.0	109.0 / 110.7	117.1	107.9	118.8
February	113.9	111.7	114.1	110.3	109.0 / 111.2	118.0	108.4	119.8
March	114.5	112.0	114.2	101.6	109.4 / 111.5	119.3	108.8	121.2
April	115.2	112.6	114.6	111.4	110.1 / 112.3	120.1	109.1	122.1
May	115.7	113.1	114.9	112.0	111.1 / 112.7	120.7	109.4	122.8
June	116.3	113.5	115.2	112.5	111.9 / 112.9	121.4	109.8	123.5
July	116.7	113.8	115.8	112.5	112.1 / 113.0	122.0	110.1	124.2
August	116.9	113.8	115.9	112.6	112.2 / 113.0	122.7	110.5	124.9
September	117.5	114.2	115.7	113.4	112.5 / 114.1	123.5	110.9	125.8
October	118.1	114.8	115.5	114.5	113.9 / 114.9	124.1	111.4	126.5
November	118.5	115.1	114.9	115.1	114.7 / 115.4	124.9	111.8	127.3
December	119.1	115.6	115.3	115.5	115.2 / 115.7	125.6	112.6	128.0
1971: January	119.2	115.4	115.6	115.2	115.2 / 115.3	126.3	112.9	128.7

Source: Department of Labor.

In the final subject area, the Council of advisers again goes completely off the map. While agriculture parity on the 1914 base period has had respect and meaning for almost 60 years, this month the advisers shift it from 1914 to 1967 as the base period. The Nixon administration was obviously embarrassed about the 1967 and 1968 parity ratios recently recorded. All the new Government statistics do not confuse the facts—the farmers are experiencing their greatest economic disaster in 35 years.

The new table appears as follows:

[Index, 1968—100]

Period	Prices received by farmers			Prices paid by farmers			Parity ratio [1]	
	All farm products	Crops	Livestock and products	All items, interest, taxes, and wage rates	Family living items	Production items	Actual	Adjusted [2]
1961	94	100	91	88	90	93	79	83
1962	96	103	92	90	91	94	80	83
1963	96	106	89	91	92	95	78	81
1964	93	106	85	92	93	94	76	80
1965	98	103	94	94	95	96	77	82
1966	105	105	105	98	98	99	80	86
1967	100	100	100	100	100	100	74	79
1968	103	101	104	104	104	102	73	79

Footnotes at end of table.

[Index, 1968—100]

Period	Prices received by farmers: All farm products	Prices received by farmers: Crops	Prices received by farmers: Livestock and products	Prices paid by farmers: All items, interest, taxes, and wage rates	Prices paid by farmers: Family living items	Prices paid by farmers: Production items	Parity ratio [1]: Actual	Parity ratio [1]: Adjusted
1969	108	97	117	109	109	106	74	81
1970	110	101	118	114	114	109	72	70
1969: Dec. 15	112	95	124	111	111	107	75	87
1970:								
Jan. 15	113	96	125	112	112	108	75	81
Feb. 15	114	98	126	113	112	109	75	81
Mar. 15	114	98	125	113	112	108	75	81
Apr. 15	111	97	121	113	113	109	72	78
May 16	111	103	117	113	113	109	73	78
June 15	111	103	117	114	114	109	72	77
July 16	113	104	119	114	114	109	74	79
Aug. 15	109	100	115	114	114	109	71	76
Sept. 15	111	104	116	115	115	110	72	77
Oct. 15	108	101	113	115	115	111	70	75
Nov. 15	106	102	110	115	115	111	68	73
Dec. 15	104	100	108	116	116	111	67	72
1971: Jan. 15	107	103	110	117	116	112	68	72

[1] Percentage ratio of index of prices received by farmers to index of prices paid, interest, taxes, and wage rates on 1910–14=100 base.

[2] The adjusted parity ratio reflects Government payments made directly to farmers.
Source: Department of Agriculture.

In summary I say as I did 1 year ago and 5 months ago—the country is no longer a Great Society—it is a fumbling society without a rudder—we need wage price guideposts now, Mr. President.

Mrs. ABZUG. Mr. Chairman, I am greatly troubled that no one has raised the question of corporate profits during the course of this debate on H.R. 4246, the bill to extend until March 31, 1973, certain provisions of law relating to interest rates and cost-of-living stabilization. To me, the key question in any discussion of wage and price controls is: Can we afford to let the President impose wage controls on workers without also imposing profit and price controls on the big corporations?

It appears to me that inflation and the current fiscal crisis come, in the first instance, from out-of-control corporate profiteering rather than from the wage demands of labor. During the 1960's, corporate profits shot up enormously—much faster than wages and salaries. In the first half of 1969, before the onset of the recession, the after-tax cash flow to corporations was up approximately 91 percent from 1960. Yet the after-tax personal income of all Americans was up only about 76 percent—about one-fifth less than the corporate cash flow.

Today, although the profits of nonfinancial corporations have declined, because of the high interest rates set by the administration, bank profits have soared. In 1970 for example the net operating profits of J. P. Morgan & Co. were up 21.9 percent; First National Bank of Dallas, up 19.2 percent; Chase Manhattan Bank, up 16.1 percent; Bankers Trust, up 15.2 percent; First Chicago Corp., up 14.3 percent; National City Bank of Cleveland, up 11.6 percent.

Yet the President has shown that his idea of stabilizing the economy is to penalize workers. On the one hand, he has announced that construction workers on Federal or federally assisted contracts need not be paid prevailing area wages; and on the other he has proposed a 20-percent speedup in depreciation writeoffs on business equipment. On the one hand he retains mammoth tax concessions for corporate America; on the other, he proposes cutbacks—and hands down vetoes—of Government programs which benefit all of the people.

I believe that this bill gives the President carte blanche to play politics with the economy. Where in this bill do we find a requirement that if the President limits wages, he must also limit all costs and income—including all prices, profits, dividends, rents, and executive compensation—as well as employees' wages and salaries? Where is the guarantee that if wages are stabilized, corporate profits—the profits from investment as well as from price increases—will also be curbed? Where is the mechanism which will insure equality of sacrifice: that if the consumer, the poor, and the middle-income worker must sacrifice, so too must the big corporation?

Mr. Speaker, I vote for this measure in the hope that the President will exercise his powers with a clear understanding of the need to apportion the economic burden fairly among all. I urge the President to establish clear guidelines under this measure providing for equality of sacrifice in restoring the economy.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. I have no further requests on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (Public Law 89–587, 80 Stat. 823, as amended by section 1 of the Act of December 23, 1969 (Public Law 91–151)), is amended by striking out "March 22, 1971" and inserting in lieu thereof "March 31, 1973".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "587," and insert in lieu thereof "597,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Section 206 of the Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91–379)) is amended by striking out "February 28, 1971" and "March 1, 1971" and inserting in lieu thereof "March 31, 1973" and "April 1, 1973", respectively.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments to section 2.

The Clerk read as follows:

Committee amendments: Page 2, beginning on line 3, strike out "February 28, 1971" and insert in lieu thereof "March 31, 1971" and on line 4 strike out "March 1, 1971" and insert in lieu thereof "April 1, 1971".

Page 2, line 5, insert after the period the following:

Such section 206 is further amended by (A) striking out "The" and inserting in lieu thereof the following: "(a) Except as provided in subsection (b), the", and (B) inserting at the end thereof the following new subsection:

"(b) The authority to issue and enforce orders and regulations under this title shall terminate upon the expiration of the six-month period beginning on the date the President issues the first such order or regulation (or at midnight March 31, 1973, if earlier). Such termination shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction under section 205, committed prior to such termination."

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, after line 5, add the following:

"SEC. 3. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91–379)) is amended by inserting at the end thereof the following new section:

"'§ 207. Authorization for appropriations

"'There is hereby authorized to be appropriated $20,000,000 to carry out the provisions of this Act.'"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, following section 3 add the following:

"SEC. 4. The Department of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall each report to

the Congress not later than December 31, 1971, their recommendations on how to eliminate any discriminatory treatment which might exist with respect to savers of small amounts of money and, in particular, any such discrimination which might exist as a result of permitting different rates of interest or dividends on deposits of different amounts of money."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan:

PARLIAMENTARY INQUIRIES

Mr. PATMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PATMAN. Mr. Chairman, my parliamentary inquiry is this: To which provision of the bill does the gentleman propose an amendment? I believe we have passed that point.

The CHAIRMAN. The Chair will state that the Clerk has not read the amendment as yet.

Mr. PATMAN. Then I will reserve a point of order, Mr. Chairman.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. My parliamentary inquiry is this, Mr. Chairman. How can a point of order be reserved to an amendment that has not been read?

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the gentleman is correct. The Chair has already stated that the Clerk has not read the amendment as yet.

However, the Chair will state to the gentleman from Texas that if the gentleman has a point of order to raise concerning the amendment, the gentleman can raise his point of order at the proper time after the Clerk has read the amendment.

Mr. PATMAN. Mr. Chairman, I will do so at that time.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan: Page 1, strike out line 8 and all that follows thereafter down through page 2, line 18, and insert in lieu thereof the following:

"SEC. 2. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379), is amended to read as follows:

"'TITLE II—COST OF LIVING AND ECONOMIC STABILIZATION

"'§ 201. Findings and Short Title

"'(a) The Congress determines it is essential to the nation that the economy be protected against inflationary pressures and economic destabilizing influences; that the responsibility for maintaining a stabilized economy is a joint one to be shared by both the Congress and the President; that wage and price controls are necessary to effectuate this national policy; and, that the proper function of the Congress in this joint responsibility is the freezing of wages and prices pending implementation by the President of such policy through adjustments upward or downward of prices or wages heretofore or hereafter established.

"'(b) Consistent with the foregoing determination, this title may be cited as the "Economic Stabilization Act of 1971".'

"'§ 202. Price and Wage Stabilization

"'No price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation, shall be in excess of that prevailing as of the date of adoption of the resolution provided for in section 209 of this title, unless and until an adjustment in the same shall have been approved in accordance with section 203 of this title.

"'§ 203. Presidential Authority

"'(a) The President is authorized, notwithstanding section 202 hereof, to order or approve an adjustment in any price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation heretofore or hereafter established, which he may deem appropriate consistent with the findings and national policy set forth in section 201 of this title.

"'(b) The President shall implement this section by the issuance of such rules, regulations, and orders as he shall deem appropriate and which may be necessary to prevent gross inequities. To effectuate the purpose contemplated by this title, the President shall be entitled, by regulation, subpena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, any person as may be necessary or appropriate, in his discretion, for the enforcement or the administration of this title and the regulations or orders issued thereunder. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"'§ 204. Delegation

"'The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

"'§ 205. Penalty

"'Any person who willfully violates any provision of this title or any rule, regulation, or order issued thereunder, shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $10,000, or imprisonment for not more than one year, or both.

"'§ 206. Injunctions

"'Whenever it appears to the President or to any agency of the United States authorized by the President to exercise the authority contained in this section to enforce the rules, regulations, and orders issued under this title that any person has engaged, is engaged, or is about to engage in any acts or practices which constitute, or will constitute, a violation of any rule, regulation, provision or order under this title, he or it may bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the President or such agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

"§ 207. Expiration

"'The authority to issue and enforce rules, regulations, and orders promulgated under this title expires at midnight, March 31, 1973, but such expiration shall not affect any proceeding under section 205 for a violation of any such rule, regulation, or order, or for the punishment for contempt committed in the violation of any injunction issued under section 206, committed prior to April 1, 1973.

"'§ 208. Apropriations Authorization

"'There are herby authorized to be appropriated such sums, not exceeding $2,000,000,000, as may be necessary and appropriate for the carrying out of the provisions and purposes of this title by the President and such agencies as he may designate or create.

"'§ 209. Effective Date

"'(a) The provisions of sections 202, 203, 204, 205, 206, and 207 of this title shall become effective upon the adoption of a resolution by the Joint Committee invoking the mandate of section 202.

"'(b) The 'Joint Committee' referred to in subsection (a) shall consist of the Joint Economic Committee of the Senate and House of Representatives, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate. The Joint Committee shall be chaired by the Chairman of the Joint Economic Committee.'"

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD, but without jeopardizing my right to raise a point of order.

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

There was no objection.

POINT OF ORDER

Mr. PATMAN. Mr. Chairman, I raise a point of order as to the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PATMAN. Mr. Chairman, my point of order is this: That we have passed, in the consideration of this bill, the part of the bill to which an attempt is being made to offer an amendment to the bill; therefore, it is not in order. It has been passed—rather, I mean the whole bill has been read.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the bill has indeed been read.

Mr. PATMAN. Furthermore, Mr. Chairman——

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I have not finished my point of order.

The CHAIRMAN. The Chair will hear further on his point of order.

Mr. PATMAN. Mr. Chairman, I would like to have the Chair rule on this first point of order, and then I will offer another point of order.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. BROWN of Michigan. I do, Mr. Chairman.

Mr. Chairman, I would suggest that the amendment I am offering on this occasion is to the very part that goes to sections 2, 3, and 4, in effect, because it replaces it with a totally different section 2.

Now, I would suggest, Mr. Chairman, that should the point of order raised by the gentleman from Texas be sustained, I will then merely offer a further amendment which will strike sections 3 and 4, which then clearly goes to the very section we are dealing with.

The CHAIRMAN (Mr. ANDREWS of Alabama). The Chair is prepared to rule.

The amendment of the gentleman from Michigan is offered to section 2, which had been read, and to which amendments have been adopted. Two additional committee amendments, sections 3 and 4, have also been agreed to. The amendment of the gentleman from Michigan comes too late and the Chair sustains the point of order made by the gentleman from Texas.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan: Page 1, strike out line 8 and all that follows thereafter.

POINT OF ORDER

Mr. PATMAN. Mr. Chairman, I make the point of order that the amendment comes too late.

The CHAIRMAN. Does the gentleman from Michigan (Mr. BROWN) desire to be heard on the point of order?

Mr. BROWN of Michigan. Mr. Chairman, as I indicated earlier, to the extent that my amendment strikes out all of section 2 including sections 3 and 4 and all the rest of the bill, it had to relate to what is before the House at the present time.

The CHAIRMAN. The Chair is prepared to rule.

The amendment comes too late since it is an amendment to a section of the bill that has been passed.

The Chair sustains the point of order made by the gentleman from Texas (Mr. PATMAN).

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported, that that Committee having had under consideration the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization, pursuant to House Resolution 276, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROUSSELOT moves to recommit the bill H.R. 4246 to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendment: Strike all of Section 2.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman's request comes too late.

Mr. ROUSSELOT. On the final passage.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. J. WILLIAM STANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. J. WILLIAM STANTON. To propound a parliamentary inquiry. Is this on the final passage, Mr. Speaker?

The SPEAKER. This is on the final passage; and the Chair is prepared to announce the vote and that the "ayes" have it.

For what purpose does the gentleman from California rise?

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 382, nays 19, not voting 31, as follows:

[Roll No. 18]

YEAS—382

Abbitt	Andrews, Ala.	Begich
Abernethy	Andrews, N. Dak.	Belcher
Abourezk	Annunzio	Bell
Adams	Arends	Bennett
Addabbo	Aspin	Bergland
Alexander	Aspinall	Betts
Anderson, Calif.	Badillo	Bevill
Anderson, Ill.	Barrett	Biaggi
Blanton	Gaydos	Minish
Blatnik	Giaimo	Mink
Bolling	Gibbons	Minshall
Bow	Gettys	Mitchell
Brademas	Goldwater	Mizell
Brasco	Gonzalez	Monagan
Bray	Goodling	Montgomery
Brinkley	Grasso	Moorhead
Brooks	Gray	Morgan
Broomfield	Green, Oreg.	Morse
Brotzman	Griffin	Mosher
Brown, Mich.	Griffiths	Moss
Brown, Ohio	Grover	Murphy, Ill.
Broyhill, N.C.	Gubser	Murphy, N.Y.
Broyhill, Va.	Gude	Natcher
Buchanan	Hagan	Nedzi
Burke, Fla.	Halpern	Nelsen
Burke, Mass.	Hamilton	Nichols
Burleson, Tex.	Hammer-schmidt	Nix
Burlison, Mo.	Hanley	Obey
Burton	Hanna	O'Hara
Byrne, Pa.	Hansen, Idaho	O'Konski
Byrnes, Wis.	Hansen, Wash.	O'Neill
Byron	Harrington	Passman
Cabell	Harsha	Patman
Caffery	Harvey	Patten
Camp	Hathaway	Pelly
Carey, N.Y.	Hawkins	Pepper
Carney	Hays	Perkins
Carter	Hechler, W. Va.	Pettis
Casey, Tex.	Heckler, Mass.	Peyser
Cederberg	Helstoski	Pickle
Celler	Henderson	Pike
Chamberlain	Hicks, Mass.	Pirnie
Chappell	Hicks, Wash.	Poage
Chisholm	Hillis	Podell
Clancy	Holifield	Powell
Clark	Horton	Preyer, N.C.
Clausen, Don H.	Hosmer	Price, Ill.
Clay	Howard	Price, Tex.
Cleveland	Hull	Pryor, Ark.
Collier	Hungate	Pucinski
Collins, Tex.	Hunt	Purcell
Conable	Hutchinson	Quie
Conte	Ichord	Quillen
Corbett	Jacobs	Railsback
Corman	Jarman	Randall
Cotter	Johnson, Calif.	Rangel
Culver	Johnson, Pa.	Rees
Daniel, Va.	Jonas	Reid, Ill.
Daniels, N.J.	Jones, Ala.	Reid, N.Y.
Danielson	Jones, N.C.	Reuss
Davis, Ga.	Jones, Tenn.	Rhodes
Davis, Wis.	Karth	Roberts
de la Garza	Kastenmeier	Robison, N.Y.
Delaney	Kazen	Rodino
Dellenback	Keating	Roe
Dellums	Kee	Rogers
Denholm	Keith	Roncalio
Dennis	Kemp	Rooney, N.Y.
Dent	King	Rooney, Pa.
Devine	Koch	Rosenthal
Dickinson	Kuykendall	Rostenkowski
Dingell	Kyl	Roush
Donohue	Kyros	Roy
Dorn	Landgrebe	Roybal
Dow	Landrum	Runnels
Downing	Latta	Ruppe
Drinan	Leggett	Ruth
Dulski	Lent	Ryan
Duncan	Link	St Germain
duPont	Lloyd	Sandman
Dwyer	Lujan	Sarbanes
Eckhardt	McClory	Satterfield
Edmondson	McCloskey	Saylor
Edwards, Ala.	McClure	Scheuer
Edwards, Calif.	McCollister	Schneebeli
Eilberg	McCormack	Schwengel
Erlenborn	McDade	Sebelius
Esch	McDonald, Mich	Seiberling
Eshleman	McFall	Shipley
Evans, Colo.	McKevitt	Shoup
Evins, Tenn.	McKinney	Shriver
Fascell	McMillan	Sikes
Findley	Macdonald, Mass.	Sisk
Fish	Madden	Skubitz
Flood	Mahon	Slack
Flowers	Mailliard	Smith, Calif.
Flynt	Mann	Smith, Iowa
Foley	Martin	Smith, N.Y.
Ford, Gerald R.	Mathias, Calif.	Snyder
Ford, William D.	Matsunaga	Spence
Forsythe	Mayne	Springer
Fountain	Mazzoli	Stafford
Frelinghuysen	Meeds	Staggers
Frenzel	Melcher	Stanton, J. William
Frey	Metcalfe	Stanton, James V.
Fulton, Pa.	Michel	Steed
Fulton, Tenn.	Mikva	Steele
Fuqua	Miller, Calif.	Steiger, Ariz.
Galifianakis	Miller, Ohio	Stephens
Gallagher	Mills	Stratton
Garmatz		Stubblefield

Stuckey	Vanik	Wilson, Charles H.
Sullivan	Veysey	Winn
Symington	Vigorito	Wolff
Talcott	Waggonner	Wright
Taylor	Waldie	Wyatt
Teague, Calif.	Wampler	Wydler
Teague, Tex.	Ware	Wylie
Terry	Watts	Wyman
Thompson, Ga.	Whalen	Yates
Thompson, N.J.	Whalley	Yatron
Thomson, Wis.	White	Young, Fla.
Thone	Whitehurst	Young, Tex.
Tiernan	Whitten	Zablocki
Udall	Widnall	Zion
Ullman	Wiggins	Zwach
Van Deerlin	Williams	
Vander Jagt	Wilson, Bob	

NAYS—19

Archer	Hall	Rousselot
Ashbrook	Long, Md.	Scherle
Baring	Mathis, Ga.	Schmitz
Blackburn	Myers	Scott
Crane	Poff	Steiger, Wis.
Gross	Rarick	
Haley	Robinson, Va.	

NOT VOTING—31

Abzug	Conyers	Hogan
Anderson, Tenn.	Coughlin	Kluczynski
Ashley	Derwinski	Lennon
Baker	Diggs	Long, La.
Bingham	Dowdy	McCulloch
Boggs	Edwards, La.	McEwen
Boland	Fisher	McKay
Clawson, Del	Fraser	Mollohan
Collins, Ill.	Green, Pa.	Riegle
Colmer	Hastings	Stokes
	Hébert	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Del Clawson.
Mr. Boggs with Mr. Hogan.
Mr. Dowdy with Mr. Riegle.
Mr. Lennon with Mr. Hastings.
Mr. Kluczynski with Mr. Derwinski.
Mr. Fraser with Mr. Conyers.
Mr. Bingham with Mr. Collins of Illinois.
Mrs. Abzug with Mr. Diggs.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Long of Louisiana with Mr. McCulloch.
Mr. Ashley with Mr. Coughlin.
Mr. Colmer with Mr. McEwen.
Mr. Green of Pennsylvania with Mr. Mollohan.
Mr. Edwards of Louisiana with Mr. Fisher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

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

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 277

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, Mr. MARTIN, pending which I yield to my friend the gentleman from Iowa, Mr. GROSS.

Mr. GROSS. Mr. Speaker, again I thank the gentleman for yielding. The gentleman described the last rule as an ordinary rule. It was an open rule. This is a completely closed rule. Is this an ordinary or an unordinary rule?

Mr. BOLLING. Mr. Speaker, I would advise the gentleman from Iowa that this is the usual rule under the circumstances.

Mr. GROSS. The usual rule?

Mr. BOLLING. Yes, sir. Ordinarily a bill from the Committee on Ways and Means which would in effect open up either a substantial portion or all of the Internal Revenue Code is considered by the House under a closed rule, a rule allowing no amendments. For that reason I have described this closed rule, allowing no amendments except committee amendments, as the usual rule.

Mr. GROSS. If the gentleman will yield further, we now have two categories of rules. Is there a third or a fourth category that the gentleman can advise us about?

Mr. BOLLING. I am delighted to reply to the gentleman by saying that if I had my way, there would be third, fourth, and fifth categories. We have great flexibility in the Rules Committee, and it is increasing.

Mr. GROSS. Including rules with waivers of points of order? I have always known the Rules Committee was flexible, but I did not know it was quite this flexible. Of course, we have to accept the explanation of the gentleman that this is an unordinary rule.

Mr. BOLLING. I repeat, it is the usual rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I would like to call to the attention of the gentleman from Iowa that we have not been quite as strict in this rule as we have been in the previous years in that there are no waivers of points of order included in this resolution.

Mr. GROSS. If the gentleman will yield, that is about the only thing that is not waived in this particular rule.

Mr. MARTIN. As the gentleman well knows, progress is slow, but sometimes we do move along, and we are making progress.

Mr. GROSS. If the gentleman will yield further, the fashion remains the same, and I guess it is going to continue through this session. It is fashionable to give the Ways and Means Committee closed rules on everything they want to bring to the floor of the House.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to extend for a period of 2 years—through March 31, 1973—the interest equalization tax, and to make certain technical and corrective amendments in the existing statutory provisions.

The tax was instituted in 1963 to lessen the flow of U.S. capital into foreign investments, either by the purchase of foreign securities or by the lending of dollars by American banks to their foreign customers. It has had the salutary effect of reducing the flow of dollars outward, thus improving our balance-of-payments position.

The committee believes the tax should be continued because of our continuing balance-of-payments deficits and the disappearance of our traditional trade surpluses. It has proven successful in lowering the outflow of capital. In 1963 this outflow, for the purchase of new foreign stock issues, amounted to about $1 billion and by 1970 it had fallen to a zero figure.

With respect to bank lending, the results have also been very beneficial. Since 1965 the amount of long-term bank loans has fallen and has actually become a plus factor in our balance-of-payments position.

The present tax rate is equivalent to a rate of three-fourths of 1 percent per annum in interest costs for foreigners who obtain capital from U.S. sources, either by the sale of securities or of debt obligations. Further, the President has discretionary authority to vary the tax rate from zero up to 1½ percent as he deems necessary. Over the 5 years the President has exercised his authority to adjust the tax rate to meet existing financial situations. Most recently, in April 1969, the current rate of approximately three-fourths of 1 percent per annum was set.

The amendments to the current law are generally of a corrective nature. Several situations have arisen, unforeseen by the committee, which need to be remedied to insure equitable treatment. These deal with such matters as the sale by an American parent company of a foreign subsidiary and the handling of assets or debt obligations by an American company where its foreign holdings are subjected to nationalization or expropriation. A number of general technical amendments to clarify the intent of the statute are also included in the bill.

The committee estimates that extension of the tax will result in a revenue

gain of $85 million for a 1-year period. The Treasury agrees with this estimate.

The bill was reported by a 25 to 0 vote and is supported by the administration.

The Ramseyer rule has been complied with. The requested rule is for 4 hours, closed, with committee amendments in order.

Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. 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.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 5432, with Mr. SYMINGTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill H.R. 5432 presently being considered by the Committee of the Whole deals with the question of the interest equalization tax and proposes to extend that tax for a period of 2 years or until March 31, 1973.

It is in accordance with the request of the administration that the Committee has taken this action. I might say there are a number of technical amendments that the Committee adopted which I will discuss in detail in the extension of my remarks for the RECORD. All of these amendments are, as I say, technical amendments. They were agreed to by the Treasury, and they were thought appropriate by the technicians working on the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Ways and Means.

Let me go into a brief explanation, if I may, of why this bill is necessary.

The substantial deficit in our balance of payments, nearly $4 billion on the liquidity basis in 1970, requires that we extend the interest equalization tax at this time in order to protect our balance of payments from further deterioration. This is particularly necessary because in recent years our favorable balance of trade, which provides a cushion for capital transactions with the rest of the world, has declined significantly. If the interest equalization tax is not extended, there will be a substantial outflow of capital which will directly increase the deficit in our balance of payments.

The interest equalization tax is still intended as a transitional measure during the period we are dealing with the more fundamental causes of our balance-of-payments deficit. The solution to the fundamental problem basically consists of reducing inflationary pressures here at home so that our products can become more competitive in world markets. Also it is difficult, if not impossible, to remove this tax while our interest rates are appreciably lower than those in developed countries abroad.

The purpose of the interest equalization tax is to limit the amount of U.S. capital flowing abroad by discouraging foreigners from obtaining capital in the United States. The tax accomplishes this by increasing the cost to foreigners of funds obtained in the United States by imposing a tax on funds they obtain here equal to an increase in the interest on their borrowings of three-fourths of 1 percent. The President already has authority to raise the tax to the equivalent of 1½ percent or reduce it to zero.

H.R. 5432 has only one major provision. It extends the expiration date of the interest equalization tax from March 31, 1971, to March 31, 1973, a 2-year extension. In addition, it provides a number of minor technical modifications to the tax.

The question usually asked concerning this tax is, "Has it really helped our balance-of-payments position?" The evidence is clear that the tax has decreased the foreign demand for U.S. capital and, in this manner, strengthened our balance-of-payments position. A comparison of U.S. purchases of foreign securities before and after the tax went into effect makes this abundantly clear. Before the tax went itno effect, long-term private-capital outflow from the United States had increased from the $2.9 billion level of 1962 to a $4.6 billion annual rate in the first half of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. These purchases rose from the $1 billion level of 1962 to a $2 billion annual rate in the first half of 1963. Since the tax went into effect in the second half of 1963, purchases by U.S. residents of new foreign securities from countries subject to the interest equalization tax have declined rapidly, to $23 million in 1969 and to zero in 1970.

Additional evidence of the effectiveness of the tax is shown by what has happened to securities not subject to this tax. These purchases have nearly doubled since 1962, increasing from $722 million in 1962 to $1,327 million in 1970. If there had been no tax, and purchases from countries to which the tax applies had increased at the same rate since 1962 as purchases from countries not subject to the tax, the 1970 level of purchases from countries subject to the tax would have been $655 million. This would represent a 55-percent increase in the total amount of new foreign securities purchased by U.S. residents in 1970.

The interest equalization tax also has caused a decrease in purchases of outstanding foreign securities by U.S. citizens. In the first half of 1963, net purchases were at an annual rate of $300 million. Since mid-1963, U.S. residents have on balance sold more of these securities than they have purchased, selling $186 million worth in 1970. This represents a net shift of nearly $500 million in transactions in foreign securities by U.S. residents, thereby contributing to an improvement in our balance of payments.

In addition, the application of the interest equalization tax to long term bank loans has reduced the amount of such loans made to foreigners, from an outflow of $300 million at an annual rate in the first half of 1963 to an inflow of $200 million at an annual rate for the first three quarters of 1970—a net shift in these transactions of approximately $500 million.

Taking together all of the factors I have mentioned, it appears that our balance-of-payments deficit would have been at least $1.6 billion larger in 1970 had the tax not been in effect.

Mr. CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Our balance-of-payments position, a deficit for 1970 of nearly $4 billion, would deteriorate further if existing programs were discontinued. In the absence of the tax, U.S. capital markets would again become attractive to foreign borrowers. These borrowers would prefer the U.S. market to their own domestic markets because of the lower interest rates that generally prevail here and because the U.S. market is more effectively organized to supply the rapidly expanding capital needs than the capital markets in their own countries.

Evidence of the attractiveness of the U.S. market is provided by the large amount of borrowing from us by countries which are not subject to the tax. Also, the attractiveness of the U.S. market is shown by the fact that interest rates in the United States are significantly lower than those in many foreign countries. For example, in December 1970, the yield on long term U.S. Government bonds was 5.97 percent. The average for Western Europe Government bonds was 7.77 percent. While the U.S. rate on industrials was 6.98 percent in January 1971, the rates in foreign countries ranged from 7.37 percent in Germany to 9.42 percent in Italy. Thus, the U.S. capital market continues to be significantly more attractive to foreign persons seeking new funds than foreign capital markets.

In addition, in the absence of the tax, there would be substantial purchases from foreigners by Americans of securities which U.S. companies have issued abroad to finance foreign direct investment. At the end of 1970, the amount of these securities outstanding was $5.6 billion. In this case, the tax guards against the resale to Americans of bonds issued abroad by U.S. companies to finance their foreign direct investments.

In conclusion I think it is important to emphasize the significance of the interest equalization tax to foreign holders of

dollars. Foreign reaction to our failure to extend the tax could jeopardize our attempt to improve other aspects of the international trade and monetary system which would place increased pressure on the dollar. The cooperation we obtain from other countries depends, in many instances, on what they believe our attitudes and intentions are toward our balance-of-payments deficit. The role of the dollar as a reserve currency and the willingness of the foreigners to hold dollars are affected by our willingness and ability to cope with our balance-of-payments deficit. Failure to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about our balance-of-payments deficit and do not intend to control it.

This one final thought. I am told that now West Germany owns dollars—this one country alone—to an extent greater than our entire supply of gold at Fort Knox. One country could become disenchanted with our situation and demand the conversion of its dollar possessions to gold and there would no longer be any more need for guards at Fort Knox.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, as I said previously in addition to extending the interest equalization tax, the bill also contains 10 minor modifications of the tax. They can be summarized as follows:

First. At present, some domestic companies, in order to obtain funds for their foreign affiliates in a manner which complies with the restrictions on foreign investment imposed by the Office of Foreign Direct Investment, have a domestic subsidiary borrow funds abroad and then use those funds for the foreign affiliates. This procedure is acceptable, however, only if there is assurance that the debt obligations of the subsidiary would not be acquired by Americans since this would, in effect, substitute U.S. funds for the borrowed foreign funds. One method used in the past to provide this assurance has been to obtain a ruling from the Revenue Service that the domestic subsidiary was merely a conduit for investing abroad; this has the effect of making the debt obligations it issues subject to the interest equalization tax if they are acquired by Americans. This procedure has proved unsatisfactory in some situations, however, where it might have been argued that an exclusion from the tax applied with respect to the subsidiary's debt obligations—for example, where the funds obtained were invested in a less developed country.

To resolve this problem, the bill provides that a domestic company may elect to treat a new issue of its debt obligations as subject to the tax, notwithstanding any exclusion from the tax.

Second. Present law provides an exception from the tax for foreign debt obligations which a U.S. person acquires as a result of reinvestment requirements imposed by a foreign country under a sale or indemnification contract which arises from that country's nationalization, expropriation, or seizure—actual or threatened—of a substantial portion of the U.S. person's property within that country. This exception only applies, however, if the foreign country is a less developed country. The bill extends the application of the exception to situations where the foreign country is a developed country.

Third. Under present law, an exclusion is provided for debt obligations acquired by a U.S. person from a foreign person, if the money loaned to the foreign person is to be used by him to install, maintain, or improve a foreign mineral facility and if a substantial portion—35 percent—of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or an affiliated company. Because of the difficult tracing problems involved, the bill provides that the substantial portion test also is to be considered satisfied with respect to a facility if the U.S. person supplies a substantial portion—35 percent—of the minerals processed in all of the foreign person's facilities of this type.

Fourth. Present law provides an exception from the tax for debt obligations received in connection with the sale or liquidation of a foreign subsidiary which is 100-percent owned by the acquiring U.S. person or its affiliates. The bill makes this exception applicable to debt obligations received from the sale or liquidation of a foreign subsidiary which is less than 100 percent—but more than 10 percent—owned by the acquiring U.S. person—and its affiliates.

Fifth. Under present law, a U.S. financial institution generally may not make a tax-free direct investment in a foreign subsidiary—or a domestic subsidiary that, in effect, has elected to be treated as a foreign corporation—which is engaged in the lending or finance business abroad. The tax would apply in such a case because the subsidiary would be "formed or availed of" by the parent company to make what would be taxable acquisitions of foreign securities if made directly by the parent. Since there may be sound business reasons for making a direct investment in the financing subsidiary where the amounts will remain in the United States, the bill provides that when adequate assurances are given that the amounts invested are not to be used to acquire foreign securities—or otherwise used outside the United States—the investment is to be treated as a tax-free direct investment.

Sixth. Under present law, a U.S. dealer may acquire foreign stock in the ordinary course of his business without payment of tax—through a credit or refunding—if he resells it to foreign persons on the day of purchase or on either of the 2 succeeding business days—or if he acquired it to cover short sales made on the day of purchase or on either of the 2 preceding business days. The bill provides that the President may extend by Executive order the present 2-business-day period to a period not to exceed 13 calendar days in situations where the dealer's acquisition is for a customer and not for investment and adequate procedures—which the Treasury has been notified of in advance—exist for identifying which of the broker's acquisitions are for customers and which are for investment.

Seventh. Present law provides that additional shares of a class of stock of a foreign corporation which is held principally by U.S. persons are treated as domestic stock and therefore are not subject to the tax if a number of conditions are met. One of these conditions requires that 15 days before the issuance of the additional shares, the issuing corporation must notify the Internal Revenue Service of its intent to issue the stock. To reduce the inflexibility of this notice requirement, the bill provides that it may be waived by the Treasury Department—within the 2-year period following the time the notice was due—where it finds that the failure to file was inadvertent and not done with intent to avoid the requirements of the tax.

Eighth. Present law permits a corporation engaged in the financing business abroad to elect to be exempt from the tax on foreign debt obligations it acquires in its lending activities if the funds used in that business are acquired from foreign sources by it or by a company which owns all its stock. To increase the workability of this provision, the bill contains an amendment which permits the foreign funds to be obtained—and then loaned to the financing company—by any corporation which is a member of the same affiliated group as the financing company.

Ninth. Under present law, U.S. persons who make taxable acquisitions of foreign securities, and firms which withhold the interest equalization tax in connection with transactions which they make on behalf of their customers, must file a quarterly return and remit the tax. Present law, however, provides no penalty for late filing of the quarterly return or for failure to pay the tax or to remit the tax withheld. To insure compliance with these requirements, the bill provides that a failure to file the quarterly tax return, or to pay or remit the tax, is to be subject to the penalty generally applicable in the case of other taxes. Thus, a failure to file the quarterly return is to be subject to a penalty equal to 5 percent of the amount of the tax due for each month the failure continues—but not in excess of 25 percent. Where a return was filed but there was a failure to pay or remit the tax, there is to be a penalty equal to 0.5 percent of the amount of the tax due for each month the failure continues—but not in excess of 25 percent.

Tenth. Present law provides for a civil penalty—equal to 125 percent of the amount of the tax—for persons who knowingly execute false statements regarding their status as a U.S. citizen or who knowingly furnish clean confirmations, clean comparisons, or transfer of custody certificates without proper documentation. These documents constitute conclusive proof of prior American ownership and exempt persons possessing the documents from tax liability. To facilitate the administration of the tax, the bill provides that this penalty is to be applicable in any situation where a false document of the type referred to is is-

sued, unless the action is due to reasonable cause and not to willful neglect.

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

Mr. MILLS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I am curious to know where the gentleman got his $4 billion figure on the deficit in the international balance of payments.

Mr. MILLS. On a liquidity basis in 1970 it was about $4 billion. It is my recollection that in 1969 it was $7 billion on the liquidity basis.

You see, we have different ways to figure this.

Mr. GROSS. On the official settlements basis last year it was close to $10 billion.

Mr. MILLS. As the gentleman from Iowa knows, there are at least three ways of figuring the balance of payments. I generally use the liquidity basis because I think it more clearly reflects the creation of additional claims in dollars abroad against our gold stocks.

Mr. GROSS. I just happen to disagree mildly with the gentleman from Arkansas. I think the official settlements basis is the only way to compute the deficit in the balance of payments.

Mr. MILLS. I would agree with the gentleman from Iowa that for some purposes the official settlements basis is best.

Mr. GROSS. That puts the figure at approximately $10 billion.

Mr. MILLS. That is approximately right for 1970.

Mr. GROSS. For the past year.

Mr. MILLS. The $10 billion deficit, of course, appears much worse than the $4 billion figure, but, as I said before, I believe the $4 billion figure is a more accurate reflection of our present situation. In any case I always try to protect the President of the United States from any criticism from my friend, the gentleman from Iowa.

Mr. GROSS. The gentleman from Iowa is not being critical either with the gentleman from Arkansas or with the President. I am simply trying to establish the accuracy of the figures pertaining to the international balance of payments.

Mr. MILLS. On the official settlements basis the deficit in 1970 was close to $10 billion.

Mr. GROSS. So the bill the gentleman proposes here makes the situation only a little less worse. Is that correct?

Mr. MILLS. As I pointed out the deficit would have been considerably worse had we not had this tax in effect in 1970, probably to the extent of $1.6 billion, or more.

Mr. GROSS. By comparison with $10 billion, that is a little less worse, is it not?

Mr. MILLS. I would not want it to be $11.6 billion even on the official settlements basis. Of course, when compared to a deficit of $3.9 billion, the $1.6 billion or more looks still more significant. That is what I am trying to say to my friend, the gentleman from Iowa.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to ask the gentleman if he would not agree that still, in the long run, this is a counterproductive type of tax?

Mr. MILLS. That is why it must be considered as only a transitional matter. I would not want it as a permanent proposition.

Mr. CONABLE. In the struggle we have between the short term and the long term here this is a necessary compromise, but we ought to cut it off as soon as we can, as soon as the balance of payments and the underlying factors permit.

Mr. MILLS. To me it is merely a temporary means of preventing excess borrowing by foreigners here in the United States.

Mr. CONABLE. I thank the gentleman for yielding.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I wonder whether the gentleman from Wisconsin, the ranking minority member of the committee, could advise the Committee of the Whole what the proceeds have been from this tax in the past year?

Mr. MILLS. Mr. Chairman, will the gentleman from Wisconsin yield to me on that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, it raised approximately $85 million in the fiscal year 1970.

Mr. VANIK. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, first let me say that I see no point in extending the discussion. The chairman of the committee has outlined the basic objectives of this bill, the purpose of its initial enactment in 1963, and the benefits that we have had from it.

I think we are all in general agreement that conditions today in the balance-of-payments area make a continuation of this tax desirable.

I would point out that it is a tax not to produce revenue, but to discourage a particular type of transaction.

There is only one point that I would add to what the chairman has said about the effect and the need for continuing this legislation:

We had a discussion a few weeks ago about interest rates in this country. We noted that they were unduly high, that our efforts should be toward reducing them, and that we should not take action which would tend to increase them. I do not think there is any question but that if this tax were removed, it would increase the demands against our money market. Foreigners would come here to borrow out of the limited amount of money that is available, because our interest rates, high as they are, are still lower than European rates. Such developments, it seems to me, could not help but exert upward pressure on our interest rates, when our hope is that they would continue the downward trend that has developed in recent months.

This, Mr. Chairman, is the additional factor that I think is of some significance in dictating our action today to extend the Interest Equalization Tax Act.

Mr. Chairman, I have no further requests for time.

Mr. FULTON of Tennessee. Mr. Chairman, today we are once again faced with the necessity of extending for yet another 2-year period the interest equalization tax. And it is abundantly clear that it is an absolute necessity because our current balance-of-payments position, a deficit of nearly $4 billion on a liquidity basis for 1970, would deteriorate even further if, at this time, this tax were allowed to expire.

Because of the lower interest rates in this country than in most other countries, in the absence of the interest equalization tax, pressures would increase greatly on foreigners to sell their securities in the United States. This would lead to large-scale outflows of domestic capital and a deepening in our balance-of-payments deficit. We really have no alternative, Mr. Chairman, to the extension of the tax as called for in H.R. 5432, a 2-year extension until March 31, 1973.

The Committee on Ways and Means was unanimous in recommending this extension.

But, Mr. Chairman, the interest equalization tax can never rise to anything more than a temporary measure, effective in a negative way by stemming the outflow of American capital. I am firmly convinced that a more effective and affirmative means of improving our balance-of-payments position is restoring the 7-percent investment credit. Such a restoration would stimulate investment in modernization of productive facilities in this country. It would contribute materially to growth of our productivity and output and enhance the competitiveness of American exports in world markets.

While I believe liberalized depreciation allowances are important, I also believe that initial allowances or incentive allowances, such as the investment credit, are necessary to put our industries on a competitive level with those of other industrialized countries of the world. Restoration of the investment credit would encourage American companies to modernize plants in this country with attendant greater productivity and the ability to compete pricewise with the products of other countries in the markets of the world.

While we can prevent further deterioration of a given segment of our balance of payments by extension of a temporary tax—and I hope this is the last time we have to extend it—the ultimate answer to our chronic balance-of-payments problems lies in helping American products to compete in foreign markets. I firmly believe that restoration of the investment credit would be a significant and meaningful step in the attainment of that objective.

In the meantime, however, we have no alternative to enactment to the pending bill and a continuation of the interest equalization tax for another 2 years.

Mr. ROSTENKOWSKI. Mr. Chairman, in the 1960's, the United States instituted three programs, for balance-of-payments purposes, to control capital outflow. One of these was the Federal

Reserve's voluntary credit restraint program, initiated in 1965, which provides guidelines for capital flows from banks and other financial institutions. Also, in 1965, voluntary restraints on direct investments were established by the Department of Commerce and converted into the mandatory foreign direct investment program at the beginning of 1968. Today, Mr. Chairman, we have before us the third of these programs, the interest equalization tax, which was first made effective July 18, 1963, and which over the years since its enactment has contributed significantly to our balance-of-payments position by causing a reduction in foreign securities purchased by Americans.

As a result of this tax, which is imposed on the purchase of foreign securities by U.S. persons, sales of new foreign securities from those countries whose securities are subject to the tax, have fallen from a total of $356 million in 1962, before the tax went into effect, to $23 million in 1969 and to a current level of near zero.

Despite the effectiveness of the interest equalization tax in stemming capital outflows, however, other areas of our balance of payments, particularly our balance of trade, have not improved, and our current balance-of-payments deficit, which was nearly $4 billion on a liquidity basis in 1970, would deteriorate further if the interest equalization tax were allowed to expire at the end of this month, as presently scheduled.

Mr. Chairman, none of us like to extend a temporary tax, but present circumstances preclude our taking any other action at this time. With interest rates still significantly lower in the United States than in most foreign countries, failure to enact the pending bill would invite a large-scale increase in our capital outflows, further aggravation of our balance-of-payments deficit and perhaps a loss of confidence in us by foreigners of our ability to cope with our balance-of-payments problems.

Mr. Chairman, I hope this is the last time we have to extend this tax and that we can let it expire on March 31, 1973, as provided in H.R. 5432. Responsible action, however, leaves us no alternative at this time to extension of the tax for the additional 2 years called for in the pending bill.

Mr. BURKE of Massachusetts. Mr. Chairman, in voting to continue the interest equalization tax for a further period, I feel compelled to say that I hope this will be the last time we will have to do so. The interest equalization tax, together with the voluntary foreign credit restraint program of the Federal Reserve, are in danger of becoming permanent fixtures on the national business scene. When they were first proposed, they were justified as necessary expedients which would be discontinued as soon as they had done their work. But it is painfully obvious the national balance-of-payments problem is hardly in a much better position today than it was in the early 1960's, and each succeeding Secretary of Treasury has found it necessary to recommend that both programs be continued.

In going along with the request of the present Secretary of Treasury to extend the interest equalization tax, I want to make it perfectly clear that there are many Members of Congress who are unhappy that it has proved necessary to continue to employ these measures. While we would not want to do anything to hinder or harm the Nation's balance-of-payments efforts, I think it is an opportune time to serve notice that there are bad features about the interest equalization tax and the voluntary foreign credit restraint program which have led to some serious distortion and favoring of certain interests above others in the foreign business market.

The combination of the interest equalization tax and the voluntary foreign credit restraint program has worked to favor the 20 or so largest banks in the country who were already deeply engaged in overseas activities, at the expense of newcomers to this field. In effect, the only way a bank in this country can do foreign business of any volume is to open up a branch office overseas. The tremendous costs of overhead involved in operating a foreign branch as well as the personnel expertise required has meant that there is a heavy bias in the present set-up for the largest multibillion-dollar banks in this country to continue to grown in international activity while the smaller banks have to leave the market to them.

I am not saying that this was a deliberate intention of anybody in proposing the interest equalization tax in the first place; simply to point how that this is the way things have turned out. This is one of the unexpected byproducts of the legislation. If we appear a little bit reluctant this time in voting to extend the interest equalization tax for a further period, I hope that this explains some of our reluctance.

Mr. BROYHILL of Virginia. Mr. Chairman, one look at the U.S. balance-of-payments position should be enough to convince anyone that we need to extend the interest equalization tax.

The tax first became effective in 1963, after the payments balance had been in a deficit position for 6 consecutive years and showed no signs of imminent improvement. The theory was that this tax—which applies to the acquisition of foreign securities by Americans—would increase, for foreigners in developed countries, the cost of borrowing or raising equity in the United States. It would, therefore, help substantially to improve our balance-of-payments position, particularly in a period in which interest rates were low. According to the administration, the theory has worked.

When Congress enacted the law, it did so with the idea that the tax could—and would—be removed when conditions improved and the balance of payments got out of the "red" and into the "black" for an appreciable period of time.

Although the balance did edge briefly above the break-even point in 1968, the margin was almost imperceptible on a liquidity basis, and it soon disappeared. For the past 2 years, the balance has been in a heavy deficit position, and again, as in 1963, shows no heartening signs of emerging.

Unfortunately, then, the reasons which Congress had for imposing the tax in the first place are as strong or stronger today.

Whereas the liquidity deficit was $2,670,000,000 in 1963, it had reached $3,874,000,000 in 1970, for an increase of 45 percent over the past 7 years. Estimates for 1971 are not remarkably bright.

The administration, in stating its case for extending the tax, also pointed out that it complements and mutually reinforces two other Government efforts to restrain the outflow of capital from the country. These two efforts are Commerce Department's program to limit the cost of direct investment abroad and the Federal Reserve program to limit outflows of funds from banks and other financial institutions. Without the interest equalization tax, both programs would be substantially weakened.

In summary, Mr. Chairman, it seems to me that we have no choice but to approve H.R. 5432. To do otherwise would risk crippling of the entire national effort to improve our balance-of-payments position, and would diminish any hope we might have for a favorable balance in the foreseeable future.

If we are ever to reach a point where the interest equalization tax will no longer be necessary, we must move steadily and effectively toward improving economic conditions at home.

As economic growth resumes with greater vitality, we must continue our progress against inflation, because the stability of the dollar domestically is fundamental to its stability internationally.

We also must increase our efforts to expand exports and to open foreign markets which have been closed to us through artificial restrictions.

If we make real progress in these directions, Mr. Chairman, we can look forward to an eventual elimination of the interest equalization tax. Today, however, we still need it.

Mr. MILLS. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 5432

A bill to provide an extension of the interest equalization tax, and for other purposes

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Interest Equalization Tax Extension Act of 1971".

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF INTEREST EQUALIZATION TAX.

Section 4911(d) is amended, effective with respect to acquisitions made after March 31, 1971, by striking out "March 31, 1971" and inserting in lieu thereof "March 31, 1973".

SEC. 3. OTHER AMENDMENTS.

(a) TREATMENT OF DEBT OBLIGATIONS OF CORPORATIONS OBTAINING FUNDS FROM FOREIGN PERSONS AS TAXABLE.—

(1) Section 4912(b) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL ELECTION TO SUBJECT DEBT ISSUES OF A UNITED STATES CORPORATION TO TAX.—Any domestic corporation may elect to have any class of its debt obligations which is an original or new issue (and any class of stock into which such debt obligations may be converted) deemed to be debt obligations (or stock) of a foreign obligor (or issuer) the acquisition of which by a United States person will be subject to the tax imposed by section 4911, notwithstanding any other provision of this chapter other than section 4911 (d), at the rate provided on the acquisition of stock under section 4911(b). The documents evidencing such debt obligations (and the certificates evidencing any stock into which such debt obligations are converted) shall clearly indicate that their acquisition by a United States person is subject to the tax at such rate. Notice of an election under this section shall be given to the Secretary or his delegate prior to the issuance of the debt obligations with respect to which the election is made. Any such election shall be effective as of the date of issuance of the debt obligations with respect to which the election is made and shall be irrevocable. The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the provisions of this paragraph."

(2) The amendments made by paragraph (1) shall apply with respect to debt obligations issued after the date of the enactment of this Act.

(b) ACQUISITIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—

(1) Section 4914(b) is amended by adding at the end thereof the following new paragraph:

"(16) ACQUISITIONS OF STOCK OR DEBT OBLIGATIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—Of stock or debt obligations of a foreign issuer or obliger, where such acquisition is required as a reinvestment in connection with an actual or threatened nationalization, expropriation, or seizure of property, to the extent provided in subsection (k)."

(2) Section 4914 is amended by adding at the end thereof the following new subsection:

"(k) ACQUISITIONS OF STOCK OR DEBT OBLIGATIONS IN CONNECTION WITH NATIONALIZATION, EXPROPRIATION, ETC.—The tax imposed by section 4911 shall not apply to the acquisition by a United States person of stock or a debt obligation of a foreign issuer or obligor, to the extent that such acquisition is required as a reinvestment within a foreign country by the terms of a contract of sale to, or a contract of indemnification with respect to the nationalization, expropriation, or seizure by, the government of such country or a political subdivision thereof, or an agency or instrumentality of such government, of property owned within such country or such political subdivision by such United States person, or by a controlled foreign corporation (as defined in section 957) more than 50 percent of the total combined voting power of all classes of stock entitled to vote of which is owned (within the meaning of section 958) by such United States person, but only if such contract was entered into because the government of such country or political subdivision, or such agency or instrumentality—

"(A) has nationalized or has expropriated or seized, or has threatened to nationalize or to expropriate or seize, a substantial portion of the property owned within such country or such political subdivision by such United States person or such controlled foreign corporation; or

"(B) has taken action which has the effect of nationalizing or of expropriating or seizing, or of threatening to nationalize or to expropriate or seize, a substantial portion of the property so owned.

For purposes of this subsection, an instrumentality of the government of a country or a political subdivision thereof includes a corporation or other entity with respect to which such government, or any agency of such government, owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote or, in the case of a corporation or other entity not issuing shares of stock, has the authority to elect or appoint a majority of the board of directors or equivalent body of such corporation or ther entity."

(3) Section 4916(a) is amended—

(A) by inserting "or" after the semicolon at the end of paragraph (2);

(B) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(4) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(c) FOREIGN MINERAL FACILITIES.—

(1) Section 4914(c)(5)(B) is amended by striking out "a substantial portion of which is extracted" and inserting in lieu thereof the following: ", where a substantial portion of the ores or minerals (or derivatives thereof) to be stored, handled, transported, processed, or serviced in or through such facilities, or in or through all of the facilities of the obligor for the storage, handling, transportation, processing, or servicing of the same types of ores or minerals (or derivatives thereof), is extracted".

(2) The last sentence of section 4914(c)(5)(B) is amended by striking out "such facilities" the first place it appears and inserting in lieu thereof "the facilities with respect to which the loan is made".

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(d) SALES OR LIQUIDATIONS OF FOREIGN SUBSIDIARIES.—

(1) Section 4914(g)(1) is amended—

(A) by striking out "all of the outstanding stock, except for qualifying shares, of a foreign corporation" in subparagraph (A) and inserting in lieu thereof "all of the outstanding stock of a foreign corporation held by such United States person (and such includible corporations)";

(B) by striking out "all of the outstanding stock of which, except for qualifying shares, is owned by such United States person (or by one or more such includible corporations)" in subparagraph (B); and

(C) by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"Subparagraph (A) or (B) shall apply only if, immediately prior to the sale or liquidation involved, the United States person (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) owns (directly or indirectly) 10 percent or more of the total combined voting power of all classes of stock of the foreign corporation; and, for purposes of this sentence, stock owned (directly or indirectly) by or for a foreign corporation shall be considered as being owned proportionately by its shareholders."

(2)(A) Section 4914(b)(10) is amended by striking out "WHOLLY OWNED" in the heading, and by striking out "a wholly owned foreign corporation" and inserting in lieu thereof "a foreign corporation".

(B) Section 4914(g) is amended by striking out "WHOLLY OWNED" in the heading.

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(e) INVESTMENTS BY FINANCIAL INSTITUTIONS IN CORPORATIONS ENGAGED IN FINANCE BUSINESS ABROAD.—

(1) Section 4915 is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR INVESTMENTS BY FINANCIAL INSTITUTIONS.—

"(1) For purposes of section 4912 and this section, a corporation which is—

"(A) a domestic corporation described in section 4920(a)(3)(C), or

"(B) a foreign corporation which is primarily engaged in the lending or finance business outside the United States,

shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock from such corporation (whether or not as a result of a contribution to capital) by a corporation which is (or is affiliated with) a financial institution and which is affiliated with such domestic or foreign corporation, but only upon compliance with paragraph (2).

"(2) Paragraph (1) shall apply only if it is established to the satisfaction of the Secretary or his delegate, pursuant to rules and regulations promulgated by the Secretary or his delegate, that the amounts received by the domestic or foreign corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States.

"(3) For purposes of this subsection, two corporations are 'affiliated' with each other if they are members (or would be members if they were both domestic corporations) of the same affiliated group (within the meaning of section 48(c)(3)(C)).

"(4) In any case where a domestic or foreign corporation has been treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock by another corporation as provided in paragraph (1) of this subsection, but the amounts received by such domestic or foreign corporation as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the rules and regulations promulgated under paragraph (2), then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if such domestic or foreign corporation had not been so treated."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

(f) EXTENSION OF RESALE PERIOD FOR DEALERS IN FOREIGN SECURITIES.—

(1) Section 4919(a) is amended by adding at the end thereof the following new sentence: "The President may by Executive order (which shall be applicable for such period and subject to such conditions as may be specified therein) extend the period of two business days specified in subparagraphs (A) and (B) of paragraph (3) to not to exceed 13 calendar days in the case of acquisitions made for customers and not for investment purposes, but any such extension shall be applicable only in cases where the acquiring dealer has submitted to the Secretary or his delegate in advance a satisfactory procedure for identifying which of his acquisitions are for customers and which are for investment purposes."

(2) Section 4919(b)(1) is amended—

(A) by striking out the period at the end of clause (B) and inserting in lieu thereof ", and"; and

(B) by inserting after clause (B) the following new clause:

"(C) in any case to which subparagraph (A) or (B) of subsection (a)(3) applies and which involves a sale or acquisition occurring after the expiration of the two-business-day period specified therein, establishes that the sale or acquisition complied with the applicable Executive order issued under the last sentence of subsection (a) and that the procedure submitted under such sentence was followed."

(3) The amendments made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act.

(g) FAILURE OF FOREIGN CORPORATION TO FILE NOTICE RESPECTING ISSUANCE OF ADDITIONAL SHARES.—

(1) Section 4920(b)(2) is amended by adding at the end thereof the following new sentence: "Upon application by the issuing corporation within 2 years after the date on which additional shares described in the second sentence of this paragraph were issued, the Secretary or his delegate may waive the 15-day requirement set forth in subparagraph (D)(v) with respect to such additional shares if it is shown that the issuing corporation failed to file the notice required by such subparagraph due to inadvertence and not with an intent to avoid the requirements of this chapter."

(2) The requirement in the last sentence of section 4920(b)(2) (as added by paragraph (1) of this subsection) that the issuing corporation make its application within 2 years after the date on which additional shares were issued in order to qualify for a waiver shall be deemed satisfied, in any case where more than 2 years has elapsed after such date if the issuing corporation involved makes the application within 60 days after the date of the enactment of this Act.

(3) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(h) BORROWINGS BY MEMBER OF AFFILIATED GROUP WHERE CORPORATION IS ENGAGED IN CERTAIN FINANCING OPERATIONS.—

(1) Section 4290(d)(3)(A) is amended by striking out "owns all of the stock of such corporation" in the matter preceding clause (i) and inserting in lieu thereof "is an includible corporation in an affiliated group, as defined in section 48(c)(3)(C), of which such corporation is a member".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(i) PENALTY FOR FAILURE TO FILE QUARTERLY RETURN OR REMIT TAX.—

(1) Section 6651 is amended by adding at the end thereof the following new subsection:

"(e) INTEREST EQUALIZATION TAX.—The provisions of this section shall apply with respect to returns required under authority of section 6011(d)(1) (relating to interest eualization tax returns) and section 4918 (e) (relating to returns by participating firms wtih respect to money withheld) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)."

(2) Section 6680 is amended—

(A) by inserting "(a) IN GENERAL.—" immediately before "In addition"; and

(B) by adding at the end thereof the following new subsection:

"(b) CROSS REFERENCE.—

(3) The amendments made by this subsection shall apply with respect to returns required to be filed on or after the date of the enactment of this Act.

(j) ELIMINATION OF KNOWLEDGE REQUIREMENT REGARDING FILING OF FALSE INTEREST EQUALIZATION TAX CERTIFICATES.—

(1) Section 6681(a) is amended—

(A) by striking out "knowingly"; and

(B) by striking out "shall be liable" and inserting in lieu thereof "shall, unless it is shown that such action is due to reasonable cause and not due to willful neglect, be liable".

(2) Section 6681(b)(1) is amended—

(A) by striking out "A participating firm" and inserting in lieu thereof "Unless it is shown that such action is due to reasonable cause and not due to willful neglect, a participating firm"; and

(B) by striking out "knowingly".

(3) Section 6681(b)(2) is amended—

(A) by striking out "A participating firm" and inserting in lieu thereof "Unless it is shown that such action is due to reasonable cause and not due to willful neglect, a participating firm"; and

(B) by striking out "knowingly" each place it appears.

(4) The amendments made by this subsection shall apply with respect to actions occurring after the date of the enactment of this Act.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. SYMINGTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes, pursuant to House Resolution 277, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VANIK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 393, nays 5, not voting 34, as follows:

[Roll No. 19]

YEAS—393

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Baring
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Collier
Collins, Tex.
Colmer
Conable
Conte
Corbett
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V

Steed	Udall	Williams
Steele	Ullman	Wilson, Bob
Steiger, Ariz.	Van Deerlin	Wilson, Charles H.
Steiger, Wis.	Vander Jagt	Winn
Stephens	Vanik	Wolff
Stratton	Veysey	Wright
Stubblefield	Vigorito	Wyatt
Stuckey	Waggonner	Wydler
Symington	Waldie	Wylie
Talcott	Wampler	Wyman
Taylor	Ware	Yates
Teague, Calif.	Watts	Yatron
Teague, Tex.	Whalen	Young, Fla.
Terry	Whalley	Young, Tex.
Thompson, Ga.	White	Zablocki
Thompson, N.J.	Whitehurst	Zion
Thomson, Wis.	Whitten	Zwach
Thone	Widnall	
Tiernan	Wiggins	

NAYS—5

Cleveland	Eckhardt	Reid, N.Y.
Crane	McClure	

NOT VOTING—34

Abzug	Conyers	Long, La.
Ashley	Derwinski	McCulloch
Baker	Diggs	McEwen
Barrett	Dowdy	McKay
Betts	Edwards, La.	Mollohan
Bingham	Fisher	Poff
Bow	Fraser	Riegle
Brasco	Green, Pa.	Saylor
Carey, N.Y.	Hastings	Stokes
Celler	Hébert	Sullivan
Clawson, Del	Hogan	
Collins, Ill.	Kluczynski	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McEwen.
Mr. Dowdy with Mr. Del Clawson.
Mr. Celler with Mr. Hogan.
Mr. Brasco with Mr. Hastings.
Mrs. Sullivan with Mr. Saylor.
Mr. Kluczynski with Mr. Betts.
Mr. Bingham with Mr. Stokes.
Mr. Mollohan with Mr. Collins of Illinois.
Mr. Long of Louisiana with Mr. Baker.
Mr. Ashley with Mr. Conyers.
Mrs. Abzug with Mr. Diggs.
Mr. Barrett with Mr. Poff.
Mr. Green of Pennsylvania with Mr. McCulloch.
Mr. Fraser with Mr. Riegle.
Mr. Fisher with Mr. Derwinski.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

APPOINTMENT AS MEMBERS OF THE NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 90–264, the Chair appoints as members of the National Visitor Facilities Advisory Commission the following members on the part of the House: Mr. GRAY, of Illinois; Mr. BLATNIK, of Minnesota; Mr. HOWARD, of New Jersey; Mr. MCEWEN, of New York; Mr. SCHWENGEL, of Iowa; and Mr. ZION, of Indiana.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

The SPEAKER. Pursuant to the provisions of Public Law 90–321, as amended, the Chair appoints as members of the National Commission on Consumer Finance the following members on the part of the House: Mrs. SULLIVAN, of Missouri; Mr. GONZALEZ, of Texas; and Mr. WILLIAMS of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 372, 84th Congress, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following members on the part of the House: Mr. THOMPSON, of New Jersey; Mr. MURPHY, of New York; Mr. GUDE, of Maryland; and Mr. FISH, of New York.

URBAN MASS TRANSIT FUNDS NEEDED BY CITIES

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

Mr. ROSTENKOWSKI. Mr. Speaker, in his testimony last week before the Senate Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, Mr. George L. DeMent, president of the American Transit Association and chairman of the board of the Chicago Transit Authority, expressed his "complete shock" at the administration's 1971 plans for mass transit in general, and the Urban Mass Transportation Administration in particular.

I agree with Mr. DeMent's sentiments about the White House's decision. It is disappointing, indeed, that the administration can, on one hand, heartedly endorse a major program such as the Urban Mass Transportation Act of 1970, and at the same time prevent its proper implementation through inadequate funding. The President's request for urban mass transit funds for fiscal year 1972 falls hundreds of millions of dollars short of what is presently needed in our cities.

Inflation, interest payments, and ever-increasing debt obligations are enlarging an already serious financial crisis in urban transportation. Must we wait until more urban bus and train lines are forced to shut down to prove our point? As money grows tighter, fares increase, and service is curtailed. This, in turn, brings about a decline in paid fares—and the vicious circle continues. We need, as Senator HARRISON WILLIAMS has noted, a blood transfusion to maintain the patient until the curative surgery can be performed. Since the President's requests for transportation funds for 1972 show that he is reluctant to perform the needed surgery at this time, we need a strong transfusion, and we need it now. The transfusion I have proposed—the Emergency Commuter Relief Act of 1971, has received strong support from many of my colleagues. Today, I am reintroducing this legislation with more than 50 cosponsors. I would like to thank these Members for their support in this matter.

And, at this time, Mr. Speaker, I would like to insert Mr. DeMent's remarks in the RECORD, for I believe that they define quite well the immediate needs of many of our urban areas:

REMARKS OF GEORGE L. DEMENT

Gentlemen, I thank you for the opportunity to appear before you today.

The transit industry's reaction to the budget released January 29 was, frankly, one of shock.

We were dismayed at the restrictive $269.7-million figure that the Administration has placed on the amount that the Urban Mass Transportation Administration can obligate for capital facility grants this fiscal year.

The $269.7 million is a far cry from the promises contained in the much-heralded, Administration-backed $3.1 billion Urban Mass Transportation Assistance Act of 1970. The Senate passed that legislation by a whopping 84–4 vote and the House followed suit with a 327–16 majority.

We considered that overwhelming margin of victory a mandate to the government from the American people through a bipartisan Congress for a high priority for transit.

That high priority that the Congress voted for urban transit has failed to materialize. Consider, if you will, the stark fact that the allocation for grants by the Urban Mass Transportation Administration represents a mere one-tenth of one percent of the total federal budget for fiscal 1971.

This indeed puts solving the problem of urban immobility at a very low national priority.

The House-Senate conferees had agreed to a $600 million limitation on the amount of money that the Urban Mass Transportation Administration could obligate in 1971. This figure was also disappointing and far below the $850 million that the Urban Mass Transportation Administration indicated it would be able to obligate in fiscal 1971 in testimony before the House and Senate Committees on Appropriations last August.

At those same August hearings the American Transit Association documented the transit industry's capability of initiating projects which would generate an immediate demand for the obligation of approximately $931 million in two-thirds federal matching funds. The breakdown of where that money would go is attached for the Committee's information as "Exhibit A."

To confirm this figure the American Transit Association contacted all existing rail transit systems, those systems under construction, and planned system ready to allocate funds in the near future. We sought to establish the maturity of their plans, and the availability of local matching funds to secure a federal grant.

By these criteria, the rail segment of the industry had $1-billion worth of projects ready to go.

Of course, Mr. Chairman, the rail systems are only part of the transit story. Two-thirds of the industry's passengers are carried by bus, and the overwhelming majority of the systems operate only buses.

We therefore attempted at those August hearings to establish for the bus segment of the industry the same picture of imminent need that we presented for rail systems.

Our studies showed an immediate requirement for the bus segment of the industry as $260 million, or $176 million in federal funds.

Mr. Chairman, the five months that have passed since our appearance before the Appropriations Committee have proven our estimates to be conservative.

The promises contained in the transit aid bill spurred the transit industry into action. The industry was encouraged to the degree, in fact, that as of January 31 the Urban Mass Transportation Administration had applications on file for federal matching funds totaling over $2.2 billion.

The city of New York, for instance, has applied for an $800 million grant, the largest grant application that the Urban Mass Transportation Administration has ever received.

The money would be spent on ten new subway lines and various rapid transit improvements in the city. New York's Metropolitan Transportation Authority is also ready to begin extending the Long Island Railroad, as well as improving the comfort, safety and efficiency of that line. These plans total well over $200 million. My New York friends assure me that these funds are essential to the program.

Chicago, my hometown, has requested $508 million to construct two subway facilities.

The Port Authority of Allegheny County, in Pittsburg, has extensive plans for an innovative automated transit system using rubber-tired electric vehicles on a concrete guideway. It is properly called the Transit Expressway Revenue Line, although frequently referred to as "Skybus." Because of the novelty of its technology, it has generated a great deal of interest, and for that reason, is of great importance to the public as a testbed for new approaches to old problems. The city of Pittsburgh has decided to proceed with this endeavor and has applied for $144 million to get it underway.

The Massachusetts Bay Transportation Authority has requested close to $40 million in federal funds for completion of its south shore rail line extension and for construction of its Dover Street transportation facility.

Other applications are on file to provide similar improvements of capacity, comfort and efficiency envisioned for the plants and rolling stock of other rail rapid transit lines in California, Connecticut, Indiana, New Jersey and Pennsylvania.

Other applications have poured in from throughout the country that would go a long way in revitalizing the bus side of the industry. These applications for funds range in size from $24,000 for two new buses in Englewood, Colorado, to the multi-million dollar needs of our larger bus companies.

Mr. Chairman, I have mentioned but a handful of grant applications that have been received by the Urban Mass Transportation Administration. A full listing of applications through January 31 has been prepared for the Committee and is attached as "Exhibit B."

We recognize that under the present law not all of these requests can be met. The Secretary of Transportation is restricted, for instance, in the amount of money he can grant to each state.

What we also recognize, however, is that the Secretary of Transportation has been further restricted by the Administration's failure to heed the Congress' and the public's plea for a high priority for transit.

Mr. Chairman, we commend this Committee for holding these hearings. The Administration's cutback in transit funds has seriously delayed our programs.

The $2.2 billion in pending applications at the Urban Mass Transportation Administration should underscore our position that the transit industry is on the move.

We are ready now to do our part in getting our congestion-strangled cities moving again.

We are ready now to supply the transportation input that will help the mayors here today fight that urban blight they mention.

The funds allocated in the budget for fiscal 1971 are sorely inadequate to meet the urban transit needs of this country. Thank you.

THE 1974 CENTENNIAL CELEBRATION OF INTRODUCTION OF HARD RED WINTER WHEAT

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

Mr. SEBELIUS. Mr. Speaker, in behalf of myself and my good friend and colleague Congressman GARNER SHRIVER and seven cosponsors, Mr. MELCHER from Montana, Mr. MARTIN from Nebraska, Mr. HANSEN from Idaho, Mr. SHOUP from Montana, Mr. MCCOLLISTER from Nebraska, Mr. ABOUREZK from South Dakota, and Dr. ROY from Kansas, I am quite pleased and honored today to introduce legislation to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat.

Hard Red Winter wheat was first planted in our Nation by Russian Mennonite families in 1874 in the community of Hillsboro, Kans. From this humble origin, it has literally become man's staff of life.

Domestically, this wheat has provided an abundant supply of grain essential to the Nation's diet and an important weapon in our efforts to combat hunger and malnutrition. This grain crop has accelerated agricultural development and cultivation in the Great Plains, which in turn has led to the rapid development of the agribusiness industry.

The tremendous productivity of Hard Red Winter wheat has made an important contribution to agricultural efficiency, allowing one farmer to produce food and fiber for himself and 45 others. This fact, along with the fact that the American housewife spends only 16.5 percent of her disposable income for food, illustrates the key role the farmer, and specifically the wheat producer, have played in the great industrial revolution and in helping to achieve the highest standard of living of any nation in the history of the world.

Internationally, this crop has held off famine in India, supplemented marginal rice crops in the Far East, has been an important staple in our "food for peace" effort, and now provides the gluten for baking bread from grain produced in the "green revolution"—new high-yield grain production in many underdeveloped emerging nations.

I think it is most appropriate for Congress to support suitable ceremonies and activities to recognize the preeminent role of Hard Red Winter wheat in the United States and to recognize the undaunted dedication and service of the wheat farmer.

"DEFENSE AND THE ECONOMY," PART III OF SECRETARY LAIRD'S STATEMENT BEFORE THE HOUSE COMMITTEE ON ARMED SERVICES

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

Mr. MINSHALL. Mr. Speaker, the Secretary of Defense yesterday presented to the House Committee on Armed Services a detailed report on President Nixon's strategy for peace.

As ranking minority member of the House Subcommittee on Department of Defense Appropriations, I was particularly interested in Secretary Laird's outline of the Department of Defense budget requests for fiscal 1972 which, as he points out, is a year when the administration plans to return budget and manpower levels to those that prevailed prior to the war in Vietnam.

I would like to make the portion of Secretary Laird's very excellent statement pertaining to the Defense budget and the national economy a part of the RECORD. It follows:

DEFENSE AND THE ECONOMY—PART III

Last year, in my appearance before the Committee, I discussed some of the problems associated with determining appropriate priorities for resource allocation, and the FY 1971 Defense Budget in that perspective. In this section of my report, I will discuss the proposed FY 1972 Defense Budget in a similar broad context—in terms of inflation, general trends in defense spending, changing priorities, and the relationship of this budget to our new defense strategy of realistic deterrence. Let me begin with this last item.

As I explained in earlier sections, our new strategy is based on my belief as Secretary of Defense that we can perform essential defense functions with a restructured U.S. military force that, in peacetime, requires no more than about seven percent of GNP or less and is made up of no more than about 2.5 million volunteers. Within these rough guidelines, we want to maintain a peacetime "baseline" force structure that with our allies will be sufficient to deter war by confronting potential aggressors with strong and effective fighting forces.

The forces proposed in FY 1972 with minor modifications discussed earlier represent our best estimate of the "baseline" forces needed for our new strategy during the FY 1972–76 planning period, while providing the basis for adjustments to our capabilities should that become necessary or desirable.

It is useful to view FY 1972 as the year when we return our budget and manpower levels to those that prevailed prior to the Vietnam war. It is within this budget and overall force level that we are making necessary changes in our capabilities so that, together with the growing capabilities of our friends and allies, an effective and realistic Free World security strategy can and will successfully deter war and secure the President's goal of a lasting peace.

In this section, an explanation of budget and manpower trends is provided in order to indicate how we reached this peacetime baseline in budgets and forces.

Turning to the magnitude of our FY 1972 Defense Budget and Programs let me summarize certain key facts:

Defense programs continue to be affected by strong inflationary pressures, especially with respect to pay rates and other manpower costs.

Defense programs in real terms—that is, in dollars of constant buying power—decline by about 5% from FY 1971 to FY 1972. The FY 1972 program is about 24% below the wartime peak of FY 1968.

The FY 1972 Defense Budget, in dollars of constant buying power, is about equal to the prewar (FY 1964) level. That is, with the FY 1972 Budget the additional money previously required for prosecution of the Vietnam war is no longer needed and can be applied to other federal programs.

The FY 1972 Budget reflects a continuation of President Nixon's program for reordering priorities—this has produced major cuts in the money and manpower allocated to Defense, with these reductions (plus all economic growth) allocated to the civilian sector.

The sharp cutbacks in Defense programs over the past two years have obviously had a major bearing upon the performance of the economy, and have contributed to the sharp rise in unemployment. The sharpest of these cuts are now behind us, and the future impact of defense cutbacks will be much more gradual. This fact, coupled with other developments, produces a more favorable employment outlook.

A. THE IMPACT OF INFLATION AND INCREASED PERSONNEL COSTS

Inflation as well as increases in personnel costs (owing to both real wage increases and inflation itself) have had an explosive impact upon the defense budget and mask the very large program cuts that have occurred. It is therefore essential that we consider the defense budget in terms of constant dollars (that is, dollars that are of constant buying power and exclude all increases in pay and personnel costs) in order to get an understanding of program trends.

In addition, it is important to note a significant innovation in presenting this year's budget. Last year, following prior practices, we submitted the defense budget on the basis of pay rates then in effect. That FY 1971 Budget did not reflect two pay raises affecting FY 1971. Largely for this reason, our FY 1971 estimates are now significantly higher (even after Congressional reductions) than were presented a year ago. To avoid such confusion, we have made the estimates as complete as possible this year—including reflecting the pay raise expected to become effective in January 1972.

Perhaps the best way to illustrate the impact of inflation and increased personnel costs upon our budget is in terms of manpower and payroll trends. Consider these facts:

From June 1968 to June 1972, we are reducing military personnel by 1,042,000 and civilians by 205,000—a total manpower cut of 1,247,000.

However, from FY 1968 to FY 1972, our payroll—military basic pay and civilian salaries—rises by $4.8 billion.

In addition, payments to retired military personnel rise by $1.7 billion from FY 1968 to FY 1972, and the FY 1972 spending estimates include $1.4 billion for the Volunteer Force.

All told, then, these pay items *rise* by $7.9 billion while we are *decreasing* manpower by nearly 1.25 million.

Table 12 presents data on defense spending in terms of current prices and constant prices (including all adjustments for increased personnel costs). Data are shown for FY 1964, the last prewar year; FY 1968, the peak spending year, and for FY 1971 and FY 1972. The top part of the table shows outlays in current prices—that is, amounts actually spent, or proposed to be spent. Note that, in these terms, defense spending rose by $27.2 billion from FY 1964 to FY 1968, will fall by $3.5 billion from FY 1968 to FY 1971, then is expected to rise by $1.5 billion from FY 1971 to FY 1972.

The bottom part of the table shows data for the same years in constant prices—that is, at the price levels and pay rates expected to prevail in FY 1972. Had these pay rates and price levels been in effect in FY 1964, our spending in that year would have been $75.8 billion instead of the $50.8 billion we actually spent. Put another way, if today we hired the same number of people and purchased the same amount of goods as we did in FY 1964, it would cost us $25 billion more than it did then. By the same token, defense spending in FY 1968 would have been $99.9 billion, and FY 1971 spending would be $79.6 billion in dollars comparable to those we are budgeting for FY 1972.

Pay increases, as I have indicated, account for the largest part of this rise. Military basic pay, which is not directly comparable to civilian salaries, rises by 85% from FY 1964 to FY 1972; classified civilian salaries rise by 56.5%. All of the increases to which I am referring have been enacted into law with the exception of one we assume will take effect in January 1972.

Retired military pay is shown separately in Table 12. Note that this triples from FY 1964 to FY 1972, increasing from $1.2 billion to $3.8 billion.

Volunteer costs, a new item in FY 1972, add $1.4 billion in FY 1972 spending ($1,520 million in budget authority).

Other military personnel costs include items other than basic pay. This includes, largely, allowances and special pays, subsistence, and permanent change of station travel.

Total payroll and related items, in current dollars, comprise a large and growing percentage of the budget—52% in FY 1972, versus 43% in prewar 1964.

Prices in goods and services the Department buys will rise by 27.7% from prewar FY 1964 to FY 1972.

Assistant Secretary of Defense Moot will provide the details behind our calculations in this area—the specific pay increases, the inflation rates which occurred during these years, and other pertinent facts.

B. DEFENSE PROGRAM AND EMPLOYMENT TRENDS

As indicated in Table 12, the Defense budget (in constant prices) rose from $75.8 billion in FY 1964 to a peak of $99.9 billion in FY 1968, then is expected to drop to $79.6 billion in FY 1971 and $76 billion in FY 1972—a drop of $23.9 billion, roughly 24% from the wartime peak.

Thus, the FY 1972 Budget, in constant dollar terms, is almost equal to the prewar level. This marks an historic first—it is the first time in this century that military spending has returned to the prewar level. In every other war, military spending (measured in constant dollars) has been higher after the war than it was prewar as the chart below highlights.

DEFENSE WARTIME BUDGET TRENDS INDEX OF CHANGES, IN CONSTANT PRICES

	Index		
	Prewar	Peak	Postwar
World War II (fiscal years 1940, 1945, 1948)	100	3,839	405
Korea (fiscal years 1950, 1953, 1956)	100	290	219
Southeast Asia (fiscal years 1964, 1968, 1972)	100	132	100

It is especially noteworthy that this result has been achieved while spending for military operations in Vietnam continues and the military manpower needed for Southeast Asia is being provided from a force that is 180,000 below the prewar level.

Manpower is an important part of the defense cutback, as I indicated earlier. In the previous section, I discussed the cutbacks in DoD military and civilian personnel. The following table shows all DoD-related manpower, including defense-related employment in industry.

[June 30, in thousands]

	1964	1968	1971	1972
Military personnel	2,685	3,547	2,699	2,505
Civilians	1,035	1,287	1,104	1,082
Total direct	3,720	4,834	3,803	3,587
Defense related employment in industry	2,280	3,470	2,240	2,160
Total DOD-related manpower	6,000	8,304	6,043	5,747

Military manpower in the years immediately preceding the war ranged from 2.8 million in 1962 to about 2.7 million in 1963–65. Civilian employment was 1,035,000 in 1964, and prior to then at or slightly above that level. Certain positions previously military have been converted to civilian since 1964, so the military-civilian mix is slightly different than prewar.

As the figures show, by the end of FY 1972, defense-related manpower will be down sharply from the FY 1968 peak—nearly 2.6 million, or nearly one-third. Also, total defense-related manpower will be down by 253,000 from the prewar level.

In summary, I want to emphasize once again that with this budget all of the wartime buildup in manpower and money has been removed. Defense manpower, as I have shown, is below the prewar levels, while defense purchases, in constant dollars, are also below those levels.

Let me now turn to one other significant area with regard to defense employment trends. The impact of both direct and related defense manpower reductions, and their effects on the nation's unemployment level has been of considerable concern. Although defense cutbacks are continuing in FY 1972, the rate will fall off significantly and the future employment picture looks much more favorable when coupled with more expansionist government economic policies.

For example, from the above table we can see that direct DoD employment should drop just over one million in the three year period between FY 1968–1971, or about 340,000 per year. During FY 1972 it will drop some 216,000. A similar trend is true for defense-related employment, which decreased about 1.2 million between FY 1968–1971, (about 410,000 per year) but should drop about 80,000 during FY 1972. Combining both figures, we see that total defense and defense-related job cutbacks averaged about 750,000 per year between 1968–1971, but will be less than half, or about 300,000 during FY 1972.

C. CHANGING PRIORITIES

The shift in our priorities, away from defense and to civilian pursuits, has been massive. The size and price of this change is not generally appreciated. Table 13 presents key data highlighting these developments.

As can be seen from the table, in current dollars (not adjusted for price changes) defense spending rises by $25.2 billion from FY 1964 to FY 1972—almost entirely due to inflation and personnel cost increases, as we have noted. Other federal spending, and state and local spending, will each rise by about $90 billion in the same period—also subject to inflation.

The constant price figures, adjusted for pay and price increases are much more significant. Defense spending rose by $24.1 billion from FY 1964 to FY 1968, and falls by $23.9 billion from FY 1968 to FY 1972, so that real defense spending in FY 1972 is slightly above the FY 1964 level. Other federal spending grows by $68.3 billion price adjusted, and state and local spending by $58.6 billion. This means that public spending (in constant prices) grows by over $125 billion from the prewar level—practically all of it for non-defense programs.

The change in the FY 1968 to FY 1972 period is especially significant. Defense spending drops by $23.9 billion, while other federal spending grows by $36.4 billion. This means that two-thirds of the real increase in civilian spending can be viewed as having been financed by defense cutbacks. Civilian programs are increasing by $36.4 billion, while the federal budget total (in real terms) increases by about one-third of that amount.

The picture is the same for public employment, including military personnel. Defense grew sharply from FY 1964 to FY 1968, and falls even more sharply from FY 1968 to FY 1972. The result is that practically the

entire increase in public employment since 1964 is at the state and local level, with defense cuts offsetting part of the increases in federal civilian agency employment.

The labor force data are especially significant. Note that the total U.S. labor force will increase by 13.2 million from 1964 to 1972. This is an unprecedented growth, the result of the post-World War II baby boom.

From 1964 to 1968, defense (including industry employment) absorbed one-third (about 2.2 million) of the labor force growth, which was estimated at 6.8 million in those four years. From 1968 to 1972, we are turning all these people back. Although the total labor force change is an increase of 6.4 million people, cutbacks in the defense labor force mean that nine million people will become available for non-defense work in the years 1968–1972, about twice as many as in the preceding four years.

And from 1964 to 1972, the number of people available for non-defense work will grow by 13.5 million—the entire growth in the labor force, and then some again owing to cutbacks in the defense labor force that make additional people available for the non-defense sector of the economy.

Turning now to another aspect of a change in priorities, the lower part of the table presents data for selected years relating defense to the total economy and to public spending.

Defense spending in FY 1972 will amount to 6.8% of the Gross National Product (GNP), compared to 9.5% at the wartime 1968 peak and 13.3% at the Korea peak. This 6.8% is significantly lower than the prewar figure, 8.3% in 1964.

As to federal spending, the defense budget for FY 1972 is 32.1% of the total, compared to the 42.5% at the wartime 1968 peak and 62.1% at the peak of the Korean War. The 1972 percentage is nearly ten points below the 41.8% that pertained for prewar 1964.

The same pattern pertains in comparing defense spending with net total public spending—federal, state and local with grants-in-aid and other offsets netted out. Defense spending will account for 20.9% of all public spending in FY 1972, significantly below the levels in FY 1968, FY 1964, and FY 1953.

In all three of these areas, the Defense percentages for FY 1972 are the smallest that have pertained for more than 20 years. That is, we are devoting a smaller share of our economy to Defense, and of our public spending, than we have since FY 1950. The 1948–50 period, you will recall, marks the low point of our defense effort since World War II.

In summary, I would like to point out some orders of magnitude. Note, for example, that non-defense federal spending grows by $90 3 billion for 1964 to 1972. State and local spending grows by $89.9 billion. Both of these *increase* amounts are much larger than the entire defense budget. Note also that defense spending is 20.9% of the public spending total. Other federal spending is more than twice as great as defense; so is state and local spending.

In the context of huge changes such as these, defense spending—especially potential future changes in defense spending—does not loom very large.

The defense budget no longer consumes the large percentages of our government resources that it did in the 1950's. In those years, it could play a key role in financing increases in other segments of the federal budget—and in the employment and unemployment trends. But as a result of this changed complexion of the federal budget, the opportunity to use changes in the defense program to finance non-defense programs is significantly reduced. Thus, the period of defense dominance in resource allocation is over.

FEDERAL EMPLOYEES FREEDOM OF CHOICE ACT

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

Mr. BLACKBURN. Mr. Speaker, today, it is my pleasure to reintroduce the Federal Employees Freedom of Choice Act which will preserve the right of Federal employees to form, join, or assist a labor organization or to refrain from such activities. Forty-six Members have joined me in cosponsoring this legislation.

When a person decides to work for the Federal Government, his primary obligation is to his department or agency. It is wrong if his first obligation is to a union over that to the Government for which he works simply because he must belong to this union in order to hold his job.

Both Presidents Kennedy and Nixon reaffirmed the principle of "freedom of choice" by issuing Executive orders proclaiming this right. This House, during the debate on the Postal Reform Act, added language which specifically guaranteed the right of Federal employees to refrain from joining a Government employees' union. The language of my bill is identical to that which was added by this House.

One of the many organizations supporting the concept behind the Federal Employees Freedom of Choice Act is the National Federation of Independent Business. This organization currently represents almost 290,000 small and independent businessmen throughout the country, 6,000 of whom are from my own State of Georgia.

During the 91st Congress, the federation was one of those organizations which helped the fight for inclusion of a freedom-of-choice amendment to the Postal Reform Act.

In addition, last year the federation polled its entire membership on legislation similar to my bill, H.R. 2569, and found that an overwhelming majority, a national average of 90 percent, of its members supported the freedom-of-choice concept.

Mr. Speaker, I am heartened to see the Nation's small business community react in such a fashion. Their overwhelming degree of support becomes extremely significant when we consider the fact that this legislation, when enacted, will prove of no economic benefit to these millions of small businessmen in their day-to-day operations. This legislation is limited to employees of the Federal Government and does not apply to those employed in the private sector.

It is abundantly clear that these small businessmen are supporting a principle they hold dear, that principle which holds that no man desiring to serve his country as an employee of its Central Government should be placed in a position of either having to join a labor union, or pay dues to a labor union, as a condition of employment by his own Government.

I have been informed that the Government employees' union will ask the Congress to pass legislation giving them the same bargaining rights as those granted to postal workers. However, the Federal Government employees' unions do not wish to have a freedom-of-choice provision fund in this bill. I, therefore, would like this House to go on record as being in favor of the concept of freedom of choice for all Government employees. I call upon all of my colleagues at this time to join with me in cosponsoring this legislation to protect the freedom of choice of Federal employees.

LEGISLATION REQUIRING INSPECTION OF IMPORTED MEAT AND ANIMAL PRODUCTS

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

Mr. MELCHER. Mr. Speaker, I have just reintroduced, for myself and 22 cosponsors, legislation to require thorough inspection of meat and animal products imported into the United States after they arrive in this country.

Cosponsors include Mr. ABERNETHY, Mr. ABOUREZK, Mr. BARING, Mr. DENHOLM, Mr. FISHER, Mr. FLOWERS, Mr. HANSON, Mr. HUNGATE, Mr. JOHNSON, Mr. JONES of North Carolina, Mr. LINK, Mr. MCCORMACK, Mr. MCKAY, Mr. MILLS, Mr. RARICK, Mr. RONCALIO, Mr. SEBELIUS, Mr. SKUBITZ, Mr. STUBBLEFIELD, Mr. VIGORITO, Mr. WHITE, and Mr. ZWACH.

The Department of Agriculture has made an intensive effort to sanitize the situation abroad since this legislation was originally introduced.

Shortly after its introduction, mutton imports from Australia were banned entirely, and Australian packers have not been allowed to send any of that product to the United States without first getting plant-by-plant approval of their processing.

Although our Meat Inspection Act had been in force many months, and foreign inspection was supposed to be equal to ours at all times, mutton was being shipped to us from plants which did not keep viscera and carcasses associated so diseased carcasses could be eliminated, nor was it being examined adequately for the cyst-like deposits left by casseous lymphadenitis. We were rejecting 9 percent of mutton even on the basis of inspection of less than 1 percent of the meat as samples at U.S. docks.

The annual report on imported meat inspection recently submitted to Congress reflects the general tightening up on plants allowed to send meat to us.

Nearly 29 percent of plants eligible at the beginning of the last year to ship us meat were deauthorized, or suspended during the year 1970—327 out of 1,141.

During the year, 95 new plants were certified and 68 won reinstatement. At the end of the year only 977 foreign plants could export to the United States compared to 1,141 eligibles 12 months before.

Additionally, the report indicates that there are 9,402 foreign inspectors watching the product in the foreign plants now, compared to 7,477 at the outset of the

year—an increase of 1,925 inspectors, or nearly 25 percent.

That is progress.

It is also evidence that things were not what they should have been when my bill to require thorough inspection of the imported meat, after it reaches the United States, was introduced.

We still need thorough inspection here in the United States when, 6 to 10 weeks after slaughter, the frozen meat finally arrives in this country.

The harsh fact is that we have a foreign meat inspection system, based on inspecting 1 percent or less sample of each cargo, which is not aimed at getting us completely clean and sanitary meat from abroad, but just relatively clean meat. We are still accepting meat with an allowable number of defects, ranging from dirt, blood clots, cysts, ingesta, to manure. We accept meat with one minor defect per 30 pounds, one major defect per 400 pounds, and one critical defect per 3,000 pounds.

The statisticians tell me that the mathematical probabilities of the dockside sampling procedure are set so there is a 9 percent chance of having 1 percent bad meat in lots running to 15 tons, and a 50 percent chance of having 1 percent bad meat in small lots.

Under no circumstances should we continue to allow dirt, ingesta, and fecal matter to be hidden in ground-up hamburger, or encased in weiners or bologna for the unsuspecting consumer. There is no identification at the meat counter to separate the fresh, clean, thoroughly inspected meat from our American farms and ranches and the meat of foreign origin, which has been frozen for weeks or months, and is thawed out and processed after a scant hit or miss inspection that permits hiding some defects—a word which sounds better, I suppose, than dirt, ingesta, cysts, blood clots or manure.

There is also a human probability that our inspection plants abroad—done about one time a year, after the country has been notified in advance that our review officer is coming—is considerably less than assuring that the plants are operated in a completely sanitary condition the other 364 days each year.

Last year I asked the General Accounting Office to look into foreign meat inspection. I understand that a GAO man accompanied our review officers to four countries, where one-fourth to one-third of the plants visited were deauthorized for shipment of meat to America.

In one country, all plants passed their first inspection when everyone knew that the U.S. review officer would be in the country and might visit anywhere. But on a return visit shortly afterward, our review officer found about one-fourth of plants previously approved out of compliance.

The conclusion is almost inescapable that what the U.S. review officers see in foreign plants, on his heralded visits, is not the every day practice in some of them.

U.S. meat inspection is geared at achieving a completely sanitary product. If there are some failures and some oversights, that is no reason to give imported meat an allowance of defects theoretically equivalent to what our inspectors miss. Such an allowance in addition to the oversights and the impreciseness of the sampling procedure, simply means a growing percentage of objectionable product in imported meat.

The meat import lobby does not like my bill.

Last fall, during the election campaign, they circulated a statement by a Wisconsin University microbiologist warning against the dangers of thawing all imported meat on docks, starting bacterial growth, and then shipping to interior cities to be processed.

I have no quarrel with the scientist's warning at all.

The only thing wrong with the document is that no one is advocating piece-by-piece inspection of the meat after thawing on the docks, as was implied.

All inspection should be removed from the grime, the hustle and bustle, and the pressure at the docks.

There is no good reason why imported meat cannot be shipped frozen to the point of use in the United States, thawed, inspected piece by piece, and put to immediate use if acceptable. We have inspectors all over the Nation. There might actually be some economy in having interior inspectors do the work instead of maintaining a special staff for dockside work. In my judgment, piece-by-piece inspection of imported meat—if it is nearly as clean and sanitary as it is cracked up to be—would result in the rejection of fewer total pounds than the present system.

Under our sampling procedure, if a small sample of a 60,000-pound lot has a defect or two too many, the whole 60,000 pounds is rejected and ordered shipped out of the United States, the clean meat along with the dirty meat.

With piece-by-piece inspection, only the dirty and defective meat within a lot would be tanked, or turned back. Sanitary meat in each lot would be accepted.

Under our present procedure, if the defects are not too numerous, the meat, defects and all, goes into our weiners, luncheon meats, soups, and many other products where the consumer has absolutely no opportunity to see what he is buying.

This bill is not an import limitation bill. It deals with quality, not quantity.

I do not believe American consumers want to accept less than the purest product we can produce or obtain—that the idea of accepting great lots of meat on the basis of actual inspection of less than 1 percent, and then with tolerance of some defects ranging up to animal manure, just is not what our constituents want or expect.

PLEDGE OF ALLEGIANCE DAY PROPOSED FOR APRIL 30

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

Mr. DULSKI. Mr. Speaker, I am today introducing legislation that would request the President to issue a proclamation annually designating the last school day in April as "National Pledge Allegiance to Our Flag Day."

I am acting at the urging of the AMVETS Auxiliary of Buffalo which requested that April 30, 1971, be designated by the President for this special recognition.

In introducing my joint resolution in the House today, I have specified the last day in April since my resolution is directed to an annual event and it is necessary to provide for those years in which April 30 occurs on a weekend.

The inspiration for a simultaneous coordination of all schoolchildren in our Nation in recognizing our Pledge of Allegiance came from a project initiated a year ago in the third-grade class of a suburban Buffalo school.

INITIATED BY THIRD-GRADERS

The boys and girls of Mrs. Irene Priore's third-grade class of the Cleveland Hill Primary School, Cheektowaga, N.Y., conceived the original observance and sent out thousands of letters to legislators, other schools, media, and many others in behalf of their proposal.

As a result of the yeoman effort by these youngsters in this class, there was a series of observances in schools throughout the Nation last April 30.

The turnout of participation was heartwarming and attracted attention throughout our Nation.

It is my firm belief that the example which these youngsters have set for us should become an annual event authorized by congressional action and proclaimed by a formal pronouncement by the President of the United States.

Interestingly enough, a proposal by the Cheektowaga youngsters came just a year after one of the world's great clowns, Red Skelton, recited a widely hailed nationwide television explanation of the Pledge of Allegiance as given to him and his schoolmates by their teacher when he was in grade school.

CONTINUING ATTENTION NEEDED

Such national attention and recognition of the Pledge of Allegiance is vitally needed on a continuing basis. Provision for national observance is long overdue.

I am hopeful that the Congress will act promptly on my joint resolution, and I shall urge earliest consideration by the appropriate committees in order that adequate preparations may be made in advance of the observance next month.

Mr. Speaker, I am including with my remarks the text of a proposed proclamation prepared by Mrs. Priore and sent to me by Mrs. Mary Stinson, Buffalo Americanism chairman and past president of the New York AMVETS Auxiliary.

PROCLAMATION TO THE U.S. CONGRESS

Whereas, on April 30, 1789 George Washington took the oath of office and was inaugurated as the first President of the United States.

Whereas, George Washington was the only President of the United States of America inaugurated on April 30th.

Whereas, April 30, 1802 Congress passed the first enabling act authorizing the people of the eastern division of the Northwest Territory to hold a convention and frame a constitution in order to become a state, and a precedent was set in helping Ohio's gaining its statehood, followed by the same, set for the rest of the states in this territory.

Whereas, on April 30, 1803 the United States of America, under the leadership of President Thomas Jefferson, made its first territorial expansion by purchasing 828,000 square miles of land (doubling the size of the United States by peaceful means) known as the Louisiana Purchase, which land eventually was divided into the states of Missouri, Nebraska, Iowa, Arkansas, North Dakota, South Dakota, most of Louisiana, Kansas, Minnesota, Montana, Wyoming and parts of Colorado and Oklahoma.

Whereas, on April 30, 1812, the state of Louisiana was admitted into the Union.

Whereas, on April 30, 1889 Congress fixed this date of April 30th as a national holiday to celebrate the inauguration of George Washington as the first President of the United States of America.

Whereas, on April 30, 1970 the proclamation sent by Mrs. Irene Priore's Third Graders of Cheektowaga, New York requesting that April 30, 1970 be proclaimed as Pledge of Allegiance to Our Flag Day in the United States of America for all school children in all schools of our nation, was read in Congress.

Whereas, schools, community leaders and citizens in all 50 states of our nation responded by letter, telephone and telegram to the Cheektowaga, New York Third Graders that they wished to participate in this unified promise of loyalty at 1:30 P.M. Eastern Savings Time so children's voices might echo throughout the land.

Therefore, We, the members of AMVETS Auxiliary, Department of New York, do hereby ask the Hon. Thaddeus J. Dulski to proclaim each April 30th as an annual special school day to honor our nation *and its flag in school* by song, speech and activities planned by the faculty and students of each individual school.

We request that this proclamation be made known to all the schools of our nation so that all the school children may have the pride and honor to help plan a dignified program for their own schools. We believe that by encouraging children to have the pleasure of envolvement in planning a program for April 30th each year that we are taking a positive approach toward building better attitudes in school children and planning for better citizen's and leaders of the future.

MARY KENNEDY,
State President and nine others.

THE GREAT ENERGY GRAB

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. ANDERSON of Tennessee. Mr. Speaker, on August 13, 1970, I went to the well of the floor to deliver a speech I entitled, "The Great Energy Grab." At that time I detailed for the Members of the House some of the effects of the growing trend toward monopolization of energy in this country. I expressed my shock at a 25- to 30-percent raise in electricity rates announced at that time by the Tennessee Valley Authority and explained that the largest factor in that raise in electricity rates was the doubling in 1 year of the cost of coal to TVA.

Mr. Speaker, I asked at that time why the cost of coal had taken such an astronomical quantum leap in such a short time. I put the major blame for the increase in coal prices at the feet of the oil industry by stating.

The oil industry is trying to take complete control over the coal industry and results are proving disastrous.

I then asked what the Justice Department was doing to prevent the monopolization of the energy resources in this country by the oil industry.

Since that time, colleagues in the House, accompanied by members of my staff and interested public power groups, met with the Attorney General and asked him to have the Antitrust Division investigate the transparently obvious trend toward monopolization of our energy sources. The Attorney General expressed great shock and dismay at our allegations of monopolization, but gave us no assurances that Justice would take any action whatsoever. A meeting with Commissioners of the Federal Trade Commission had a similar depressingly negative result.

In the most recent of a series of meetings, which included representatives of power associations, State, county, and city officials from regions in the South served by the Tennessee Valley Authority, the Justice Department was enjoined to conduct a grand jury investigation with respect to Operation Skyrocket.

Operation Skyrocket alludes to what the Tennessee Valley Public Power Association, the National Rural Electric Cooperative Association, the American Public Power Association, and others concerned with consumer costs, have tagged the recent increased cost of electric power and the cost of coal necessary to generate this power.

Although the TVPPA services only about 11,000,000 consumers, the effects of the increase in cost for Tennessee Valley Authority power will naturally be felt nationwide. If the cost of power to produce a part for a product in the TVA area is increased as the result of increased cost of TVA power, it is evident that this cost is passed on to consumers in every State in the Union, and for that matter, in foreign countries to which we export the product. And, of course, increased coal prices affect power production worldwide.

TVPPA, NRECA, APPA, and others have called on the Justice Department for a grand jury investigation with respect to the recent escalation of coal prices. They received little satisfaction from the Justice Department. These organizations have been almost unanimous in statements and resolutions charging a continuing monopoly and in suggesting a few oil companies in the United States control or soon will control the cost of all fuel and energy. They further allege that they have evidence that collusion exists.

Based on this information and previous information which I developed through numerous sources, I joined with Congressman RICHARD FULTON and others in sponsoring a House resolution to establish a select committee to conduct a thorough and complete investigation into all aspects of the energy sources of the United States. This resolution now has more than 85 cosponsors.

Additionally, and not as any indication of lack of faith in our legislative system, I have joined with Congressman RAY BLANTON, and I am sure others will join at a later date, in introducing a concurrent resolution which will direct the Federal Trade Commission to conduct an investigation into the whole problem of energy resources, including possible violations of laws relating to antitrust and monopoly.

Among other things of interest brought out in this series of meetings was a statement by representatives of the TVPPA that there was "absolutely no justification for increases of up to 100 percent in coal prices," referred to previously as Operation Skyrocket, and that more coal has been produced than consumed in the past 16 to 18 months.

These several organizations have a wealth of information to substantiate their claims and their contention that acquisition of energy sources by large oil companies continues unabated. An example of the effects of these continuing acquisitions can best be described by pointing out that the acquisition by Continental Oil of Consolidation Coal Co., which in 1966 was the largest bituminous coal producer, now makes Continental Oil the largest single coal producer. This information will be provided to the Justice Department, the Federal Trade Commission, and House and Senate committees charged with responsibility for conducting this long overdue investigation.

I might add as a postscript to this particular comment that it was the consensus of those involved in these meetings that the investigations should not be limited to the acquisition of coal industries but should be extended to include investigation of the oil companies' acquisition of all energy source materials.

In testimony before the Senate Subcommittee on Antitrust and Monopoly, Mr. S. David Freeman, who at the time of testimony was Director of Energy Policy staff of the White House Office of Science and Technology, documented the extent to date of the energy grab by the oil industry. He stated in his testimony of May 15, 1970 that only two of the 10 largest coal companies were still independently owned. The remaining eight, which accounted at that time for 42.9 percent of the industry's production, were owned by oil companies, other mineral companies, or other large industrial concerns.

Freeman also stated that those same eight companies opened 67 percent of the new coal mines in the United States in 1968. He also detailed to some extent the activity of the oil companies in uranium exploration in recent years. He alleged that during 1968 oil companies drilled 44 percent of the exploratory and development uranium footage. He also stated that of the 15 significant uranium discoveries in 1969, the oil companies made

eight. Mr. Freeman testified that as of January 1, 1970 the oil companies controlled 45 percent of the known uranium reserves in this country.

Mr. Speaker, I would like to insert in the RECORD following my remarks the complete prepared testimony of Mr. S. David Freeman as delivered before the Senate Antitrust Monopoly Subcommittee on May 5, 1970.

Mr. Speaker, I believe there to be sufficient and persuasive evidence that an energy grab by the oil companies in this Nation is upon us. This is very disturbing to me as an individual who has long been interested in energy and power, both as a student and as a naval officer. And this is disturbing to me as a Representative in Congress from a region of the Nation that owes a great debt to TVA power development.

Over the past months and years I have concluded that in its own self-interest and the interest of world peace, the United States must extract itself from the Indochinese war in which we are mired.

I am today unalterably opposed to the unconscionable Indochinese war and I am today, as I was in August 1970 when I gave "The Great Energy Grab" speech, fearful that this Nation will be strangled economically by the oil industry. And today, Mr. Speaker, these two issues have become fused.

Two recent articles in national journals have raised the ugly specter that our boys might be dying in Vietnam to pacify that region in order that our U.S. oil companies can reap the billions of dollars that are projected to result from the exploitation in that area of what may be the greatest oil field of all.

In his article in the March 8 issue of the Nation, Barry Weisberg states:

With more than 1 million square miles of Southeast jungles and shallow seas, this continental shelf is the largest in the world. Also, it appears to hold the largest deposits of petroleum. A report by World Oil of August 15 predicts "a daily average crude production of 400 million barrels by 1975 from this area." That would be 146 billion barrels a year, or nearly three-quarters of the entire production of petroleum in the world to date!

Mr. Weisberg's article goes on to develop a thesis that the multibillion dollar U.S. oil companies might well have the power to keep us locked into this terrible war to assure their profitable exploitation of this fantastic oil field. Mr. Weisberg concludes his article with a most thought provoking paragraph:

Recently, anti-war groups in the United States have voiced concern in this area, though the American media have been silent. The Senate Foreign Relations Committee has been receiving several hundred letters a day from citizens who have asked that hearings be held on the relationship between petroleum and the continued American presence in Indochina. Such hearings might ask: Does petroleum wag the tail of the U.S. military in Indochina? Is petroleum the reason we continue to support the highly unpopular Thieu-Ky regime? Does it explain the invasion of Cambodia and Laos? Are people dying in Indochina for noble ideas or the crude profits of oil?

Today, Mr. Speaker, I received a March 13 issue of the New Republic. In it is an article by Prof. Gabriel Kolko, a professor at York University in Toronto, entitled, "Oiling the Escalator, An Economic Incentive for Winning the War?"

In his article Professor Kolko points out that heretofore the Indochinese war has had no economic constituency in the country. I quote from Professor Kolko's article:

The absence of some immense economic incentive to attain victory and a politically significant economic force to sustain it, meant that Nixon's consistent strategy of protracted air and artillery war in Indochina could not in the long run win political time at home during which to attempt to gain the ever-elusive military dominance in Indochina. This fact was a source of optimism, for never before has the US been ruled without the consent of the electorate *or* the leaders of the key centers of industrial and financial power. Today, however, this sanguine future estimate is profoundly in doubt. For there is now emerging the possibility of a new economic bloc that could dangerously shift a vital portion of a hitherto neutral or hostile sector of big business and banking back into the strongly pro-war camp.

The Kolko piece goes on to describe how David Rockefeller, chairman of the Chase Manhattan Bank, estimated in April 1970 that international oil firms—mostly American—would spend $35 billion in Asia, mainly in Southeast Asia, over the next 12 years.

Professor Kolko develops his theme that oil might be the economic savior of the Saigon government and the provision of a U.S. constituency for the war by stating:

Nixon has never developed an economic equivalent of "Vietnamization" in the military sphere, a fact Ambassador-at-Large David Kennedy is expected to consider during his visit to Saigon this month. The President's current strategy of indefinitely fighting a protracted air and mechanized war does assume, however, an important reduction of U.S. manpower and costs. Oil investments would partially compensate for this new economic vacuum, and it would gain the Administration what it has hitherto lacked: a politically and economically powerful constituency—the international oil firms—with a tangible vested interest in Indochina puppet regimes and a protracted war to consolidate U.S. hegemony in the region. This constituency, which in this century has been the most important single economic element in influencing the conduct of American foreign policy in the Third World, can operate only where it attains the political prerequisites of economic activity. Since the process of oil development in new areas, from exploration to commercial production, usually takes a decade or longer, in the past U.S. firms have not invested heavily in any region unless Washington has first assured them that their often large investments will ultimately be rewarded.

Mr. Speaker, I believe that it is an absolute necessity that the allegations contained in the articles by Professor Kolko and Mr. Weisberg be openly and thoroughly aired and debated before the Congress of the United States. I urge that our House Committee on Foreign Affairs hold hearings on this vital issue as soon as possible. I hope that the Foreign Relations Committee of the other body will also air these grave allegations before that body.

The issue of the great energy grab by our oil companies has not been raised sufficiently on the floor of the House or in its committees. Over the next months I will speak on the question of energy, its availability, cost, and the anticompetitive aspects of this crucial industry. Following my remarks I ask to include in full the articles by Professor Kolko and Mr. Weisberg.

Mr. Speaker, everyone, or almost everyone, knows that 99 percent of what we do depends on energy resources; 1 percent depends on the power of man's muscle.

We know that a key factor to the wealth and power of the United States and to other nations which enjoy a high standard of living has been the ability of those nations to acquire and harness oil, gas, coal, and hydroelectric potentials so that men can work less with brawn, more as master of the fulcrum that natural energy resources provide him.

The destiny of man cannot be fulfilled either by racial or energy slavery. I believe the world has passed the racial threshold and man is fast approaching the energy threshold. Those who command energy slavery do no better service than the slave masters or slave owners of the blacks two centuries ago. If the world is to survive in peace, or to survive at all, it will be through the reconciliation that no child will be born with less than equitable entitlement to a fair opportunity to utilize God's earth—to multiply his muscle power 100 times in pursuit of his education—his ability to support and feed those dependent upon him—and to seek happiness for himself and his descendants. Racial cleavage and prejudice are passing; energy prejudice and cleavage—unless we change our course—will last as far ahead as we can see. The net result will be continued strife between nations rich in energy resources and those poor in such resources.

Again, Mr. Speaker, the question has been raised—I asked it several weeks ago—to what extent, if any, the prospects of very large offshore oil reserves off the South Vietnamese coast and in other related regions have influenced, do influence, or will influence U.S. military presence and our policy generally toward Vietnam and Southeast Asia. I have been advised by the U.S. Department of Commerce that U.S. oil interests are heavily involved in the negotiations for the various rights involved. It is exceedingly difficult to find out the facts or the policy on this matter.

In conclusion, Mr. Speaker, I want to make it very clear that I do not oppose the large oil companies. They have served this Nation well in peace and war. I welcome the news of any new potential reserves, no matter where located. The world has far too little to meet increasing demands. But the administration and this Congress must insure that the evils of monopoly are fully addressed here at home, and that the oil sources off Vietnam's shore do not bring additional burdens or additional risks of deeper military involvement for the United States. Rather, let us hope that such oil riches

as may be found will speed the day of total withdrawal of U.S. military forces, and provide the economic base so desperately needed for that country's reconstruction and self-sufficiency.

A summary of the articles referenced in this statement, and dealing with the subject, are as follows:

"The Great Energy Grab," CONGRESSIONAL RECORD, volume 116, part 21, page 28884, WILLIAM R. ANDERSON;

Testimony of S. David Freeman before the Subcommittee on Antitrust and Monopoly Legislation, Senate Committee on the Judiciary, May 5, 1970;

"Offshore Oil Boom," Barry Weisberg in the Nation, March 8, 1971;

"Oiling the Escalator—An Economic Incentive for Winning the War?" Gabriel Kolko in the New Republic, March 13, 1971;

"Oil: A Hidden Factor in the Indochina War," Paul Cowan and David Gelber in the Village Voice, February 25, 1971;

"The Politics Behind the New Oil Hunt," Business Week, March 6, 1971; and

"Lincoln Pleads for U.S. Energy Plan," the Oil and Gas Journal, January 25, 1971.

The material follows:

THE GREAT ENERGY GRAB

Mr. Speaker, the monopolistic oil industry has embarked on a scheme to ultimately control virtually all raw energy sources in the United States. Such control, if successful, would lead to a strange hold on the entire economy of our Nation because everything we do—everything we produce—depends upon energy. No factory, no store, no home, no transportation system can operate without it. The implications are frightening for the economic well-being and the security of the entire Nation.

What is happening, Mr. Speaker, will be the number one domestic economic crisis of this generation—a crisis resulting from exorbitantly high fuel and power costs coupled with widespread fuel and power shortages. This crisis can lead to catastrophe.

It is hardly necessary to point out that the oil industry is comprised of the most powerful economic giants in the country. Due to high depletion allowances and other forms of protection, they have amassed huge capital assets. But the oil interests are not satisfied with huge profits and control over their own huge industry. Through a powerful and effective lobbying force they have caused our government to impose and uphold extremely low quotas for foreign oil imports. This in itself has been a major factor in moving petroleum fuel prices to an artificially high level and in the creation of severe fuel oil shortages last winter. These shortages are likely to be worse this winter and prices will be higher. The only thing we will have plenty of fuel for will be for the fires of inflation.

Mr. Speaker, let us now talk about coal. Recently the Tennessee Valley Authority announced an earth-shaking 25 to 30 percent rate increase. Between two-thirds and three-quarters of the reason for this gigantic boost is the fact that the price of coal has virtually doubled in a year's time. TVA was paying $4.00 per ton. In July of this year the price was as high as $8.20 per ton and continuing to increase.

Why has the price of coal more than doubled? Is it higher wages, Republican interest rates, the Coal Mine Safety Act, additional reclamation expenses? Only in relatively small part are these the causes, Mr. Speaker. The main reason is that there is an unprecedented demand for coal for domestic power generation and unprecedented increases in exports, mainly to Japan. Coal is in very much a seller's market. Current coal prices bear little or no relationship to costs, but are simply based on charging the maximum the traffic will bear.

But the crowning blow, Mr. Speaker, is that the oil industry is buying up the coal industry a mile a minute and is doing everything possible to market both petroleum products *and* coal at prices which have little relation to production costs. The oil industry is trying to take complete control over the coal industry and the results are proving disastrous.

And another question, Mr. Speaker, what is the Justice Department doing about this? Is this not a clear violation of anti-trust laws? Are not these practices monopolistic in a form clearly detrimental to the public interest? Does the oil industry really care about our national economic well-being? Does it really care about the citizens whose hard-earned dollars create their great wealth? I wonder.

Mr. Speaker, after the oil giants control all the oil and gas and coal, and carefully continue to throttle down oil imports, what is there left? Except for direct application of solar energy and a small hydroelectric generating capacity there are only the nuclear fuels. These fuels are of dramatically more importance today than anyone dared dream just five years ago. The main reason is the fantastic increase in coal prices. This Administration has already, in more ways than one, tipped its hand on what it wants to do with the huge government owned gaseous diffusion uranium production plants at Oak Ridge. It wants to sell them to private industry. Who wants to buy them? The oil industry, Mr. Speaker. Yes, Mr. Speaker, the greedy, public-be-damned oil industry. If the present course of the oil industry continues and their schemes of monopoly are permitted to materialize while this Administration and the Justice Department sit idly by, the Dixon-Yates scandal is going to look like a kindergarten game.

The attitude of those controlling the base energy sources is further reflected in a report in *Business Week* (August 1, 1970, page 22), which stated: "The major oil companies, which control most of the natural gas supplies in the U.S., have made it clear that they are not interested in increasing gas production until it becomes more profitable than other investments they can make. But that could mean a 60 percent increase in the present ceiling prices that producers can charge for natural gas." These same companies control a major portion of the coal reserves, and it is clear from what is happening that the same attitude exists insofar as any effort to increase coal production is concerned.

As a first step in encouraging the Congress to exercise its urgent duties to investigate and act to save the country from this disastrous takeover, I have introduced a Resolution urging and requesting the Committee on Interstate and Foreign Commerce to investigate the high prices of coal. Other actions will follow along related or similar lines.

Mr. Speaker, again I point out, the security of the Nation is at stake. At the present time if a national emergency required large blocks of power on short notice the Nation's electric industry would find it almost impossible to provide it on a sustained basis unless coal supplies are increased drastically. It is unthinkable to permit a continuation of the present trends which severely limit the capacities of the Nation's electric utilities to respond to a national crisis.

TESTIMONY OF S. DAVID FREEMAN BEFORE THE SUBCOMMITTEE ON ANTITRUST & MONOPOLY LEGISLATION

I am pleased to have this opportunity to appear before you in the opening phase of your hearings on the antitrust problems in the energy field. The first phase of your hearings, as I understand it, will concentrate on the electric power industry and my testimony today will therefore deal largely with that large segment of the energy industry.

The Committee is certainly to be commended for undertaking a very important and timely study of the electric power industry. There are several important reasons why a study of the institutional arrangements and competitive forces in the electric power industry should be undertaken at this time:

1. The electric power industry is the nation's largest in terms of capital investment and is capturing a larger and larger share of the energy market each year. A study of the industry focusing on the questions of interest to this Committee is long overdue.

2. Nuclear power is just beginning to become a commercial source of electricity. The fact that it is economically available only in large unit sizes has major competitive implications.

ENERGY COMPANIES

I believe the recent trend toward acquisition of coal companies by petroleum firms should be a subject of concern in light of the possible adverse impact on interfuel competition. This trend has been accompanied by a greatly expanded participation in uranium production by the petroleum industry. Many of the major oil and gas producers have become energy companies.

Interfuel competition can be an effective force for consumer protection in the energy field. There are two markets in which competition may be affected by the energy company trend. One is the fuel for power plants where coal, oil, natural gas, and nuclear power for new plants may compete. The other is the space heating market at retail coal-fired electricity, oil, and natural gas are or may be competitors.

The coal industry, until this recent merger trend, was a completely independent competitive force. Coal is potentially a source of oil and gas and it is perhaps natural and desirable that petroleum companies should begin to acquire coal reserves for future use. Nevertheless, the speed and scale of dominance of the independent coal industry by their petroleum company competitors raises a question of whether the public interest is being best served.

Future production of oil and gas from coal will involve additional competitive considerations. Oil and gas are major competitors at retail, and the present tight gas supply picture is complicated by the fact that most natural gas is produced by integrated oil companies selling fuel oil in competition with independent natural gas distributors. Competition among gas producers and between oil and gas would be more certain in the future if synthetic gas were produced by an independent coal industry supplying gas to independent gas pipelines and distributors, rather than by one where synthetic production was controlled by oil companies.

Only two of the ten largest coal companies are independently owned any longer. They are listed in Table 1. The remaining eight, which account for 42.9% of industry production, are owned by oil companies, other mineral companies, or other large industrial concerns with other stakes in the energy field. These same eight companies with outside ownership opened over 67% of the new mines in the United States in 1968 as shown on Table 2.

It should be noted that few of the coal companies compete throughout the nation. An electric power plant may be served by only one company or a few coal companies operating within economic distance of its plant. The implications to a utility of its sole or primary coal supplier being owned by a firm competing with it at retail are fairly clear.

Data on company ownership and assets and new mining openings are available; data on ownership of economical coal reserves in various regions of the nation are scanty. There is an abundant supply of coal in the ground,

but increases in demand, combined with petroleum company acquisitions, raise questions as to the extent of large blocks of economical reserves for utility use that remain on the market in the eastern United States.

Oil companies have also been active in uranium exploration since the early 1950's, although by about 1966 only two were significant uranium producers. In the last several years, oil company interest in uranium exploration has increased markedly. During 1968, oil companies drilled 44% of the exploratory and development footage. In 1969 they drilled 37% of the exploratory and development footage. Of the fifteen significant uranium discoveries in 1969, eight were by oil companies.

Oil companies produced 14% of domestic uranium production in 1969 and as of January 1, 1970 controlled 45% of the known uranium reserves.

I have presented some detailed facts on the trend toward mergers between petroleum, coal, and uranium because I believe it is perhaps the most important antitrust issue affecting electric power consumers. I am not suggesting that any particular merger, past, present, or future, is good or bad. I do believe, however, that we are witnessing a major transformation of the industry with far-reaching consequences that deserves intensive scrutiny by all concerned.

TABLE 1.—OWNERSHIP AND OTHER DATA ON 10 LARGEST COAL GROUPS (EXCLUDING STEEL COMPANY CAPTIVE MINES AND COMPANIES PRODUCING PRIMARILY FOR STEEL INDUSTRY)

Coal company	Ownership	Acquisition date	1968 production[1] (thousands of tons)	Percent of industry production
Consolidation Group	Continental Oil Co	September 1966	59,885	12.4
Peabody Group	Kennecott Copper Corp.[2]	March 1968	59,811	12.4
Island Creek Group[3]	Occidental Petroleum Corp	January 1968	32,927	6.8
Pittson Group			19,793	4.1
United Electric Coal Companies and Freeman Coal Mining	General Dynamics	Pre-1952[4]	13,055	2.7
Eastern Associates	Eastern Gas & Fuel Association		12,916	2.7
Westmoreland			11,623	2.4
Old Ben	Standard Oil Co. of Ohio	August 1968	9,923	2.1
Ayshire	American Metal Climax	November 1969	9,254	1.9
Pittsburg & Midway	Gulf Oil Corp	September 1963	9,250	1.9
Total			238,437	49.4

[1] Bituminous and lignite.
[2] Federal Trade Commission is challenging this merger.
[3] Includes Maust Coal and Coke, which was acquired by Occidental in March of 1969.
[4] Main holdings apparently acquired in a merger with Electric Boat in 1952, but percentage ownership increased in 1963 and in 1966 (to 100 percent).

Note: Based on an industry total of 484,000. This total excludes 61,000 of captive production by the steel industry, since captive companies are excluded from the table. However, the production figures for individual companies may include some production for the steel company market.

TABLE 2.—NEW MINE OPENINGS BY LARGE COAL COMPANIES

Coal company	Ownership	Percent of 1968 industry production[1]	Percent of new capacity[2]	Number of new mines
Consolidation	Continental Oil	12.4	6.8	1
Peabody	Kennecott Copper	12.4	29.5	5
Island Creek	Occidental Petroleum.	6.8	12.5	3
Pittson		4.1	0	0
United Electric and Freeman	General Dynamics	2.7	0	0
Eastern	Eastern Gas & Fuel	2.7	5.1	1
Westmoreland		2.4	0.4	1
Old Ben	Standard Oil of Ohio	2.1	0	0
Pittsburgh & Midway	Gulf Oil	1.9	2.3	1
Ayrshire Collieries	American Metal Climax.	1.9	11.3	2
Total		49.4	67.9	[3]14

[1] Same as table 1. Industry total excludes captive steel company production.
[2] Percent of new capacity in coal mines of over 500 tons daily capacity announced, opened, or placed in development during 1968. See table 3. Inclusion of smaller mines would reduce the percentages but probably not significantly.
[3] This is 44 percent of the 32 new mines included in the tabulation.

[From the Nation, Mar. 8, 1971]

SOUTHEAST ASIA: OFFSHORE OIL BOOM

(By Barry Weisberg)

(NOTE.—*Mr. Weisberg, co-director of the Bay Area Institute, San Francisco, has written widely on the political economy of petroleum, and is the editor of* Ecocide in Indochina *(Canfield Press, a department of Harper & Row.)*

SAN FRANCISCO.—On December 1, the Thieu-Ky government issued Public Law No. 011/70 regarding the "Exploration and Exploitation of Petroleum and related taxation, fees and exchange regulations." This law gives the official go-ahead for negotiating offshore leasing arrangements between South Vietnam and twenty-one contending petroleum companies, mostly American. Extensive American petroleum exploration in Indochina and South Vietnam has been conducted for more than two years under the auspices of the United Nations Economic Commission for Asia and the Far East (ECAFE).

The eighteen offshore South Vietnamese concessions are in the Gulf of Thailand and the southeast offshore region adjacent to the penal colony of Con Son. Saigon will offer the concessions on a "best offer basis," allowing great flexibility on the part of the contending petroleum companies. The specified tax rate of 55 per cent can be lowered by official decree to 45 per cent or raised to a maximum 65 per cent, but not retroactively.

In addition to the offshore areas, prospecting has also occurred in the rich Mekong River Delta and on the alluvial plains of Thailand. Potential petroleum deposits have been detected along a continental shelf that connects Japan, Indochina, Indonesia and Australia. With more than 1 million square miles of Southeast jungles and shallow seas, this continental shelf is the largest in the world. Also, it appears to hold the largest deposit of petroleum. A report by *World Oil* of August 15 predicts "a daily average crude production of 400 million barrels by 1975 from this area." That would be 146 billion barrels a year, or nearly three-quarters of the entire production of petroleum in the world to date!

America has a long-standing interest in the natural resources of Southeast Asia. In 1965, Henry Cabot Lodge, then U.S. Ambassador to South Vietnam, stated: "He who holds or has the influence in Vietnam can affect the future of the Philippines and Formosa to the East, Thailand and Burma with their huge rice supplies to the West, and Malaysia and Indonesia with their rubber, oil, tin to the south."

The rise of American economic investment in all of Indochina was made explicit on November 11, 1969 in a statement by the U.S. Ambassador to Thailand before a Congressional hearing: "There is one very large development that may take place. Nobody knows at this point whether it will prove out or not. That is the oil exploration going on in the Gulf of Thailand. . . . Now if that develops, it of course will be a very major additional investment in the country." Since the coup of Gen. Lon Nol and the U.S. invasion of Cambodia, Khmer-Thai economic negotiations have increased substantially. They center on a common plan for petroleum exploration.

It appears that recent military escalations in Cambodia and Laos coincided with the actual determination of petroleum deposits in Indochina. A story sent out by the wire service Agence France-Presse on February 7, 1971 states: "The very recent discovery of important oil deposits in Thailand and South Vietnam explains in great part, according to reliable sources in Moscow, the resurgence of military activities in Indochina, particularly the recent events in Laos. . . . One cannot know precisely when the existence of the deposits became known to the Americans, but according to the same sources, one cannot discard the possibility that decisive information on this subject was obtained before the unrolling of events in Cambodia, last spring." Jacques Decornoy, Southeast Asian editor for *Le Monde*, wondered on January 8, "Have the oil companies perhaps received some solid assurances from Washington concerning the willingness of the United States to 'hold' Indochina, and South Vietnam in particular?"

American petroleum investment in Southeast Asia is already extensive. Standard Oil and Shell have been investing in the region for more than fifty years. At present, offshore oil concessions dot a map of Southeast Asian waters, and by the end of 1971 Indonesian petroleum production is expected to reach 1 million barrels a day, with American interests dominating 80 per cent of production. U.S. investment in Indonesian oil has sprinted from $100 million in 1969 to $130 million in 1970 and is expected to climb to $160 million in 1971. Pertamina (the national Indonesian petroleum company) has negotiated more than twenty-eight produc-

tion and exploration contracts with foreign companies, seventeen of which are American.

More than $100 billion worth of military spending has been poured into South Vietnam in the last twenty years, with another $4 billion going to Saigon in non-military aid. The extensive network of highways, harbors, railroads, airports and communications provides an ample foundation for an oil rush to Southeast Asia. David Rockefeller of the Chase Manhattan Bank estimated last May that American oil firms would spend $35 billion on petroleum in the western Pacific over the next dozen years.

To date there have been five major petroleum finds on the shelf, one by Royal Dutch Shell and four by American companies; Atlantic Richfield (which pioneered the Alaskan North Slope discovery), Cities Service and the Union Oil Company and Natomas of California. Aside from Indonesian waters, there has been a rush to the Gulf of Thailand and Malaysia with continued attention to the coastal waters of South Vietnam.

The Wall Street Journal of September 22, 1970 reported rumors that Standard Oil of New Jersey (Esso) had discovered oil in its 28,000-square-mile concession off the coast of Malaysia, directly adjacent to the South Vietnamese blocks. Esso has made no announcement, realizing that news of the find would greatly boost the South Vietnamese bidding. However, it opened a greatly enlarged petroleum refinery in Singapore on February 19. A U.S. Embassy official in Singapore, base for the burgeoning petroleum operations of Southeast Asia, suggested: "We've had all the feelings of an oil boom here in Singapore already. But with the recent chaos in the Middle East the oil moguls must be frantic now to get more firmly into Southeast Asia."

One cannot grasp the importance of the current oil rush to Southeast Asia without reference to the larger international petroleum picture and the Middle East. The predictions are that within the next ten years the industrial world will consume as much petroleum as was produced in the entire previous history of oil. In the past decade Western Europe has tripled its consumption. France annually increases consumption by 17 per cent and Japan by 13 per cent, while the United States averages about 6 per cent. However, although the United States both produces and consumes more petroleum than any other nation, it is comparatively self-sufficient. The annual production here is now three times that of any Mideast nation. Imports account for 20 per cent of our consumption, but they are largely Canadian and then from Venezuela, with only 3 per cent of the supply coming from the Mideast. By contrast, the six Common Market nations import 63 per cent and Japan 90 per cent—mostly from the Middle East and Africa.

With the closing of the Suez Canal, oil-consuming nations have been paying an additional $1 billion annually for increased tanker costs. In this context, one understands the importance of the recent controversy in Tehran between the ten-member Organization of Petroleum Exporting Countries (OPEC) and the American petroleum companies. As Walter J. Levy suggested in December at the OPEC meeting in Caracas of the new tax and price demands, "It is most foreboding in terms of Western economic and strategic interests. There is the definite potential that producing nations will take unilateral control over the pricing and taxation of all foreign production. If so, the consuming nations are in for a crude awakening." The recent settlement by the six Persian Gulf states, and the settlements with Libya, Algeria, Venezuela and Indonesia yet to be negotiated, may well cost petroleum companies an additional $5 billion a year.

While the United States is not dependent upon Mideast supplies, American companies control 59 per cent of the oil in the Mideast, which is sold to the oil-hungry nations of Western Europe and to Japan. The American balance of power in the Pacific depends in part upon Japanese reliance on American petroleum supplies. The Japanese have declared their intention that by 1985 at least 30 per cent of oil imports should be brought in by Japanese-owned resources, but American companies own substantial interest in Japanese firms. Recently, negotiations for oil and gas have increased between the Soviet Union and Japan. The Soviet oil and gas discoveries in the Siberian Arctic, convenient to Japan, are no doubt an important spur to American exploration and development in Southeast Asia. Soviet supplies will more than likely dwarf Alaskan finds and, given current North Slope delays, might easily compete for the Japanese petroleum market.

Ecologically, Southeast Asian crude is important because of its extremely low sulfur content—less than two-thirds of 1 per cent. The Administration is contemplating a tax on the sulfur content of fuel, and there is thus reason for the industry to call low-sulfur fuels "sweet."

These events will no doubt shape the destiny of the entire Pacific Basin. Petroleum today represents 70 per cent of all U.S investments in Third World nations. This explains a statement by *The Washington Post* on October 4, 1969: "What happens in the board rooms of Standard Oil or Gulf may be of more interest and more permanent consequence to a country . . . than what happens on the seventh floor of the State Department."

Recently, anti-war groups in the United States have voiced concern in this area, though the American media have been silent. The Senate Foreign Relations Committee has been receiving several hundred letters a day from citizens who have asked that hearings be held on the relationship between petroleum and the continued American presence in Indochina. Such hearings might ask: Does petroleum wag the tail of the U.S. military in Indochina? Is petroleum the reason we continue to support the highly unpopular Thieu-Ky regime? Does it explain the invasion of Cambodia and Laos? Are people dying in Indochina for noble ideas or the crude profits of oil?

[From the New Republic, Mar. 13, 1971]

OILING THE ESCALATOR

(By Gabriel Kolko)

One of the most remarkable aspects of the U.S.'s decade-old intervention in Indochina is that it never developed an important, specific economic constituency that could only lose from total American withdrawal. On the contrary, the monumental impact of the war on inflation at home and the U.S.'s world monetary position made the war increasingly a danger to a profitable, cohesive social order. Aerospace contracts and dividends fell, and even napalm producers had no special interest in their deadly merchandise being employed in Indochina as opposed to some other hapless nation. Raw materials, a factor to which the Eisenhower Administration paid some (but by no means exclusive) attention when it decided to support the French, were predominantly in the neighboring states rather than Indochina itself. If the domino theory required saving every link in the chain for fear of losing it all, there was always reasonable doubt whether that dubious analogy adequately explained the nature of agrarian revolutions and Southeast Asia's inexorable fate. By 1968 the economic, military, and social costs of defending that doctrine appeared far too high not just to tens of millions of Americans but to a growing number of major business and financial leaders who endorsed the principle of U.S. withdrawal in one fashion or another.

The absence of some immense economic incentive to attain victory and a politically significant economic force to sustain it meant that Nixon's consistent strategy of protracted air and artillery war in Indochina could not in the long-run win political time at home during which to attempt to gain the ever-elusive military dominance in Indochina. This fact was a source of optimism, for never before has the U.S. been ruled without the consent of the electorate or the leaders of the key centers of industrial and financial power. Today, however, this sanguine future estimate is profoundly in doubt. For there is now emerging the possibility of a new economic bloc that could dangerously shift a vital portion of a hitherto neutral or hostile sector of big business and banking back into the strongly pro-war camp.

Indochina's main blessing, ironically, was that while it was known to be rich in agricultural commodities, until 1968 too little was known about its other resources to make it appear worth the costs to profit-oriented businessmen. For some years, however, American oil firms regarded Vietnam's offshore oil potential as promising. Only at the end of 1968, under the nominal auspices of the UN's Economic Commission for Asia and the Far East (ECAFE), what proved to be "highly successful" oil explorations began off Vietnam's southwest coast. By the following spring, still sponsored by ECAFE but with US funds, the oil search then led to a 4000 mile seismic survey of the eastern and southern Vietnamese coast and the data were sold to an unidentified group of predominantly American firms.

This fruitful beginning took place as an oil bonanza atmosphere was building up throughout the East Asia offshore region, and as the US Navy's experts announced that the vast shallow areas running from Korea to Thailand might contain "potentially one of the most prolific oil reserves in the world." The oil was especially precious because it has a very low sulfur content, making it far less of a pollutant. By November 1969, when Leonard Unger, Ambassador to Thailand, testified to the Senate Committee on Foreign Relations, he casually mentioned "one very, very large development that may take place" in Thailand: six oil firms, five of them American, were busy exploring offshore with "pretty good hope of finding something."

Amidst growing industry predictions of a "bluechip boom" for oil everywhere in Southeast Asia, "creating an atmosphere reminiscent of the Alaska-Yukon gold rush," to quote *Fortune*'s survey of the topic in March 1970, undiscussed incentives for military-political victory in Indochina were growing. The following month, David Rockefeller, chairman of Chase Manhattan Bank, estimated that the predominantly American international oil firms would spend $35 billion in Asia and the Western Pacific, mainly Southeast Asia, over the next 12 years. Meanwhile, further US explorations off Vietnam continued and estimates of immense future output in the region became more and more common. As the editor of *Petroleum Engineer* summed it up last June, "The projected work pace for all of Asian Pacific could turn out to be woefully conservative, depending on how long it takes to settle the war against the communists in Vietnam. If and when the US wins its objectives there, oil exploration conceivably could be successful enough to turn that part of the world into another South Louisiana-Texas-type producing area. This would be one of the biggest booms in the industry's history. It all depends on the Vietnam war, how long it takes to get the job done and how well the job is done."

The discovery of oil near Vietnam comes at a time when non-Far East producers are in the process of extracting higher royalties, the US has narrowly averted a fuel shortage, and the pollution crisis has led the Administration to consider taxing the sulfur content

of oil. Today the US imports over one-fifth of its oil supply, but by 1985, reliable industry sources claim, imports could reach one-half the national consumption. "We are a great country largely because of our supply and use of energy," George A. Lincoln, chairman of Nixon's Oil Policy Committee stated earlier this year; "Without control of that energy supply, we could become a Samson shorn of his locks." Never has the incentive for the US to control a politically reliable, major petroleum region been greater. If Southeast Asia is to play that role, then the implications for the outcome of the war are monumental.

At the same time, Saigon has been locked in an insoluble economic crisis which has grown consistently worse since 1968. Inflation and speculation, which last fall's piastre devaluation only momentarily slowed, has continuously undermined the regime's authority and following in the urban areas, threatening to duplicate the Chinese experience of 1946–49 when Chiang possessed nominal physical control while the socio-economic fabric of society unravelled around him. The artificially stimulated and highly fragile urban sector is today largely dependent on a high rate of US military expenditures.

Nixon has never developed an economic equivalent of "Vietnamization" in the military sphere, a fact Ambassador-at-Large David Kennedy is expected to consider during his visit to Saigon this month. The President's current strategy of indefinitely fighting a protracted air and mechanized war does assume, however, an important reduction of US manpower and costs. Oil investments would partially compensate for this new economic vacuum, and it would gain the Administration what it has hitherto lacked: a politically and economically powerful constituency—the international oil firms—with a tangible vested interest in Indochina puppet regimes and a protracted war to consolidate US hegemony in the region. This constituency, which in this century has been the most important single economic element in influencing the conduct of American foreign policy in the Third World, can operate only where it attains the political prerequisities of economic activity. Since the process of oil development in new areas, from exploration to commercial production, usually takes a decade or longer, in the past US firms have not invested heavily in any region unless Washington has first assured them that their often large investments will ultimately be rewarded. This understanding is almost always explicit, and it is a better measure of the US's long-term intentions than any speech or platitude.

Washington has avoided specifying the exact type of economic order it wishes in Indochina, but the Asian Development Bank's recent report on the future of Southeast Asia in this decade offers some basic themes appealing to the Japanese-American alliance that controls it. Essentially, the Bank stresses the need to develop the raw materials export sectors via foreign investment, to modernize agriculture, and to fit Southeast Asia into into a regionally integrated capitalist economy based preeminently on Japanese and Australian needs. The Bank explicitly recognizes this will require a "Korea solution" to the war, a solution the US would attain by reducing combat and its forces to a residual army of 25,000 or more until at least 1971. Such an Indochina, of course, completely prejudges the political and economic outcome of the war in favor of the present Saigon regime or something akin to it. So would a massive influx of US capital. It would also reveal, more candidly than its words, that the Administration has no intention of withdrawing from a major role in guiding the future affairs of Indochina and that, on the contrary, it is establishing a permanent presence. That role would require many years of combat and economic and human expenses—only eventually to end in failure.

The Thieu-Ky regime has grasped the significance of these possibilities and in recent months has adroitly attempted to deepen the the American stake in its future as well as solve the potentially fatal economic illnesses it now confronts. During the summer of last year Saigon divided its offshore waters into 18 immense blocks and then rewrote its investment laws to facilitate foreign entry on terms that will tempt even the most cautious investors. Last December 1 it issued a new oil law containing tax rates far lower than prevailing world standards, and it embarked on a public relations campaign to make what was admittedly a very promising situation look like, to quote Saigon sources, "one of the most spectacular oil deposits in the world." Explicitly releasing it in the context of an attack on a coalition-government solution to the war, Saigon has also just published *Doing Business in Vietnam* and is distributing it free in the US. It has successfully fed the speculative fever by announcing that individual firms have been attempting to obtain special rights, and far exceeded even foreign optimists in promising alluring riches. Then, at the end of December Saigon authorities declared they would begin accepting tenders for leases at the end of February, and within a month at least 22 firms—predominantly American—were in Saigon ready to offer bids. As Thieu's men never tire of pointing out, whether American business will reap the harvest depends on a regime ready to cooperate with the US on most generous terms. Such a government precludes both a political settlement to the war and American withdrawal.

Although we cannot know the exact encouragement the Nixon Administration has given the oil firms, save via a congressional inquiry, outside the U.S. there has been growing concern regarding this new and subtle phase of the war. In early January, Jacques Decornoy in *Le Monde* outlined the contours of the development and candidly asked what assurances Washington had given the oil firms. At the same time, the Sihanouk government denounced Phnom Penh's important new concessions to the Thais and U.S. oil firms, and Stockholm's respected *Dagens Nyheter* at the end of January also linked the published economic facts to their obvious political dimensions, speculating that Washington must have urged the oil firms to gamble on Saigon. Then, on February 7, Agence France Presse's Moscow correspondent reported a Soviet official assessment which assigned to the discovery of oil a large role in shaping U.S. policy in Indochina since early 1970. And at the end of the month, the Provisional Revolutionary Government announced that it would not recognize Saigon's oil concession. So far, no major American news outlet has yet deigned to analyze the political significance of oil in Indochina.

Should Congress, the press, and the people eventually consider the implications of massive oil investments to the future of the war, its first effect will be to expose further Nixon's claims to favor U.S. withdrawal, for economic penetration will require what is tantamount to a U.S. colony and a war that can only escalate without hope of an end. No doubt those who oppose the war will press for a ban on U.S. investments that the Administration can only protect at the cost of future massive expenditures of Vietnamese and American blood. And it is likely that oil firms that take leases will find themselves replacing the napalm manufacturers as the object of the antiwar movement's wrath—a fact that will be of more material consequence as young people become angrier and more desperate. If major oil firms decide the war is still worth the gains, and actively back Nixon's undertaking, then the balance of political forces within the U.S. will be very different than in March 1968 when, according to Townsend Hoopes' account, major financial and industrial interests prevailed on President Johnson not to further escalate manpower in Vietnam for fear of aggravating the already sagging health of the economy and society.

We are now on the verge of a development that could transform a war that was initially based less on tangible considerations of economic gain than it was on ideological and strategic assumptions that had only a quite indirect economic component. Should economic spoils replace the desire to maintain a credible military image and contain revolution as the source of American conduct in Indochina, adding a powerful new domestic constituency to Nixon's present fragile, emotional following, the dangers confronting antiwar forces and the peace of Indochina and the world may prove incalculable.

[From the Village Voice, Feb. 25, 1971]

OIL: A HIDDEN FACTOR IN THE INDOCHINA WAR

(By Paul Cowan and David Gelber)

It now seems as if oil might be a hidden factor in the Indochina war—if not in provoking the fighting, at least in prolonging the United States' commitment. We have learned that the major U.S. oil companies plan to bid for concessions off the shore of Vietnam within 60 days, and that the U.S. government has apparently assured them that their investments will be protected.

The American media has so far remained almost mute on the issue of the U.S. offshore oil investments in Southeast Asia, though they extend from Indochina through Indonesia to New Guinea. In trade journals and the Western European press, however, the story has been prominently covered. Until now there has been no corroboration from government or industry sources that the U.S. government has paved the way for investments by providing critical assurances to the oil companies. In wide-ranging interviews last week with generally reluctant spokesmen, we discovered that the Nixon administration has indeed promised the oil industry some combination of political, military, and financial support to protect its high-risk enterprise.

We have seen no documents; there may not be any. We cannot say precisely how the government will protect the oil, though one middle echelon official in a major oil company told us he had heard the project discussed in several of his firm's meetings "and I think the assurances involve continued U.S. military involvement in Vietnam, some way, somehow." But whether the emphasis is on the hard assurance of military support for oil exploitation or, simply, in the form of an insurance policy against the risk of expropriation, the inescapable conclusion is that the U.S. government has become even further committed to an open-ended involvement in Vietnam.

Here is what we have learned:

Since the early 1950s the major U.S. oil companies have suspected that the waters off the coast of Vietnam, and throughout the South China Sea, contain one of the richest deposits of offshore oil in the world. At that time, "we decided to put the area 'in the drawer' until it achieved political stability," an official at a major oil company told us. In the 1960's a series of probes by independent exploration teams, and one by a UN-sponsored crew, converted the possibility of oil into a near certainty, but the oil companies didn't invest until 1970, "when it was peaceful enough to do some work." That assessment was not theirs alone. Sometime last year the oil companies received their assurances from the U.S. government.

Such assurances would be a "critical" prerequisite to any oil company commitment in Vietnam, we were told by a source in the executive branch of the government. They would most likely have come from Henry

Kissinger or William Rogers, he said. (Like many people we contacted he was willing to talk but unwilling to be identified, so we are forced to attribute his comments in journalese.)

The assurances seem to have been conveyed through informal conversations, not through written documents. Indeed, any formal arrangement might have violated the anti-trust act, the oil company official said, "but you can be sure discussions took place." The assurances were political, military, and financial, but since the officials who described them to us were middle-level bureaucrats, who knew the story primarily from the point of view of their own organizations, it is not clear which of the three factors received the greatest emphasis. But that doesn't really matter. The impression we got from our interviews is that most officials connected with the war are now confident of victory, and ready to enter a new long-term commitment to Vietnam.

"To do business offshore you need to be able to drill, to recover oil, and bring it back to a terminal point," said the oil company official, whose firm will almost certainly be one of the leading investors in the Vietnamese fields. He told us the assurances were military. "You can't be worried about enemy attack when you've made the kind of huge financial investment this kind of work requires."

If there is as much oil in the water as preliminary seismic probes suggest, he said, then each major company will invest several billion dollars in the exploitation. "Off the record speaking for myself," he said, "I think a top secret commitment was made in Washington that involves continued American military presence in Vietnam until the oil is drilled." He was obviously disturbed about the development.

But strictly military assurances are impossible to enforce according to Craig Wilton of the Chemical, Petroleum, and Rubber Division of the Commerce Department. "How can you stop an enemy from putting a 10-pound charge of dynamite on a pipeline and blowing the thing to bits?" Wilton's main concern was for political guarantees. He listed countries in which revolutions or coups d'etat had caused violations of contracts signed with the United States—countries like Libya, Bolivia, and Peru. He suggested that to protect themselves in Vietnam the oil companies had insisted upon, and received, assurances that the Thieu-Ky regime, or a government with a similar attitude towards the United States, would remain in power for the time the oil companies needed to complete their work in the off shore fields. He made Vietnam's future sound something like Panama's present.

Richard Palmer, a spokesman for the government-sponsored Overseas Private Investment Corporation, told us last Friday that preliminary discussions have already taken place between OPIC officials and the oil companies planning to bid on the South Vietnam fields. OPIC is empowered to provide "specific risk insurance" against the possibility of expropriation or physical damage inflicted by a hostile force. "At the present time," he said, "we have no prejudice one way or the other on the question of insuring oil investments in South Vietnam." Just last week Palmer sounded more negative, telling Steve Bookchester of WBAI that OPIC "would not now" insure the oil investment.

A leading international banker, familiar with Southeast Asia, told us, "If the insurance is available I would advise the oil compaines to make the investment."

The bidding for concessions in Vietnam's waters is supposed to begin within 60 days. Originally, the bids were to have been submitted this month, according to Wilton. They were delayed only because two of the most deeply committed companies, Gulf and Mobile, wanted the South Vietnamese government to clarify the legislation that will cover the offshore tracts.

Some people we interviewed about the Vietnamese oil say the deposit there is relatively unimportant because it's probably smaller than the one in Indonesia (U.S. companies began to prospect shortly after Sukarno was overthrown). But oil industry trade journals, which are buoyant with the news of Southeast Asia's offshore deposits, blur that distinction. They describe a "lake of oil" which stretches from Indochina through Indonesia to New Guinea. One U.S. geologist predicts that by 1975 the area will be ready to produce 400 million barrels daily, more than is now produced in the entire Western world. A United Nations team reported that the Southeast Asian deposits might be many times greater than those in the Middle East.

U.S. diplomats and investors share the optimism. In November 1969, the U.S. Ambassador to Thailand Leonard Unger, informed the Senate Foreign Relations Committee that "there is one very, very large development that may take place (in Thailand). . . . That is oil exploration." In April 1970 David Rockefeller predicted to an Asian financial forum, sponsored by the Chase Manhattan Bank and held in Singapore, that oil companies would invest $35 billion in Asia and the Western Pacific over the next 12 years, most of it in Southeast Asia.

It is clear that the turbulence in the Middle East, particularly the 1969 nationalization of the Libyan oil fields, has induced the major oil companies to concentrate on the offshore fields of Southeast Asia. Last week's agreement of the Organization of Petroleum Exporting Countries (OPEC), which guaranteed poor countries an unprecedentedly large share of the oil industry's profit, provided an additional impetus to invest in Asian countries, which offer some of the most generous rates in the world. And the fact that Southeast Asia's offshore oil is ecologically sound, with a low sulfur content, makes it extremely attractive. That is especially true because of its proximity to Japan, the world's fastest-growing economy and its most polluted nation, which is now almost totally reliant on the high-sulfur Middle Eastern oil.

But such specific speculations, like the debate over which Asian country contains the largest oil deposits, tend to fog the most important political conclusion that the developing boom provokes. It is that if the area is indeed rich with oil, then the domino theory makes sense economically if not politically. The major oil companies need friendly governments in the area in order to protect their enormous investments. (And the problems the oil companies have had in Africa, the Middle East, and Latin America may mean that their definition of friendly governments in Asia is stricter than ever.) Certainly they must feel that a hostile force in one country means a threat of sabotage throughout the region.

If the major oil companies have suspected the existence of rich deposits off Southeast Asia's waters since the early 1950s, and kept the region "in the drawer" until the past few years, then it stands to reason that they must have tried, during the past decade, to lobby for a U.S. foreign policy that would guarantee them stability. That suggests that oil may have always been a factor, in the United States' Southeast Asia policy, though probably not the primary factor. For these powerful companies make voracious demands on the world, as this paragraph from a statement from Gulf Oil suggests:

"During the next 10 years the oil company is going to have to invest more than $200 billion to provide for the growing demand for petroleum. . . . Free world demand is expected to increase by some 25 million barrels per day. That means . . . the industry will have to discover about 40 billion barrels of new oil reserves each year, build the equivalent of another 900 of the 100,000-ton tankers, and construct 250 new refineries, each with an average capacity of 100,000 barrels per day. Since it is estimated that exploration in the U.S. will provide only a small fraction of these requirements, the majority of these oil reserves must be found elsewhere."

Both of us doubt that the United States is anywhere near as sure of winning the war as our sources in the oil industry and the government seem to believe. One oil man we spoke to, whose firm is not yet involved in the Vietnam bidding, stated that reservation with bewildered force. Because of the risk involved, he said, the investment "is the damn stupidest thing the oil industry has ever done. If Nixon is serious about troop withdrawal, then the Viet Cong will sabotage pipeline after pipeline. If he's not, then the public will have the image of U.S. soldiers guarding American oil fields, and that will be disastrous for our public relations."

What is the role of the Vietnamese government in the prospective boom? Some of the people we spoke to, whose companies and publications had only glanced at the situation, suggested that the initiative for the bids must have come from them. They may have put the concessions on the market now, hoping to force the companies to speculate. Certainly they have everything to gain from the sale of oil rights. It could pour more money into the country's sickly economy and win a stubborn hawkish stance from a major U.S. industry. There is certainly a corrupt Vietnamese oligarchy, already rich from U.S. aid, who now must plan to share oil profits with U.S. businessmen and U.S. government officials. Indeed, the Southeast Asia oil boom could be the new Teapot Dome scandal.

Crucial questions need to be answered. Nixon has everything to gain by encouraging the nation's most powerful industry to increase its interest in the Indochina war. Precisely what has he promised them? Alternately, to what extent has the oil industry prodded a heightened U.S. commitment to the governments of Southeast Asia?

Except for minor notices, usually relegated to the business page, the mass media has generally ignored this story. A tv network which did take note of the Vietnamese oil situation conveyed the impression that the oil companies in Vietnam are engaged in an international goodwill enterprise. In fact, oil companies in the Third World invariably created air-conditioned hotels, gaudy restaurants, and spectacular wealth for the native oligarchy—the overlay of false wealth which cloaks retarded social and economic development. And now Saigon, bulging with three million displaced farmers, victims of American military technology, is slated for salvation by the business wing of the American technological elite: the men who created Singapore, Beirut, Caracas, and, one might add, Dallas.

It is, of course, not just the future of Saigon that's at stake. Oil takes years to extract; we must consider the possibility that the Indochina war will last a decade more at least. In preparing this article our information has been fragmented, our sources limited and, for the most part, middle echelon. The issue demands an intensive investigation by Congress as well as by the mass media, with its world-wide resources. If major American companies are preparing to make huge investments in Vietnamese oil, we must know who's behind that development, why, and for how long.

[From Business Week, Mar. 6, 1971]

THE POLITICS BEHIND THE NEW OIL HUNT

One message emerges loud and clear from the din over the recent sharp increases in the crude oil price set by countries throughout the Middle East and North Africa: The international oil companies must expand their

search for new reserves—and do it fast—if they are to deal more strongly with producing nations in the future.

In a sense, the search is more political than geological. There is little chance of discovering enough new oil to replace the huge Middle East pool—about two-thirds of free-world reserves. But companies must make the effort, no matter how costly, in order to redress the overwhelming bargaining strength of the Persian Gulf and North African producers, who are demanding an ever larger share of revenues from their oil.

The North Africans, in addition, are exerting still another kind of pressure. Algeria is in the midst of nationalizing the assets of French companies after earlier seizing those of U.S. and other foreign concerns.

In neighboring Libya, the companies are negotiating higher prices that also will raise oil export rates at other points in the Mediterranean. If the companies fail to meet its demands, Libya may follow Algeria's lead and nationalize its oil industry.

POLITICS

Exploration, however, presents its own dangers. Nearly everywhere they turn, the oil companies will run up against new political and economic problems. Peace groups claim that oil company activities in Southeast Asia are one big reason that the U.S. government doggedly continues the Indochina war. Peace groups have charged that the Administration recently made secret assurances to the oil companies that their Asian investments would be protected. So the cost of future exploration will undoubtedly be high, whatever the measure—financial, logistical, or political.

Even after they have made huge outlays for new discoveries, moreover, the companies will have no guarantee that they can get their crude to market. Seven U.S. and British oil companies, for instance, have poured about $1.5-billion into developing Alaska's vast North Slope fields since 1968. But they have yet to sell commercial quantities of oil because of battles over the potential damage to the Alaskan wilderness from a pipeline.

The high cost of drilling for oil in the Arctic and offshore is even upsetting the oil industry's longtime practice of relying on internally generated money to finance exploration. Recently, the biggest, most conservative oil giants have joined the corporate swingers in devising ways to raise cash. For example, Standard Oil Co. (N.J.) recently placed $100-million worth of notes and debentures in Europe. Part of the proceeds, the company admits, will go to stepping up exploration.

A payoff. Regardless of cost and obstacles of the big oil hunt, oilmen are convinced that it will pay off. "No geologist is predicting another Persian Gulf," says Michael B. Morris, vice-president for Eastern Hemisphere petroleum exploration at Continental Oil Co. "But the search is so intense that we are going to find numerous sources smaller than that around the world."

One area getting much attention is the North Sea. The reasons are simple. First, the so-called Shetland Basin lying beneath part of the North Sea has a geologic structure similar to areas that have yielded most of the world's oil production. Second, Europe is almost totally dependent on precarious oil supplies from the Middle East and Africa. Therefore, any commercial crude production from next door in the North Sea is going to have assured, profitable outlets.

"You are close to your markets," says Conoco's Morris. "And just as important, the politics are stable."

After five years of exploration and pouring in about $1-billion, the oil companies are finding oil as well as natural gas in the North Sea. Last summer, a group led by Phillips Petroleum Co. struck the sea's first big oil field 185-mi. southwest of Norway. Dubbed the Ekofisk field, that find later was extended with another field. Phillips now figures that it can produce 300,000 bbl. of oil a day from its Norwegian fields—equal to about 8% of Britain's daily oil consumption.

Like Alaska's North Slope, however, there will be problems in getting the oil out. Norway wants to have the oil moved to its ports first before it is trans-shipped elsewhere. But building a pipeline from the Ekofisk wells to Norway would be nearly impossible because of a deep underwater valley running along the Norwegian coast.

Instead of the line to Norway, the Phillips group proposes to begin tanker loadings at sea, and move the crude directly to major European markets. When the Phillips group brings Ekofisk into full production, it would then build a pipeline either to Britain or the Netherlands.

Arabesque. While the argument over where to land the oil goes on, Norway is beginning to put up some financial obstacles, too. In fact, some oilmen are saying—only half in jest—that the Norwegians are acting like Arabs in handling oil matters. "We cannot reduce ourselves to the passive role of mere royalty collectors," declares Thorvild Aaakvaag, director of the oil division of Norsk Hydro, the big Norwegian industrial combine, and a Phillips partner in the Ekofisk fields.

In the matter of collecting royalties, Norway certainly is showing stripes worthy of a Middle Eastern oil skeikhdom. When it first granted exploration rights in 1965, Norway pegged its share of the take at 56% of the next net profits from future commercial production. In 1969, the take was raised to 62%. And now that commercial output is close, the government is talking in terms of 70% to 80% of net profits in new concession contracts.

South of Ekofisk, though, Norway is beginning to get some competition in the North Sea oil sweepstakes. Last fall, a group led by Tenneco discovered commercial quantities of oil off the Netherlands coast, and shortly afterward a British Petroleum consortium opened a new field in British waters.

The whole North Sea area is expected to produce about 1-million bbl. of oil daily within a few years.

In Africa. Elsewhere, the potential for new oil discoveries is getting better, too. Since the end of its civil war, Nigeria has come back into the spotlight with a string of new discoveries, mostly offshore. That African nation has raised its production to 1.3-million bbl. daily, and the rate is expected to soar to 5-million bbl. daily by the late 1970s. Companies such as Continental and Gulf Oil Corp. are fanning out into the interior and along the West Coast from the Spanish Sahara to the Congo.

But of all the hot oil search regions in the Eastern Hemisphere, the island chain of Indonesia and surrounding ocean is perhaps the most tantalizing of all. "The South China Sea is going to be one of the biggest oil production areas in the world in the next few years," predicts Conco's Morris.

Already, the Indonesian archipelago is producing around 900,000 bbl. of oil daily, by far the biggest output in Southeast Asia. Recent strikes there could boost the output to about 2-million bbl. daily in two or three years.

To get in on the fast action, a raft of both large and small companies have signed drilling contracts. Caltex Pacific Indonesia, a 50-50 partnership of Texaco, Inc., and Standard Oil Co. of California, got in early and is the leading producer with 718,170 bbl. daily.

Like several other companies, Caltex faced some rocky moments under the late dictator, Achmed Sukarno. "We have had plenty of experience riding through rough times," says Laurie W. Folmar, senior vice-president of Texaco.

A bloody revolution in 1965 led by General Suharto deposed Sukarno, and Indonesia is now more stable. Though it is a member of the Organization of Petroleum Exporting Countries, Indonesia generally has been easier to deal with in recent years than other members of the group. "The Indonesians drive a tough bargain, but once they have made a deal, they stick with it," says one admiring U.S. oilman.

Offshore Vietnam. Stepping out from Indonesia, oil companies have launched a wide-scale geologic search for other oil-bearing formations in neighboring land and sea areas. After positive results from seismic work, 10 U.S. companies recently signed exploration agreements to look for oil in the South China Sea off South Vietnam.

The testing off South Vietnam is what recently got the oil companies into hot water with the peace movement. One West Coast group, called Another Mother for Peace, is asking for an investigation of possible Administration guarantees of oil company investments in Southeast Asia.

The companies who will comment on allegations that the war is being fought partly in their behalf dismiss them out of hand. "There is no production at all near Vietnam," says one oil company executive. "If the government wanted to protect U.S. oil interests, it would go to war in the Middle East. But it's not about to do that."

IN THE WEST

While the Eastern Hemisphere is drawing most of the new exploration play, North and South America are getting plenty of attention as well. Venezuela, South America's dominant oil producer and lately one of the most militant countries in demanding higher prices, is beginning to get some competition to the south.

Texaco, for one, has made some major oil strikes in Ecuador and is now building a pipeline over the Andes to transport the new oil to the Pacific Coast. And in neighboring Colombia, the company has opened a string of new fields that are producing around 80,000 bbl. per day.

The real excitement, though, is far to the north in the Arctic reaches of Alaska and Canada. Companies already have tapped a pool of oil believed to contain 12-billion bbl. to 15-billion bbl. And while they are still stymied in bringing oil out of the North Slope, companies are drilling for more. Late in February, for example, Atlantic Richfield reported that it has discovered another North Slope field.

The Canadian Arctic is now catching the fallout from exploration fever generated by the big North Slope finds. Oil companies drilled about 70 exploratory wells last year north of Canada's 60th parallel in efforts to tap reserves estimated at up to 60-billion bbl.

But so far, there has been more trouble than discovery. Last year, Panarctic Oils, Ltd., hit two gas fields, one on Melville Island and another on King Christian Island. Both discovery wells blew out of control and burned for weeks, costing several million dollars to put out and pushing back Panarctic's drilling program.

But fires and the perils of operating in foreign countries have been par for the course in the oil business for many years. And oilmen cannot afford to slow their quest for new reserves as demand for oil soars to new highs around the world. As Texaco's Folmar puts it: "We operate on the basis of riding out every storm. If you set your mind to working out reasonable arrangements, you can make a go of operating nearly anywhere."

Clearly, patience will be the name of the oil game from here on out. The companies will need both new and old sources merely to keep up with long-term increases in demand. And even if they make new discoveries elsewhere, they will still have to rely on the Middle East for almost half their crude supply well into the 1980s.

[From the Oil and Gas Journal, Jan. 25, 1971]

LINCOLN PLEADS FOR U.S. ENERGY PLAN

The U.S. must maintain control of its energy supply, declares Gen. George A. Lincoln, chairman of the President's Oil Policy Committee.

Lincoln, who is also director of the Office of Emergency Preparedness, made this statement amid mounting concern over the security of overseas imports (see p. 82).

"We are a great country largely because of our supply and use of energy," Lincoln told an energy conference in Washington. "Without control of that energy supply, we could become a Samson shorn of his locks."

For the short term, because U.S. oil and gas production is approaching capacity, the nation is going to have to rely more on foreign petroleum. But farther down the road, in Lincoln's view, we should stress development of the huge domestic reserves of coal as a matter of national policy.

The OPC chairman reflected something of the agony the Nixon Cabinet's energy committee is going through in its policy review. It hopes by spring to come up with recommendations to deal with the tight energy-supply situation for the next 5 years.

The crux of that policy debate is how to stimulate domestic development and how to provide back-up supplies as a hedge against unavoidable foreign dependence.

Import lessons. Lincoln called on the nation to heed the lessons from the threatened fuel shortage of last fall which now appears to have been avoided.

Increased domestic production of crude oil and residual fuel made up import deficits due to the world tanker shortage and supply disruptions.

Only 3% of world oil supply was disrupted, through curtailed production in Libya and shutdown of the Trans-Arabian Pipe Line. "The impact of this small disruption, however, is cause for sobering thought about over-dependence on sources which are questionably secure," the OPC chairman declared.

After citing the neglect of coal development and the increasing difficulty of expanding oil and gas reserves in the U.S., Lincoln added: "Obviously, we should strive toward use of the more secure and more plentiful sources and away from use of those sources in the opposite category—meaning oil."

He criticized the disparity between wellhead prices for oil and gas, expressing support of producer contentions gas is vastly underpriced.

"We are paying at the initial production and import cost some $12 to $15 billion annually for that oil-supplied portion of energy (42% of the total) and some $3 to $4 billion annually for that energy coming from gas (32%)," he observed. "There is an obvious disparity in cost."

Incentives mentioned. We are going to need a lot of oil, Lincoln acknowledged, and called for programs to be coordinated accordingly.

But sheltering U.S. producers from world oil prices and reserving most of the market for them won't do the whole job, he warned.

"The incentives stemming from the oil-import program are not likely to be alone adequate in the future," he said.

Lincoln didn't list any other incentives that might be employed to stimulate domestic development. Industry taxes were increased $700 million/year by the Tax Reform Act of 1969. When the industry raised crude prices 25¢/bbl Nov. 11, the President ordered Louisiana "to restrain" the increases.

Lincoln pointed to the continual conflict between assurance of secure supply on the one hand and reasonable prices on the other as a central problem of energy policy.

"Some of the participants," he remarked, "on each side are never going to see eye to eye, unless through some miracle each becomes willing to concede that the other is at least partly sensible."

Reserve capacity issue. One of the major problems before the President's energy group is how to replace the ready reserve which up to now has been available through surplus productive capacity for oil and gas.

"Another of the more troublesome lessons learned in the last few months," according to Lincoln, "is the need for some excess of fuel production capacity or of fuel reserves standing as a guard against that dependence we allow ourselves."

He noted that we were fortunate over the past few months that enough shut-in capacity existed to permit an increase in domestic production of 700,000 b/d.

"But in planning for the future," he cautioned, "we need to take serious account of this need for reserve capacity, particularly if we increase our foreign dependency."

The President's committee is considering at least three options.

One in development of Naval Petroleum Reserve No. 4 on the North Slope of Alaska near Prudhoe Bay field NPR 4 is considered to hold a reserves potential in the billion-barrel class.

A second approach is creating a reserve productive capacity by allowing producers on federal offshore leases to import oil from overseas while cutting back production on those leases. The objective of this idea is to "conserve" U.S. reserves and capacity while using foreign oil when it is available.

A third approach is construction of massive storage in the U.S., and filling it with foreign oil, as a strategic reserve to tap when imports are curtailed. This scheme was discussed in great detail in the Cabinet Task Force Report given the President a year ago.

Energy policy urged. Several spokesmen at the energy conference called at least for more coordination of energy programs if not a national energy policy to deal with future problems.

The situation doesn't lend itself to management by any kind of energy czar, Lincoln asserted. But he did say the situation requires improvement in analysis, direction, and coordination. Oil imports, for instance, cannot be viewed apart from the total energy problem, he said, making a point often made by spokesmen before him.

Coal interests advocated a national energy policy, stressing "most advantageous use of domestic fuels, both fossil and nuclear."

John N. Nassikas, chairman of the Federal Power Commission, warned the nation faces a growing gap between energy demand and supply, unless action is taken to encourage supply development.

He said the FPC staff has computed that gas producers may require $34 billion for drilling gas wells over the next 10 years. In addition he listed a need for $18 million for lease acquisition, geological and geophysical expenses, and lease rentals.

The exploration and drilling requirements, plus needed outlays for transmission and distribution, indicates a gas-industry investment for the decade of $85 billion, Nassikas said. Allowing for 3%/yr inflation, he projected a 10-year requirement of $100 billion.

Charles F. Jones, vice chairman of Humble Oil & Refining Co., predicted imports will make up 50% of U.S. oil supply in 1985 under a simple continuation of current policies. Foreign-dependence today is about 23%.

Of the 13 million b/d of imports the Humble official projected for 1985, 10 million b/d must come from the Eastern Hemisphere, he said.

"If we exclude the United States, 91% of the free world oil reserves are concentrated in the Middle East and North Africa," Jones pointed out.

BALTIMORE CITY AWARDED 1970 CLEANEST ACHIEVEMENT AWARD

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

Mr. MITCHELL. Mr. Speaker, in a time when our urban centers are in a crisis stage and when pollution of our environment makes for even greater urban deterioration, it is particularly noteworthy when a man and a city are rewarded for their efforts to solve the overwhelming problems of urban pollution. Such a man is the Honorable Thomas D'Alesandro III, mayor of Baltimore City. On February 23, at the 1971 Clean-Up Congress held at the Statler Hilton Hotel in Washington, D.C., Mrs. Richard Nixon presented to Mayor D'Alesandro, the National Cleanest Town Achievement Award. It was granted to Baltimore, Md., for its outstanding community programs in cities of over 250,000 population.

Mayor D'Alesandro spearheaded a citywide clean-up effort combining the forces of public agencies, more than 500 neighborhood groups, local newspapers, and young people. Imaginative solutions to problems were developed with the Baltimore community. The Afro-American newspaper offered awards to entire city blocks for outstanding participation in the cleanup campaign. A "Litter-Letter" was distributed to over 500 community groups telling them whom to call for what services. Five thousand abandoned cars were disposed of by the city. Awards were distributed at the Baltimore City Fair to deserving individuals and groups. These are only a few of the dedicated efforts to give new life to Baltimore.

This is an auspicious sign for the health of our city, and one for which Mayor D'Alesandro, his staff, and all of Baltimore City can well be proud.

REVENUE SHARING—THE PROBLEM OF REVENUE SHARING

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, it is very seldom that I take the well of the House on a special order, but I deem that what I have to say today will be of interest to all the Members of the House, because I am going to speak on the problem of revenue sharing.

We hear a great deal in the press these days about revenue sharing. We had a message which came up today, for instance, which advocated some more revenue sharing. I am going to make an analysis of this whole thing today, and I will welcome some criticism of some of the things I may say, or even approval of some of the things I may say. I have done a careful job of analysis on this revenue-sharing subject matter, and I believe it is time that the people of this country understand a little more about revenue sharing than they now understand.

President Nixon's revenue-sharing proposals will be considered by the House Committee on Ways and Means and by other committees, and will receive extensive hearings. These proposals will be the subject of the greatest lobbying effort in modern times. The basis for this lobbying effort is understandable, for it is based upon: One, the Nixon administration's political strategy for the 1972 campaign; and, two, local government cupidity; that is, the erroneous belief that they can obtain something for nothing at the local level.

President Johnson's last budget, which expired on June 30, 1969, provided an actual surplus of $3,236,000,000. President Nixon's first acts, after taking office in 1969, were to dismantle economic policies which had resulted in a 5½-percent average annual growth in productivity for 8 years. He instituted in their place policies which have resulted in the highest unemployment in 20 years, a business recession, no economic growth and inflationary interest rates. Obviously, these policies have adversely affected city, county, and State governments.

Unemployed people cannot pay taxes on money which they do not earn or products they do not manufacture. Businessmen cannot pay taxes on bankruptcies or unearned profits. High interest rates drained the economy of in excess of $40 billion each year. The revenue income of all levels of Government had to decrease as a result.

Adding to the above problems was the requirement that spending for Government expenses had to increase, due to inflation—rising prices, and costs of goods and money.

Two million more people were out of work than in 1968, increasing the costs of social programs of all kinds.

As a result, State and local governments which were spending at a rate of $100.7 billion each year in 1968 were spending at a rate of $124.8 billion at the end of 1970, an increase of $24.1 billion each year. This is the largest increase in history.

Federal spending, however, remained constant during the same period.

The gross effect of the misguided economic policies outlined above placed State and local governments in a deficit financial position in spite of increased Federal grants-in-aid of $6 billion over a 2-year period. The reduced number of taxpayers were required to pay a greater share of the tax load.

President Nixon, upon viewing the results of the 1970 elections, and looking forward to the 1972 presidential election year, now proposes to rehabilitate his party in the eyes of the public through his revenue-sharing proposals, even though it means a complete reversal of the economic philosophy he has maintained in the campaigns of 1952, 1956, 1960, and 1968.

There is another reversal. He has dropped the slick Madison Avenue approach, and adopted the approach of the patent medicine salesman. He offers taxpayers the false hope of tax relief and the county supervisors, mayors, and State legislators, the hope of immunity from the politically difficult job of raising taxes to meet rising local costs. At the same time he turns the burden of taxing the same local people over to the Congress in order to obtain the so-called new grants of $5 billion. He offers the Governors of the different States free funds to embark on politically popular projects and to dispense favors through the use of federally collected tax money. Unpopular tax recommendations will no longer be required and any deficiency in available funds can be blamed on the Congress.

If just this side of the picture is presented, as it now is, there is no wonder that 77 percent of those recently polled were in favor of revenue sharing.

The revenue-sharing concept is not new. The Federal Government has been sharing federally collected tax revenues with the States, cities, counties and individuals for the past 40 years. Billions of dollars of federally collected taxes are shared every year by means of Federal programs, such as: social security, health and assistance, $50.5 billion in round numbers; veterans' benefits, $5.8 billion; unemployment compensation, $5.6 billion; Federal retirement programs, $8.4 billion; nutrition programs, school lunches, food stamps, and so forth, $2.7 billion; housing assistance, $812 million; and miscellaneous programs, for a total of $74,171 million. These figures were taken from the President's budget and from the economic report.

As an example, the people of my congressional district, the 19th Congressional District of California, received $4,695,800 in social security benefits in 1970. The people of Los Angeles County received $1.1 billion in social security benefits which were paid to 772,000 people.

In addition to the $74 billion of federally collected taxes shared with persons, federally collected revenues estimated at $30,296,700,000 will be shared with State and local governments during the fiscal year 1971 through direct Federal formula grants, for such diverse purposes as public assistance, old-age assistance, blind assistance, assistance to dependent children, and so forth. This revenue is shared to the tune of about $9.5 billion for public assistance; for education, $5.5 billion; for transportation, $5.3 billion; for health services, $4.3 billion; for housing and community development, $3 billion. Then there is a whole string of them that runs into the $400 million or $500 million or $600 million range. These grants, which increased from $2 billion in 1950, to $30 billion in 1971—listen to this—now provide more than 20 percent of total State and local revenues. In California in the fiscal year 1969 these revenues amounted to 27 percent of the total State revenues; $2 billion out of a total of State and Federal revenues of $7.5 billion. In the fiscal year which ended on June 30, 1970, Federal revenues accounted for 30 percent of California's total revenues; $2,498 million out of a total of State and Federal revenues of $8,237 million. For instance, the University of California received $469,162,000 in Federal money in fiscal year 1970.

This was nearly 47 percent of the university's operating expenditures of $1 million.

Under Federal revenue laws, States and local entities are permitted to issue income-tax-free bonds, this "loophole" in Federal revenue laws reduced the Federal revenue income potential by $3 billion in 1970. This amounts to a Federal subsidy to local taxing bodies and gives them an advantage over Federal bonds, whose interest income is taxable.

Another important revenue-sharing area is the system of Federal grants to the States for public works projects. This will amount to $6,653,000,000 in 1971, for water resources, sewage disposal, and many other items.

Grants were made to colleges and universities, for research and development, in the estimated amount of $1,653,000,000 in fiscal year 1971.

Numerous grants have been made to nongovernment organizations for programs, such as:

Community action programs	$368,400,000
Head Start	360,000,000
Job training	260,700,000
Follow through	69,000,000
Legal services	61,000,000
VISTA	36,200,000
Special impact school aid	36,100,000
Law enforcement education	26,100,000
Migrant programs	23,200,000
Total	1,240,700,000

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

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from California for his presentation with regard to this subject. I think he has given a very excellent statement, and the figures he gives us are, I think, figures that ought to be understood and ought to be included in the present discussion of this matter of revenue sharing.

As I think the gentleman from California is well aware, one of the original and most vocal of the exponents of this revenue sharing is the Governor of my own State of New York. The Governor for some time has been trying to sell the idea not only in New York State but also very frequently, every other day or so, here in Washington, that New York is paying some $21 or $22 billion a year in taxes, but is getting back only 11 cents to the State on the dollars that we pay in.

Mr. HOLIFIELD. I am familiar with that argument, and, of course, it is fallacious.

Mr. STRATTON. It is completely fallacious. I had the opportunity to check into the actual figures, and it shows that we get back 51 cents out of every dollar. And this gibes almost exactly with the figure the gentleman from California is presenting.

Not only that, but the Governor has convinced everybody in New York State that this money is free money, and that we down here in Washington are sitting on it, and are apparently reluctant to give it back to the States, and that all we have to do is pass a bill and all this free money will come back.

That is one of the reasons we are de-

luged with letters, as the gentleman has stated, by people saying, "Why, don't you give us the money you have got that belongs to us?" And, of course, what any Congressman can point out is that that money is not free. We shall either have to go $5 billion further into debt to collect it, or else we will have to raise taxes ourselves, and that of course is the purpose of this, because Governor Rockefeller in New York has done a beautiful and a very clever propaganda selling job of making the situation such that if he raises taxes by $1 billion, as he has asked the State legislature to do, we down here in Congress are going to be blamed for an increase in taxes in New York State. And this is a fantastic situation, and I think it is time for us to take the counteroffensive, as the gentleman from California has done.

Mr. HOLIFIELD. I agree with the gentleman, and I thank the gentleman for his contributions.

I might say that the same thing has happened in the State of California. Governor Reagan's tongue is hanging out because he thinks he is going to get a lot of these so-called free funds. But what it really amounts to is that they are asking the gentleman from New York (Mr. STRATTON) and the gentleman in the well (Mr. HOLIFIELD) and some of the other gentlemen here, to put additional taxes on the local people, collect it, and then send it to them on a silver platter to spend for anything they want, just so they can get us to do their dirty work of taxing the people, and then Lady Bountiful, or Gentleman Bountiful, will give the free money to the local politicians to spend on anything they decide is good for the people.

Mr. STRATTON. If the gentleman will yield for one further observation, I might say that I have already introduced legislation which would permit the States and local communities to levy a kind of a piggyback tax on the Federal tax structure. We collect it, levy it on their own citizens, we will collect it, turn it back to them at no expense, but in that circumstance they will have to take responsibility for that increased revenue.

Mr. HOLIFIELD. I do not think that will be as politically popular as the pie in the sky that has a "free" tag on it.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BURTON. Mr. Speaker, I would like to commend the distinguished dean of our delegation, the gentleman from California (Mr. HOLIFIELD) for his most incisive and thoughtful presentation today.

As our distinguished colleague knows, he and I have discussed on a number of occasions perhaps a much more desirable route to take in terms of achieving substantially the same effect as revenue sharing by having the Federal Government assume the full responsibility of what I believe to be a national responsibility of a local problem, to wit, the responsibility to meet the welfare payment situation.

I would like to repeat again, I think the House of Representatives should be greatly indebted to our distinguished colleague for his most able and effective presentation.

Mr. HOLIFIELD. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I, too, want to commend my colleague from California for taking the leadership in what I think is a very worthwhile endeavor, showing what a phony proposition revenue sharing is.

Now the other gentleman from California has just pointed out that probably the States would be better off if the Federal Government took over the welfare burden. I think the Governor of my own State has indicated that Maryland would probably be just as well off, if not better off, if the Federal Government did take over the basic welfare program.

I would like to comment on the gentleman's point that apparently the Governors of some of these States want to put the burden of taxing on the Federal Government and on their Congressmen so they can enjoy the spending without the responsibility for taxing. If they were really honest with the people, the Governors would not be asking the Congress to borrow money to turn it over to the States.

Mr. HOLIFIELD. That is right. I am going to get to that point in a few minutes to show exactly what the gentleman is saying is true.

Mr. LONG of Maryland. What they are doing is scarcely the honest thing to do.

The gentleman has pointed out a number of things that we are already doing to share revenues with the States.

I think the gentleman mentioned the exclusion of interest on State and local debts; is that not right?

Mr. HOLIFIELD. That is right, and it amounts to $3 billion in subsidies in a year.

Mr. LONG of Maryland. Yes. That figure is reasonably close to the figure I have.

But I wonder whether the gentleman has also developed the fact that we already have revenue sharing insofar as taxes are levied by the States and localities. I have figures from the Department of the Treasury which show how much the Federal Government is already sharing in revenue.

The taxpayer can deduct from his Federal tax return every dollar that the State has levied in gasoline taxes, property taxes, income taxes, and general sales taxes.

Mr. HOLIFIELD. No, I do not have that in my speech. But I am glad the gentleman has brought that up because this is one point that I missed. I do not know how many billions of dollars that would run into.

Mr. LONG of Maryland. I have the figures here which I just got from the Treasury.

Mr. HOLIFIELD. That is very good.

Mr. LONG of Maryland. They come to $8.5 billion—excluding the interest feature of the interest on the State and local debts—$8.5 billion. If we add the gentleman's figure, it comes to $11.5 billion.

Mr. HOLIFIELD. In other words, the local taxpayer is allowed to take those taxes off his income tax?

Mr. LONG of Maryland. That is right.

Mr. HOLIFIELD. Therefore, it is insofar as the Federal Government is concerned an allowable deduction which operates in the nature of a subsidy.

Mr. LONG of Maryland. Exactly, and when the States levy these taxes, our intake goes down automatically. This comes to $2.9 billion through the real property tax and $5.6 billion through the general sales tax, income tax, property taxes, and the gasoline tax.

This sum is much larger than the amount of money which the Congress is being asked to vote for from the Treasury, under the revenue-sharing program—generally free money amounting to $5 billion or $6 billion. This money is just as free, and has only one liability from the Governors' point of view—they have to take the responsibility for voting these taxes on their people.

Mr. HOLIFIELD. That is right.

Mr. LONG of Maryland. But it is revenue sharing after the fact, nevertheless.

Mr. HOLIFIELD. It certainly is. I appreciate that point. It is a good point to make and it adds to my general summary which I am going to get to now.

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

Mr. HOLIFIELD. Will the gentleman hold his request for a moment, and then I want to yield to him because I know he has a very valuable contribution to make.

The current record will certainly dispel any notion that the Federal Government is somehow not returning revenues to the people in benefits and services. I shall recapitulate the major items by inserting the following tables of figures:

FEDERALLY COLLECTED REVENUE SHARED WITH THE PEOPLE AND THE STATES IN FISCAL YEAR 1971

Funds shared directly with persons

Social security, health and assistance [1]	$50,574,000,000
Veterans benefits	5,829,000,000
Unemployment compensation	5,643,000,000
Federal retirement programs	8,487,000,000
Nutrition programs (food stamps, school lunches, etc.)	2,752,000,000
Housing assistance	812,000,000
Miscellaneous programs	74,000,000
Total	74,171,000,000

[1] FY 1971 figures from President's budget and economic report.

Grants-in-aid to State and local governments

Public assistance (old-age assistance, blind assistance)	$9,556,300,000
Education	5,553,800,000
Transportation and commerce	5,365,800,000
Health services	4,383,300,000
Housing and community development	3,005,100,000
Environment and natural resources	877,200,000
Agriculture and rural development	667,900,000

Various other grants	$485,500,000
Law enforcement assistance	337,300,000
National Guard and emergency planning	41,800,000
State aid to veterans (Federal grant)	22,700,000
Total	30,296,700,000
Grants to community nongovernmental organizations	
Community action programs	$368,400,000
Head Start	360,000,000
Job training	260,700,000
Follow Through	69,000,000
Legal services	61,000,000
VISTA	36,200,000
Special impact school aid	36,100,000
Law enforcement education	26,100,000
Migrant programs	23,200,000
Total	1,240,700,000
Other grants and subsidies to States	
Subsidy to State and local bonds	$3,000,000,000
Public works grants	6,653,000,000
Research grants to colleges and universities	1,653,000,000
Total	11,306,000,000
Summary	
Funds shared directly with persons	$74,171,000,000
Grants-in-aid to State and local governments	30,296,700,000
Grants to community nongovernmental organizations	1,240,700,000
Other grants and subsidies to States	11,306,000,000
Total Federal revenue sharing Fiscal Year 1971	117,014,400,000

This totals $117,014,400,000; $117 billion—keep that in your mind—because that is the revenue sharing that the Federal Government collects and sends back to the States, the counties, the cities, and other entities.

How much did we spend last year? Not how much did we collect in Federal taxes, but how much did we spend; $212,755,000,000 in fiscal year 1971. So we actually returned $117 billion out of $212 billion. Fifty-five percent of Federal collections was sent back to the States, the cities, and the counties for roadbuilding and all the other grant-in-aid programs. The remaining $95 billion provided for national defense, interest on the national debt, Postal Service, and other governmental services, including Federal construction and the general operation of the Federal Government.

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

Mr. HOLIFIELD. I am happy to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Do you have any figures, Mr. HOLIFIELD, showing the expense to the State, local, and county governments of administering these plans through simply having to put on extra employees to figure out this web of programs that we have—four or five different agencies involved in manpower training and different things? Do you have any figures that show just how much we have added to the State overhead seeking these so-called Federal giveaways?

Mr. HOLIFIELD. No. I think the gentleman will agree with me they are willing to pay whatever administrative costs are necessary in order to get the net amount which they do receive, which runs pretty high.

Mr. KUYKENDALL. I agree that it is——

Mr. HOLIFIELD. We are not talking about improving the method of getting this money to the people. For example, I can tell you right quick that the $74 billion which has to do with social security, with Federal income taxes, with GI benefits, and military pensions, goes through the mail with very little cost.

Mr. KUYKENDALL. And that is not involved in revenue sharing one way or the other?

Mr. HOLIFIELD. It is involved in revenue sharing because we pass the laws, and we raise the taxes that pay it.

Mr. KUYKENDALL. It was my understanding, sir, if you will continue to yield——

Mr. HOLIFIELD. Yes.

Mr. KUYKENDALL. Social security is supposed to be a trust fund. Of course, we know there is no such thing as a trust fund. It is supposed to be a trust fund that has absolutely nothing to do with the appropriation process.

Mr. HOLIFIELD. The gentleman knows that social security is a law that was passed by the Congress, that it levies a tax on the employer and the employee. I happen to be an employer of a number of employees in private life, and I know that I am matching their contributions from their salaries with an employer contribution. So it is a Federal tax levied upon the people of this country, both the person who is going to get the social security, and the person who helps to pay it—the employer as well as the employee. The Government does collect it and the Government does send it to them. This is true of Federal pensions, unemployment compensation, and all the other similar activities in connection with the Federal Government.

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

Mr. HOLIFIELD. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I am happy to hear the gentleman has come, as all of us have, to calling it social security taxes instead of an insurance premium. That is truly what it is.

Of course, that is truly what it is. For so long we all rather gloriously tried to call it something else, such as insurance.

Mr. HOLIFIELD. It is in the nature of insurance, because it gives to the people who get it very much the same sort of payments as from an insurance policy. We contribute toward it as we contribute payments toward an insurance policy. So both the employer and the employee contribute to it, and we can quibble about whether it is insurance or taxes. The main thing is that it is levied because of Federal legislation and distributed by the Federal Government back to the people.

Mr. KUYKENDALL. May I ask one more question?

Mr. HOLIFIELD. Yes; I yield.

Mr. KUYKENDALL. The gentleman said a while ago that the cities and counties are perfectly willing to spend money to get money.

Mr. HOLIFIELD. That is right.

Mr. KUYKENDALL. To me this is one of the tragedies of the situation. We are part of it, as the cities are part of it, and the counties and the States are part of it. The idea that we would be perfectly willing to dangle the carrot and cause them to spend their money—as the money we spend is their money—we dangle the carrot and cause them to spend the taxpayers' money just as we spend the taxpayers' money.

Mr. HOLIFIELD. We cannot have a program of grants-in-aid without having administrative costs. We can argue if we want that the costs are too high. I am not arguing that point at this time. Maybe we could cut them by 10 percent or 20 percent. I do not know how much we could cut them, and I would be for cutting costs wherever they might be cut, but nevertheless we are not going to get any kind of grant-in-aid programs without some type of administrative oversight.

We tried that for a while in the highway fund, and we ran into so much corruption—so much corruption at the local level, I might add—and so much venality that we have to follow these funds through in order to make sure that we do not find the funds winding up in somebody's shoebox in a closet, as was the case a short while ago.

Mr. KUYKENDALL. The worst mess in administration has been at the local levels in administration of Federal programs. This is the worse mess I have seen.

Mr. HOLIFIELD. The local government does have something to say about administration. In the first place, the local government applies for the funds for specific purposes, and it qualifies for the funds, and it binds itself to do certain things in the way of administering those funds.

But we do not have the large-scale venality. We may have excessive costs in administration, but there has been no large-scale venality that I know of with the Federal programs. Occasionally there will be some person on welfare who should not be on it, or occasionally a person that is employed will be getting an unemployment check; sure.

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

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, on the point of administrative costs, I am informed that in New York State under our existing education programs, the State Education Department in Albany has to make up some 21 statewide education plans pursuant to the various aid to education programs that come through Albany. These programs provide about 5 percent of the cost of education in New York State. Their administrative costs are staggering. New York State has gotten into these programs, feeling that it could not afford not to go into them, but it has serious questions as to whether it can afford to continue in them at this level of benefit and at

this level of administrative costs. This is one of the major issues.

I regret I did not hear the gentleman's presentation in full.

Mr. HOLIFIELD. It will be in the RECORD in the morning. I hope the gentleman will read it in its entirety. I hope he will find it worthwhile reading.

Mr. CONABLE. We are fortunate, indeed, to have such heavy artillery brought to bear on this problem and the program which has been proposed by the administration.

Mr. HOLIFIELD. I assure the gentleman I did it on my own because of my interest in this subject matter.

Mr. CONABLE. I hope the gentleman has not in any way contributed to the confusion I find widespread about the issue of the special and general revenue sharing.

Mr. HOLIFIELD. I will be glad to talk about that, and if the gentleman will allow me, I will proceed with the balance of my speech.

Mr. LEGGETT. Mr. Speaker, at that point, I wonder if the gentleman will yield for a minute?

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I do want to compliment the chairman of our California delegation on the outstanding contribution he is making in clearing up the fog on the specific and general revenue-sharing concepts. I think we need to talk about this. There has been some talk that perhaps the local governments spend too much money in administrative costs in trying to figure out what Federal programs they are entitled to. I wonder if the gentleman has contemplated the costs the local governments are going to have to go to when they start managing and administering all the local training programs that have been apparently suggested by the administration.

All we are going to be doing is transferring the bureaucracy from the existing Federal Establishment to the local establishment. We will have it there, and if the program goes askew, if we have no controls or conditions on it, certainly the function of the Congress is going to be relatively valueless.

I would also suggest that if we are going to take $10 billion out of existing, well-thought-out subjects and programs the Congress has passed over the years, and desecrate those programs by emasculating their funds, and then just funnel that to local cities and counties, asking them to do our function, we have to recognize that $10 billion is a considerable amount of the flexible function we have here in the Congress. I have heard it said we have on the order of $25 billion worth of flexible authority. We do not have authority over the $79 billion we are spending in defense for 1972, but we do have it in some of these other general areas.

Here what we plan to do is to take $10 billion out of existing programs, perhaps 35 or 40 percent of our existing authority, and to funnel it to the local areas.

I want to say that when we desecrate the water development program, as we have done in the northern part of California, it is the wrong approach. We should have started some dams this year. Two or three are very critical for flood control development.

We should have continued in our space budget at a reasonable level, perhaps a $3.3 billion level. Instead, in order to get money for revenue sharing we have emasculated the space budget to the $3.1 billion level, which terminates the NERVA program. Very frankly, in Sacramento we are unable to build nuclear rockets at the local level after we get money from the Federal Government.

We have no shipbuilding in a naval shipyard in the United States, and have not for 4 years. We are unable to build ships in our Navy shipyards when we get funds from the Federal Government.

Needless to say, there are a great number of areas where we are totally impoverished. I believe we have to recognize what we have given up as we attempt to give something in a poke to the cities.

Mr. HOLIFIELD. If the gentleman will allow me to continue for a few minutes, I will touch on some of the things he has brought up. The gentleman makes a valuable contribution.

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

Mr. HOLIFIELD. I yield to the distinguished Speaker.

Mr. ALBERT. I do not want to interrupt, because this has been a very fine and brief analysis of some of the things we might run into.

I first want to say the gentleman from California is making a statement in depth on this subject at this time and is making a contribution. He is starting us thinking. I believe we all need to study all sides of this matter.

I agree with the gentleman's colleague from California that there are many things we need to do as well as to bolster up local governments. Local governments are not the only things local there are in the country. I find many local governments very reluctant to see programs dismantled which are underway now and they themselves have to choose between local programs that are beneficial, perhaps on a wide area such as a dam in northern California, and something that is politically very sensitive in the community or in the locality, on which they must spend the money we send them.

Mr. HOLIFIELD. I thank the distinguished Speaker of the House for his contribution to this discussion.

The Speaker has brought out a point that local decisions are not quickly arrived at. We know of instances where urban development and other local projects, such as building a dam, have been matters of local controversy for 5 or 10 or 15 years before they came up with a consensus locally.

This would throw the whole ongoing program of the Federal Government, in its grant to local governments and matching money, and so forth, into confusion.

Let me comment now a little on the philosophy of the Federal versus the State system.

The drafters of our Federal Constitution wisely divided governmental power into four divisions. First, power was divided between the Federal Government and the reserved power of the States. The powers of the Federal Government were again divided into the legislative, executive, and judicial branches. The granting of power to the Federal Government and the reservation of power to the States was also a grant and a reservation of governmental responsibility.

The Federal Government was granted the power to levy taxes "to provide for the national defense" and "to provide for the general welfare of the United States." The States reserved the power and the responsibility to tax for State purposes. Local jurisdictions under State constitutions have been given the power and the responsibility of the taxing power at the local level.

Elected officials at the Federal level, and at the State and local level, are under mandates from those who elected them to tax and spend wisely for purposes within their several jurisdictions. This mandate is completely ignored by the proposal to make "no strings" bequests of federally collected taxes to State and local politicians to spend as they see fit.

Under the federal system State and local governments could additionally raise taxes for local programs and needs and appropriate funds for these purposes. Examples are: The salaries of elected appointed officials, management of local roads, water and sewer projects, salaries of teachers, school buildings and equipment, State and local parks, police and fire protection. These are some of the local functions, and local taxes are levied for them by locally elected representatives of the people.

By the same token, the Federal Government has taxed and appropriated for purposes which are national in scope, and I underline the word "national," such as the programs that I listed previously. National problems are not evenly distributed among the States or among counties and cities within those States.

The recession has not affected all areas equally. There are pockets of high unemployment and concentrations of the poor. Educational facilities and teacher abilities vary greatly between different sections of the country. Minority groups have tended to concentrate in certain areas. Environmental problems are greater in certain areas than in others. They are the basic reasons why Federal tax money has not been distributed on the basis of population, in the past, within the States. Federally collected money has been channeled to the areas of greatest need through programs designed to see that it reaches those who are in greatest need. That is the reason why the President's proposal to share $5 billion in general revenues, on a no-strings basis, and on a population basis, is unsound. National need programs cannot be equitably allotted on a State population and "revenue effort" formula.

Now, Mr. Speaker, I yield to my colleague in the adjoining district of California who has had a most interesting study made of the cities of Los Angeles County, which he holds in his hand. I

hold a copy in my hand also and I will append it to my remarks. It is one of the most revealing things. Remember that this is the administration's general revenue-sharing plan and is taken from their documents—documents which they furnished each Member.

I will now yield to the gentleman to make some comment on the cities that he is personally acquainted with, located in his district.

Mr. DANIELSON. I thank the gentleman, the dean of my delegation, and the Congressman from the adjoining district. On quite a different tack and without regard to the soundness of the concept of sharing revenue which we do not have now, and without regard to the concept that we may not be sharing revenue at all, I am gravely concerned about the equity of the present administration plan for sharing revenues. Within my own district I made a little calculation on the best figures presently available to me and rounded the numbers to the nearest 10 cents. I found that although in the county of Los Angeles the average per capita allocation is $9.10; that is, $9.10 for every resident of the unincorporated territory of Los Angeles, yet within my own district we have quite a disparity. In the city of Los Angeles revenue sharing would come to $12.40 per capita.

I will not quarrel with that. I think it is needed. However, in another of my cities, Rosemead, a lovely little city with difficult problems, the per capita allocation is $1.80 as opposed to $12.40 in Los Angeles.

The other cities I represent would receive, in San Gabriel, $5.60 per head, Monterey Park, $5.70, South El Monte, $5.80, and Alhambra, $8.80.

Now, I submit that although these figures are not startling, we have some others in Los Angeles County that will curl your hair—and I am not referring to my hair.

Mr. HOLIFIELD. I hope the gentleman will allow me to insert the cities in my district, and then curl their hair with the balance of them.

Mr. DANIELSON. If I could make one remaining comment, if the gentleman will yield further?

Mr. HOLIFIELD. Certainly. Go right ahead.

Mr. DANIELSON. In the little city of Lawndale, Los Angeles County, which has some of the most difficult and distressing financial problems of any city in the country, the allocation would be $1.90 per capita. And in another city which I have the luxury of passing through once in a while, Beverly Hills, the allocation is $24.40 per capita.

I submit, Mr. Speaker, that we ought to be putting the money where the need is; match the money to the need, somehow. And I will give you the near to the top and the next to the bottom; in the city of Cudahy it is $1.30, and they need every penny of it. In the city of Commerce it is $48 per capita.

Mr. HOLIFIELD. Now, the gentleman is getting into my territory, because the city of Commerce, part of the precincts in the city of Commerce are in my district. This is a very wealthy industrial city, and you see the formula includes not only the population but the amount of local tax revenue collected from that city.

This is an industrial city, and as the gentleman said, they will get back—and there are only about 10,000 people there—but they will get back $48 per capita.

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

Mr. HOLIFIELD. In just a minute. I want to get through, and then I will yield to the gentleman.

In the city of Santa Fe Springs, which is a city in my district, with a population of about 14,750, their per capita return is $19.20.

Now, in Montebello, where I live, which has a population of 42,000, we will get back $8.50 per capita, but let me go right now to a city that adjoins me, Pico Rivera, where I have my central office in my district, and this is a city of 54,000 people, they will get $2.50 per capita.

In another city in my district, La Mirada, they will get $2.30. And here is the largest city in the district, Norwalk, that is a city of 91,000 people. They will get $2.10 per capita return as against the city of Commerce of $48. The city of Hawaiian Gardens, which is one of those unfortunate depressed areas, and a city of about 8,800 people, by the way, they will get $1.70 per capita.

In other words, the old adage in the Bible that says, "From him that hath shall be taken away, even that little which he seems to have," and what they are doing by this formula is giving to the rich cities a preponderant amount of this return of revenue, where the need does not exist. On the other hand where the need does exist, where poverty exists, where all of the needs for all of the programs that we have put into effect are needed, they will get $1.70 or $1.90.

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

Mr. HOLIFIELD. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. HOLIFIELD. In that case I am going to ask the gentleman to withhold his request for just 1 minute, because I want to get the rest of my speech in, and then if I have any time, or if I can get some additional time, I will yield to the gentleman.

This is the formula we have demonstrated here.

These are the basic reasons why Federal tax money has not been distributed on the basis of population within the States. Federally collected money, instead, has been channeled to the areas of greatest need through programs designed to see that it reaches the people in the greatest need.

This is the reason that the President's proposal to share the $5 billion in general revenue, "no string" amounts, on a population ratio is unsound. National need programs cannot be equitably allotted on a State population and "revenue effort" formula.

THE PITFALLS OF REVENUE SHARING

Who pays?

When revenue sharing was first proposed by President Nixon, he was predicting a Federal budget surplus of $1.3 billion. Due to the recession, however, the budget went into a deficit of $2,845,000,000 in fiscal year 1970. A deficit of between $18 and $24 billion is estimated for fiscal year 1971; and some estimate a similar deficit for fiscal year 1972. It should be perfectly clear that the $5 billion which the President proposes to give the States to spend with no strings attached is "deficit sharing" and must be financed by Federal borrowing—not from the "personal income tax," as he stated in his budget, because we are not getting in enough personal income taxes. We had a deficit last year—we are going to have one this year and we are going to have one next year. The President said it would come from the personal income tax, but the Federal taxpayer will be faced with the cost of $250,000,000 in additional interest each year on this $5 billion deficit item.

One thing is sure, Federal personal income taxes would be increased by the President's proposal—whether in the nature of deficit financing or whether we tax them for the money and we have no deficit.

The President is strangely silent on the source of the $5 billion in new, no-string funds. They could come from only three places:

First. Additional federally levied income taxes, levied by Congress on local taxpayers. That is where it has to come from.

Second. Increased Federal deficits based on interest-bearing Federal bonds—which is probably where it will come from.

Third. Reduction in ongoing federally funded programs for local benefits and transfer of these funds to the new, no-string lump-sum bequests to Governors, mayors, and supervisory officials.

RESPONSIBLE GOVERNMENT

If we are going to be responsible in government—

Should the Federal Government collect additional taxes to be used solely for State and local functions?

Should a larger Federal deficit be created or increased for that purpose?

Should the Federal Government abdicate its present responsibility for tax expenditures, and, if so, will the taxpayer get his money's worth?

Substitution of the Federal tax power for that of the States will in no way give more power to the people. Conversely it will set a precedent leading to the complete destruction of the federal system.

Taxation to support State and local needs, without Federal control, is not a responsible exercise of Federal power.

The 435 Members of the House of Representatives and the 100 Members of the Senate are responsible to all of the people when they debate and vote for tax legislation and appropriations. They are also responsible to all of the people for the wise expenditure of tax revenues.

The failure of Congress to exercise its responsibility will inevitably result in one of the following:

First, the Federal Government will preempt all taxation and dole tax revenues out to the States; or

Second, State and local elected officials will no longer be required to observe fiscal or social responsibility.

We must conclude then, that the President's revenue-sharing proposal is deceptive and fiscally irresponsible.

It must be branded for what it is: an attempt to put Congress on the altar as a sacrificial scapegoat for the President's inept economic theories of the past 2 years.

It is a political ploy for the Republican presidential and congressional campaigns in 1972.

THE ALTERNATIVES

It is true that many State and local governments are in a financial crisis. This is especially true in the case of our largest cities where the welfare load has been increased by immigration from States which were unable or unwilling to deal with existing social problems.

Some State and local governing bodies, unfortunately, are too poor to support on their own adequate tax levies for basic services to all of their people. Others are extremely affluent and have little need for assistance. The Nixon revenue-sharing proposal does not recognize this difference.

Some State and local governments have refused to modernize and hold onto inefficient organizations and archaic taxing methods. Many are victims of the lobbying efforts of special interest groups, that are very strong at the local and State levels and which are given favored tax treatment at the expense of the homeowner and wage earner.

Blank checks upon the Federal Treasury will not solve these basic problems of official cupidity, resistance to change, poor administration and the reluctance to make unpopular political decisions at the local level. This is not to condemn all State and local governments, but to illustrate the need for continuing a system of Federal revenue sharing, for specific purposes, under appropriate Federal supervision.

Revenue sharing should be continued, and expanded.

It is suggested that the Federal Government share the $453 million of additional aid to education, which the President vetoed last year.

It is suggested that the funds for housing, urban renewal, water and sewage facilities, in the additional amount of $541 million provided in the bill vetoed by the President last year, be shared with the people.

It is suggested that the $1.26 billion in additional funds voted for vital health and educational needs, vetoed last year by President Nixon, be shared with the State and local governments.

The several billion dollars provided in the Manpower Training Act for the next several years was vetoed by the President. That might be well shared over the next several years.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. HOLIFIELD. Not right now, because my time is very short. If the gentleman will permit me to finish, then I shall be glad to yield to him.

President Nixon vetoed the Family Medical Practice Act, which would have shared $225 million in Federal revenues with hospitals and medical schools, to assist in relieving the shortage of doctors in general practice.

The Congress overruled the President's veto, and permitted the sharing of an additional $350 million of Federal revenues for hospital construction and modernization. We were able to share that because we overrode the veto.

One might also suggest that the billions of dollars authorized and appropriated by Congress for public works projects, model cities programs, and environmental projects, be released by the President and shared with the people.

In addition to the above programs, which should be strengthened, the President should restore the more than $2 billion which he proposes to cut out of ongoing programs in is fiscal year 1972 budget. This would permit the sharing of funds for medicare, medicaid, school milk, and other programs.

We should enact welfare and family assistance reforms—and I voted for President Nixon's family assistance reform last year—to assist local governments in providing for the aged, the ill, the very young, and those who are unable to earn a living.

The Congress will consider all the above alternatives to the President's revenue-sharing plans very carefully. We will assure that the Federal taxing and appropriation laws are revised responsibly, and that national programs are dealt with by responsibly administered Federal programs.

We already have a revenue-sharing program which has a tried and proven history. We can expand that program into areas of great need without experimenting with a radical concept which is fiscally irresponsible and, in my opinion, politically inspired.

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

Mr. HOLIFIELD. I yield to my colleague from California (Mr. SISK).

Mr. SISK. First, let me commend my distinguished and able colleague from California on what I think is a very sound and well-thought-out document. I think it is well, as has already been indicated by some of my colleagues, that we begin to discuss really the significant implications of this so-called revenue-sharing proposal by the administration. But, I would like to direct one or two quick questions to my colleague in line with some of the comments he made with reference to where the President is going to get these funds, for example, for revenue sharing. He mentioned three alternatives, one of which was, of course, a so-called transfer of funds. Let me ask my colleague, Does he or does he not agree with me that the matter of expenditure of funds, the matter of setting policy, and the determination of where these funds are to be spent and to what extent they are spent, so far as policy is concerned, is that not, in the gentleman's opinion, a prerogative of the Congress of the United States?

Mr. HOLIFIELD. Of course it is, and if the Congress abdicates its prerogative in following the dollar which it appropriates, it abdicates its Federal responsibility, in my opinion.

Mr. SISK. That is exactly the point I want to get to, and the concern which I have today over what I consider to be a usurpation of the powers of the Congress by this administration.

Let me say here, to be completely bipartisan, I had similar criticisms of a previous administration, but I think this administration, based on some recent information I have gotten through the Appropriations Committee, has gone further in obstructing and overriding the policy and the will of this Congress than any administration I know of.

Mr. HOLIFIELD. There is no doubt they have frozen more millions of appropriated funds than any administration within my experience of 28 years in the Congress.

Mr. SISK. All right. Let me ask the gentleman one concluding question, and then I will not ask for further time.

In view of the fact that the gentleman is chairman of a very distinguished committee of this House, Government Operations, I would urge and I would hope that my friend, the gentleman from California, will use what I understand to be the prerogatives and jurisdiction of his committee to take a look at this whole business of the powers and the division of powers, in the matter of the policy-making powers of the Congress, and particularly as to what extent the Executive is usurping the power of the Congress in making policy through the withholding and freezing of funds or even the diverting of or transferring of funds. Would the gentleman comment as to whether or not he feels his committee has such jurisdiction and whether or not he feels interested in looking into it?

Mr. HOLIFIELD. Within certain boundaries I think we have authority, and a study of the charter of our committee will show we have the authority to follow the expenditure of funds. There comes a question of the division of constitutional powers between the President and the Congress. This is where the area gets a little bit gray, because from as long back as our country's history goes, there have been occasions when Democratic and Republican Presidents have refused to spend moneys appropriated. That gets into a constitutional area which I would have to explore very carefully before I comment on the power of our committee.

However, I do express a deep concern in this indiscriminate freezing of funds, and then the sending up of a plan every 2 or 3 days for his way of spending the money—in other words, one man's way, advised by a group of corporate advisers, the Ash Council, all of them former big corporate executives. It seems to me they are trying to set up a government of a corporate, or of a corporate-conglomerate structure to handle everything from the top.

Mr. Speaker, I include for the RECORD a table showing the breakdown of the administration's general revenue-sharing plan for the county of Los Angeles.

ADMINISTRATION'S GENERAL REVENUE SHARING PLAN

	Per capita allocation	Total allocation	1970 population	1960 median income
County of Los Angeles	$9.10	$64,206,019	7,032,075	7,046
Commerce	48.00	504,444	10,536	$5,827
Beverly Hills	24.40	811,871	33,416	11,977
Long Beach	20.00	7,191,917	358,633	6,570
Signal Hill	19.30	107,696	5,582	5,542
Santa Fe Springs	19.20	282,446	14,750	6,986
El Segundo	19.20	299,479	15,620	7,783
Rolling Hills Estates	14.80	29,538	2,050	10,000
Santa Monica	13.80	1,216,458	88,289	6,845
Los Angeles	12.40	34,721,456	2,816,061	6,896
Pasadena	12.30	1,394,982	113,327	6,922
Burbank	11.60	1,025,646	88,871	7,757
Redondo Beach	10.40	583,003	56,075	6,880
San Fernando	9.80	160,843	16,571	6,270
San Marino	9.30	131,736	14,177	16,728
Covina	9.10	276,732	30,380	7,865
South Pasadena	8.80	199,868	22,979	8,245
Alhambra	8.80	547,751	62,125	7,185
Montebello	8.50	364,808	42,807	7,551
Pomona	8.40	738,348	87,384	6,885
Monrovia	8.40	250,752	30,015	6,630
Glendale	8.20	1,086,770	132,752	7,563
Arcadia	8.10	344,649	42,868	9,526
Huntington Park	8.00	269,186	33,744	6,285
Inglewood	7.80	705,899	89,989	7,764
Hawthorne	7.80	44,937	53,304	7,645
Torrance	7.50	1,015,296	134,584	8,050
Azusa	7.40	186,393	25,217	6,501
Whittier	6.90	500,857	72,863	7,740
Gardena	6.80	279,634	41,021	7,741
Manhattan Beach	6.80	242,343	35,352	8,289
Hermosa Beach	6.70	116,967	17,412	7,050
Palos Verdes Estates	6.60	90,555	13,641	10,000
South Gate	6.30	355,214	56,909	6,892
Sierra Modre	$6.01	$74,277	12,140	$8,172
South El Monte	5.80	78,266	13,443	4,834
Monterey Park	5.70	280,398	49,166	7,650
San Gabriel	5.60	163,323	29,176	7,184
Claremont	5.60	131,098	23,464	8,188
Glendora	5.10	159,226	31,349	7,557
Downey	5.30	472,828	88,445	8,265
West Covina	5.30	355,537	68,034	8,580
Compton	5.10	398,012	78,611	6,256
El Monte	5.00	348,099	69,837	6,558
La Verne	4.80	62,742	12,965	6,013
Bell	4.80	102,521	21,836	6,438
Lynwood	3.90	169,036	43,353	7,182
Maywood	3.60	61,772	16,996	5,951
Lakewood	3.10	261,316	82,973	7,600
Bellflower	3.00	155,561	51,454	6,834
Duarte	2.80	42,275	13,981	6,810
Palmdale	2.70	23,178	8,511	7,325
Paramount	2.60	90,232	34,734	6,230
Baldwin Park	2.60	121,711	47,285	6,186
Pico Rivera	2.50	136,372	54,170	7,609
La Mirada	2.30	72,013	30,808	
La Puente	2.30	71,690	31,092	6,718
Norwalk	2.10	193,616	91,827	7,015
Lawndale	1.90	46,895	24,825	6,303
Artesia	1.90	27,589	14,757	5,732
Rosemead	1.80	74,169	40,972	6,924
Hawaiian Gardens	1.70	15,200	8,811	
San Dimas	1.70	26,196	15,692	
Bell Gardens	1.70	50,021	29,308	5,567
Lomita	1.60	32,449	19,784	6,194
Culver City	1.60	493,526	31,035	7,862
Temple City	1.40	42,259	29,673	7,872
Cudahy	1.30	22,315	16,998	

The SPEAKER. The time of the gentleman from California has expired.

Mr. HOLIFIELD. Mr. Speaker, I hope some gentleman will ask for time, and then I will be glad to answer the questions. I have no desire not to respond because the gentlemen have been very patient in waiting.

I will be glad to look into the matter the gentleman from California has suggested.

GENERAL REVENUE-SHARING PLAN OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. CONABLE) is recognized for 10 minutes.

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

Mr. CONABLE. Mr. Speaker, I find it sad that the distinguished and eloquent representatives of the Democratic Party, which is fond of tracing its lineage back to that great decentralist Thomas Jefferson, when pressed for a political reaction to a significant initiative on the part of the President, namely, revenue sharing, in effect fall back on their lack of confidence in State and local government.

Ultimately the viability of our democracy will depend on strong local institutions. Unfortunately we have in this Federal system tax resources with different degrees of progressivity. We have pretty well progressed through the various types of tax resources that are availis a priority issue, namely, whether local government shall continue to provide the traditional services which the distinguished gentleman from California referred to.

I would like to suggest he cannot have it both ways. If we have money available—and by his comments about the President's vetoes of last year he implied that we do—to continue to pile categorical grant program on top of categorical grant program and to add indefinitely to the money available for such programs, then certainly we have the money available also for aiding the survival of local government. Local survival is a priority item.

I agree that we have a deficit. Frankly I would rather see the viability of our democracy retained through a buoying up of local government than I would to see a continued proliferation of the very categorical grant programs which have gotten local government into serious trouble. I would like to ask the gentleman a question about the list of revenue receipts he submitted which would be received by the various localities in his district. Has he made any study as to why they get varying amounts of money?

Mr. HOLIFIELD. Yes, I can answer that.

Mr. CONABLE. I would appreciate it if you would.

Mr. HOLIFIELD. I can take it town by town. The city of Commerce which adjoins my district, and part of which overlaps into my district, and as a matter of fact I have a certain number of precincts in it, is an industrial city with a very lucrative tax base.

Mr. CONABLE. It has a very high tax rate, has it not?

Mr. HOLIFIELD. The tax rate is not high, but the assessed valuation of the property is high. The tax rate is the same as everything else in Los Angeles County.

Mr. CONABLE. May I ask the gentleman if he is aware of the two items that go to make up the community receipts under the general revenue sharing?

Mr. HOLIFIELD. Oh, yes.

Mr. CONABLE. Population is one, is it not?

Mr. HOLIFIELD. That is right.

Mr. CONABLE. And the other is local taxes received. I think the gentleman referred to the Federal taxes collected in the locality that determined revenue sharing, but is it not local taxes that are determining, not Federal?

Mr. HOLIFIELD. That is true, and if I said otherwise I did it inadvertently. But the point is this: that the city of Commerce is a city of very valuable factories, but not a city of people. Now, the city of Commerce only has 10,000 people in it. They have so much money in their treasury that they have built an Olympic-size swimming pool, they run free bus service, they have so much money they do not know what to do with it. Yet they will get $504,000 or $48 per capita, while the city that adjoins them by the name of Bell Gardens, which has 29,000 people in it, will get $1.70 per capita, or $50,000, as against $504,000, and they have five times the number of people, and it is the people that are in need.

Mr. CONABLE. Obviously, Mr. Speaker, I am not familiar with the gentleman's district, but the two elements making up the formula for general revenue sharing are both, I think, considerably more sensible than the formulas under which categorical grant programs have been distributed. The reason I say that is certainly population and local tax effort are both significant determinants of what a community should receive.

Mr. HOLIFIELD. If the gentleman will yield further, they are significant, but they do not fulfill the need, the need for the people. They are significant from a mathematical standpoint. It makes a very beautiful formula, but you do not get the money any more than you get the $24 that goes to rich Beverly Hills where they do not need any services, they have all their services, their schools are all built, and so forth, and yet the city of Hawaiian Gardens, which has 15,000 people in it, which is in my district, gets $1.70. It is a city where the people are very poverty stricken. Their income per year is an average of probably down around $5,600.

Mr. CONABLE. The gentleman is aware that roughly 70 percent of the categorical grant programs will continue under the proposal made by the President, is he not, and that only 30 percent have been folded into the special revenue-sharing bloc-grant proposal that has been made?

It seems to me, Mr. Speaker, that local government is much more likely to know where that money is needed than we are here in Washington. And that is the basic rationale of the flexible solution implicit in revenue sharing.

Mr. HOLIFIELD. If the gentleman will yield again, I think that rationale is as fallacious as it can be because when the people at the local government level want to participate in the educational fund, they file their application with the State board of education, not with the people back here, and the State board of education looks at all of the cities in California, and then it is supposed to allocate it, and I think it does, according to what the needs are. So they are the ones who select it. If they want urban renewal they vote on it as a local group, and they select it.

Mr. CONABLE. But the control of spending that can be as close to the people as possible certainly adds to the flexibility of the solution, will the gentleman agree with me on that?

Mr. HOLIFIELD. The control of the spending, providing there is responsibility on raising the money that is spent, but the gentleman and I both know that if you give a child $5 that he does not work for, that he will spend that money a lot more freely than if he mowed lawns for it.

Mr. CONABLE. The gentleman is certainly demonstrating a remarkable paternalism if he is comparing a child with local government.

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

Mr. CONABLE. I yield to the gentleman.

Mr. KUYKENDALL. The gentleman from California mentioned that his own communities went to the State and asked for funds—which they received.

Mr. HOLIFIELD. That is for Federal funds.

Mr. KUYKENDALL. They went to the State and asked for State funds.

Mr. HOLIFIELD. Yes, and for Federal funds.

Mr. KUYKENDALL. Revenue sharing from the States to counties and cities is as old as our country.

Mr. HOLIFIELD. Oh, I understand that.

Mr. KUYKENDALL. Revenue sharing from funds with local governments have nothing whatsoever to do with collecting any more than we do.

Mr. HOLIFIELD. If the gentleman will yield, the State prescribes the ways in which that money is spent just like the Federal Government prescribes ways in which it can be spent.

Mr. KUYKENDALL. They give a blanket grant authority for education to the local school districts in the State.

Mr. HOLIFIELD. But only on an approved plan—that is right—they say we want to use this money for certain purposes.

Mr. KUYKENDALL. These purposes are broad purposes and not anywhere near as specific as our categorical grants that we have had. So whether or not we have had revenue sharing from the State government to the local government—for instance in our State a certain percentage of our gasoline tax automatically is given back to each community.

Mr. HOLIFIELD. But I will say to the gentleman, the money has to be used for the roads in that particular city. It cannot be used to build a park or a swimming pool or anything like that.

Mr. CONABLE. I regret that I have less than 1 minute left, and I think it is unfortunate that this colloquy is being addressed to a House in which very few Members are present. It is a significant colloquy, and in its extension that the 92d Congress, because it involves a very basic issue of government, is likely to be one of our most significant debates.

So, Mr. Speaker, I would ask unanimous consent that following the legislative business and any special orders heretofore entered into that I be permitted to address the House and revise and extend my remarks and include extraneous matter on Tuesday, March 16, for 1 hour.

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

There was no objection.

CONGRESSIONAL ACTION NEEDED TO PUT THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT 1970 INTO EFFECT

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, last year Congress passed legislation authorizing the establishment of a National Institute on Alcohol Abuse and Alcoholism, and authorizing funds for fiscal years 1971, 1972, and 1973 for formula grants to States and grants and contracts for community based programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

In Cleveland, we have a nonprofit corporation known as Fresh Start, Inc. It is made up of a group of public officials, businessmen, and professional people who have worked with and are interested in the problems of alcoholism. In 1968 they got together and opened up a halfway house for homeless alcoholics. They take in about 100 men a year. The group is dedicated to helping men make a comeback. They emphasize fellowship and small group therapy. They stress maximum self-determination. The average stay of a client is 3 months, at which time the man returns to the community and a job. Fresh Start works closely with the Cuyahoga County Welfare Department in Ohio and with Alcoholics Anonymous. Men are referred to Fresh Start by the county welfare department, most of the hospitals in the Cleveland area, private citizens trying to help someone, Alcoholics Anonymous, the Soldiers and Sailors Relief Commission, and parole and probation officers.

In 1968, Fresh Start was able to obtain funds from a private foundation, from the county welfare department, and from the Soldiers and Sailors Relief Commission to purchase and furnish a home for use as the halfway house for indignant alcoholics. Since 1968, they have been able to find funds to operate the home, which costs about $63,000 a year. Fresh Start now has a comprehensive plan drawn up to establish a second halfway house on the west side of Cleveland, which I represent, and also to establish a third halfway house for women.

I was very much surprised to learn that although Congress passed legislation in 1970 to help take care of the problem of alcoholism in this country and authorized funds for fiscal years 1971, 1972, and 1973, the President has not yet issued an executive order setting up the new agency nor did the President include funds for this program in his budget for fiscal year 1972. In addition, no supplemental funds have been requested for fiscal year 1971, although these funds have already been authorized by Congress.

At this rate, it will be at least 1974 before this program gets underway—if then. I am today asking the House Subcommitee on Health, Education, and Welfare Appropriations to put money into the supplemental appropriation for fiscal year 1971 for the National Institute on Alcohol Abuse and Alcoholism and its programs. I am further asking the subcommittee to put the funds for this program into the appropriation for fiscal year 1972. This way the program could get underway almost immediately.

I believe it would be a great waste if the Fresh Start program in Cleveland had to wait for at least 3 or 4 years before they could be considered for funding under this program to carry out their important work—work important to the individuals involved and to the community as a whole. I know there are many Members who have programs in their districts just as worthy of immediate consideration. Mr. Speaker, I respectfully ask my colleagues to join me in fighting to get the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act put into effect.

THE COMPONENTS OF LEADERSHIP ARE DISCIPLINE, EXAMPLE, AND RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, on this past Monday evening of March 8, it was my privilege to be honored as a guest for dinner at the Washington Hotel hosted by the Association of Military Colleges and Schools of the United States.

This banquet concluded the annual

meeting of the heads and administrative personnel of about 35 colleges, academies, and institutions from all over America which combine a high school and college education with military training under the ROTC program. This association is not a Johnny-come-lately; it has a long and distinguished history. It was founded in 1914.

It was my privilege to be the guest of our constitutents Col. Lester B. Wikoff and Col. W. L. Stagner who represented Wentworth Military Academy, Lexington, Mo., at the association's annual meeting. Also from Missouri were representatives of the Kemper Military School and College at Boonville and the Missouri Military Academy at Mexico, Mo.

Mr. Speaker, I am proud to represent Lafayette County, Mo. Its county seat is Lexington. This is the home of Wentworth Military Academy. That school has had a long and glorious history. Many of its "old boys" have gone on after graduation to become famous in their chosen line of endeavor.

It was a gala scene last Monday evening in the Sky Room of the Washington Hotel. Most of those present were in military dress uniform. The posting of the colors was impressive. Several widely separated areas of America were represented, including New York, Massachusetts, Pennsylvania, South Carolina, Indiana, Kentucky, Tennessee, Illinois, Missouri, Oklahoma, Texas, and New Mexico. Such great institutions of learning as the Citadel of the South and Texas A. & M. University are members of this association. Yes, it was an evening to be remembered.

Mr. Speaker, I take this time to share with my colleagues the remarks contained in the address of Maj. Gen. William A. Knowlton as he spoke at the annual meeting of the Association of Military Colleges and Schools of the United States. For those who may not know, General Knowlton is the Superintendent of the U.S. Military Academy at West Point, N.Y. His remarks were not only informative but at the same time were thought provoking and most inspiring.

It seemed to me the general was generous in his treatment about our disturbed, frustrated youth of today, saying that he could sympathize a little with their plight. He said that it should not be a wonder why the young are confused in modern society. He went on to add that it was the role of education to try to cope with those who seem determined to support a revolution which will shatter all of our institutions. Rather than change society for the better, many young people are set on a course to create a so-called new society without any definite plans or blueprints on what kind of a new order of things they propose to create.

General Knowlton was most impressive when he pointed out that while idealism is a beautiful thing the nature of man requires more than idealism. Man should not simply be regarded as a beatific creature who has been corrupted by society. Instead he should be thought of as a creature capable of doing both good and evil. The struggle to promote more good and at the same time restrain the evil is one which should be more successful within society than under moral anarchy.

The Superintendent of West Point emphasized that many of those who may turn to drugs do so to avoid facing the inadequacies within themselves. Many of their personalities are so brittle that they shatter under the impact of criticism. In his remarks, our speaker rejected the idea that our system is flying out of control and that the proper function of every college or school is to be a center of resistance for destruction of the fabric of the society to which these institutions of learning look for support. I am sure one of the highlights of his remarks was the quotation from Gen. Harold K. Johnson, now retired, who said the young man in a military school or college comes out with the 4 I's—integrity, intelligence, imagination, and initiative. In addition, General Knowlton said he hoped graduates of military schools come out with the willingness to accept responsibility.

Whether all is now going to be quiet on the campus front, or not, it is possible that the pendulum is swinging back toward campus peace or perhaps never made the swing away to the extent that we believed it had. Those who would resist or destroy should be fewer in number this spring. However there still exists a need to teach our young people the components of leadership through education and self-discipline. The general concluded that our military schools and colleges of the United States in the ROTC program have been providing our country with dedicated civilian leaders as well as military leaders for a total of 152 years. He submitted, and I agree, that such is an enviable record.

The remarks of Maj. Gen. William A. Knowlton, Superintendent of West Point; were as follows:

ADDRESS BY MAJ. GEN. WILLIAM A. KNOWLTON, 55TH ANNUAL MEETING, ASSOCIATION OF MILITARY COLLEGES AND SCHOOLS OF THE UNITED STATES, MARCH 8, 1971

I am deeply honored by the opportunity to address this distinguished group and their guests here tonight. The extent of the honor is apparent to me when I see the list of outstanding men who have spoken to you in the past. I was not fortunate enough to attend a military school or college prior to entering West Point. My military service had consisted of some quasi-legal periods as an enlisted man, beginning at the tender age of 14 and winding up with a legal enlistment in the 298th Infantry in Hawaii when I reached the age of 18. However, I have served beside, in command of, and under the orders of many distinguished officers who gained their start in one of your institutions.

It is a particular honor and a pleasure for me to be here in my present capacity. I am highly conscious of the trust which has been placed upon me, as I complete my first year as Superintendent at West Point. There are many who see in the United States Military Academy an institution which is adversary to the ROTC program. Nothing could be farther from the truth; it is particularly important to recognize that in these troubled times. The very name of the *Reserve* Officers Training Corps would indicate that our task of producing officers for the regular establishment should seem distinct from yours of producing officers for the reserve forces.

But West Point is not designed to be the *only* source of officers for the Regular Army. There have been periods of budgetary austerity when there was no room for other than West Point graduates on active duty. But increasingly, since the Thomasen Act, West Point has been in partnership with the ROTC program, as the Army sought the best of both plans to officer its active forces. Enough time has elapsed since that infusion so that 25 percent of the general officers on active duty in the Army today are graduates of the ROTC program. This is one reason why I speak so often at ROTC commissionings: to emphasize that we are in partnership, rather than in competition.

As we look at the young today, we can sympathize a little with their plight. There has been—and it is increasing at an exponential pace—an explosion of knowledge. How to cope with this explosion is becoming an increasingly complex task. I recently attended a seminar in New York City concerned with how man can even read, let alone learn, the knowledge which is becoming available today. One example cited was a business firm that developed a product at a cost of several millions of dollars, only to be told that the product or process was patented by someone else several years before.

The ultimate expression of this turmoil is in that new book, which you may have read, entitled *Future Shock*. The author divides the last 50,000 years of man's existence into 800 lifetimes of 62 years each.

Of the 800, 650 were spent in caves. Communication by writing has been possible only in the last 70 lifetimes; the printed word became available only in the last six; precise measurements of time only in the last four; the electric motor arrived only in the last two lifetimes; and most of the material goods used today have been developed within the last one.

The author then offers the following philosophy:

"We are creating a new society, not a changed society. Not an extended, larger-than-life version of our present society. But a new society.

"A revolution shatters institutions and power relationships. This is precisely what is happening today in all the high technology nations. Students in Berlin and New York, in Turin and Tokyo, capture their deans and chancellors, bring great clanking educational factories to a grinding halt, and even threaten to topple governments. Police stand aside in the ghettos of New York, Washington, and Chicago as ancient property laws are openly violated. Sexual standards are overthrown. Great cities are paralyzed by strikes, power alliances are shaken. Financial and political leaders secretly tremble—not out of fear that communist (or capitalist) revolutionaries will oust them, but that the entire system is somehow flying out of control."

Is it any wonder that the young are confused? But what is the role of education in trying to cope with this sort of thing? There are several different views. You may have read an article by Admiral Rickover which was published on the first two days of February. As a critic of American education for almost a quarter of a century, he sees our educational philosophy and practice as suffering from fundamental defects. The first is that we pour out vast sums of research and experimentation on one of the oldest of western activities—transmitting knowledge and intellectual skills accumulated in the past to the young—without asking ourselves why exactly schools are needed and what exactly they must do that no one else can do.

The primary responsibility of our public school system, he says, should be to discover children with qualities of mind, will and character and educate them in the manner most suited to their special talents. True

professionals must have high intelligence, strong motivation and be willing to undergo a very long period of general and public schooling.

These words sound very much like the mission which we find in many of your catalogs. So far, so good. We see support, then, for the traditional roles which you have played in molding character. But not everybody would agree with Admiral Rickover. In assessing the role for education in America, we hear many strident views which disagree with assumptions which we have taken for granted.

The November 1970 issue of the *Harvard Educational Review* contained an article by Antony Mullaney of Warwick House in Boston. He said:

"I propose that the university community become part of the resistance movement in the United States. It must actively oppose those vast power relationships in the nation which refuse to read the signs of the times . . . It must offend those very institutions which now seem necessary for its survival . . .

"The most critical business of education today is to become a center of dissent and resistance in itself and an interpreter of such behavior to the public."

His final sentence says, "Let the young set the timetable."

Who is right? Those who support the latter view would tell us that the issues this time are completely different. The bombings, the killings, the violence, the permissiveness—all these must force us to a new perspective. But when I look to history, I find as Newsweek has pointed out, "Police have been murdered before, buildings have been bombed before, and workers have gone on strike before. These are ugly things, yes, but we have survived them." Barbara Tuchman has summed it well in her book, *The Proud Tower*, in which she discusses the events which led to World War I.

"So enchanting was the vision of a stateless society, without government, without law, without ownership of property . . . that six heads of state (among them President McKinley) were assassinated for its sake in the twenty years before 1914. . . . Their deaths were the gestures of desperate or deluded men to call attention to the anarchist idea. . . . It was, as an historian of revolt has called it 'a day of desperate romantics. . . .'"

Possibly one of our biggest problems today is that we are also living in an age of desperate romantics. But are we? As an educator, I should perhaps mention the romantics of education.

The New York Times for January 10th had an interesting discussion of educational romantics by Mortimer Smith of the Council of Basic Education. He wrote: "that an examination of the writings of these men suggests that the term 'radical romantics' may be a misnomer. They are romantic, no doubt of that, but if the word 'radical' is understood as promising something new and fundamental, it is not an accurate term to apply to their theories.

"What are advanced as contemporary insights," he continued, "turn out to be the clichés of yesterday; the natural goodness of the child until corrupted by society; the evils of structure, subject matter, examinations; the equating of authority with authoritarianism; the doctrine of needs and interests . . ."

So, not even these things are new. Idealism is a beautiful thing, but the nature of man requires more than idealism. As the *Wall Street Journal* said a year ago, man is not a beatific creature who has been corrupted by society but a creature capable of both good and evil. His life is a struggle to promote the one and restrain the other, a struggle which is more successful within society than under moral anarchy.

But let us jump from the *general* notion of structured environment and examine a particular application in the military. One of the peculiar manifestations of this time has been the appearance of something with which our generation did not have to deal. When I was a young teenager, and organized and ran a 21-piece orchestra, marijuana was something which I vaguely heard mentioned as giving an outstanding American drummer the ability to squeeze in more drum beats by lengthening his perception of time. We vaguely knew that it was supposed to grow in Mexico, but none of us would have recognized it if we had seen the weed lying on a table.

But recently, I received a letter from a company commander in Vietnam, coping with the problems which have come upon his unit in the boredom which characterizes this difficult transition from war to unwar. One such problem is marijuana. The Army is a reflection of trends in civilian life, since the Army is the largest user of involuntary manpower. When one third of American high school students are reported to have used marijuana, the Army will have some soldiers who are a marijuana problem.

But the young officer who wrote to me commented on more than drugs when discussing this small group. He said, "The real problem is that their personalities are so brittle that they shatter under the impact of criticism." I think this allusion to be particularly pertinent to the problems we have today. If a young man is never to be criticized—if a young man is never to be disciplined—if a young man has not undergone rigorous training which implicitly includes correction—then the prospect is good that that young man will have a personality so brittle as to shatter. Our young captain said that this was the reason some men turned to drugs: to avoid facing the inadequacies within themselves.

And so, we come full circle to the same fundamentals within our task: the forming of young men with character and dedication who can deal with the problems that confront them in their tomorrows. I refuse to believe that aspect of *Future Shock* which would have us think that the system is flying out of control. This has been the cry of doom prophesiers throughout recorded history. I refuse to believe that the past is devoid of any signposts which give us relevance for the future. I refuse to believe that the proper function of the college or school is to be a center of resistance to destroy the fabric of the society to which education looks for support.

But what are the values which we hope a young man will gain in school or college as he approaches manhood—particularly the young man who may be a military leader? One summation is in what General Harold K. Johnson used to call the four I's—integrity, intelligence, imagination, and initiative. I would add to that a willingness to accept responsibility.

Those of you who follow military literature know that there has been a series of attempts over the past fifteen years to define and redefine professionalism. Professor Sam Huntington made one of the first full-volume attempts to define military professionalism within a democracy. He discussed such things as the body of knowledge which must be possessed by those who are members of the profession, and the hierarchal nature of the structure into which the professional must move and up which he must progress to earn his spurs. Lieutenant Colonel Zeb Bradford continued this discussion by picking up the thread of British military authors a century ago when he indicated that it is the unlimited aspect of responsibility which makes a profession of the military calling. This word *responsibility* has some bearing on the question of what value there is to military training if one is not to stay in the military for a life time.

Last fall I attended a meeting in this very city of the Association of the United States Army. Many of you were there. Inside the door of the hotel was a small display on ROTC. This display pointed out that approximately four percent of college men have received ROTC training. Yet, of the men in America making between $100,000 and $300,000 per year, 23 percent took Army ROTC. So did 24 percent of our senators. The relationship is not casual but causal. I believe that one of the primary reasons for this causality can be summed up in the word *responsibility*.

But there are more reasons, and they are included within our earlier mention of discipline and self-discipline. From discipline comes self-discipline; from self-discipline comes example. Combine example with a readiness to accept responsibility, and leadership emerges. And this progression is so much of what we do within the variety of military schools and colleges we are fortunate to have within the United States.

But one might ask, "Of what value are these institutions if their need is not understood and if they are not supported?" I think we are over the worst of that particular hurdle. Our press gives daily indications that the great bulk of students do not resemble those who captured the attention of the media in the last few years. When one can read a poll as reported a few months ago in a large national magazine and see that the heroes of young men from 15 to 21 include such people as John Wayne, then the pendulum has really swung back. Or, if I might suggest an alternate solution, perhaps it never made the trip to the extent that we believed it did. A recent article entitled, "All Quiet on the Campus Front" reports that students are studying with unfamiliar zeal, and that professors report that it is fun to teach again.

One university protested strongly two years ago against the ROTC; but this year, when a small band of radicals tried to block the path of a Marine Corps recruiter, self-appointed marshals quickly cleared the way.

On the 19th of February, a 21-year-old girl from New Jersey wrote me a letter. I never met her; we have had no prior contact. But she had some very interesting things to say. I will not quote the whole letter, but she told me that pressures of frustration led her to write it. She wrote:

"I have been raised to believe in this country in the fullest sense of the word by a mother with a 'fierce' patriotism who also served in the Second World War. As a child I was taught respect for my elders and to not be afraid to voice my opinion, but to remember that for every opinion I may hold to passionately, someone else holds the opposite with equal conviction. And so, with an open mind I began reading the history of this country to find the answers to questions that have been stored in my mind from the teachings of school. I have never been satisfied with just memorizing names and dates from a school book. I must know the why's of things and the how's.

"Being only 21 years old, I find myself in a very frustrating situation. I am young and yet have old ideals. By old ideals, I mean the so-called new generation of hippies and flower children repel me. I see high ideals of pride crumbling. They shout 'love and peace,' but want none of the responsibility of holding to either—so they run from reality by dodging the draft or taking drugs. . . . It will be difficult to rebuild a shattered world if they continue to look and not see. How can so great a country as ours be if discipline and honor and love of country perish. These are questions I need answered.

"I am not a stranger to doubt, for I have lost a brother-in-law in Vietnam. This was

a young man who in my mind belonged to the era of Thomas Paine: so great was his conviction as to the rights and wrongs and love of country. He could have been in Washington behind a desk, but chose to be with his men because he believed in why we are there and his belief helped me to accept his loss with more pride than self-sorrow.

"I appreciate your taking the time to read this letter, and please know that I am proud of the Academy and men like yourself who go on in spite of the confusion and changing world. I hope it never changes. Sincerely,". . .

This letter well expresses the views of what I find to be a large body of young Americans. The siren appeal of those who would "resist" or destroy has been followed by a feeling of emptiness and a search for values that begins to lead back to tradition. From people with such instincts will come the leaders for the challenges of tomorrow, which some consider the terrors of tomorrow. But leadership is something delicate and elusive. Some men are born leaders but never have the chance to practice the art. Others must learn the components of leadership and, through education and self-discipline, prepare for the day when they will be called.

The military schools and colleges of the United States and the ROTC program have been providing our country with able, dedicated military and civilian leaders for a total of 152 years. That is an enviable record. The qualities which you instilled in generations of graduates are inherent in your very institutions. I believe those qualities will see you through this period of transition and enable you to continue your unique efforts. Your citizen-soldier graduates have insured our survival at key points in history. I do not see a diminution of this need in the future.

COMPREHENSIVE 5-YEAR DEFENSE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES), is recognized for 10 minutes.

Mr. RHODES. Mr. President, the Secretary of Defense, the Honorable Melvin R. Laird, has forwarded to Congress his report on fiscal years 1972–76 defense program and the 1972 defense budget.

This report included a comprehensive 5-year defense program and spells out a new national security strategy of realistic deterrence.

I am proud to present Secretary Laird's summary of this report to this body. I urge my distinguished colleagues and the American public to acquaint themselves with the administration's plan.

Secretary Laird's summary reads as follows:

THE SECRETARY'S SUMMARY

Mr. Chairman and Members of the Committee: I am privileged today to present the first comprehensive Five-Year Defense Program of the Nixon Administration, and to discuss the associated FY 1972 Budget.

This Five-Year Defense Program is keyed to the twin objectives set forth by President Nixon for the last third of the 20th century: achievement for the first time in this century of a generation of peace; and in the process, enhancement of the quality of life for all Americans, while helping to improve it for all peoples of the world.

This 1972 Defense Report to Congress and the American people contains a Five-Year Defense Program which spells out a new National Security Strategy of Realistic Deterrence. This new strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership, and meaningful negotiations.

The Strategy of Realistic Deterrence seeks to further the goal of peace by deterrence of armed conflict at all levels. I have always tried to be a realist in fulfilling my responsibilities, whether as a Member of Congress or as Secretary of Defense. I believe the strategy we are advancing is realistic for three reasons:

First, it is based on a sober and clear view of the multiple threats to peace which exist in today's world. It neither exaggerates nor underestimates those threats.

Second, it provides for the maintenance of a strong Free World military capability as the essential foundation of deterrence. It rejects the view that peace is well served if our military power is unilaterally weakened.

Third, it takes account of the strategic, fiscal, manpower and political realities while steering a prudent middle course between two policy extremes—world policeman or new isolationism.

The Strategy of Realistic Deterrence is new. Those who would dismiss it as a mere continuation of past policies in new packaging would be quite mistaken. Past policy was responsive and reactive.

Our new Strategy is positive and active. Past policy focused on containment and accommodation. The new Strategy emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength.

The Strategy of Realistic Deterrence will provide through sufficient strength and full partnership the indispensable and realistic basis for effective Free World negotiation. Most importantly, it is designed not to manage crises but to prevent wars.

The FY 1971 program and budget, which was sent to Congress last year, was the foundation for the transition from an era of confrontation to an era of meaningful negotiation. The fiscal year 1972 program will move us closer to this goal.

It was clear at the outset of the Nixon Administration that, in order to set the stage and create the conditions for meaningful negotiation and peaceful relations, we had to move the country away from war and toward peace, away from a wartime economy and toward a peacetime economy, away from lopsided national priorities and toward a major reordering of those priorities, away from arms competition and toward arms limitation.

On the basis of the record of the past two years, it is my view that we have made significant—in some cases unprecedented—progress toward the major interim goals we have set for ourselves.

In the war to peace transition: by continuing negotiations in Paris, by progress in Vietnamization, by reducing U.S. combat activities, casualties and air sortie levels in Southeast Asia, and by an orderly, substantial and continuing troop redeployment program.

In reordering national priorities: by shifting the Defense portion of the Federal Budget and Gross National Product (GNP) to its lowest level in 20 years and by spending more on human needs than on Defense needs.

In our Defense budget: by providing for the first time in this century the full peace dividend before the conclusion of a war. Defense costs in this budget already are back at pre-Vietnam levels in constant dollars.

In implementing the Nixon Doctrine: by withdrawing more than 300,000 American troops from Asia while increasing significantly security assistance levels to our friends and allies.

In NATO: by helping foster a new spirit of meaningful burden sharing and a new awareness of the strategic, fiscal, manpower and political realities we face in common.

In moving toward zero-draft: by obtaining Congressional approval for long-needed draft reform to eliminate many inequities, and by cutting draft calls almost in half from 1968 to 1970 in pursuing our goal of zero-draft by July 1, 1973.

In our program for human goals: by relating it to our objective of an all-volunteer force, by seeking to instill a new order of professionalism and dignity in military life, by seeking to remedy remaining shortcomings in such areas as housing and education and by continuing to lead the way toward full equal opportunity.

In taking new initiatives with regard to prisoners of war: by an unprecedented exchange offer at the Paris peace table, by search and rescue missions when possible, and by focusing public attention at home and abroad on their plight.

In chemical warfare and biological research, and in defoliation: by promulgating a major new policy renouncing any use of biological and toxin weapons and renouncing first use of lethal and incapacitating chemical weapons, by ending crop destruction operations in Vietnam and by restricting limited defoliation still needed for troop safety to the same regulation applied to herbicide use in the U.S.

In major improvements of defense management: by adopting many of the Blue Ribbon Panel recommendations, by emphasizing a new "fly-before-buy" policy and by increased decentralization in procurement actions.

Mr. Chairman, we are proud of the significant progress we have been able to make in establishing new directions and a steady momentum toward major goals of the American people. As I reported last year in discussing our FY 1971 transitional program, the challenges here at home which we faced upon assuming office in many ways equaled, and in some ways surpassed, the growing challenges abroad.

I will not repeat in detail what I said last year, but it is important, I believe, to repeat a concluding comment I made in last year's Defense Report:

"Transition to a new equilibrium will take time. We made a beginning in 1969 and are continuing the transition into calendar year 1970. We consider our fiscal year 1971 budget another building block in that transition."

I readily acknowledged that not all of the challenges we encountered upon assuming office had been met with the submission of the fiscal year 1971 budget. I would repeat that comment today with regard to the budget and program contained in this report. We still have a long way to go in all aspects of Defense responsibility. We have never claimed to be instant problem-solvers. But we have completed our year of transition with respect to basic Defense planning both with regard to strategy and management. We have completed our basic reviews and have made our fundamental decisions on what needs to be done. The New Strategy and Defense Program presented in this report embody the major elements of the decisions that have flowed from our assessments of the past two years. The Strategy and the Program, of course, cannot succeed without the understanding and support of Congress and the American people.

This report describes the major changes which have been made and which will be made in such areas as defense strategy, the defense budget, research and development, command and control, intelligence, procurement and, most importantly, the need to revamp our concepts about the recruitment and use of military manpower—both in active, National Guard and Reserve forces.

I would like briefly to outline for you some of the major points in the Defense Report. We focus on two fundamental aspects of Defense Planning:

In Section I—Effective Implementation of the Strategy of Realistic Deterrence.

In Section II—Better Management of Human, Material, and Economic Resources in the Department of Defense.

Our Five-Year Defense Plan projects a capability to attain our goal with an efficient and modernized force that, in peacetime, would require no more than seven percent of the Gross National Product and be made up of no more than 2.5 million men and women who are volunteers. This is discussed in the chapter on *Strategy Overview*, which states, in essence, that a realistic military strategy cannot be an end in itself but must be inseparably linked with a broader national strategy of deterrence and "meaningfully related to our pressing requirements in the domestic field."

As I discussed in the chapter of *Concepts for Defense Planning*, we intend to use a Total Force approach in which all appropriate resources for deterrence, U.S. and Free World, will be available. Through the application of all resources across the full spectrum of possible conflict and the full spectrum of capabilities of our friends and allies, we will maintain sufficient U.S. strength and will mesh this strength with other nations in a new order of partnership.

For the U.S. forces, the Total Force concept will mean increased importance for our National Guard and Reserves. In this chapter, I analyze the progress and problems of Vietnamization, and discuss its relation to the Total Force concept in its broadest applications, utilizing both military and nonmilitary resources. Looking to the future, we must continue to focus on the intimate relations of the military, economic, political and diplomatic facets of the Indochina situation as we move to terminate U.S. involvement in the fighting. This report does not address the day to day military situation in Indochina, or anywhere else. It seeks instead to explain the basic concepts that underlie our strategy for the future. To be realistic about it, there will continue to be ups and downs, gains and losses, temporary setbacks. The important thing is for the citizens of our nation to keep in sight of the fixed goal of a generation of peace and to insure, as best we can that the policies we establish and the strategy we follow lead in that direction.

The chapter on *The Threats to Free World Security* provides an update of the threats to the Free World at all levels of conflict. The continued momentum of the Soviet Union in strategic missiles, aircraft, Naval forces and research and development are evaluated. Chinese weapons progress is also discussed. This threat assessment is related to the need for assuring that the United States maintains its technological leadership in order to assure the safety and survival of the American people. To maintain technological leadership, we must reverse the recent downward trend in R&D funding, which this budget does, and we must also move forward with new technological initiatives to guarantee that we have flexibility and timely options to meet possible threats of the future.

The fourth and final chapter in Section I, *Force Planning under the New Strategy*, provides a discussion of the specific programs being recommended as the "basic minimum capabilities deemed necessary and appropriate for the years ahead." We have completed our transition to what we describe as "base line planning," and are now building for the future. Of course, much will depend on the outcome of the Strategic Arms Limitation Talks. Because of uncertainty associated with SALT, we must maintain present capabilities, while preserving or creating options to adjust those capabilities upward or downward as may be required.

Mr. Chairman, no one hopes more for success at SALT than the Department of Defense because of the burdens and responsibilities we would face should SALT fail. The details of the President's decision on the FY 1972 SAFEGUARD program are contained in this section. SAFEGUARD continues to be a vital factor in the SALT negotiations.

The Chapters in Section II are focused on the need for better management of human, material and economic resources in the Department of Defense.

Chapter 1, *Organization and Management*, focuses on our management concept which is based on participatory decision-making, defined decentralization, and delegation of authority under specific guidance. I propose in this chapter the creation of an additional Deputy Secretary of Defense in order to enhance high level civilian management and to cope with the severe time demands now placed upon the single Deputy Secretary of Defense, David Packard. I also recommend creation of two additional positions for Assistant Secretary of Defense.

We will continue, of course, to make management improvements in the Department of Defense, including a modification of the Unified Command Structure which we are recommending to the President. We will continue to draw as appropriate on the recommendations of the Blue Ribbon Defense Panal which was so ably headed by Gilbert Fitzhugh.

Our examination into the intelligence activities of the Department of Defense will continue, and further changes may be anticipated, including the creation of a long-range planning group reporting directly to the Secretary of Defense. We have taken steps also to strengthen civilian control over investigative and related counter-intelligence activities.

The continued progress we expect under the Human Goals principles of the Department of Defense are reported in the Chapter on *Manpower Objectives*. Of particular importance, of course, is our program to achieve zero draft calls by mid-1973 and to accomplish further improvements of the Selective Service System which would complement last year's reduced draft calls and National Random Selection System. Many inequities in the Draft have been eliminated in the past two years, but so long as we need the Darft it must be made more equitable. One gross inequity today is the fact that the young men who attend college are given deferments which are denied to other young men who do not attend college. This is unfair and should be changed.

Once men and women are in the Armed Forces and are serving their country in uniform, we owe them respect and dignity for their service, and we owe them and their families fair play in the areas of pay, housing and educational opportunities.

Let me candidly tell you that we face some formidable problems in the manpower area that are not going to be solved overnight. In addition to complex recruiting and retention problems, we share with the rest of American society the agonizing problems related to race relations and drug abuse. We in the Department of Defense are determined to continue leading the way, as best we can, in seeking solutions to these difficult problems.

A final Chapter on *The Defense Budget and the Economy* surveys the impact of cuts in Defense personnel and expenditures over the past two years in response to our changing national priorities.

The impact of the massive cuts that have been made during the last two years in employment and expenditures related to national defense is assessed. These cuts have resulted in a considerable amount of turbulence, which results from our shift from a wartime to a peacetime economy.

This year the rate of defense reductions is declining and we are going to do everything we can to keep to a minimum this turbulence, as it relates to our civilian employees, Defense industry employees, and our military people and their families. In short, the Defense Budget has been heavily affected in our national reallocation of resources. The period of Defense dominance in national resource allocation is over. Our Fiscal Year 1972 budget, in constant dollars, will be below the prewar year of Fiscal Year 1964. This fact cannot be ignored as we plan to implement during the next five years our New Strategy of Realistic Deterrence.

In current dollars, the FY 1972 Defense Budget transmitted to the Congress by the President totals $79.2 billion in Total Obligational Authority (TOA) and $76 billion in outlays, including amounts proposed for future pay increases. This is $3.9 billion in TOA and $1.5 billion in outlays above the respective amounts for TOA and outlays we now expect in FY 1971.

In summary, Mr. Chairman, I would repeat that we have not solved all the hard problems before us nor can I tell you that hard decisions do not lie ahead. As with the Fiscal 1971 transitional budget, there is some risk attached to our FY 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish. Should events dictate, I will not hesitate to recommend any action that may be required to insure the continued safety and security of the American people.

As Secretary of Defense, I seek your understanding and your support for our new Strategy and want to assure you that I will continue to work with this Committee and other Committees of the Congress to advance the goals we share in common in seeking to serve the best interests of the American people.

MEDICARE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I am today introducing a proposal which I had previously introduced in the 90th and 91st Congress which would, if enacted into law, remove the requirement that State and local government employees must join the social security retirement system in order to qualify for medicare coverage.

On July 1, 1966, hospitalization coverage under medicare began for nearly 20 million Americans age 65 and over. All Americans who reached age 65 before 1968 were similarly covered, whether they were eligible for social security retirement benefits or not. But, as of January 1, 1968, a person must be covered by the social security retirement system to be eligible for medicare hospitalization insurance. Although generally equitable, this creates a severe problem for employees of State and local governments.

Although most employees in the United States are now automatically covered by social security, this is not true with regard to employees of State and local governments. As of January 1965, approximately 2.6 million positions in State and local employment were not covered by social security. These public employees, although members of State or local retirement systems, do not have programs available to them similar to the hospital insurance program available through medicare. Many are willing to pay for

such insurance, but under present law, are precluded from doing so unless the State brings them under the social security retirement system as well.

I am particularly concerned about this gap in medicare's hospital insurance coverage because among those excluded are over 689,000 public school teachers across the Nation. My bill would allow them to elect to participate in the hospital insurance program as long as they are willing to pay their own way. Nothing could be fairer than that.

WOEFULLY INADEQUATE EMERGENCY PROCEDURES OF CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KEATING) is recognized for 5 minutes.

Mr. KEATING. Mr. Speaker, the recent tragic bombing at the Capitol pointed out how woefully inadequate the emergency procedures of the Capitol are.

At present, there are investigations underway for providing greater security at the Capitol. However, what I am principally concerned about is the safe evacuation of employees and tourists from these buildings.

A member of my staff tried to ascertain if there was in existence any emergency evacuation plan after the incident of the explosion occurred Monday morning, March 1. After being directed to four different offices, he was told that there was, indeed, a plan, but it was a secret.

Mr. Speaker, if a staff member doing a research project for a Member of Congress cannot discover the evacuation plan, I shudder to think what would happen if a fire or another bomb occurred in these historic buildings. For this reason, I am introducing today, a resolution to direct the House Administration Committee to develop and promulgate evacuation procedures and an alarm system. The current investigation into security procedures at the Capitol will probably entail time and money. My proposal is a step that should have been taken long ago, but can be done now, quickly and at a small cost.

Mr. Speaker, I urge quick consideration on this proposal:

RESOLUTION TO PROVIDE FOR AN INVESTIGATION BY THE COMMITTEE ON HOUSE ADMINISTRATION OF AN ALARM SYSTEM FOR THE CAPITOL BUILDING AND THE HOUSE OFFICE BUILDINGS

Whereas the Members of the House of Representatives were shocked by the senseless bombing of the Capitol building on March 1, 1971;

Whereas neither Members of the House nor their staffs were familiar with evacuation plans for the Capitol building or the House Office Buildings;

Whereas a serious bomb threat, fire, or other catastrophy could cause panic and confusion if there is no clear emergency plan for evacuation of the Capitol or House Office Buildings;

Whereas there is no adequate system to signal a building evacuation: Now, therefore, be it

Resolved, That the Committee on House Administration, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study into ways of informing Members of the House, their staffs, employees of the House, and visitors of the evacuation procedures (in case of emergency) for the Capitol building and the House Office Buildings.

For the purposes of carrying out this resolution, the committee is authorized to sit and act during the present Congress, subject to clause 31 of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to 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 under the signature of the chairman of the committe or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress, the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

STAFFING FUNDS FOR MINORITY ON COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 5 minutes.

Mr. RUPPE. Mr. Speaker, I am introducing today legislation designed to restore a key facet of the Legislative Reorganization Act of 1970—a provision which was nullified at the opening of the Congress when a majority of the House of Representatives voted to delete the minority party's right to one-third of committee investigatory staffing funds.

Mr. Speaker, we are all aware of the significant input of committee action in the overall legislative process. Most legislation is written and rewritten in committee. One of the major functions of the legislator is his scrutiny of proposed legislation in committee. The value of adequate staffing to assist in this process cannot be overstated.

The contribution of the minority party in this process is essential. Certainly the right to initiate and perfect pending legislation as it passes through committee is necessary to achieve effective legislation. Adequate committee staffing to aid in a thorough review of the various legislative proposals is vital. Many views and judgments are needed to inject a greater balance of all concerns in our laws. The minority staffing provision is an important means of achieving that balance.

Mr. Speaker, today, as I reintroduce this proposal, I call to the attention of my colleagues the impact that such a provision has in the overall legislative process. I am hopeful that this proposal will receive prompt and thoughtful consideration in the coming months of the 92d Congress.

DISCRIMINATION IN FAVOR OF WEALTHY WITNESSES AT MAJOR SPORTING EVENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN) is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, there is a clear and growing outcry for congressional attention to what appears to be a trend toward discrimination against all but the affluent to witness major sporting events.

I refer specifically, of course, to the Joe Frazier-Muhammad Ali heavyweight championship fight Monday night.

I was among an estimated 2 million persons in the Nation fortunate enough to witness this great bout. In my opinion, it was such a well fought and equally matched fight that most of us in Atlantic City Convention Hall ignored the poor closed-circuit picture.

Everyone in Convention Hall as well in the other hundreds of auditoriums with the closed circuit showings had paid $12.50 to $30 for their seat. I am not complaining about this as there are many sport fans who prefer and would gladly pay for the atmosphere of crowd spectatorship.

However, Mr. Speaker, I am very concerned that there were some 200 million Americans who, for lack of funds with which to buy a ticket or lack of transportation or for a myriad of other reasons were denied the privilege of witnessing what history may record as the sporting event of the century.

It was estimated that had this particular championship fight been televised, some 150 million of our citizens would have watched.

Let me state at the outset that I am all for competitive enterprise—for the right of making a profit. And I am not for nationalizing any sport.

But I do believe that the courts and the Congress have been lenient with professional sports on the basis that they are not merely businesses, but also worthy forms of public entertainment and diversion of our citizens from their normal concerns.

Unless we act now to protect citizen-spectators from undue financial discrimination on availability of professional sports, because of their monopolistic—perhaps necessarily—status, enjoyment of major sporting events will inevitably become limited to the rich.

The day is fast approaching, for example, when the financial attractiveness of such closed-circuit arrangements could force promoters of such great events as the Super Bowl, the World Series or maybe even the Rose Bowl, the Olympics, and other major "amateur" events to limit spectators on the basis of dollars only.

Currently, the Federal Communications Commission claims to be powerless to insist that something be shown on television or heard on radio whereas it has power to insist that certain things not be shown or heard.

And the Justice Department has its hands tied, as I understand it, by congressional action which exempts certain sport organizations from antitrust prosecution.

I, therefore, am drafting new legislation to confront this situation before it gets further out of hand. I will seek

public hearings on this matter and will urge prompt Federal enactment of such legislation.

In concept, I am proposing that Congress declare that certain major sporting events must be made available to be broadcast publicly by the highest national radio and televison network bidders.

My legislation would require that permits be obtained from the Government—probably the FCC—before certain major sporting events can be staged. Primary prerequisite for securing a permit would be proof that public networks have had an opportunity to bid for the rights to broadcast the event and that the highest bid, if any, was accepted.

This approach, Mr. Speaker, would leave the management of professional sports in the hands of private promoters where it should be. But instead of allowing a false, private supply and demand among only the rich to exist, a new public supply and demand for all sports fans will be permitted to exist.

I invite all my colleagues in Congress to give me the benefit of their respective points of view on this issue while the drafting of this legislation is in process. I am also eager to hear pro and con arguments from anyone else who may be interested.

This morning, I had the pleasure of visiting by telephone with Howard Cosell, well-known ABC sports commentator, who only this morning made this issue the subject of one of his network radio broadcasts.

Coincidentally, James Restin and William N. Wallace of the New York Times provided separate articles on this matter. I am, therefore, including a transcript of Mr. Cosell's broadcast and the text of both Times articles as part of my remarks in the RECORD:

SPEAKING OF SPORTS

(By Howard Cosell)

This is Howard Cosell, Speaking of Sports.

The big event is now over. In a couple of days, it will be old news. There is talk about a rematch next year, but the people of this country have been left with something to think about.

A couple of men come in, they put up a quarter of a million dollars and they own the rights to the biggest event of the decade, maybe of the half century. Who can tell? It turns out to be a great event. They turn it over to a closed circuit television group to transmit to theaters around the nation. Less than two million people probably, or anyway around two million, see this great event, pay apparently almost 17 million dollars for the privilege and then the public gets left out.

Not even the Army can hear a radio broadcast of it. Not even the soldiers overseas.

It raises all kinds of questions because now the man in charge of the outfit that transmitted the event to the theaters says it's the wave of the future, and the Super Bowl and the World Series may all be on the theater television only for the very few and the very rich in the years that lie ahead.

This is one of the things I've talked about more often in sports. Is it a business? Is it a sport? Who is kidding whom? Sports today is big business pure and simple. It is sports only in the minds of the masses who have allowed themselves through all the years to be deluded.

Most of the people in this country are poor people really who couldn't afford the prices to the theaters, let alone to the one arena where the live event took place.

The masses of the country, if it comes to the point where sports is only for the very few and the very rich, will in the ultimate, I predict, force legislation from the Congress of the United States to see that the great bulk of the people in this country are able to see the great "sports events".

Add ironies, the people who paid all that money in the theaters did not even get to see the fighters interviewed in the ring after the fight.

Howard Cosell reporting.

[From the New York Times, Mar. 10, 1971]

THE GREEDY SPORTS PROMOTERS

(By James Reston)

WASHINGTON, March 9.—The Joe Frazier-Muhammad Ali heavyweight championship fight is over, but the battle over the greedy promoters is just beginning. If they can sell their performers to the highest bidders, and black out home television for the poor folk why not the same grab for the pro football Super Bowl, the World Series and all other big sports and theatrical productions?

Congress and the Supreme Court have had trouble with the regulation of professional sports ever since the days of "Kenesaw Mountain" Landis, and have bent the antitrust laws to protect the semimonopoly structure of professional football and baseball, but now they have a new problem to think over.

The courts and the Congress have been comparatively lenient with the pro-football and baseball promoters on the ground that they were not merely a business but a sporting enterprise, where the rights of the player to sell his services to the highest bidder had to be restricted. And the rights of the club owners to black out local television areas when the team was playing at home should be protected.

But in the Frazier-Ali fight, the promoters demanded and got unrestricted rights to sell their product at prices ranging from $150 for a seat in Madison Square Garden to $15–$30 for closed television seats in theaters and hotels all over the country. Thus, total proceeds not counting movie and free television re-runs, amounted to about $20 million—$17 million from the closed-circuit gate receipts and $3 million from the rest.

The promoters not only kept the fight off the television and radio networks of the United States and Canada, but even tried by legal action to restrict the right of news agencies to file blow-by-blow accounts of the fight to their newspaper, radio and television clients. In fact, when the officials of COMSAT, which was sending the pictures of the fight overseas by satellite, tried to invite a few friends into their office to see the picture, Jack Kent Cooke, one of the two promoters of the fight, gave his permission only on condition that they also invite the Federal Communications Commissioners and the members of two Congressional Commerce Committees, who regulate broadcasting, to attend the showing as his personal guests.

Okay, so it was a business bonanza, and maybe all legal too, but if professional sport is to be judged solely as a business, using interstate commerce facilities and selling tickets in interstate commerce, then it can be argued that it should henceforth be subject to Federal interstate commerce regulation in the public interest.

Anybody who saw the crowds of blacks around Madison Square Garden in New York, and around the Hilton Hotel in Washington, where the closed-circuit seats were selling at $30 a piece, could even believe that there is a question of public safety involved in this monopoly.

This time it was a case of "let the buyer beware," but next time, if there is a rematch under the same high-priced closed-circuit setup, the security problem for the promoters and their well-heeled guests may be formidable indeed.

Even the networks with their high-priced advertising cannot hope to compete with the closed-circuit receipts from spectacular events like a heavyweight championship fight or a pro football Super Bowl game. The pro football leagues collected $2.5 million for the television rights to the last Super Bowl in Miami. But a closed-circuit network showing in theaters in all the pro football cities might easily bring in ten times that much, and the only people left out again would be the poor.

It may be, of course, that pay-as-you-see television is the coming thing, and there are some critics who believe that it will eventually increase the variety and quality of American television programs. Thus, it is argued that by transferring the cost of programs from the advertiser to the viewer, enough people may be willing to pay to see a good play or concert to make it profitable for national distribution.

But the dangers of high-priced closed-circuit sporting spectaculars are fairly obvious. Sport in America gains its power from mass audiences, and what the closed-circuit system does is to increase the revenues while reducing the number of people who can afford to see the event.

In fact, not since the invention of television has any championship fight in America taken in so much money or been seen by so few people in this country as the Frazier-Ali battle. It is true that heavyweight championship fights are regarded by the courts as monopoly enterprises, but it was never anticipated that they would be governed by the predatory practices that controlled this one.

One argument for professional sport in America is that it occasionally diverts the whole nation from its normal preoccupations and provides the people with a common interest for at least a few hours. The closed-circuit system threatens to change all that: it is sport for the rich, like polo and yacht racing, with the poor outside the gate. And since the poor outnumber and outvote the rich, the possibilities of fair legislation to avoid the repetition or spread of the practice are fairly obvious.

[From the New York Times, Mar. 10, 1971]

FIGHT TELECAST REPORTED AS FINANCIAL AND ARTISTIC SUCCESS

(By William N. Wallace)

The closed-circuit television presentation of Monday night's Joe Frazier-Muhammad Ali fight was a financial and artistic success with few exceptions. Just how successful it was will not be known until later this week when the accounting dimensions take shape.

Jerry Perenchio, the promoter, made an early estimate yesterday of $16.5-million in gross receipts, as reports of capacity houses came into his headquarters here.

Of the 369 sites, four had equipment failures. That record was described as a "remarkable success" by E. William Henry, chairman of Management Television Systems, which set up the largest closed-circuit network in history.

Ticket counterfeiting, scalping and some disorders were associated with the telecast. The Chicago Coliseum had no picture to show and the crowd of 6,900, which had paid $10 a ticket, began to fret as fight time neared. Ticket counters were thrown through windows, and chairs and bottles from the balcony. Policemen sealed off the building.

The reason for the failure was that a conversion chassis in the projector had burned out. But M.T.S. had backup equipment ready.

"The irony of it is that our man could not

get through the police cordon to repair the projector," said Henry.

There was also no picture at Duluth, Minn., so fans listened to the audio, as they did in the old days of radio.

At Portland, Me., the projector failed 35 minutes before the fight. The screen went dark at the Hunter College Auditorium as the eighth round began. In all cases, refund slips were issued.

The television presentation was insured for $18-million.

Pending the determination of a rematch, Henry said his next closed-circuit goal was a live bullfight this spring and, some day, pro football's Super Bowl.

He forecast a $48-million gross for the Super Bowl, which is now on free home television. "I predict a change within five years," he said. The network TV contracts for the game run for three more years.

The best pictures of the fight were those in color in places like Radio City Music Hall. But most viewers had to be content with a black and white picture because of limited equipment.

There were some complaints that the black and white picture had been too dark, with that factor plus cigarette smoke having obscured the fighters.

The picture in Pittsburgh's Three Rivers Stadium, on a lumpy screen in the infield, was less than perfect as 5,000 fans watched in 17-degree temperatures. They paid $15 each and were content. "Worth twice the money," said one.

Henry was quick to maintain that the exciting aspect of the fight had made the closed-circuit show a success.

In some places there were too many fans. Trouble arose at Chicago's Amphitheater when 1,000 were turned away. Fire hoses controlled the crowd.

Fans who had been turned away broke windows in San Francisco, Oakland and Richmond, Calif. Gate crashers broke down two doors in Atlantic City, and were let into Philadelphia's Arena by police order after a steel railing had given way.

A late rush of 3,000 fans filled the Los Angeles Sports Arena and 2,000 more were turned away.

"We did about $2-million the last day," said Franklin Fried, an associate of Perenchio, who had the Chicago and Wisconsin areas.

Irving Ungerman, George Chuvalo's manager, had all the Canadian outlets save for Calgary and Vancouver. He did well, estimating a gross of $900,000. He had to guarantee $275,000 against 60 percent of the gross.

In 11 Ohio cities 54,000 of 61,000 seats were sold for a gross of $600,000.

One unhappy promoter was Jim Journigan, who said he had lost $75,000 in Kansas City, Topeka and Wichita, Kan., Des Moines and Davenport, Iowa, and Sioux Falls, S.D.

"The boys in New York were too smart," he said. "They got their money up front and didn't do anything for me." He paid $200,000 for his territory.

The Congress of Racial Equality sponsored the only showing in Harlem, at the 369th Regiment Armory, where several thousand were turned away after 11,000 seats had been sold. Because of the threat of counterfeit tickets, spectators were allowed through only two gates. Pushing and shouting resulted. The congress was to keep half the estimated gate of $150,000.

A scalper in Buffalo tried to sell a $12.50 ticket to plainclothes policemen for $35 and then to another for $37. He wound up in jail.

BOMBING AT THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I do not intend to use my full time this afternoon, but I rise on this occasion on the same subject matter or theme that I presented before the House the day before yesterday, when I mentioned that in the wake of the bombing that took place in the Capitol Building on the Senate side, there was a tendency to find a scapegoat.

The scapegoat has been the Capitol Police force—unjustly.

The Attorney General made some remarks about the police force being patronage—and other people the same—without really knowing the facts or the record. The truth of the matter is that the Capitol Police force has an excellent record. It has discharged its duties well. The Attorney General said he wished they could have the same kind of protection for these structures here as for the embassies. I am sure he does not know what he is talking about. The record of protection and custody of the embassy buildings is a lower one in comparison with the record of safety and order that has been kept on Capitol Hill by the Capitol Police force, if you please.

Perhaps out of this nettle we can pluck a flower of justice by pointing out that the Capitol Police force is the only police force in the country I know of that does not get paid for overtime. In the wake of the bombings some of the men have been asked to work twice as many hours as ordinary, with not 1 cent of pay for that extra time.

Now, that is wrong. That is unjust. Nothing can justify the continuation of that system.

I thought 6 years ago, when we corrected that situation for the Metropolitan Police force, the Capitol Police force was placed on the same footing. I found out this last week this is not so.

Here we are, the House of Representatives, which has been on record ever since the Fair Labor Standards legislation in the 1930's for minimum wages and for maximum hours of work, flagrantly violating right here in our own House these rules that we demand other Americans keep.

I believe it is necessary that justice be brought to the Capitol Police force instantly—immediately. I will push for this until there is some reform and some remedy.

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

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman from Texas yielding, because he has touched on a subject in which I am very much interested. I want to join with him in the defense of the Capitol Police force. I believe they are doing an outstanding job under some pretty tough circumstances from time to time.

These recent criticisms in the newspapers I believe are wholly unfounded. I particularly resent some of the comments coming from downtown about the so-called guards or the quality of the guards. The majority of the police force today, as I am sure my colleague from Texas knows as well or better than I, is a professional force.

Mr. GONZALEZ. Right.

Mr. SISK. Very frankly, they are doing an outstanding job. I particularly want to commend Chief Powell on the kind of work he is doing and the type of training being given to these men. As I say, sometimes it is under pretty adverse circumstances.

I would hope that my colleague from Texas and other Members would join in helping us to correct the situation and to improve the working conditions of our police force. I appreciate what the gentleman has said.

Mr. GONZALEZ. I thank the gentleman from California. I want to say that he has done a wonderful job on the committee that has some responsibility for such things as parking spaces and related matters, chores of legislation which sometimes legislative committees have to perform.

I want to say further, before I finish my remarks, that the House has a responsibility to address itself to the situation immediately. Last year we heard a lot about law and order. We heard all of the national leaders seeking office 2 years ago, about 95 percent of the Members of the House, talk about law and order and about the disorders and the rioting and the criminal elements. Yet here we have just a little example about how much we care for those whose whole life and job is to maintain law and order. There is a saying in Spanish which is so true: "Candil de la calle y Obscuridad de la Casa."

In other words, he is a torch on the street but he is absolute darkness at home.

This is very true. Charity begins at home. We have the laws we pass regulating all businesses as to minimum wages and maximum hours. Now let us obey it.

We yell a lot about law and order and yet we rarely show how we feel about our policemen who I have the secure feeling would lay down their lives in order to protect us. I do not see how anybody, unless we turn this over to a complete police state situation—I do not see even if we had 1 million policemen, how anybody can prevent somebody from performing some irrational insane act of violence. As I said the other day there is nothing to prevent anybody, in the current situation, from coming into the gallery with a hand grenade and throwing it right into the middle of the House floor. This is something that I do not see how in the world we can prevent unless we have a personal search of every single individual entering the gallery. This is only one example. I do not think it is right to overreact and blame the wrong people and particularly the Capitol Police because as the gentleman from California (Mr. SISK) has well pointed out the overwhelming preponderant majority of the members of the Capitol Police Force are not students or on patronage but are rather professionally trained men and are doing an excellent job. I may add even those who are students and those who are on the so-called

patronage lists, are doing and have done an outstanding job every year that I have been here and that has been 9 years and 2 months.

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

INCREASED SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE) is recognized for 10 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I have today introduced legislation which should have a beneficial effect on the rapidly deteriorating financial capabilities of 20 million senior citizens who are trying to subsist on social security.

I urgently solicit the immediate and wholehearted support of my colleagues who, I believe, are mandated to take action now because millions face starvation, suffer the lack of medical services, and cannot achieve even minimal standards of housing.

Personally, I think it is shocking that the richest country on the face of the earth cannot provide this minimum care to the people who have earned freedom of want after a lifetime of honest labor. It is incumbent upon us to take action—and to take it now.

I want to make certain that this legislation is not suspected of being the usual, piecemeal, stopgap measures regularly introduced on a biennial basis—measures whose benefits appear to disappear through inflation before the next biennium rolls around.

No, I think this is the time that we must plan beyond the immediate future. We must use our knowledge of past performance and plan not only for tomorrow but the tomorrows to follow that.

Basically, my proposal calls for an immediate 15 percent raise of all social security payments, retroactive to January 1, 1971, followed by another 15 percent increase on January 1, 1972. This would just about bring the payments up to the value they have lost in the past several years.

Second, my bill would place a minimum of $100 a month this year—up from the current $64—and an increased minimum of $120 a month in 1972. The need for this is obvious; social security is not supposed to be "token" payments.

Tied to this would be a cost-of-living escalator to take effect when the cost-of-living index, as reported by the Bureau of Labor Statistics, increases more than 3 percent.

In addition, benefits for widows would be increased to 100-percent rather than the present 82½ percent of the primary, basic benefits of their deceased spouses.

Pending the passage of a meaningful national health plan which would provide for these contingencies, my bill would eliminate supplementary payments for medicare. Prescription drug costs for medicine outside of a hospital would also be covered.

Disabled persons under the age of 65 who are receiving social security payments would become eligible for medicare for the first time—a revision which I feel has been necessary in our law for some time.

Yes, Mr. Speaker, I am aware that these suggestions would cost additional money, but I do not think it wise to finance it all out of social security taxes. This would, in turn, put the burden of costs back on the people least able to pay them. Therefore, I ask that some of these suggested features be financed through the general revenue funds.

These are some of the provisions of the proposed legislation. Other features would alter the present formula for outside income, recognizing that this added income is vital if our elderly are expected to survive; it would equalize the computation of benefits for men and women at the same age level.

Admittedly, this session of the Congress has many crises facing it; however, I can think of no matter as crucial to our Nation as the one of our elderly. We cannot deny our responsibilities to them. We need action now.

THE BERRIGAN CASE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, many citizens who believe deeply in political liberty and evenhanded justice are expressing concern about the bizarre case of the Berrigan kidnaping plot. The uneasy feeling about this prosecution stems from several important factors.

First, the Berrigans have become symbols of opposition to the Indochina war, particularly of the nonviolent activist type. We must all recognize that bringing criminal charges against political opponents of the administration has the effect of inhibiting dissent. This is particularly true where the offense charged is conspiracy rather than an overt act and the Government's case relies on hazy conversations, speculative philosophical discussions and the use of informants.

Second, the publicity surrounding the case, in particular the statements by the Director of the FBI about the Berrigan brothers' involvement in a kidnaping conspiracy, has been unusual. The courts have repeatedly emphasized that a fair trial requires strict limits on statements by public officials with respect to criminal investigations and prosecutions. Mr. Hoover's remarks certainly make the task of obtaining an unbiased jury even more difficult than it would otherwise be.

Third, there is belief among some people that, to put it bluntly, the alleged plot to blow up Government buildings and kidnap Henry Kissinger is so absurd that it must be a frameup designed either to vindicate Mr. Hoover's prior statements about such a plot or to destroy the opposition to the Indochina war.

It is tragic—although all too understandable—that many Americans, especially among the young, feel so insecure and cynical about justice in the United States today. Perhaps this is the greatest tragedy of our day.

I must say that I have more confidence in our Government and in the processes of our legal system. Although I share some of the disquiet, I believe it is important to keep an open mind about this case. The Government will soon be required to put forward its evidence and its witnesses. Defense attorneys will have an opportunity to cross-examine and to present their case. There will be a judge and jury, an alert press and vigilant public. If the defendants are convicted, their right of appeal can be a forum, as in the Spock case, for a more dispassionate review of their legal arguments. Our system provides many effective checks on the arbitrary exercise of power.

In reserving judgment at this point, I nonetheless believe that the Berrigan case must be scrutinized continually to insure that criminal conduct—not political belief—is the issue at trial. It is our obligation to provide the defendants a fair trial and an opportunity to present a vigorous defense. Philip Berrigan and his codefendants are being represented by very capable counsel: Ramsey Clark, Paul O'Dwyer, Leonard Boudin, and Addison Bowman. There will be time enough—and better information—for the public to judge both the Government and the defendants after the verdict is in.

THE DRUG PROBLEM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this morning approximately 100 Members of the House and Senate breakfasted with 40 children from Odyssey House, a drug rehabilitation organization with 19 facilities located in New York, New Jersey, New Hampshire, and Utah giving help to children from all over the country. This was a unique opportunity for Members to talk directly with children who, being former drug addicts, know best the dimensions of the drug problem. The children were brought to Washington by Odyssey House's founder and guiding hand, Dr. Judianne Densen-Gerber.

I think that so many Members took the time to come to the breakfast this morning because the drug problem in our country has reached emergency proportions—and it is urgent that we mobilize the resources needed to combat what can accurately be called "an epidemic." A conservative estimate puts the number of drug addicts in this country at 200,000 and half of these are in New York City

alone. Furthermore, the city's board of education estimates that 35,000 high school students are now mainlining heroin and other narcotics.

The toll of drug addiction is a tragedy for both the individuals whose lives are crippled by the cold grip of addiction and the assaulted society that ultimately supports the habits of the addicts. In New York City the police department estimates that one-half of the city's street crime is related to drug abuse. An example of what this means in dollars is found in my own congressional district. A hotel in Greenwich Village houses some 750 former convicts, many of whom are now on welfare; it is estimated by the community planning board that approximately 400 of these people are drug addicts whose habits cost an average of $50 a day per individual. This means that $7 million a year must be raised by the drug addicts in this single hotel; because stolen goods are fenced at approximately 20 percent of their value, this necessitates some $35 million worth of goods being stolen annually. Thirty-five million dollars a year for just 400 addicts—one can begin to understand the magnitude of the cost for 100,000 addicts.

Drug addiction is a growing problem, and must be considered a contagious disease. It is urgent that the Federal Government, the States, and cities make the necessary commitment to reach and treat today's drug addicts. The important fact is that a large proportion of the addicts are easily identifiable—and yet today we still fail to provide adequate supervision and medical and psychological treatment for them.

I would recommend that an initial program be undertaken by the States and localities, with financial assistance from the Federal Government to supervise and treat the following three categories of easily identifiable addicts:

Those members of the Armed Forces who are confirmed drug addicts and yet discharged.

Persons in prison and those released from prison.

Persons on welfare.

Earlier this week I visited Fort Bragg that has one of the few military drug treatment facilities. I was told that in a survey done of the 82d Airborne Division, 3 percent of the men were found to be "confirmed opiate users." It is well known that some men coming back from Vietnam are drug addicts—and yet even identifiable addicts are being discharged when their 2-year term is up. While the Army surely would not return to the community men afflicted with contagious TB, it knowingly returns active dope addicts. I believe that such persons must be committed to either a Veterans' Administration hospital for treatment or placed under the care of some civilian rehabilitation center.

There is a regulation in New York City that requires welfare recipients who are identified addicts to receive treatment. But, this regulation in the majority of cases is not complied with. Similarly convicts who are identified as heroin addicts upon incarceration should be treated while in prison; if prisoners do not receive rehabilitative treatment in jail—as is usually the case today—there should be a statutory requirement that upon release, they be required to undergo treatment.

It will take millions of dollars to operate a comprehensive treatment program. But not to spend the money for such treatment is foolish economy because our only alternative is for our society to continue to support a multibillion loss attributable to crime.

Last year the Congress authorized $43 million in new funds for drug treatment and education programs under the Comprehensive Drug Act for fiscal year 1971. But, the Congress failed miserably in appropriating funds to meet this authorization—only $6.5 million was appropriated. For fiscal year 1972, the Drug Act has authorized $102 million—but this will be only empty rhetoric if the cash is not provided. Both the Congress and the President—as well as the Nation's Governors and mayors—must decide whether indeed we are going to make the necessary commitment. I think that most Americans would rather pay a few extra dollars in taxes than have their homes robbed and lives threatened by drug addicts who are not receiving treatment.

ORANGE JUICE AND THE CONSUMER

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, in today's newspapers, it was announced that the Department of Agriculture spent $3 million to purchase 878,750 cases of processed orange juice to help prop up sagging prices paid growers. It is outrageous for our Government to subsidize higher prices for the consumer by purchasing orange juice for the benefit of the producers and the processors.

During periods of frost damage and curtailed supplies, the producers and processors want free market conditions to prevail, so that market shortages result in high prices and a consumer squeeze. On February 7, 1963, I gave an almost identical speech on Government purchase of orange juice which I insert in the RECORD at this point:

CONSUMER BULLETIN No. 2

Mr. Speaker, in recent weeks, there has been considerable discussion of the fruit and vegetable damage resulting from the mid-December and mid-January freeze which blanketed most of the United States. This agricultural damage has weighed heavily on the farmer and even more heavily on the family budgets which have been strained with increased costs for fresh fruit and vegetables.

Many of the consumer price increases resulting from the freeze are understandable, some are not. Most prominent among the commodities leaping forward with a totally unwarranted price increase is frozen concentrated orange juice, currently being used as an essential food in the daily diet of most of the households of America.

Almost simultaneously with the announcement of the December 12–13 Florida freeze, the price of orange juice skyrocketed and then settled at a 30 percent increase over prefreeze prices. The price boost was on orange juice processed from last year's crop—completely unrelated to the December 1962 freeze. This was ruthless profiteering on stock on hand which glutted the market only 2 weeks before the freeze.

Early in December, the stocks of orange juice concentrate were so glutted that the orange juice overlords pleaded with the U.S. Department of Agriculture to help them out of their surplus dilemma by purchasing orange juice concentrate for Government stocks. Obligingly, the Department of Agriculture spent $1.5 million to buy up some of the surplus for ostensible use in the school lunch program.

The day after the mid-December freeze when the price for orange juice skyrocketed the Government stocks increased in value to over $4 million. The processors then prevailed on the obliging Department of Agriculture to release the supplies acquired under the school lunch program and turn them back to the processors who now could make a 266 percent hot profit on the frozen juice deal with the Government because of the increased value of the orange juice.

Three large processors picking up the profit windfall on the Government stocks included Libby, McNeil & Libby with 105,900 cases; Stokely-Van Camp with 80,000 cases; Pasco Packing Co., with 168,085 cases; while 2 co-ops, the Plymouth Citrus Products Co-op and the Adams Packing Association, Inc., came in for 29,500 and 10,600 cases, respectively.

In the meanwhile, housewives throughout the country immediately began paying 33½ to 37 percent more for frozen orange juice processed from last year's surplus crop. If the price pattern follows the price manipulations after the 1957 freeze which occurred at almost the identical time, this is only the beginning. The real climb will occur in late March and April. The price increase could go as high as 60 percent over prefreeze price levels.

The 1957–58 price increase resulted in congressional hearings on the "controlled" marketing and pricing of orange juice concentrate. Hearings should be resumed this year to determine the who and the how of profiteering in this essential food.

In the meanwhile, while housewives struggle with rising prices in this important daily food, they should consider several alternatives to paying the ridiculous high prices. A 46-ounce can of pineapple juice can be obtained for 25 cents; 6-ounce cans of frozen grape juice can be obtained for 89 cents (less than one-half the price of frozen orange juice); while three 46-ounce cans of tomato juice can be acquired for 79 cents. These juices are as nutritious as orange juice with much less calorie count—for those who must worry about calories. Although these foods may not measure up to orange juice in vitamin C, the tremendous savings in these foods will adequately cover the cost of vitamin C implementation and still leave substantial savings.

The real answer to this recurring problem in orange juice profiteering lies in congressional investigation prompted by the indignation of the consumer who must foot the bill.

The ostensible purchase of this orange juice for donation to the needy constitutes a sham statement of purpose. The action of the Department of Agriculture in making this purchase is an arbitrary abuse of executive authority and a wasteful use of taxpayer money to bail out an industry at the expense of the consumer.

FREEDOM—OUR HERITAGE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last night the Veterans of Foreign Wars held its annual congressional dinner here in Washington. Much as I was pleased to be in the company of my fellow veterans and friends in VFW, I experienced an even greater pleasure in escorting the winner of this year's Voice of Democracy contest in Missouri, Mr. J. Mark Suellentrop of St. Louis.

Mr. Suellentrop lives in my own congressional district and his award winning speech is so well done that I would like to share it with the Members of this House by inserting it in the CONGRESSIONAL RECORD.

The VFW deserves the thanks of every American for upholding our system and institutions of government in all of its activities. The Voice of Democracy is particularly valuable because it stimulates the thinking of young people about the values of the freedoms we cherish.

It is especially fitting that this year's contest featured the theme "Freedom—Our Heritage." Certainly our Nation's veterans have made the greatest contribution in this century to the preservation of our heritage and, by carrying out their duties in defense of our country, have added ever increasing strength to our free and democratic Republic.

Mr. Speaker, it is a privilege to submit Mr. Sullentrop's treatment of "Freedom—Our Heritage."

FREEDOM—OUR HERITAGE

Oh, hello there! Maybe you don't remember me. Well, I am freedom speaking to you, right here, right now. Surprised? I don't see why you should be. I've been around a long time—talking to you. Maybe you just did not hear me! Why don't you listen to me now, because I'd like to remind you a little bit about exactly what I am. I don't mean to pat myself on the back, but the truth of the matter is—I am one of the most beneficial gifts that has ever been given to you. Or anyone else, for that matter. Yet sometimes you fail to realize that. Sometimes you tend to sell me short. I've been around awhile, and I'm proud to say that I'm the most powerful inheritance anybody has ever received.

Now here's some plain talk about that wonderful gift. Do you remember about two centuries back, when I was having my first growing pains, how things looked grey, yet bright, at the same time? I can remember when Gen. George Washington and his men were a little doubtful about my birthday; whether or not they would be able to win me. I've often wondered what it was that compelled them never to give up. I've wondered if maybe it was the thought, the dream of freedom that silently guided their actions. What do you think, or have you really thought about it recently?

You know friend, my life has not always been as easy as you might think. There have been many threats to America's freedom, and when I am threatened—I get scared, just as you would. You know, back in 1860, things looked pretty tough, and I was plenty scared.

The real causes for that ugly, divisive war are clouded and obscure, but you can wager that my name, Freedom, was a just cause for which many men gave their lives.

Yes, I've had to fight to live. But have you ever caught me running away? No, you have not, and I'll guarantee that you never will. Yet freedom does not come cheaply—it costs something. There is a price tag on freedom just as there is on any other valuable asset. The duties of people like you are the price for me. There are no rights without duties. It's a two-way street, my friend. But, the one idea that saddens me more than anything else is this: people taking me for granted; people not realizing my true value, or what it would be like without me. Shortsightedness on the part of apathetic Americans greatly disturbs me, and must be overcome! For, you see, I can never just die; I have to be killed, killed by apathy and negligence. Do you realize what you have inherited? Your heritage is freedom! Now I get excited about this. I believe so strongly in what I stand for that it's difficult at times to contain myself. I've been down the long, dark road. I've been there—and I know what it is like. Perhaps you will someday better understand my views should you ever find yourself deprived of what I stand for. I'm not perfect, but for every one thing wrong with me, there are a hundred things right.

My friend, today it is growing dark. But my strong light will pierce any darkness if you, you, Mr. Citizen, keep the torch burning.

Albert Einstein, the great scientist and great American said these words:

"If I am great, it is only because I stand on the shoulders of giants who came before me. I see now that we live for the sake of others."

My friend, you will always be great; if you stand on my shoulders; If you never fail to realize that I, Freedom, Your American Heritage, that I too live. But I Live—for You!

EQUAL RIGHTS AMENDMENT

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROUSH. Mr. Speaker, long before women's rights became a well-publicized issue in this country, a British poet stated the essence of the case for equality of treatment before the law regardless of sex when he said:

The woman's cause is the man's; they rise or sink together.

As I rise today to introduce a constitutional amendment which would provide that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." I take Lord Tennyson's remarks as my theme and my philosophy.

It is profoundly true that the cause of man and woman is the same and if we wish to preserve our traditions of individual rights and equality before the law, our dedication to a nation of "laws, not men," then it is indeed time that our Constitution reflect this purpose by denouncing sex discrimination.

In 1971, it is shameful that such an amendment to our Constitution is necessary. It is an additional embarrassment that an equal rights amendment has been proposed repeatedly since 1923, and has been the subject of hearings and debate by the Congress. But somehow we have managed to ignore or disregard the rights of American women and the need of our Nation for their full participation in our society.

Whatever the state in life, the occupation, the interests, the age, the economic status, the education, American women should have a constitutional guarantee that they will not be discriminated against "on account of sex" in education, employment, professional advancement, State law, or civic responsibility. Actually, the amendment is directed toward equality of treatment before the law for both sexes, and there are cases of discrimination in our laws against men, but by far the greater weight of oppression is borne by women.

Congresswoman MARTHA GRIFFITHS, who so ably led the successful effort to secure passage of this amendment in the House last session, has reintroduced this proposal. The House Judiciary Committee has scheduled hearings to begin on March 24. I hope this will mean an early scheduling for another successful vote on the House floor.

Although the Equal Rights Amendment did not pass in the other body before the 91st Congress adjourned, more than two-thirds of the Members had cosponsored this legislation. Moreover, the Senate Constitutional Amendments Subcommittee, ably chaired by Indiana's own BIRCH BAYH, held extensive hearings last May, followed by debate on the floor of the Senate for almost a week in October. Surely, then, we can expect commensurately rapid action in the other body as well.

Should the Constitution not explicitly extent to 51 percent of our population? I think it should be the sooner and the better.

RESPECT POLICE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the urgent need to respect law enforcement officers, the real protectors of our liberties, was clearly demonstrated by J. Edgar Hoover, the very able Director of the Federal Bureau of Investigation, in the March FBI Law Enforcement Bulletin.

The article follows:

MESSAGE FROM THE DIRECTOR—TO ALL LAW ENFORCEMENT OFFICIALS

(By J. Edgar Hoover)

Frequently, some belligerent, anti-law enforcement elements of our society refer to police officers as "pigs." Obnoxious four-letter words are shouted at policemen, and the familiar chant, "Off the Pigs," meaning "Kill the Police," is a prominent cry wherever these groups assemble. Further, cartoons and publications depicting police officers as pigs are common fare, even for children. The ridiculous statement, "The only good pig is a dead pig," is a slogan of violent protesters. Such deplorable epithets can be gratifying only to little minds.

Self-respect and respect for one's fellow man are hallmarks of civility under any recognized measure of achievement. Further, the proven concepts which enable men of all races, creeds, and backgrounds to live together with a reasonable degree of harmony should be respected. One such concept is the rule of law. Without the rule of law our world would be a jungle. Thus, it is important that the rule of law and all its facets, including the policeman, be respected. In a free society where law—not man—is supreme, the policeman is a living symbol of the freedoms shared by all.

In light of the humanitarian aspects of a

policeman's work, I would like to repeat a comment made here a few years ago:

"In any emergency, real or imaginary, the first cry that goes forth is for the police. The officer on the beat must be a journeyman of many trades—an on-the-spot doctor, plumber, or babysitter. Today's enforcement officer is expected to have multifarious ability, explicit judgment, and an unshakable temperament. He performs on a public stage. The audience is 'live'; every observer is a critic. There can be no retakes of his efforts nor pretaped performances. He is second-guessed, ridiculed, abused, cursed, assaulted, and sometimes murdered. But when he leads a small, lost tot from a dense, wooded area to the arms of a joyously weeping mother, his is a rewarding and satisfying service."

Policemen should be respected, at least for what they represent; they should not be called pigs.

We badly need to shore up some eroding ideals and principles in our country today. Community leaders, professional spokesmen, educators, clergymen, and others in positions of influence should take a firm stand to preserve our sense of values. Too many are swayed or intimidated by loud, unruly, and aimless ramblers—people with a lot of dialog but no message.

In a free society, which owes its very existence and prominence to the rule of law, abuse and ridicule of the law and those charged with enforcing it should not be taken lightly. I urge all members of law enforcement—in spite of personal indignities suffered—to serve with dignity and honor. As a rule, a repulsive slur is more descriptive of its origin than its target.

AN EPISCOPALIAN MINISTER SUPPORTS PRESIDENT'S VIETNAMIZATION

Mr. DEVINE. Mr. Speaker, sometimes the hierarchy of the churches refuse to hear but one side of an issue, and even chastise some of their clergy that even suggest there may be more than one point of view.

I am happy to offer the statement prepared by Rev. John J. Morrett of St. Alban's Episcopal Church in Columbus, Ohio, entitled "Responsible Disengagement," which I commend to the attention of my colleagues:

RESPONSIBLE DISENGAGEMENT

(By John J. Morrett)

Can we Americans walk out of Vietnam tomorrow, or the next day, or a month from now? I have the impression many in our church feel we should and must. However, careful consideration must be given to what can be called "responsible disengagement." Whether we should be in Vietnam today or not is at this stage of the game, a purely academic matter. Wrestling with the political and military issue of involvement beginning a number of years ago, does little more than intensify a divided opinion and resolves nothing. What we do about Vietnam now with the givens of a military situation to my mind is extremely important.

The well publicized resolution passed by the Executive Council of the Episcopal Church last May 20th calling for "total withdrawal of all American forces from Southeast Asia now, and end the war," caused me to request a fact finding trip from Admiral John S. McCain, Jr., Commander-in-Chief, United States Pacific. Admiral McCain is an Episcopalian and therefore vitally interested in this resolution along with hundreds of other Episcopalians in the Armed Forces.

I was granted a trip, and went to Vietnam July 29th and returned August 5th. Six full days in the country were scheduled. I received many briefings on the immediate tactical situation, observed vietnamization and pacification programs at work, collected data and traveled as far north as the D.M.Z. and as far south as the Mekong Delta. At no time did I feel there was anything but a desire on the part of my hosts, whether they be military or civilian, to present the facts. Prior to the trip I was asked what I wanted to see and whom I wanted to talk with about Vietnam. My schedule was based on my own personal interests. Embassy personnel on the ambassadorial level (two deputy ambassadors), economic and political advisors, military personnel from four star generals to privates at fire base camps, Vietnamese officers and civilians and even members of the Vietnamese legislature were extremely helpful. I saw a squad of rangers preparing to go out on a nite ambush and a platoon of marines in the late afternoon go out on nite patrol. I visited pacification teams in villages and hamlets, talked with village chiefs thru an interpreter and on one day reviewed popular defense forces in the hamlets.

Throughout this observation and fact finding trip at no time did anyone indicate that an immediate withdrawal was possible. To the contrary everyone I talked to indicated it would lead to nothing but complete disaster. There seemed every reason to believe the Cambodian penetration was a necessary and successful tactical move and that it has changed the tide of the war saving thousands of lives and spurring on the vital pacification program by leaps and bounds. Beside the large number of supplies and arms which were captured, the real significance could be seen in other areas.

1. It will now take considerable time for the communists to replace their caches of supplies and arms in Cambodia.

2. It reduces by clear evidence the threat to the Southern provinces which presently have splendid pacification programs underway.

3. It radically disrupted the Communist comamnd and central systems operating in Cambodia for many years.

4. It made possible the capture of tons of communist records and documents which are now invaluable to our intelligence operation.

5. The psychological impact on the Communists has been traumatic and many now are turning themselves in.

6. The South Vietnamese have developed a new confidence. The popular civil defense forces are showing the ability to defend themselves and the peasant has now a stronger faith in the Saigon government.

I consciously tried to keep the moral issue in the forefront of my mind. Vietnam is a beautiful little country populated by many attractive industrious people. It has a unique oriental charm not too different from Thailand and the Philippines. There is a certain appearance of confusion in Saigon, a city which in a few years has grown from 600,000 to 3,000,000, primarily due to a gigantic influx of refugees. There is practically no unemployment. The people seemed to be living without fear. Other cities, particularly in the Delta like Can Tho, were also crowded and, for a visitor, confusion seemed to reign. But it was an industrious purposeful confusion in which a wartorn country was reorganizing itself for peace. Road building can be seen in many places opening up vital communication lines. Refugees today are being resettled by the thousands in their old homes or in new model hamlets and villages. A precipitious withdrawal at this time would seriously upset this exciting program of nation building in Vietnam.

The Communist offensive in 1968 is considered a significant turning point in the war. A communist force which eventually reached 12,000 invaded the city of Hue the nite of January 30th, 1968. It stayed for 26 days and then was driven out by military action. In the period 5,800 civilians were killed or are still missing. It is now known that most of them are dead. The bodies have been found in the last 15 months in single and mass graves throughout Thua Thien province which surrounds this cultural capital of Vietnam. There is clear evidence of atrocity killings: hands wired behind backs, rags stuffed in mouths, bodies contorted but without wounds, (indicating burial alive). Vietnamese living in the two northern provinces have now become violently anti-communist. Much has been made of the My Lai incident in our newspapers pointing the finger at Americans for committing atrocities but it is a well known fact in Vietnam that the Communist strategy for years has been one of terror. Well trained sappers or city commandoes are assigned to acts of violence which are intended to put fear into the people and break down levels of leadership in the government. Village and hamlet chiefs are frequently the target for terrorists activity. If the American forces were to pull out of the war precipitously another blood bath would obviously be the result.

I made a particular point of visiting the POW camp at Bien Hoa, where some 4000 prisoners are confined. It was quite evident the South Vietnamese are following the Geneva Treaty for land warfare in respect to prisoners. The area was clean and orderly, some television was available for prisoners along with recreational programs. What moved me the most was the program to teach the many young Viet Cong and North Vietnamese around the ages of 14 years and younger to read and write. A planned program for retraining is underway in order to release them. Prisoners are allowed visitors and mail. The American Red Cross makes periodic inspections. Contrast this situation with the treatment of POWs in North Vietnam. There has been practically no cooperation with the International Red Cross and we are unable to get basic information about prisoners.

The moral issue has many sides to it but in general from serviceman to American civilian, the strong conviction is we are fully committed to end this war properly and a process to do is well underway at the present time.

As I left Vietnam I felt there were many positive aspects to what has appeared to be a terribly difficult and confusing war. These aspects have up to now been given little attention by the press. They involve Vietnamization and Pacificiation. The definition of Vietnamization is the process by which our government is helping the government of South Vietnam to assume all aspects of responsibility for the war and the functions of self-government. Our armed forces by order of the President are now being withdrawn by increments over a carefully considered period of time. It means also improving the economy and strengthening the military and internal security forces so that what has been accomplished thus far is not subject to collapse. Progress has been made in all such areas. The combat units of the Army, Navy and Marine Corps of Vietnam are essentially complete. The Vietnamese Air Force has approximately ⅓ of their planned squadrons completed. Everywhere I went I could see our American forces working with the Vietnamese military creating this transition.

The further advanced branch of the service is the U.S. Navy whose program is excellent. In the Delta 86% of all combat aircraft are in the hands of the Vietnamese Navy. At the time of my observation trip the region north of the Delta, III Corps had turned over 84% of its forces, I Corps almost 100% of the naval forces. Attitudinal programs based on the concept of full equality as persons have helped both navies. One phase emphasizes four steps to be taken by

the new U.S. Navy man now in Vietnam: 1) Learn 30 Vietnamese expressions to show some appreciation of the native language, 2) Know one Vietnamese person to the point that he will invite you into his home for a meal making a real friendship, 3) Communicate problems so that individuals faced life realistically, 4) Teach the Vietnamese navy man some English. He needs to know the English terms for materials on a ship which have no Vietnamese counterpart. This is called the "Personal Response Program".

Pacification has to do with the securing of the thousands of villages and hamlets against enemy insurgency and the development of a sound political, social and economic base for the country. A hamlet evaluation system has been set up to indicate those which are secure, those still in the hands of the V.C. or simply questionable. Our outstanding advisory teams are not only helping with the security of these small communities but also endeavoring to stabilize and rebuild them in full cooperation with the Vietnamese people. If there is ever a modern American missionary program it is now taking place among our civilian and military personnel working within what is known as CORDS (Civil Operations Revolutionary Development Support). I spent a considerable amount of time with Deputy Ambassador W. E. Colby who is the Director of the program and his assistant Mr. George D. Jocobsen. These men are highly experienced, intensely committed to the Nation building program of CORDS and are backed up by an unusual cadre of U.S. civilians. The latter work closely with our military forces. Villages and hamlets are made secure through the cooperation of our military advisory teams and the local defense forces. With our civilians they help out with construction projects which strengthen the areas economically and socially. Funds from the central Vietnamese government are made available to the local village chiefs who decide what needs to be done. Wells are dug, schools and dispensaries built, bridges constructed, roads improved, temples repaired, fertilizers introduced, etc. In one little hamlet the American Lieutenant, an Episcopalian in charge of the advisory team, helped the Vietnamese to publish a local newspaper.

It is important to comment about our military Chaplains who met me throughout this observation trip. My escort officer was Chaplain (Lt. Col.) Melvin E. Witt USAF, a jovial well informed personable man. There is no question but that our chaplains are with the troops holding services at fire base camps, outposts and at chapels at all major military installations. These men have obviously gained respect and are a definite part of the military team. I also had interviews with the Buddhist, Roman Catholic and Protestant Chiefs of Chaplains for the Army of the Republic of Vietnam. These men also impressed me. Vietnam I discovered is a deeply religious country with churches and temples clearly observable throughout the cities, towns, villages and hamlets. To be sure there is a mixture of many religions but a common faith in a divine power beyond our human resources. It is hard for me to believe that in the face of Communist aggression and insurgency, so called Christian Americans can turn their backs on a religious nation like South Vietnam. The attitude of the Communists toward organized religion is well known. A withdrawal of our military forces now would put the religions of South Vietnam in serious jeopardy. The MACV (Military Assistance Command Vietnam) Chaplain for Roman Catholics, Col. William R. Fitzgerald put it to me this way. "Dean, as I see it from the religious standpoint this whole thing is like the story of the Good Samaritan. We've got to help these people battered and bruised by thieves and robbers." I realize and he realizes this is an oversimplification and yet is it? We have gone into Vietnam I sincerely believe to help a poor, confused peasant people. We have entered into Communist occupied Cambodia to assist them against the Communists and secure our withdrawal plan. The same is true now with Laos. The necessity of cutting the Ho Chi Minh Trail is paramount to any kind of peace and security for the future. Right or wrong initially, and according to a variety of points of view, we are there and in my personal opinion it would be a tragic moral default if we precipitously pulled out as some would have us to do.

RALPH NADER: CITIZEN'S CHAMPION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, several recent articles in the New York Times, the London Times, and Business Week have eloquently summarized the challenges to American business posed by Ralph Nader. These articles also suggest that significant changes in corporate attitudes are already occurring, and more may be on the way. I commend these articles for the study and review of my colleagues:

REFORMER: URGING BUSINESS CHANGE

(By Eileen Shanahan)

Ralph Nader, the crusading lawyer, has concluded that only the Federal Government is big enough to regulate corporate behavior effectively. He told The New York Times in an interview that he was currently drafting legislation that would give the Government new powers over many aspects of corporate activity that are unregulated now.

Question. Do you feel that the evils you see in society today are inevitable so long as we maintain the present structure of corporations or perhaps the corporation itself?

Answer. It goes beyond that. The evils are an inevitable result of concentrated power that's insulated from broader human values. The Post Office Department and General Motors are both examples of this kind of power. Some people would say that it's where power is located—public or private. My judgment is that no matter where it's located, it's going to be abused if the pathways are not open for a broader spectrum of values that have power behind them demanding recognition.

Q. In your local ideal world, do we still have corporations and a capitalistic system?

A. Well, first, I don't think we have a capitalistic system now. There are too many government controls over the market mechanism, too many subsidies and far too much oligopoly and shared monopoly over the market mechanism. It's much better, I think, to call it part capitalistic. The trend is to have increasing interwovenness between large corporations and large governmental units. This is why it's no longer a surprise for Penn Central to apply to Washington for welfare.

We're heading into a greater and greater portion of the economy taking on the characterization of corporate socialism, which is basically corporate power utilizing government power to protect it from competition, for example, oil import quotas; to grant large subsidies, for example, to the Maritime industry; or to socialize the risk and costs of a lot of corporate activities through the tax mechanism or through inflated and constantly renegotiated contracts, for example, Lockheed.

Q. Do some fundamental changes in structure have to take place?

A. Yes, very fundamental changes. One change can be called the reclaiming of government power by citizen power, and that's a lot of what we're trying to do. As far as corporations go, there is going to have to be a much more marked change, and that is what I would call the popularization of the corporation.

When dealing with corporations what we need first of all is to rewrite the rules governing the chartering of corporations. The first step in that rewriting is to recognize that it cannot be a state function, because if it is a state function, it's a corporate Reno function. That is, one state can mess up 49 states, and this has been done by the State of Delaware.

What we need is to resurrect the idea advocated for so long by (the late) Senator Joseph C. Mahoney (Democrat of Wyoming) for Federal chartering of corporations. First, because today we need the biggest government we've got to handle General Motors and one to whom they can't say: "If you don't treat us right, we're going to go someplace else." Second, because it opens the door for a great national debate on the whole question of corporate accountability.

Q. What kinds of controls would you put in your Federal chartering bill?

A. It would be a very complete piece of legislation, so I'll only try to suggest a few of the broader categories of change.

One would be the disclosure function. It would take the disclosure requirements of the Securities and Exchange Commission and broaden them to cover the whole impact of the corporation on society. Why shouldn't we know in the annual report how much U.S. Steel dumps into the water, air and land—and where—as part of its social cost accounting?

Q. What else should be disclosed?

A. I would require a complaint procedure to be established by every corporation. Of course, you'd set minimum standards. And under that complaint procedure, complaints would be categorized and fed into a national computerized system where it would be instantaneously available to the citizen. This sounds like Buck Rogers but the information utility must be just like an electric or telephone utility, a mass information system that is accessible to any citizen.

Q. Would this cover anything besides defects and complaints?

A. Oh, yes. Let's take a mineral company. It would cover how much research they've been doing and on what problems. I would want to know, for example, how much research the coal industry has done in putting out coal fires which are burning all over Pennsylvania, eternally.

Q. Aren't you likely to be getting into areas where businessmen will feel that confidential competitive information is involved?

A. Yes, and there is our next reform. The reform of the whole trade secrets area.

Q. This is all still part of your Federal-chartering act?

A. Yes.

Q. Is there a draft of this act or is it all just in your head?

A. No, it isn't fully drafted yet, but it's coming up fast as a top priority in our work.

Q. When do you think you might have a full draft ready to unveil?

A. It will be some time. A matter of months.

Q. Back to trade secrets.

A. First of all, there is no way to determine what a trade secret is. In California, pesticide information sought by migrant workers was considered a trade secret by the Department of Agriculture in California because if you told the migrant workers how much was applied per acre, it would tell the competitor. The more I look into the trade secret area, the more I realize that it isn't a trade secret between competitors—they know all about it—it's a trade secret against consumers or against the public. The classic example of

this is the trade secret in pollution. Companies don't want to tell the Federal Government how much they're dumping into rivers and lakes and into the air because it would be a trade secret.

Now a trade secret in lethality is going a little too far.

Another area would be accountability of corporate officials. For example, recently, a Federal grand jury indicted Chevron for criminally violating offshore drilling regulations in that great oil spill in the Gulf of Mexico. They indicted the company for criminal violation, but they didn't indict any individuals. What we need is a new set of corporate sanctions that pierce the corporate veil and go to the officials responsible.

Take what the Securities and Exchange Commission has the power to do to violators of the securities laws—that is, suspension.

Q. Suspending executives from their jobs without pay?

A. Yes. Suppose you suspend the president of General Motors for six months. He would be crawling up the wall, wondering who's going to usurp his power. It's a tremendous built-in deterrent.

Another idea would be suspending advertising.

Q. You're saying there ought to be a law saying that when you're convicted of fraudulent advertising, then you can't advertise that product at all for, say, six months?

A. That's right. Here's another idea. Why not require companies to appoint a compliance official, Joe Doe, who is responsible for compliance with Federal regulations? Now by doing that, you will build a vested interest for law compliance. Maybe the company doesn't care because it can just be fined, but Joe Doe really cares because his career is on the line. Instead of saying, "We don't know what individual is responsible for this violation, so we'll just fine the company," the government will know who's responsible—it's the compliance officer.

Q. Your Federal chartering bill would require the creation, in all corporations, of—

A. It would permit regulatory agencies or enforcement agencies to require it, across the board.

Q. What are some other provisions of your Federal charter bill?

A. There would be a whole host of new requirements for shareholders' rights. One would be easier nomination of directors. It's possible that once corporations get beyond a certain size or dominant position in a market that a proportion of their boards of directors should be publicly elected.

Q. You don't mean just by shareholders? You'd have a national election?

A. That's right. For, say, 5 out of 20 directors. That's what I mean by the popularization of the boards of directors.

Now here's another area. Why should the relations between the Treasury and corporations, in the tax field, be so completely inpenetrable? One thing the Federal charter would do would be to begin to distinguish much more clearly between individual rights and corporate rights. A corporation doesn't have the right of privacy, like an individual. You just cannot treat a company like Standard Oil with the same constitutional sensitivity as a person.

Q. Are you saying that corporate tax returns should be open to public inspection?

A. Yes. Look at this. When was the last time you heard of any of the 200 largest corporations being indicted for tax fraud? The reason why it's almost unheard of is because corporations have a special negotiating status with I.R.S. and all the problems are ironed out. And who knows how well they're ironed out?

Q. You would make all the tax returns public and also the assessments of delinquencies —everything from the return to the final settlement?

A. Yes.

Q. Would you leave the basic structure of the corporation unchanged? Would you still leave the basic concept of a corporation owned by shareholders, managed by private management, run for profit?

A. Yes. I have a theory of power: that if it's going to be responsible, it has to be insecure; it has to have something to lose. That is why putting all economic power in the state would be disastrous, because it would not be insecure. If General Motors is sensitive at all, right now, with the tremendous dominant position it has, it comes from fear of losing something it has.

Q. You are saying that we have to maintain the fragmentation of power and that one of the ways to do this is to maintain the private ownership of business?

A. That's right, but under much broader and much different rules. Here's another whole new area. Federal chartering would develop a constitutionalism for corporate employes. For example, the Fisher Body inspector who, five years ago, turned over information to me about defective welding of Chevrolet bodies, after the plant manager and all his other bosses told him to forget it, is still on the job. Why? Because he is a union member. Had he been an engineer, or a scientist, or a lawyer or any nonunion person, G.M. could have showed him the door at 5 P.M. and he would have had no rights. My point is that if these corporations are so large and so powerful that they are like quasi governments, we've got to give people inside the corporation certain constitutional rights—due process and all the rest. We've got to give skill rights just as much protection as property rights under the law.

Our Bill of Rights is geared to protect the individual from arbitrary state power, because that's the only power they thought was arbitrary in 1789. But now we've got unions, corporations and other institutions that can do the same thing.

Q. A lot of what you advocate could reduce corporate profits, possibly so drastically that you would really leave the private, capitalistic system unviable. Are there limits to what you advocate if it would push a company over the brink into the red and failure?

A. Well, first of all, I think we should have a concept of social bankruptcy, where the company is thrown into receivership. If a company can be thrown into bankruptcy because it's not paying its bills, why shouldn't it be thrown into bankruptcy for making thousands of people sick and destroying and depreciating other people's property without compensation, which is what contamination and pollution do.

But now, let's take a company that isn't profitable. There's nothing new about this. Business itself makes a point of driving other businesses mercilessly out. Why should we accept bankruptcy if the market does it and not when it's done by a conscious and fairly applied implementation of a social cost test?

And not all the changes we're talking about would be costly. For instance, Coca-Cola. Would it really cost any more to put a little protein in? Nobody knows. The Coca-Cola formula is secret. Or the dash panel on the automobile. You can make them with very gaudy, sharp-pointed knobs or you can flatten them out and pad them. The cost is insignificantly different.

Q. You aren't trying to argue, are you, that there are no costs in what you advocate?

A. Yes, in many ways I am. For example, what is the profit outlook for a life insurance industry which concentrates on loss prevention and puts a lot of research into building models of safer cars in order to push the industries, whose products they underwrite to be safer. Somebody will say, "That costs money." Sure, it may cost money in 1971, but it may be a helluva saving in 1974. Because what the insurance industry is doing now on bumper structure—advertising that you'd pay less for insurance if bumpers came out four or five inches—if that pays off, the savings on claims are going to be enormous for the insurance industry.

Q. How do you see yourself in the current context of reform—the black revolution, women's lib, the changing view of the United States role in the world, antiwar, antimaterialism?

A. I see myself working in the corporate regulatory arena to develop models, techniques, procedural advances that can be used by other groups that have their own interests to advance, whether it is in civil rights or electoral reform or what have you.

The basic point, of course, is to develop what in ancient Athens was called the public citizen, with the main difference being that we don't have slaves like ancient Athens, which made it easy for public citizens. But we have an affluent society and a lot of spare time.

You know, we have 40,000 people in this country fixing people's nails and hair. Why don't we have 40,000 full-time citizens. We have to develop a career role of full-time citizen. If I can show it, or help show it, in the toughest areas, battling Union Carbide or G.M., then people might take heart in their local communities and in areas that—

Q. Aren't your bag?

A. Yes. The theme is that citizenship has got to be an obligation in three different areas: First, on the job—the Fisher Body inspector who blew the whistle. There's tremendous potential there. The ethical whistle.

Second, the part-time citizen—the person who's the community activist on Saturdays and evenings. But what he or she needs are tools. Citizenship action in this country is about as developed now as physics was in Archimedes's day. Because we haven't put full-time talent on it.

If my organization can develop techniques in the area of, say property tax reform, then the part-time groups who want to get rid of some of the illegalities in their local property tax system will know what some of the techniques are, so the hours they spend will be much more significant.

Third, there's the full-time citizenship. I really literally want to see 5,000 public interest lawyers in this town in six years; it's just got to be that big. At least a one-to-two ratio compared with private-interest lawyers. And also all around the country.

Q. Where is the financing for this coming from?

A. As you build and progress and show the worth of it, you will build and progress and show the support. Tremendous amounts will come in in $5 and $10 bills. And, of course, the foundations are seed money, in the early stages. Some of it will come from government, with things like an expanded O.E.O. legal services. And lastly, a new concept of philanthropy. There's millions of dollars going into orphan dog and cat homes. The public interest movement would settle now for one-third of what goes to dogs and cats in a given year.

Q. You're talking about dog food and—

A. No, no. I'm talking about bequests. Just a third would be about $15 million a year. And large organizations—labor unions, rural electric co-ops, credit unions—they can begin to siphon off just 2 or 3 per cent to finance action groups in their areas. After all, what good is it to get $4 an hour more and then lose it in the supermarket or on insurance premiums?

Q. How do you see yourself in the historical context of reform. Particularly in light of the historical fact that we seem to go through periods of reform and reversal?

A. Some of the earlier reform movements got spent because they achieved just enough to lose their steam.

Q. How do you keep this reform movement from meeting the same fate?

A. Unfortunately, things are going to get

much worse and the disasters and the risks that are coming will assure that it's not going to be spent. You see, the difference between our times and prior times is that we now have power in this country that's capable of destroying the country negligently. That's a real serious advance in human regression. We used to say that people were just venal and that's still true. But now we've got power that inadvertently could destroy us—atomic power plants, pollution of the environment, drugs that suddenly turn out sour like thalidomide. Even though the author wasn't criminal in intent.

Q. You are saying that, given the complexity and seriousness of the problems, the present wave of reform can't possibly succeed enough to be a self-liquidating phenomenon?

A. Exactly. The big fallacy of reform is that it's going to succeed. What really provides stamina for this kind of work is the knowledge that you will never succeed, that basically all you're trying to do is to reduce our problems to the levels of tolerability.

NADER'S RAIDERS

(By Ian McDonald)

According to his allies in the American consumer movement, Ralph Nader is more powerful now than ever before. Some critics thought that he would spread his work too thinly and that his influence would be weakened by some fatal mistake. Yet the reverse has proved to be the case.

More than 4,000 students, including a third of the Harvard University law school, volunteered to work with him last summer. Only 200 of them could be accepted. Every week, some 1,500 letters reach him from infuriated consumers and nearly all of them are read promptly. He feeds the information he gathers to a network of favoured reporters and consumer-minded members of Congress.

It is now almost five years since General Motors gave him an unqualified apology for spying on his private life—an episode in his life which some feel accounts for much of his deep desire for privacy and his almost obsessive secrecy today. His disclosure of the design weakness of the Corviar car not only forced the comapny to radically redesign the model in a fruitless effort to save it, but started a remarkable trend. In the past four years no fewer than seven million vehicles have been recalled by the big four motor companies to have design or engineering faults corrected.

The battle against General Motors has not ended. The company abandoned the Corvair in 1969, after sales dropped by 93 per cent, but Mr. Nader is not appeased. He has called for all models of the car still on the road to be recalled for engineering changes, a move that would cost the company $12m.

He adds that General Motors lorries are also defective and is associated with a suit against the corporation. At the same time he accuses the Justice Department of having suppressed a study which recommends that General Motors should be split in two because of its size and overwhelming impact upon the economy. Nowadays, he says, cars are just as likely to crash but they are more likely to protect those inside them when they do. Last year, for the first time, the highway death toll dropped sharply in the United States.

Mr. Nader has roamed over such a wide area of concern that it is not surprising that some of his causes have not yet been fully developed. Others however have had impressive success. After he raised public alarm by his report that routine dental X-rays could lead to miscarriages and birth defects, the American Dental Association told its members to stop making such X-rays when treating pregnant women. When he uncovered the dangers of radiation from colour television sets, the Federal Trade Commission issued a warning that viewers should sit at least six feet from the screen. In Baltimore, at his urging, a federal court set a precedent by ordering the Agriculture Department to release certain records to its meat inspection division. The three major baby food manufacturers stopped using the taste enhancer, monosodium glutamate, after Mr. Nader drew their attention to laboratory studies showing that it had harmful effects on animals.

He spurred the Food and Drug Administration to admit that commercial mouthwashes, such as Listerine, are useless for killing germs or curing bad breath He has spurred the Federal Trade Commission not to relax in its long-drawn-out battle against the Geritol company for making unsubstantiated claims for its "tired-blood" tonic.

Mr. Nader does not always obtain outright success but he usually succeeds in stirring the bureaucracy into action. He failed to secure an outright ban on smoking on airlines after contending that this was a safety hazard as well as a public nuisance, but the Federal Aviation Administration is now considering introducing non-smoking areas on domestic flights.

Mr. Nader's ascetic style of life is not likely to change, but observers have noticed a gradual expansion in his operations. The lone ranger, it is said, has now gathered himself a posse.

New groups have sprung up around the famous name, using the power of the law to fight for consumer rights, against pollution and corporate neglect, and challenge the big bureaucracies. "What we need is a much healthier citizenship if the government is going to be preserved". Mr. Nader says. "Private interests are well organized; public interests are not. We're trying to redeploy lawyers into public interest work as a prerequisite for change."

The oldest of the organizations, the Centre for the Study of Responsive Law, developed in 1968 out of a project in which a small group of law students came to Washington and investigated the Federal Trade Commission, the agency which is supposed to watch over consumer affairs. They found a record of scandalous neglect: and the result was a scathing report on the commission's indifference to the interests of the consumers it nominally served.

The next summer "Nader's raiders" were back in town. The interstate commerce commission, which regulates transport throughout the United States, the Food and Drug Administration, and air pollution control became the targets of the young lawyers' pointed wrath.

The reports of these studies have sold well since being published in paper-back editions. More recent investigations have looked into the nation's chaotic and increasingly expensive medical care system and the miserable conditions of many private nursing homes.

"The Government, the nursing home industry and the medical profession" the latter report concludes, "must make deliberate and concerted efforts before nursing homes become truly homes for the elderly and not just places where older Americans wait to die".

The centre operates on a shoe-string in a run-down house not far from Dupont Circle in northwest Washington. The building is due to be pulled down and inside the atmosphere is more that of a busy student hotel than of an impersonal scourge of big business. Newspaper clippings, cartoons, appeals for car rides, and assorted petitions in jumbled confusion clutter the notice board at the foot of the battered stairs.

In his book-lined second floor office, Mr. Theodore Jacobs, the centre's director, explains: "We are trying to change the climate of thinking in the bureaucracy."

Mr. Jacobs promises more controversy in the future. Reports will soon come out on supermarket practices, the role of such think tanks as Herman Kahn's Hudson Institute, pesticides and various individual targets, including land-use policies in California and the First National City Bank of New York. The centre's early studies have already struck home. The Federal Trade Commission has been extensively reorganized by the Nixon administration. Its new head, Mr. Miles Kirkpatrick, was himself the author of a critical American Bar Association study of the commission's performance.

In contrast to its previous apathetic record, the commission has recently won respect for judgments restricting deceptive practices in advertising, an order to the Chevron Oil Company to stop claiming that its petrol cleaned engines and, after much stalling, an order to force toy companies to remove potentially dangerous toys from the market. These include a lawn dart which can pierce a child's skull, toy ovens which generate greater heat than the real thing, and balloon squeakers which can blow down a person's throat.

The Food and Drug Administration has also shown increased energy since it was torn apart by a Nader report. It has belatedly begun to test fish for mercury, restrict the use of cyclamates as a sweetener and revise the labelling of birth control pills.

The Public Interest Research Group, staffed by 13 lawyers, has developed into the activist weapon of the Nader organization. It has pressed the F.T.C. to require that detergent makers should list the phosphate content of their products, studied property taxation and its bias towards business, and mobilized a widespread public movement against the Union Carbide Corporation for the massive air pollution three of its plants cause in the Ohio Valley along the West Virginia border.

A separate group, the Centre for Auto Safety keeps track on the big motor companies. The unit was only set up last June, but has already brought suit against the National Highway Safety Bureau, asking it to issue a notice of defects on 200,000 Chevrolet and General Motors lorries. After pressure from Mr. Nader, the bureau earlier ordered General Motors to issue a similar notice on 150,000 camping trailers. The company refused to do so and the matter is now a subject of suits and counter-suits.

The debt of the consumer movement to Mr. Nader is incalculable. He showed the more faint-hearted what is possible and proved to the consumer that he can fight back against the computerized illogic of the business world. But, as he recognizes, the task is too great for him alone. "Thank God for Nader, but there are too many agencies for one man to keep up with them," remarked Dr. John Banzhaf, a young associate professor at George Washington University, who is fast emerging as one of the stars of the consumer movement.

Dr. Banzhaf launched himself into the field by successfully petitioning the Federal Communications Commission to require broadcasting companies to grant free time for anti-smoking messages to counter cigarette commercials. Fired by this sucess, he left his New York law practice and developed his nonprofit foundation A.S.H. (Action on Smoking and Health) in Washington.

In 1969, as part of his unfair trade practices course at the university, he encouraged his students to divide up into groups, each with a catchy acronym as its title, to work in different fields of consumer law. Soup (Students Opposed to Unfair Practices) scored the first and probably the greatest success so far, with an allegiation that the Campbell Soup Company put marbles in the bowls of soup it used in advertisements to make the liquid look thicker. The company discontinued the practice but has rejected the group's appeal that it should print a correction in its advertisements. Banzhaf's bandits,

as they are described in Washington, have formed some two dozen other groups with names ranging from the appealing S.P.I.R.E. (Students Protecting Illegal Real Estate operators) to C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards).

The nemesis of the enormous American cornflake business is a self-financed Washington lobbyist called Dr. Robert Choate. During congressional hearings last year Dr. Choate produced a list of the nutritional values of cereals which rocked the industry, which had grown complacent on its income of $900 million a year.

According to Dr. Choate, two-thirds of his list of breakfast foods were so lacking in nutrition that they were valueless. At the bottom was Kellogg's Sugar Frosted Flakes, which is the third most heavily promoted cereal. Near the top, however, was Product 19 from the same company. He questions the message the companies tell children on the Saturday morning television programs: "Eat . . . and you'll be a tiger in no time."

The advertising industry generally is now becoming apprehensive, and with good reason. When the Potlatch Company of Washington state advertised how clean the Clearwater River ran past its doorstep, a group of students looked into the matter. The picture the company used in its advertisements had been taken 50 miles up stream from its chemical plant. Downstream the view was another story altogether.

Procter and Gamble, Colgate Palmolive and Lever Brothers have all been charged by the F.T.C. for allegedly deceptive advertising of the ability of enzyme detergents to remove stains. The Coca-Cola company is being pressed to acknowledge that its Hi-C fruit drink is nutritionally near the bottom.

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Mrs. Paul Ignatius, the wife of the president of the *Washington Post* company, found her moment of truth during a visit to London. When she saw what strict restrictions on burning coal and strong government control on pollution could achieve. Last March with six like-minded friends, most of them also wives of prominent Washington figures, she founded Concern Inc., which was to be dedicated to the education of "untapped resources" of the female consumer. A few sympathetic articles appeared and the response almost overwhelmed the fledgling organization.

Another group of dedicated women in Boston formed Action for Children's Television (A.C.T.) to pressure the Federal Communications Commission and the broadcasting industry to improve the quality of programmes for young people and clear the daytime air of some of the commercials aimed solely at children.

The growing militancy of the consumer movement has had a startling effect on Congress. In the last elections, the environmentalists served notice on the legislators by defeating six of the "dirty-dozen" congressmen they said were most in league with big business.

With the rising congressional interest in consumerism it is hoped the idea of setting up a separate consumer protection agency which was killed in the last Congress by the House of Rules Committee, will be approved this year. (Not surprisingly the American Consumer Movement was dismayed by the Conservative Government's decision to abolish the British Consumer Council.)

Prospects have also improved for passage of legislation which would permit "class action" suits against business. The proposed legislation, which is strongly supported by the Consumer Federation of America—the umbrella organization of the movement—would permit a group of two or more consumers to sue manufacturers for damages on behalf of all purchasers of a product.

The idea is that the court would award damages to both those who participated in the suit and all other defrauded customers and require the company to pay court costs and attorneys' fees. The concept of class action suits is strongly opposed by business lobbies. If it were passed lawyers would be able to handle consumer and environmental class actions and use the fees to support other public interest work.

Public pressure on Congress is now being stimulated by the increasing coverage given to public interest stories by most major papers. *The Washington Post, The Los Angeles Times, The Christian Science Monitor* and *The Wall Street Journal* all have excellent reporting on consumer affairs, though *The New York Times* has lagged in this field. Large numbers of smaller papers have "action lines" which try to solve readers' grievances.

Several city governments, in response to public pressure, have appointed consumer advisers, like Mrs. Bess Myerson Grant in New York. At the same time better business bureaus, which formerly represented only the interests of retailers, have reformed themselves to respond to consumer concerns as well.

Less credit is given to the Nixon Administration whose assistant for consumer affairs, Mrs. Virginia Knauer, is often felt to be outmaneuvered by the prevailing business atmosphere in the White House.

As inflation begins to hit the housewife's food budget more severely the consumer movement has begun to press for "unit pricing", and this is now becoming one of its major concerns. Unit-pricing, which has been adopted by supermarket chains in New York, Washington and California, requires food stores to price goods by weight as well as by the package.

Consumers draw heart from their successful campaigns—which were mostly originated by Mr. Nader—to win Congressional passage of the 1966 Auto Safety Act, the 1967 Wholesome Meat Act and the 1970 Coal Mine Safety and Air Pollution Acts. But there is still little ground for complacency in this area. According to the National Commission on Product Safety 30,000 Americans are killed and 110,000 permanently disable every year "as a result of incidents connected with consumer products".

This annual toll is made up of such accidents including television sets, 10,000 of which catch fire a year; glass doors, which cause 100,000 injuries; ovens, which seriously burn as many as 60,000 persons; ladders, which kill 600 and injure 200,000; and power mowers, which cripple 140,000. Also, it has been estimated that up to 700,000 children are injured each year by harmful or defective toys.

Many laws are already on the books which are designed to restrict the use of flammable fabrics, insecticides and hazardous substances. These would quickly cut the toll of accidental death and injury—if they were enforced.

Such negligence makes Mr. Nader angry. "The corporations are the radicals", he says. "They're the ones acting outside the ideals, the norms of society. They can do almost anything they want so long as it's through inaction."

His horror is that the consumer movement could become an expanding gaseous balloon over the heads of do-nothing legislators and pretty soon it will be like motherhood and virtue. The rights accorded all citizens in our legal system have little or no operational meaning without remedies and lawyers to put these remedies into practice against the exploitation of the consumer.

RALPH NADER BECOMES AN ORGANIZATION
HIS FOUR NEW GROUPS OF ACTIVISTS LAWYERS GIVE HIS CRUSADERS MORE BITE

His shoes are usually scuffed, his suit wrinkled. He still works 18 hours a day, seven days a week. He continues living in the same much-publicized $80-a-month furnished room, sharing the hall phone with other tenants. And in his role as Everyman's lobbyist, he reads most of the 1,500 letters he receives every week from irate consumers—many of them addressed simply, Ralph Nader, Washington, D.C.

But if Nader's ascetic life style has changed little in the past five years, his activities are clearly entering a new phase: Ralph Nader is fast becoming Ralph Nader, Inc. Traditionally a loner, the 36-year-old lawyer has organized several new groups to help fight consumer and environmental abuses and challenge the institutions—whether government bureaucracy or large corporation—they deem responsible.

"Ralph realizes the movement cannot sustain itself if it has to rely on one man," says John Spanogle, a law professor who took a one-year leave from the University of Maine to work with Nader. "He's out to build manpower."

The manpower—and womanpower—so far consists of some 30 low-paid professionals, most of them lawyers, working in several Washington-based groups. Young (mostly in their 20s and 30s) and highly committed to reform, they are activists who might have gone into the civil rights movement a few years ago—as, in fact, some did. Together, they form the nucleus of the new field of public interest law now burgeoning in Washington. Sometimes described as "representatives of the unrepresented," public interest lawyers act as advocates in behalf of minority groups, consumers, environmentalists, and many other citizens with a gripe terests are well organized, public interests against the system. Says Nader, "Private interests are well organized, public interests aren't. We're trying to redeploy lawyers into public interest work as a prerequisite to social change." So far, Nader has deployed his troops into four organizations:

The Center for Study of Responsive Law. The oldest Nader offspring, the center was launched in 1968 as a nonprofit, tax-exempt research group. With a yearly income of about $275,000 donated by several foundations and individuals, the center operates out of a soon-to-be-demolished Victorian town house near Washington's DuPont Circle. Like a cross between a political campaign headquarters and a college fraternity house, the center often buzzes with activity at all hours. Its bulletin board is a college of newspaper clippings, anti-Establishment cartoons, notes pleading for volunteers, and an occasional "roommate wanted" notice.

Staff messages are left in envelopes marked Ralph (who is the unpaid managing trustee); Ted (for Theodore Jacobs, a classmate of Nader's at both Princeton and Harvard law school, who now administers the center's manifold activities); Jim (for James Turner, who heads investigations into the food and drug industries); John (for John Esposito, who directs air-pollution research); Reuben (for Reuben Robertson, a transportation specialist); and Harrison (for Harrison Wellford, a Harvard-educated political scientist preparing a report on the pesticide industry). "We're concerned," says Jacobs, "with institutions that wield power affecting the everyday lives of many people. We try to assess whether they are responsive to people's needs or their own self-interest."

THE RAW MATERIALS FOR CITIZEN ACTION ARE THERE, ALL IT TAKES IS A CATALYST

The center is also the staging ground for "Nader's Raiders." Last summer, 200 students—mostly from law schools, but some from medical and engineering schools—were selected from 3,500 applicants to work for salaries ranging from $150 to $300 a month. Boasts one recruit: "It's tougher to get in here than into Yale law school."

The students' research is checked and coordinated by Nader and the center staff. Turner's indictment of the Food & Drug

Administration, for example, drew on the work of 16 students and was checked for factual accuracy by six scientists. So far, four toughly worded books based on the center's research have been published—on the Federal Trade Commission, the Interstate Commerce Commission, the FDA, and air pollution—with combined sales of over 450,000.

Some critics praise the books as well-documented probes; others charge that Nader's men select facts to fit their thesis or rehash old material. More controversy is sure to come when 10 more books are published soon, including studies of medical care, supermarkets, think tanks, the antitrust division of the Justice Dept., First National City Bank, and du Pont.

PUBLIC INTEREST RESEARCH GROUP

Started and fully funded by Nader, PIRG is the action arm of Nader's operation. Staffed by 13 young lawyers under one-year $4,500 contracts with Nader, PIRG has petitioned the FTC to require that detergent companies list the phosphate content of their products and sued the FDA for better warnings on birth control pills. PIRG attorneys see their work as a counterbalance to lobbyist pressure. Says Robert Vaughn, a University of Oklahoma law graduate: "To be effective in Washington you need money and a lawyer. That turns the regulatory process over to those with the most money and lawyers."

Other PIRG projects range further afield. Sam Simon, a University of Texas law graduate, is studying property tax assessments, marshaling evidence that large corporations are paying less than their fair share of local taxes, thereby increasing the burden on homeowners and small businessmen. Using Simon's preliminary findings, Nader has asked Senator Edmund Muskie to hold hearings.

In what is perhaps the most activist project, two other young attorneys, Larry Silverman and William Osborn, have moved to West Virginia to mobilize community opposition to air pollution from three Union Carbide Corp. plants. Well publicized by Nader, their efforts so far have resulted in a citizens suit against Union Carbide in one town and a company pledge to speed abatement in another town. "The raw materials for citizen action are there," says Nader. "All it takes is a catalyst."

Center for Auto Safety. Incorporated last June, the center has three attorneys, partially supported by Consumers Union. Working out of a small room in the National Press Building ("We call it closet 759," says attorney Lowell Dodge), the center monitors the National Highway Safety Bureau. Dodge studies Nader's mail on auto safety (some 350 letters a week) and notifies the safety bureau if any defect trend appears.

Last month, with Nader as co-plaintiff, the center sued the bureau, asking it to issue a defect notice on 200,000 Chevrolet and GMC trucks. Initially, the bureau had gotten GM to recall 50,000 of the trucks that had special camper bodies. Under Nader's pressure, backed by some new technical evidence, the bureau ordered GM to issue a defect notice on the other 150,000. GM refused, claiming the trucks were completely safe. The bureau then sued the auto maker, and GM has countersued.

Project on Corporate Responsibility. Launched last year, the project tries to give shareholders and consumers a louder voice in corporate policy. It has no direct connection with Nader, but he does advise the staff of eight. And he publicized the Project's Campaign GM, an unsuccessful attempt to force GM to add three public representatives to its board. Last week, the project announced Round 2 of Campaign GM (BW—Nov. 21). This time, instead of nominating its own board candidates, the group is asking GM dealers, customers, and shareholders to nominate members.

The project is also investigating whether large agribusiness companies are exploiting migrant workers. But with a budget of $5,000 a month, the group has nearly depleted its foundation support. One potential angel: John D. Rockefeller, IV, who is an unofficial advisor to the project.

CAMPUS ACTION

All this is just the beginning, judging from the impact Nader is having on college campuses. Under his guidance, students in Maine are investigating pollution from paper mills, while students from Case-Western Reserve University have opened an auto complaint center in Cleveland that negotiates car buyer grievances with dealers. This week, students at eight Oregon colleges are voting on whether to allocate $3 a year to support a local Nader-style public interest research group. Like a candidate on the stump, Nader and two PIRG attorneys barnstormed the state in support.

Similar campaigns are starting in Minnesota, California, Georgia, Illinois, and Connecticut. "We're trying to develop citizen action groups around the country manned full time by public advocates," Nader says. Even his critics concede that his impact is growing. Says a Washington lawyer: "Personally, I can't stand the guy's self-righteousness, but there's no question he has created the climate in which public interest law is now flourishing."

Just how long the favorable climate will last depends mainly on financing. Nader now underwrites much of the work, from the $280,000 he received when GM settled his invasion of privacy suit, and from speaking fees, which range up to $2,000. And the Nader name helps loosen foundation pursestrings. But if Congress passes legislation permitting class action suits, the groups need not depend on Nader. For lawyers will then be able to handle consumer and environmental class actions, using the fees to support other *pro bono publico* work. Within two years, Nader predicts, there will be 200 public interest lawyers in Washington.

Maybe so. But there are other problems. Some aides grumble that Nader, who is increasingly inaccessible, is himself becoming bureaucratized. Others complain that Nader expects them to devote themselves to the cause almost as fervently as he does. When they do not, he is known to get testy. Moreover, if the movement spreads, Nader is bound to lose control of some of the campaigns conducted under his imprimatur. A major blunder could damage Nader's public credibility.

MODUS OPERANDI

Meanwhile, Nader relentlessly plugs away. He is on the board of Consumers Union, has taped an eight-week series now showing on the Public Broadcasting System, teaches a course at George Washington Law School, and delivers speeches all over the country. An aggressive speaker, he blends hyperbole and barbed wit with hand-swinging anger.

One day this month, for example, Nader lectured the Sales Executive Club of New York on deceptive advertising practices, which he labeled "corporate pornography." "The issue," he told the 300 executives, "is not the right to advertise. The issue is truth in advertising. . . . Deceptive advertising and lack of information erodes buyer knowledge, causing the whole competitive system to suffer grievously."

NADER ATTORNEYS MOBILIZED AN ANTI-POLLUTION DRIVE AGAINST UNION CARBIDE

After a polite round of applause and a few questions, he was driven to Atlantic City, where he addressed 5,000 New Jersey schoolteachers on the "silent violence" of pollution, blasting GM and Union Carbide for "corporate crime." The friendly crowd interrupted frequently to applaud and gave him a standing ovation at the end. Then, late for an evening speech in Virginia, he was driven to the Philadelphia airport. The chauffeur, knowing Nader was late, sped along at nearly 80 mph, while the apostle of auto safety and GM critic relaxed in the back of the black limousine—a 1970 Cadillac.

In Washington, Nader operates with sleuth-like secrecy. If you want to talk to him, you don't call. You leave word with Ted Jacobs, the PIRG secretary, or even the newsdealer at the National Press building. Nader draws many leads from secret contacts in corporate offices and engineering labs (the first inkling about the Chevrolet Corvair came from a disgruntled GM employee) or from obscure government reports (he once spent 16 hours copying evidence on meat inspection from an unpublicized Agriculture Dept. report). He freely consults with specialists at several universities. And he quietly feeds information to key senators— Kennedy, Magnuson, Mondale, Moss, Muskie, Nelson, Proxmire, and Ribicoff. Phoning Congressional staffers, he announces, "This is Ralph." Nobody has to ask "Ralph who?"

CORPORATE POWER

Nader insists that his crusades and proselytizing zeal is not antibusiness per se. Indeed, precisely because he is working for reform of the existing system, he is sometimes the target of New Left rhetoric. But, like other muckrakers before him, Nader frets about the concentration of power in the hands of large corporations.

Part of that power, of course, is tempered by unions and the vast network of regulatory agencies that started with the ICC in 1897. But all too often, Nader contends, the regulators fail to represent the public interest, frequently protecting the very industries they are supposed to regulate. They fail, he says, because they "bend" to industry pressure and because top bureaucrats often use government jobs as stepping stones to lucrative private careers in the same field—which Nader labels "deferred bribes."

Nader's analysis is not new. The New Deal emphasis on counterbalancing big business with big government is under attack from many sides. And others have warned of the growth of special interest lobbyists in Washington–269 registered organizations at last count. But Nader is the first to try building effective countervailing forces in behalf of normally unorganized citizens.

PEOPLE POWER

Nader and his forces also have their sights set on corporations. Two upcoming battlegrounds:

More "shareholder power." Nader's men want to grant shareholders easier access to information about corporate policy and products, particularly those that affect health, safety, pollution, and minority hiring and promotion. To lay the groundwork for fuller disclosure, Nader plans to seek a law that requires corporations to be federally chartered. Now, companies can incorporate in any state where they do business, flocking to states, such as Delaware, that are relatively permissive. "Delaware," says Nader, "is a corporate Reno."

More constituent power. In Nader's view, a corporation's constituency—customers, employees, retailers, and local citizens living near company plants—should have some say in the business decisions that affect them. One way: Companies could include constituency-elected representatives on their policymaking boards—an idea that has gained some acceptance in Europe.

Nader calls this a "democratization" or "popularization" of the boardroom. "Out of a 24-man board, it's not asking too much to have three people representing broader views."

That may be merely the opening wedge.

Eventually, Nader thinks corporations should turn all policy decisions over to constituency-elected representatives, leaving only day-to-day operations to management. "Today's executive," he charges, "is too remote, too insulated from public urgencies."

Such ideas, if implemented, would obviously amount to a revolution in traditional business practices. But as Nader's men see it, if business is ever to be fully responsive to the public interest, it must be made directly accountable to the people it serves. Says Nader, with rare understatement: "We are trying for a big change in the way this country does things."

LETTERS ON STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have received a large number of letters concerning the bill I have introduced, H.R. 4556, along with many of our colleagues, to ban the strip mining of coal. I share these letters with my colleagues, since the sentiment expressed in them is very significant:

BETHLEHEM, PA.,
February 25, 1971.

Hon. KEN HECHLER,
U.S. House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR KEN: The local Bethlehem paper recently carried word of the introduction of your bill to extend the abolishment of strip-mining. I thank you for one more strategic move in support of those forces in West Virginia now trying to right years of wrong.

The attached letter was sent to my hometown newspaper (the Clarksburg Exponent) with copies to other papers (including Huntington and Charleston) in hopes that my strong feelings on this issue as represented by an absentee West Virginian might get published and have some influence in terms of momentum at least. In addition I have sent a modest contribution to Austin's lobby group and more importantly have notified Jay Rockefeller and Bob Nelson of my willingness to temporarily sever my relationships at Lehigh University if my physical presence and ability to lend some public relations efforts to this campaign can be of use.

If you have further thoughts on what I might do to add to this campaign from this geographical distance, please let me know. And keep up your courageous battles. Though I may not write frequently to express my appreciation, please be aware that I'm with you.

Best Wishes,

JOHN W. MURPHY.

BETHLEHEM, PA.,
February 25, 1971.

TO THE EDITOR: At least three kinds of West Virginians are evident to me: those who were born, raised, and remain clinging to the self-reliant mountain life; those, like me, who were educated in the state (Marshall), but traded the anxieties of half-living for the anxieties of more worldly adventure; and those "converted Christians" like Jay Rockefeller who were not born in West Virginia but *chose* to live there in search of possibly more reckless adventure.

The current debate on banning strip-mining joins all three. Moving first to the mid-west and then crossing to the northeast, I could not escape the beauty of my state. But each visit revealed not the beauty, but the grim mask of ugliness piercing the high hills, muddying the streams, smothering the lush growth. Meeting the men of industry in the northeast and midwest who laid claim to my state, it became apparent that the out-of-state landlords appreciate West Virginia not primarily for its beauty, but for the low-paying, manpower-exploiting opportunities it presents. Even now, pro-strip mining advertisements are being produced here and circulated in West Virginia by these absentee landlords (no names attached, of course). Some are so bold as to attack Jay Rockefeller as a carpetbagger or worse, yet they sit in stain-proof offices many miles distant, failing to see that the real carpet-bagger is he who exploits West Virginia for economic gain and then moves on. The real carpetbaggers send their loathsome machine representatives into the state to gouge the land, thrusting destruction down each Valley as though in contempt of the magnificence of the mountain and its lush growth of oak, hickory, poplar, laurels and rhododendron.

If you can, re-read the half-truths in the recent ad of the Citizens for Right to Earn a Living in West Virginia or the Surface Mining Association and you find a suggestion that current reclamation of strip-mining is sufficient. When will the self-reliant West Virginian rise up to respond that you cannot "reclaim" a 80-foot gash of splintered trees, loose rock and mud extending miles around a mountain; that the trees and wild flowers, the food and shelter for birds, squirrels, raccoon and deer cannot be "reclaimed" from the layer of hard clay lying atop the soil ripped from the mountains by a carpetbagger's machine representative?

To abolish strip-mining to this West Virginian represents an opportunity to say, "No More" to those who exploit our land. It is faulty evidence sent into the state from those absentee landlords near me who claim that banning strip-mining will deepen the state's economic scars. To the contrary, it is the continuance of their obscene scars that do economic damage for generations who, like me, have left. West Virginia need not be a reservation for the old, the apathetic. Men like Senator Galperin, Congressman Hechler, and Jay Rockefeller give testimony that nestled on the steep hills and plunging Valleys lies an incredible opportunity for a proud and aggressively independent people. Decide right now not to pass on a land of barren opportunity and silted streams to another anxious generation like mine.

JOHN W. MURPHY.

BECKLEY, W. VA.,
February 19, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: After reading in the February 19 edition of the Beckley Post-Herald of your bill to ban strip mining in the United States, it is one of my fondest hopes that at some time I might have the opportunity of voting against you and also working towards your defeat.

You state that the tourist business is "financially more important to West Virginia than the strip mining industry." I would be most interested in seeing some statistics to support your statement and just how many people tourism supports. West Virginia is not a tourist state—we do not have the climate nor do we have the receational facilities for tourists. If tourism is so important why has the West Virginia Legislature had to appropriate money each year to keep our historical drama "Honey in the Rock" in operation.

West Virginia is a mining state and surface mining is a large part of the mining industry. Many, many more people than the 30,000 stated in the paper will be displaced if this ban should be passed: employees of oil companies, equipment companies, truck companies, powder companies, our financial institutions and on down to the neighborhood grocery and drug store. At a time when unemployment is extremely high, it is absolutely absurd to even consider abolishing an entire industry with the resulting economic chaos, when with some reasoning and cooperation our ecology problems can be solved and we can at least maintain our pesent level of employment.

My personal opinion is that you are "milking" this issue for all the publicity you can get, with no thought as to the consequences.

Sincerely yours,

(MRS.) JEAN M. BLANKENSHIP.

RUSSELL, PA.,
February 15, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in regards to coal stripping and our environmental outlook!! So let us get down to some real logical and hard facts and face up to real and useful thinking!

First: It has been proven by strip mining in the past and with sufficient law, that the backfilled property and ponds leached out runoff liquids and have been put to far greater use (after strip operations) both in productivity and a more beautiful land contour!

Second: We have a natural gas shortage and a fuel oil shortage—and last but not least an electricity shortage!! Why? Because our smart lawmakers in the past have been making laws too tough to cope with in the coal fields for both deep mining and strip mining! The result: not many men working in the coal industry!! Now the squeeze is on—what solution do we have for now when atomic power may be at least thirty years away? Who *knows* if the atomic power will be economic enough for people to cope with?

Third: Let us cut out some of this "film flam" and do some serious thinking for lessening the restrictions on our *God-given coal industry* and concentrate on more serious pollution problems within our environment such as the millions of tons of road salt dumped on our highways in Pennsylvania (and other states) which is eating up our vehicles in a short time—to say nothing of our streams! Also, all the concrete pavement, bridges and culverts which the salt is ruining should be considered, too!

Mr. Hechler! Let us do something on this salt situation! In case you or other officials do not know what the state can use for a road salt substitute, then please contact me and I (free of charge) will set you straight on *that* item! I am not trying to lead you into some false thinking, etc.—rather I am dead serious and I *do* and *can* give you constructive suggestions!!

Fourth: I well remember when I was a boy, most people heated their homes with coal and wood. Most all of our factories and shops were coal fed—steam powered units and all of the railroad locomotives were coal burners. Somehow, our streams were less polluted and nobody was much bothered about the air which they breathed, so let us not give the coalpile such a black look even with its black color! Let us look toward lessening the jet airplanes, diesel burning engines, fuel heating of homes and factories—and less chemical stream pollution to our God-given country!

If you do not know what I mean by *any* of this or if you think it is an incomplete description or if you would like more details *please* write or telephone me! I am dead serious and would be glad to oblige!!

Thank you very much!

Very truly yours,

E. S. BURDICK.

HAZARD, KY.,
February 19, 1971.

Representative KEN HECHLER,
Washington, D.C.

DEAR SIR: I would like to offer my congratulations to you and your co-sponsors of the bill to outlaw strip mining, and would also like to extend an invitation to you to visit Eastern Kentucky when you have a chance.

I dare say, the destruction here will equal that in West Virginia. I would think more so to our highways. The strip-mine coal is being transported by "off highway" equipment from mine to loading site. These trucks are so heavy they are destroying all secondary state and county roads and are starting on our new extention of the Mountain Parkway. If they are allowed to continue in this manner, this highway will also be destroyed.

A great deal of money, both Federal and State will have been wasted if this is allowed to happen.

Mr. Hechler, the tragedy of it all is the people in Washington and Frankfort believe this is necessary for production of Electricity. There is no truth in this, at least fifty percent of the coal from this section is being shipped to Japan.

Why should they be allowed to destroy our country for profit? Our government seems to want to be the champion of peoples rights. Then why are these people allowed to violate rights guaranteed by our constitution.

They come on property and destroy it in the name of the economy, with an old deed imported to this country by the old land Barons of Europe. When will it ever stop?

I was very disappointed in not finding some of our Kentucky representatives, joining your drive to outlaw strip-mining. I guess they haven't learned to look beyond the dollar sign yet.

Yours truly,

W. E. MANNING, SR.

P.S. If the opportunity presents itself, please show this to some of the Kentucky representatives and senators.

BLOOMSBURG STATE COLLEGE,
Bloomsburg, Pa., February 26, 1971.

Representative KEN HECHLER,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR KEN: It's been a long time since those relaxed days when you could afford the time to come in and lecture to my Speech classes at Marshall.

Your brilliant career in the Congress has been an inspiration to all of us who had the privilege of knowing you back in Huntington.

Your efforts on behalf of the miners deserves full support, and now your proposed legislation on Strip Mining also meets with my full approval.

My home for many years was in the Wyoming Valley (Northeastern Pennsylvania, Anthracite area—Dan Flood's district), and it is pitiful to see how that part of the country has been ravaged by the Strip Miners.

I am enclosing a copy of a television editorial delivered in part on your plan. The Wilkes-Barre Record a few days later contained an editorial on you with essentially the same theme. It is my belief that in both cases a rather parochical view is being expressed.

May I wish you the best of success on your proposed legislation.

Sincerely yours,

MELVILLE HOPKINS,
Chairman, Department of Speech.

PENNSYLVANIA'S STAKE

While many who live in mining areas of the world may sympathize with Congressman Ken Hechler's proposal to ban strip mining entirely, we do not believe that killing an industry is the answer. Regulation that assures prompt restoration of disturbed land and protection of the rest of the environment is the answer that Pennsylvania, almost alone among the mining States, has begun.

This also is the approach which President Nixon would begin from the Federal level. Admittedly, the President's approach is a good deal more modest than what now is practiced in Pennsylvania, but then it is to apply to States which have no realistic experience in the environmental regulation of business in general and mining in particular.

Even Pennsylvania's approach is elementary in terms of the problems posed by mining. Pennsylvania has yet to bring sand, gravel and clay pits and stone quarries under any kind of effective regulation, even though these account for at least half of the disturbed land in the Commonwealth. However, as Secretary Goddard pointed out this week, stringent regulation in Pennsylvania creates an unfair disadvantage for Pennsylvania industry so long as other States, and particularly neighboring mining States, do not have similar regulation.

President Nixon's proposal would give the States two years in which to adopt environmental protection legislation and provides plenty of carrot as well as the stick that would permit federal regulation to take over where the States fail. Prompt enactment of the President's proposal cannot come too soon. As Interior Secretary Rogers Morton noted, the present rate of surface mining will disturb within 10 years as much land as is contained in the State of New Jersey.

Pennsylvaina has an obvious stake in passage of the proposed Mined Area Protection Act. While it will not answer most of the problems, it would be an essential beginning. And the sooner Ohio mines, for example, are required to restore disturbed land, the sooner we can expect better regulation in Pennsylvania.

DEAR REPRESENTATIVE HECHLER: You have all of my support for your current legislation to ban all strip mining of coal in the United States. We cannot act too soon against such environmental destruction! I am pleased that this bill would also prohibit deep coal mining in national forest and wilderness areas. Even deep mining leaves its mark above the ground and this should not be allowed in those regions that we have set aside to be protected.

I urge you to continue to work against those forces which threaten the natural beauty and welfare of our nation. We all thank you for this!

Sincerely yours,

DAVID BERRY.

WILLIAMSTOWN, W. VA.,
February 19, 1971.

Hon. KEN HECHLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HECHLER: I find it almost impossible to believe that at last someone is doing something to curb strip mining in West Virginia! I realize that it's to late to correct the damage that has been done, but perhaps through public support of dedicated men like yourself, we can prevent further damage.

I firmly believe that a strong reclamation bill is NOT the answer . . . it's been tried before . . . and failed. The only salvation for our state is abolition of strip mining.

Is it fair for the entire state to stand by while some 3,000 men gut it? It's unfortunate that should stip mining be abolished, these 3,000 men will lose their jobs; however, I feel that it is a small price to pay to save what's left of our state.

Strip mining is a cancer of the Earth, and like cancer of the body should be erased immediately. Every day's delay means thousands of tons of our mountains shoved into the valley . . . and once a stripped area, always a strip area!

How many of our deep miners are out of work due to the strip mines? I dare say, more than the 3,000 affected if stripping is abolished.

If our people will stand and be counted, through your efforts, we will win this fight. If not, then we'll get what we deserve—a gutted, devasted wasteland that was once a beautiful state. My grateful thanks to you, Mr. Hechler, for your firm stand.

Your very truly,

FRED R. GRAY, JR.

OPEN LETTER TO JOHN D. ROCKEFELLER IV
FEBRUARY 18, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.:

We of Marshall University Environmental Action Organization, Enact, wish to express our agreement with, and support of, the current bill abolishing strip mining in West Virginia. Although we understand the effect of a ban on strip mining to those who work in this industry, we believe there is an alternative which will bring more money into West Virginia, offer employment to those who would lose their job in the surface mining industry, and reward West Virginia with cleaner air, purer water and more beautiful land.

It is obvious that reclamation laws, no matter how strict or how strongly enforced, can not replace the topsoil and trees lost to surface mining activity. The landscape of our once beautiful West Virginia is being torn apart by heavy machinery.

An energy shortage has been sited by the surface miners as one reason we should allow them to continue to bulldoze away our land. But they do not mention that this coal they mine, and much of the coal from our deep mines, is being shipped overseas to countries like Germany and Japan where it is used to make cheap steel to flood U.S. markets and put our own steel men out of work.

There are really two natural resources concerned in this argument: coal and the natural beauty of West Virginia. The use of one ruins the other. When the coal is mined out, the companies will leave the state and it will take a hundred years for it to recover, if it can. But the natural beauty of West Virginia, if it were developed as strenuously as the coal industry has been in the past, would bring more money into the state which will *remain* in the state, offer increased employment to our citizens, and leave us a state we can be proud of.

West Virginia is within a half day's drive of the world's largest concentration of vacation hungry people, those who are packed-in from Washington north. These millions of people want to experience open beauty, natural unspoiled mountains and rivers, and are willing to pay $200–300 a week for their vacations. West Virginia could have this money, and its beautiful scenery, if it developed the tourist industry. This industry would provide employment for construction men and equipment operations in the building of roads, trails, lodges and camping facilities for the vacationers. Vacationers would buy groceries, gas, fishing and hunting licenses; they would buy clothes, native crafts; they would need guides, naturalists, and park rangers. Best of all, we would still have a state, not a slag heap.

This decision is not what we will have today, or even next week, but what the state of West Virginia will offer to us and our children 20 years from now. Support the complete ban on strip mining. There is a better way.

Sincerely,

MARSHALL UNIVERSITY ENACT.

SWITZER, W. VA.,
February 23, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I wish to express my thanks and appreciation to you for the position you have taken on strip mining. We no doubt need a complete abolition of strip mining on the Federal level to save our land from destruction.

It seems that the money and influence of the strip operators have completely overwhelmed the Legislators of our State. Many of our Delegates and Legislators are involved in strip mining and are blinded by dollar signs.

Enclosed is a poem that I have written and which I think expresses the situation very well.

Thank you.

H. B. KING.

MOUNTAIN DEGRADATION
(By H. B. King)

Where once, majestic mountains kissed the sky,
Lush green valleys reached from hill to shore.
Gurgling streams leaped joyously to the sea;
Free Mountaineers were rich with Nature's Lore.

Where once, most fragrant blossoms filled the air,
The stench of death prevails upon the sod.
Greedy, grasping, dollar hungry man,
Destroys the source of life, bestowed by God.

Where now, our valleys choke with rocks and mud,
The streams are stocked with acid, silt, and lime.
Stingy wreckers count their Godless gains,
While money machines commit their guileful crime.

While mountain beauty is gutted by stupid siege,
Officials ignore the tolling bells of gloom.
They sit with power struck minds and wait and watch,
God's beautiful earth go down to hell and doom.

BECKLEY, W. VA., *February 17, 1971.*

Representative KEN HECHLER,
U.S. Congress,
Washington, D.C.

DEAR SIR: You are, without doubt, one of our finest representatives in Washington. This is the first letter I've written complimenting one of our representatives so you can believe I am really sincere. I think you have done more for the people of West Virginia than anyone else in Washington. And now with your bill to abolish strip mining you have proven once again that you have the people and their needs forthmost on your mind as strip mining is ruining our beautiful state. We, the citizens, feel so helpless as we see mountain after mountain laid bare and the homes of people nearby being destroyed by these heartless people. A bill is before our legislature to abolish strip mining but I'm afraid big money will have its way and we won't see anything done. The majority of the people, I believe, would like to have this stopped, but if the legislature does not put a halt to it we will have a ruined state and more and more people will be leaving. Most of these strippers are from out of state and could care less for West Virginia and I think it. We have a beautiful state, but it won't be very long. The ugly scars of strip mining has left their mark and nothing will erase them. Jay Rockefeller is putting up a valiant fight for us and in return he is being told by some stripper workers, owners and others that he is an outsider and doesn't belong here. I know he does as West Virginia is for anyone that chooses to make their home here. I am indeed grateful that he chose our state in which to live. And he was the one that brought the strip mining issue to light. I know also that you are working for abolition and I think West Virginia is indeed fortunate to have you in Washington fighting for them.

I am enclosing an article from the Charleston Gazette that you may find interesting reading. I feel it is very timely.

So keep up the good work and may God Bless you.

Sincerely,

Mrs. THELMA STOVER.

MABSOTT, W. VA.

Congressman KEN HECHLER,
Offices of the Congress,
Washington, D.C.

DEAR MR. HECHLER: I felt that I must write you and pledge you my full support on your recent stand concerning surface mining. Certainly such an industry, engaged in the total destruction of our environment, must be stopped.

It appears now that our own State Legislature will kill the Galperin Bill and totally disregard the will of 80% of the people of West Virginia. It would seem that at least most of our present delegates are afraid to take an open stand in the State Legislature as you did in the Congress. The coal operator still has West Virginia "by the throat."

On the Huntington news report on Ch. 3 tonight I heard certain national suggestions concerning surface mining. It would seem that someone felt that the States should do something within two years or the Federal Government would establish control. Mr. Hechler, in two years W. Va will be nearly a desert, especially here in the Southern Counties.

I have pastored churches in Raleigh Co. for seventeen years. I have always been engaged in some community service and have always supported all positive programs for the good of our State. I am at present a member of the Southern District Board of Soil Superviscrs and now own a 147 acre farm in Richmond District of Raleigh Co. In the above role, I have walked over hundreds of acres of strip spoil and have toured, by 4 wheel drive vehicles, literally thousands of acres. In ten years of inspection of spoil banks I have never viewed one that has been reclaimed. I refer to Southern West Virginia only. (I am told that there are reclaimed areas in Preston County) all that we have are some areas which have been vegetated to a non-economic and very temporary plant growth such as lespedeza sericea or black locust. The erosion continues and the stark high walls are visible for miles. At the same time these ecological rapists destroy all of the timber, the natural mountain contours and the top soil. As you know, we have (world wide) about six inches of top soil. All life, as we know it today, comes from that six inches of soil. When surface mining destroys the soil community of that six inches it can never be replaced.

I have slides which I have taken of strip spoil in which there are gullies twenty and thirty feet deep.

Just a short time ago I asked the W. Va. Director of the ONR Division of Reclamation (while touring a spoil area) what could be done about such erosion. He made very little of it and said . . . "it really doesn't mean much, it (the erosion) will continue until the ravine reaches the original rock base, than it will stop." "We can do nothing." The thing that shocked me was that he was totally unmoved by the devastation. This was in an area of 6,000 acres, located on Tommy's Creek in Raleigh Co.

One other point . . . The Surface Mining industry makes much of America's need of this coal. Will you ask the question, "Why then is 80% of it being exported to Japan?" Maybe some one will answer a man of your stature. They wont give me an answer.

Again, thank you for your fearless stand. I had almost give up. You may count on my full support wherever I may be able to give it.

If we are to have a West Virginia Home Coming in '71—We must have a West Virginia to come home to.

Sincerely,

EARL P. COCHRAN.

ALLIANCE, OHIO, *February 20, 1971.*

Representative KEN HECHLER,
Washington, D.C.

DEAR SIR: From Ohio we thank you and congratulate you for having the courage and guts to introduce legislation to ban strip mining—"The Rape of the Countryside."

Here at Alliance, Ohio, we see the horrible devastation of the land all around us while the State government and lawmakers sit and twiddle their thumbs while thousands upon thousands of fine farm land acres are being destroyed day after day. The beautiful trees, the rolling hills and streams are now giant scars and strip mine rubble.

We were told the land would be "reclaimed" this is not true, the rubble has been laying there many, many years untouched.

Many Ohioans believe the mining interests control our State government and nothing can be done about it. The ruthless destruction of the landscape goes on and on!

At Cadiz, Ohio, the mining interests brag about their man-made monster that grabs 300 tons of earth at *one* bite!

The top-soil can *never* be brought back! It is lost forever.

Beautiful farms of wheat, corn, oats, etc. are now masses of strip mine rubble.

A farmer is paid a few-thousand dollars for his land then the strip miners move in and tear it up and then go away and leave it after they get the coal out.

Come to Ohio and see for yourself. Our beautiful landscapes are gone. Only the ugly scars and deep gullies and rubble remain. Our once beautiful State of Ohio is ruined, and this awful rape of the countryside is still going on day after day.

Please help us.

W. F. MARTIN.

DOVER, OHIO, *February 24, 1971.*

Hon. KEN HECHLER,
Member of Congress:

DEAR CONGRESSMAN: I have read in the Cleveland Plain Dealer, of your proposal to outlaw all strip-mining in the U.S. and I strongly support you.

The Hanna Coal Co. is ravishing some of the richest and most productive farm land in this country, in Harrison, Jefferson, and Belmont Counties.

This rich and productive soil can never be replaced in one thousand years to say nothing of the tax loss and unsightly mess they leave behind. I urge you on in this venture.

Yours very truly,

CLIFFORD A. EBERLE.

HILL TOP ENTERPRISES,
Seco, Ky., February 17, 1971.

Representative KEN HECHLER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: I seen in the Courier Journal that you are introducing a bill to ban Strip-Mining. When everything seem the darkest then someone like you will come forth like a bright light and start a ball rolling that may make everything come back to some sane resemblance of its former state.

I sure wish you every success in your endeavor, I am enclosing a few copies of letters that I have taken from the Mountain Eagle at Whitesburg, Kentucky and from the Courier Journal of Louisville, Ky. showing what

the People of Kentucky think of Strip-Mining.

We have heard a lot about forest fires and the like but in my opinion a forest fire is nothing as compared to the scars of Strip-Mining, for after a few years the young seedling will come back on burned land but never in time will anything grow on the old high walls or benches of rocks and bolders pushed down the slope as you can see many places in our State.

Wishing you every success and hoping that you will win passage of your Bill banning the practice.

I am yours very truly,

VICTOR C. BANKS.

MOUNTAINTOP, PA.,
February 19, 1971.

DEAR SIR: Congratulations on what you are trying to do in regard to Strip Mining.

I have just heard short reports over my radio that you have presented a bill that would abolish strip mining within six months. I was so impressed and thrilled that there was someone else, especially someone who might be able to do something, who felt as I do.

I have lived in this area all my life and I know what destruction these strip miners do. There are supposed to be laws on the books in this state that they must return the land to approximately what they started with. You and I both know that this is impossible. Not in my generation, or my son's, will the land ever be what it once was.

I am behind you 100% and hope that you will get all the help you need. I am afraid however, that the lobbyists will put an end to our dreams.

Please tell me if there is anything I can do to help you. We need more men of your caliber in Washington. There are so many there with selfish interests.

Once again, congratulations and thank you.

Sincerely,

JOAN JONES.

FEBRUARY 22, 1971.

Hon. KEN HECHLER,
Congressional Office Building,
Washington, D.C.

DEAR MR. HECHLER: Recently I heard on a very brief news cast, something to the effect of a bill you are introducing banning strip mining throughout the United States.

Since I live in southern Indiana, a beautiful spot, but fast being devastated by this method of mining. I am intensely interested in your bill. Would it be possible to get a transcript of it or a condensed version? Also what can I do to help further your efforts?

We are a small community located in Warrick County along the Ohio River in the extreme south western part of this state. For many years now we have been subject to the many evils and injustices brought about by the strip mine operators. Our homes have been and are being damaged every day by the excessive blasting, power lines are knocked down, roads are closed and mined, our trees are dying, the birds and wild life are disappearing and the landscape has become mountainous slag piles allowed to lie barron and oxidize. As a result, there is a foul odor lying over the land. I suppose I could write a book about conditions brought about by strip mining, but this you already know.

I am convinced that only National Federal Legislation such as you propose will ever protect the American people from having this land systematically destroyed. It will also relieve the State and Local government of the responsibility of saying "no" to the conglomerates who are now buying up so many of the coal operations.

Attached is a copy of a letter to my neighbor, Mr. Warren A. Pease, who had written to Governor Whitcomb complaining about the damage to his home and land by the coal company. The letter, as you can see, was passed on to a Chas. Purcell, Director of Mining for State of Indiana. (Note underlined sentence)

It seems inconceivable that the State of Indiana could turn loose a monster such as this with a license to do as it please; but that is what it amounts to since there are no laws to govern them.

Your Honor, I have written Senator Vance Hartke urging him to vigorously support your bill. Also, I am asking everyone in this area to write their Congressman urging their support.

In closing, may I wish you the greatest success in the passage of this legislation. The immense good that you will have done America and its people cannot be measured.

Sincerely yours,

T. J. THRASHER.

BIRMINGHAM, ALA.

DEAR SIR: Enclosed is a newspaper clipping concerning a proposal by yourself. Unfortunately, this was lost back on about page 5 of the local paper, I consider it front page material.

I would like to express my encouragement and admiration to you and the other concerned members for initiating putting a swift end to this deplorable situation. Future generations may do well to thank people like you for leaving them something to enjoy instead of piles of eroded rubble.

Best wishes,

BAKER SMITH.

MINING HALT ASKED

WASHINGTON.—Rep. Ken Hechler, D-W. Va., backed by 27 other congressmen from 14 states, introduced legislation to halt all strip mining of coal within six months.

Hechler told a news conference in announcing the measure that only "artful dodging and delay" could result from the Nixon Administration's proposal to give coal mining states two years to study and make proposals for eliminating the earth-scarring operations.

BIRMINGHAM SOUTHERN COLLEGE,
Birmingham, Ala., February 22, 1971.

DEAR REPRESENTATIVE HECHLER: I noticed in my reading of the local paper that you have introduced legislation into the house that would block and halt all strip mining of coal within six months. I want to thank you for your decisive action. Your motives are to be commended. Such an action as this is desperately needed to stop the destruction of natural land for the purpose of exploiting it and its natural resources, but in order to pass the legislation, tremendous public support must be made available. Could you, therefore, keep me up to date on the progress of your bill and let me know more specific things about it, such as its house number, etc., in order that I might speak of it knowledgeably to the Southeast branch of the Sierra Club and let them know what to call it when writing to their senators and representatives?

I will be looking forward to doing all that I can to rally conservationist support for you. Thank you for providing an *alternative* to Pres. Nixon's 2-year "study" proposal. Like you, I'm sick of the hypocrisy that allows destruction to go on normally, under the guise of 2 year-long "study-the-problem" programs. Thank you for speaking out.

Sincerely yours,

(Miss) MARY JANE SEPMEIER.

LOS ANGELES, CALIF.,
February 19, 1971.

Hon. KEN HECHLER,
House of Representatives.

SIR: We agree that strip mining needs to be totally outlawed by Congress. We have seen some of its hideous effects upon an area's natural beauty and it should never have been allowed to happen initially. The unsightly scars are eyesores to any State especially when seen from the air and are definitely not tourist attractions. But until the primary cause, Congress' failure to institute meaningful reform within itself, these effects will continue to occur, generally to the detriment of the public and to the benefit of a self serving, avaricious few "special interests"! As put forth in the Pearson-Anderson book "Case Against Congress," "strip mining" is but another of the countless "compelling indictments of corruption on Capitol Hill"!

Truly,

Mr. B. D. FONDA.

BELLE RIVE, ILL.,
February 18, 1971.

Hon. KEN HECHLER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: On February 13, 1971 our local newspaper carried an article, titled "Seeks Law To Ban Strip Mines", by (AP) Washington.

The article outlined the proposed legislation to be sponsored by you to out-law strip mining in the United States.

You can rest assured that many people in the state of Illinois would welcome such legislation.

Farming is my line of business, we are situated in the southern part of Illinois. West of us, south of St. Louis, on the Illinois side a large section of good fertile soil has been absolutely ruined by the strip miners digging coal. From there on south for thirty five miles large areas have been stripped out. Now large shovels are stripping all across the State to the Indiana line. Within the last three months a new area has been opened up directly south of us, not more than two miles away. North west of Evansville, Indiana, on the Illinois side scalpers are making a determined effort to buy up land for coal stripping. Near the Illinois River, south of Peoria the same thing is happening.

The usual pattern exists in all cases. They buy the land for very cheap prices, paying nothing for the coal. They use every conceivable method to gain title to the land. Pressure, lying, intimidation, buying off local officials. The shovels in operation here range from 60 to 120 yards. The coal is very low quality, high in sulphur. The yield of the surface coal is low, not over 18". However down about 700 feet there is a very good vein. This, the assumption is, will be sold to others for deep mining. They pay absolutely nothing for it.

We have tried to have strip mining legislation passed in the State. I am certain you know what happened, they wined and dined enough legislators to have the legislation "watered down" until it is of little value. We NEED HELP, Kentucky has passed strict laws—they have abandoned that State for the most part, and NOW ARE IN ILLINOIS, across the Ohio river.

You can rest assured, we appreciate your help and interest. This problem is very serious. Deep mining here has caused some trouble as you had indicated in the news release, but strip mining is so much worse. The land absolutely is of no value when they finish with it because of the high sulphur content of the coal. It ruins our villages, churches, schools, roads, wastes many dollars spent on Soil Conservation and ASCP programs.

Again we wish you every success, you have a difficult task, but sincerely hope you are successful. Five years from now will be too late,

Sincerely,

LINUS F. KIEFER.

FARMINGTON, ILL.,
February 22, 1971.

Hon. KENNETH HECHLER,
Washington, D.C.

DEAR MR. HECHLER: I seen in the Canton Ledger February 13th that you were going to introduce legislation to ban strip mining of coal in the United States.

In the early 60's I said to my cousin what one could do to ban strip mining, he said there is no law that you can stop it so you might as well forget it.

I hope you will go and see if you can get legislation started.

North of Farmington we have mounds. I call them Fulton Co. Rockies. All good farm land is going to waste. With our population explosion we can't afford to lose this land. With unemployment they can dig it like they did years ago.

Thank you so much and hope you have success.

Sincerely,

Miss JUANITA ALBRECHT.

LIBERTY, W. VA.,
March 3, 1971.

Hon. KEN HECHLER,
Washington, D.C.

DEAR MR. HECHLER: I should have written you LONG ago with encouragement for the "stands" you so consistently take representing the people, good government, and just about everything worth while—the sort of thing ALL of our senators and representatives should be doing whether state or national.

However, we *do* want to give you our 100% support for a Bill to Abolish Strip Mining . . . and both Dr. Beatty and I should be helping you. He, especially, has marvelous ideas—the sort of mind which, like your own, thinks above and beyond the usual or ordinary—the type of mind that can do something to solve our many problems—yes, even other than those of pollution. He is Professor of American History at W. Va. State College at Institute but did his Master's and Doctor's work at Stanford University in Palo Alto, California. We fell in love with the farm we own, but it's been threatened by ravages of the gas co. as they explored for gas; and could very easily be completely and irrevocably devastated by coal interests; so we have a personal interest in stopping this evil NOW at once.

May we hear from you in the very near future? Our telephone no. is 586-9594. However, it's an 8-party line with at least one avid listener.

Most sincerely.

Dr. and Mrs. H. I. BEATTY.

ST. CLAIRSVILLE, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We live in eastern Ohio and we all agree on your law to abolish strip mining. All you can see around our homes is mounds of rock and strip pits. The water is polluted with sulfur and acid. Some parts of eastern Ohio still has beautiful forests and we hope that the law will pass so some of Ohio's beauty will remain. We are glad you are doing something to keep our environment fit for us to survive. Our senator is Wayne L. Hays and he is going to vote against the bill.

Yours truly,

DAVID MIHELARAKIS,
Sixth Grade.

COLERAIN, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class has been reading and discussing the problem of strip mining. We all agreed with you against strip mining. I myself think as it like a wildfire destroying the forests and land in the United States. Since we live in eastern Ohio we know how it is spreading and leaving scars on the surface of the earth. We hope Congress does not feed this fire.

Yours truly,

TOM SOBOTA,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I'm for your bill. I think it is a good one. I know what strip mining does to our trees, our land, our flowers, and our wildlife. I know because I read about it and I live right in the middle of an area that is being stripped.

Will you please send us a list of the congressmen and senators from the thirty-six states which did not join in proposing the bill?

Yours truly,

RONALD SNYDER,
Sixth Grade, Hilltop School.

ADENA, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am against strip mining. I live in Belmont County. All the trees and flowers going to be gone. It looks like there are holes all over the land. Belmont County used to be beautiful but it is not anymore. Is there anything our sixth grade can do against strip mining?

Yours, truely,

KELLY SPRINGER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Will you send me a list of the Senators and Congressmen of the 36 States who did not help plan the strip mining bill? We are going to write to them.

Yours truly,

JOHN FRENCH,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I have heard a lot about strip mining. They are doing it in our part of Ohio. It is hurting a lot of our scenery. It is killing the plants and animals. Would you please try to stop it?

Yours truly,

DON MURPHY,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I feel very strong against strip mining. Since I live in eastern Ohio I know it destroys trees, wild flowers, wildlife homes, plants, and it pollutes the water. The green plants that give us oxygen will be gone. If the bill does not pass there will be no more green plants. Strip mining destroys the balance in nature. We wish you would continue to try to abolish strip mining. One of the reasons I am against strip mining is because I live in one of the most beautiful areas in the state of Ohio.

The Representative of my area is Congressman Wayne L. Hayes who is against your bill. Can we help in any way?

Yours truly,

GEORGE J. STRIZAK,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I live in the middle of strip mines and the scenery is not very pretty. I want to abolish strip mining, too. So help us.

Yours truly,

JIM MEHLMAN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am very much interested in your bill to abolish strip mining in the United States. I live in eastern Ohio where the strip miners are destroying our beautiful scenery.

Yours truly,

PAM SALTKIELD,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am writing about strip-mining especially in eastern Ohio, near where I live. The big holes the strip-machines leave look terrible. I just think something ought to be done about it.

Will you please send us a list of the congressmen and senators from the thiry-six states who did not join you in the bill?

Yours truly,

DAN BEAVER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We the sixth grade at Hilltop Grade School R.F.D. 2 Dillonvale, Ohio 43917 are writing you to offer our support and approval of your strip mine bill that will abolish strip mining in the nation.

If there is anything we can do to help the passage of this bill please contact us.

Yours truly,

CAROLE SUE SMITH,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I read in the newspaper about strip-mining and it had something to do with you. I am glad to hear you are trying to abolish it. We are surrounded by pits.

Yours truly,

BECKY NORRIS,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class has been discussing strip mining. We live in the strip mining area. We have talked about what the strip mining does. The ground looks like moon craters. If the bill doesn't pass, the United

States will look like the moon. We live where Presidents Nixon's ancesters were buried.

Will you please send us a list of Congressmen and senators of each state which did not join you in proposing the bill?

Yours truly,

JIM RICE,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I agree with you about strip mining. I hope the bill to abolish it is passed. I know what the land looks like after it has been stripped because I live in a town where it is all around me.

Yours truly,

LEANNE YODER,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: The sixth grade at Hilltop School, R.F.D. 2, Dillonvale, Ohio, is following the news. We are very concerned about strip mining. People are trying to zone but that would only help us locally. Please tell us how to help stop strip mining. What can we do to change Wayne L. Hays's mind about strip mining?

Yours truly,

TAMMY WOODS,
Sixth Grade, Hilltop School.

FEBRUARY 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our class is against strip mining Strip mining ruins wildlife and wildlife homes. Please abolish strip mining. We live where strip mining has surrounded us and is closing in on us.

We hope it is abolished before it ruins and destroys our environment.

Yours truly,

JOHN SABIC.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I think that you are right and strip mining should be abolished in the United States. I live in the Ohio Valley. Everywhere you go you see strip pits. Sometimes I wish I could see the land before the steam shovel was invented. Here the strip miners started stripping about thirty years ago. Now almost two-thirds of Belmont County is stripped and if the strip mining bill isn't passed probably all of our county will be demolished.

Yours truly,

JOE MIHELARAKIS,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Is there anything that our sixth grade class could do to pass the bill to ban strip mining? We live in Eastern Ohio and strip mining is all around us. We dislike the awful ruin that the steam shovels leave. It destroys all our beautiful countryside. All of the beauty will soon be gone. So please pass the bill.

Yours truly,

WAYNE GREEN,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Mr. Hechler, I live in the eastern part of Ohio where strip mining has been done. There are sulfur ponds and acid run off. I agree on your law to banish strip mining.

Yours truly,

STEVE MIHELARAKIS,
Sixth Grade, Hilton School.

DILLONVALE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am glad you are trying to pass a bill to abolish strip-mining in the United States. I live in the beautiful part of eastern Ohio where there is strip mining all around me. If the bill does not pass, trees, flowers and other wildlife will die and so will we.

Yours truly,

SANDRA PINTER,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 22, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade thinks that it is nice to know somebody is doing something to abolish strip mining. I fully back the bill. About six miles from where I live the place looks like moon craters. Our congressman is Wayne L. Hayes. He plans to vote against the bill. Would you have any ideas on how to change his mind?

Yours truly,

JAY BOWMAN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am glad to hear that you are trying to abolish strip mining in the nation. I know how terrible it is because I live in eastern Ohio. Not too far from my home, a once beautiful land, is completely destroyed. The southeastern part of Ohio was so beautiful and some of it still is. If something isn't done the beauty will be gone. Our Congressman Wayne L. Hayes is going to vote against the bill.

Yours truly,

SUSAN DA RE,
Sixth Grade, Hilltop School.

ST. CLAIRSVILLE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We hope strip mining is abolished. In eastern Ohio it is destroying our scenery and polluting our streams. Strip mining is also destroying our wildlife and their homes. We know so much about strip mining because we live in the center of it.

Yours truly,

ANDY SMITH,
Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade class has been studying about what strip mining does to the wildlife, environment, and especially the soil. So our sixth grade class wants to know if there is anything we can do.

Would you please send me a list of the Congressmen and Senators of the thirty-six states which did not join you in proposing the bill? Our own Congressman is Wayne L. Hayes who is voting against the bill.

Yours truly,

LEE GREEN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I am against strip mining. It makes the land look like the moon. I hope that your bill passes. I am aware of the good it will do. I live in eastern Ohio. It was a beautiful land. It is now becoming a total destruction.

Yours truly,

DAVID THOMAS,
Sixth Grade, Hilltop School.

DILLONVALE, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: Our sixth grade class is deeply concerned about strip mining.

We would like to know what we could do to help get the bill passed.

Yours truly,

PEGGY LALLATHIN,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: The sixth grade wants your strip mining bill to pass.

The land in eastern Ohio is being stripped by the big machine. If they keep on stripping the land, we will not survive much longer on the earth without trees and plants. The oxygen will be gone and we will be gone too.

Yours truly,

RANDY CONAWAY,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: We live in the area of strip mining. Most of the people who own land are selling it to the strippers, so we urge you to keep trying to passing the bill before our land turns barren.

Yours truly,

DAVID MORRISON,
Sixth Grade, Hilltop School.

BRIDGEPORT, OHIO,
February 25, 1971.

Congressman KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I agree with you about strip mining because I live in a county where strip mining is all around. Is there anything my class can do about strip mining?

Yours truly,

MELANIE ATHEY,
Sixth Grade, Hilltop School.

WEST VIRGINIA UNIVERSITY,
MEDICAL CENTER,
Morgantown, W. Va., February 24, 1971.

Mr. RICHARD M. NIXON,
President, The United States of America, The White House, Washington, D.C.

DEAR MR. PRESIDENT: Regulation and so-called reclamation in surface mining have repeatedly failed. Stipulation of maximum

grade for strip mining operations will only result in total destruction of areas such as Northern West Virginia where the hills are not so steep.

We urge you to reconsider your position and support recommendations of Congressman Hechler's bill to ban surface mining entirely.

Very sincerely,

BERNARD ZIMMERMANN, M.D., Ph. D.,
Professor and Chairman, Department of Surgery.
ELIZABETH C. ZIMMERMANN.

FEBRUARY 20, 1971.

J. D. ROCKEFELLER, Jr.,
Secretary of State, State of West Virginia, State Capitol, Charleston, W. Va.

MR. ROCKEFELLER: Thanks. For what? For having the guts to take a stand to outlaw strip mining in West Virginia.

I'm a native West Virginian and if it takes an "outsider," as some consider you, to help stop this destruction of our state I certainly appreciate it. You may have become more of a West Virginian than you realize.

We have been putting up with politicians raping this state for their own profits long enough. Some people cannot see beyond their nose of what is happening here. They want only immediate gratification of their animal needs without thinking of how it affects anyone else or their own future.

The census in the plant where I work is to outlaw strip mining. You are not, as of now, being considered an outsider. The opinion in our plant in your favor has made tremendous strides in the past few weeks. Also your television appearance certainly helped your image.

If we can be of any assistance in this part of the state, let us know.

Thank again,

CHARLES M. DOUGLAS.

BARBOURSVILLE, W. VA.

FEBRUARY 22, 1971.

Hon. KEN HECHLER,
Congressman, State of West Virginia, House Office Building, Washington, D.C.

DEAR CONGRESSMAN HECHLER: It was with a great deal of interest that Mrs. Rempe and I read of your proposed bill to ban Strip Mining on the Federal level. It is our fervent hope that you will be able to bring the bill to the Floor and have it passed this session for we feel that strip mining has a disasterous effect on the land, water and beauty of each State where it is practiced. We are deeply disturbed that the West Virginia Legislature is being influenced by the lobbying of the Coal Industry and feel now that our only hope lies in a strong Federal Law.

With best wishes and please be assured of our support, I remain,

Sincerely,

WILLIAM J. REMPE.

WHEELING, W. VA.

WHEELING, W. VA., *February 24, 1971.*

Congressman KEN HECHLER,
Washington, D.C.

DEAR MR. HECHLER: I am writing to express my feelings about the bill you have introduced in Congress to ban strip mining with in six months.

I hope you are able to push it through and it becomes law. I think West Virginia is a beautiful state and hate the thought of it being destroyed by the money hungry mine companies who have been telling us how great strip mining is for the state. If it is so great then why are they trying so hard to convince us?

I do hope that you pass this bill for the sake of West Virginia as well as all the other states that are faced with this serious problem.

Sincerely,

LINDA K. SCHRADER.

FEBRUARY 19, 1971.

Hon. KEN HECHLER,
House of Representatives, Washington, D.C.

DEAR SIR: In my opinion you are the only statesman I have ever known to represent the State of W. Va. Your stand on the Blue Ridge Project, and now your effort to discontinue Strip Mining, is very outstanding and admirable. Great men of history are those who spoke ahead of their time and demonstrated vision. The pressure and fear tactics of the Strip Mining Association has defeated our present W. Va. Legislature.

This is about all I have observed in my life span as a native born and life long resident of this state. You have reinstated my confidence in government, and have shown me that some men actually serve for the good of all the people and not just for a minority group of selfish businessmen. My heart is continually grieved when I am made aware of the terrible "game of deception" our present Dept. of Natural Resources plays as it "covers up" for the "RAPE" of our beautiful state. I have talked with game and fish biologists of the Dept. who are young men very capable and qualified, and it is very evident that the Governor hinders their work!

Fish kills, caused by some industry above the Blue Stone Dam, have occurred the past two years, and the Dept. has been silenced by higher authority. Earth slides from strip spoil banks continue to occur even after small trees are planted. One slide fell into New River in Raleigh Co. last winter that filled one fourth of the river bed, and it contained trees that had grown some six inches in diameter. The roots never can reach to permanent soil and these spoil banks can never be held on such steep slopes. There is no such thing as reclamation!

Thank you again for your vision and statesmanship.

Sincerely Yours,

CLARENCE E. GRIFFITH,
Pastor, Maxwell Hill Bapt. Church.

BECKLEY, W. VA.

P.S.—Let's consider preservation of the New River Gorge from the federal level. I don't think the State is capable.

Hon. KEN HECHLER,
Washington, D.C.

DEAR MR. HECHLER: Just a word concerning strip mining in the coal industry. I am for eliminating it, in fact it should never have been started. We have the most beautiful scenery in the world here in W. Va. and I don't believe God intended a bunch of money hungry bureaucrats to destroy it, so just chalk me up 100% on your side in this dispute. Mr. Hechler, I am also in favor of the Social Security bill. As you know, mine was eliminated when I was awarded black lung benefits and I would appreciate when a bill is presented knowing if it stands to help me as I really have it rough as it is. I have written everybody, but you are my only source of information, the UMW leaders are impossible bunch. I would also love to have a list of the new House and Senate Members, as I like to keep up with who is who, but for the working man there is but one true friend, and that's Ken Hechler and myself. I thank God for the same. Any information will be appreciated, so thank and God bless you and yours.

Sincerely,

MILLARD NEELY.

OAK HILL, W. VA.

PRINCETON, W. VA., *February 12, 1971.*

Representative KEN HECHLER,
State of West Virginia,
Washington, D.C.

MY DEAR SIR: I have just finished reading in the Charleston Gazette that you will introduce a bill in Congress outlawing strip mining in all states.

I assure you that you have my support. To my mind this is one of the most important projects to look for need to and I wish you every success in your legislation.

Yours very truly,

O. R. PETERS.

NITRO, W. VA., *February 15, 1971.*

Hon. KEN HECHLER,
House Office Building,
Washington, D.C.

DEAR MR. HECHLER: Just a line to let you know that we admire and appreciate your position on strip mining.

I have been privileged to be in your office on several occasions while I was business manager for pipe fitters local No. 625 in Charleston and was always received graciously and warmly. Your position is always crystal clear and I admire you and I think many West Virginians do.

With kindest of regards I am

Gratefully yours,

EDON SHAHAN.

CAMDEN, W. VA., *February 15, 1971.*

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: I take this opportunity to applaud your introduction of legislation to abolish strip mining in the United States as well as to abolish deep coal mining in national forests and wilderness areas.

Future generations in this nation will owe a great debt to statesmen such as you who had the courage and foresight to attempt to prevent further devastation of our land.

I am a registered republican but you can be assured of my political support when it is possible.

Very truly yours,

PAUL A. GROAH.

DRY BRANCH, W. VA., *February 14, 1971.*

Hon. KEN HECHLER.

DEAR SIR: I wish to say that I appreciate the Stand that you take in regard to a stripping ban in the United States.

This will help stop the rapeing of our beautiful hills and mountains in West Virginia. This will help our health, life and property damages.

This will help restore our water and oxygen resources. This will help bring back some of our wild life.

I am sending you some documents in regard to what I've been trying to do to help our handicapped people in West Virginia. But it seems that The West Virginia Legislature does not wish to help our mass handicapped human beings.

They have given me every excuse possible to keep from helping me draft a bill for reclamation, Homesteading and work part time for our human poor and handicapped. But you notice how quick they raised their pay in the Legislature.

It is an Elite gang who runs and rule the people of West Virginia.

They do not care a damn for people, but their god is the dollar sign.

Well Sir, Thank you for reading this, And any help that you can give us will be greatly appreciated by our Cabin Creek Area Citizens Union movement.

Yours for progress,

CLIFTON E. BRYANT.

NEW MARTINSVILLE, W.VA.,
February 18, 1971.

Hon. KEN HECHLER,
House Office Building,
Washington, D.C.

DEAR SIR: Please continue your efforts to *ban* strip mining.

Whether we like it or not, *people can* and *will be* replaced, but the beautiful hills and mountains of West Virginia can *never* be replaced.

The pictures of areas stripped look like pictures brought back from the moon.

Yours truly,

MRS. EDGAR C. BLUM.

RED HOUSE, W. VA., *February 22, 1971.*

Hon. KEN HECHLER,
Member of Congress,
Washington, D.C.

DEAR KEN: We are very pleased to read in the newspapers that you are trying to get all strip mining abolished. We feel it is a crime and disgrace for this state—and others—to be ruined by a few greedy individuals. We are with you and Jay Rockefeller 100% in your fight and pray you will win.

We are also glad that you and Rockefeller chose to make this state your home—in fact we feel honored.

With every good wish for your continued success,

Your old friends,

Mr. and Mrs. D. L. AMBLER.

MORGANTOWN, W. VA., *February 21, 1971.*

Congressman KEN HECHLER,
The Capitol Building,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: I am encouraged by the responsible action which you and many other Representatives have taken concerning the abolition of the strip mining of coal. This is on issue of vital concern to all West Virginians and one which I hope will gain support in the Congress of the United States. Please, continue to work for the abolition of the strip mining of coal.

A concerned West Virginian.

W. EDWARD REID,
West Virginia Student from Martinsburg.

SETH, W. VA., *February 22, 1971.*

Hon. KEN HECHLER,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: Although you are not in my District and I did not get to vote for you. I do want to thank you for fighting for all the people of W. Va. I live in Boone Co. and do hope Boone is put in your District and you will be able to represent Boone Co. people.

I am writing mainly on your Strip Mining Bill. Mr. Hechler Strip Mining has to be stopped and stopped at once. I have lived on Big Coal River all of my 58 years. I have seen this river completely destroyed our Co. and State is being completely destroyed. Our homes and land are being flooded. Our State law makers for some reason won't heed our plea.

I ran a survey of citizens and voters over Boone Co. and over 90% want Strip Mining stopped. It is not only in Boone Co. but the same in Raleigh and Kanawha from which I have talked to people and the whole State wants it stopped.

I will say one thing there will be a lot of new faces in the next legislature if this one does not stop it.

Jay Rockefeller has become the most popular man in this State and can get any office he so desires now just over the fight he has put up to Stop Strip Mining.

This State needs more people like yourself Jay Rockefeller and Doctor I. E. Buff of Charleston.

Again many thanks and I hope Boone Co. is put in your District then Boone Co. People can repay you for what you are doing.

Very truly yours,

B. B. BROVEN.

PARKERSBURG, W. VA.,
February 22, 1971.

Hon. KEN HECHLER,
New House Office Building,
Washington, D.C.

DEAR SIR: I wish to express two items in which something must be done to protect the people and the state of W. Va.

First. Strip mining must be stopped in our state or controls so strict that we are assured of the beauty of our state and the purity of our water.

Second. Air pollution must be controlled. To this date I have seen or heard nothing of the black smoke the Viscose Co. of Parkersburg has been belching out over the city of Parkersburg. Why is this? The Carbide Corp. seems to be the prime target. (I do not work for Carbide.) I work with DuPont at Washington Works and involved with pollution control, both air and water. We could not do what some of the companies in our area do and get away with it. Our company management would not stand for it.

Anything you can do on the above two items would be most appreciated.

Sincerely,

CHARLES L. ROGERS.

WEST VIRGINIA STATE COLLEGE,
Institute, W. Va., February 16, 1971.

Hon. KEN HECHLER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: I should like to both congratulate and thank you on your recent introduction of bills to create the Wilderness Areas within West Virginia, and to prevent mining in the National Forests of our Nation. I hope your colleagues understand the importance of the first bill to the people of West Virginia. I cannot see how they could help but understand the importance of the second bill to all of America.

Your work in the creation of a better West Virginia, and nation are to be commended.

Sincerely yours,

DAVID L. EDENS,
Assistant Professor of Biology.

DANVILLE, W. VA., *February 19, 1971.*

Hon. KEN HECHLER,

DEAR SIR: I am writing you in regard to this strip mining it is a disgrace to W. Va. I live in Boone Co. Mr. Ferrill had to move from his place and had been sick long time and he had no money big rocks rolling around his house. I own several lots and some is on hill side if they strip back there I would move. I have called and wrote for it to be stopped, will you take it up to Washington and try to get it stopped, I seen pictures on television was taken about Whitesville would make me sick. Please take in up with Washington and stop stripping our hills.

Sincerely,

Mrs. CORA ULHRICH.

ANMOORE, W. VA., *February 22, 1971.*

Hon. KEN HECHLER.

DEAR SIR: I am in favor of abolishing all strip mining in W. Va. and elsewhere, for the sake of all people in the United States and elsewhere. There is no such thing as reclamation of a ——— strip mine.

This wholesale rape of our country is done by big business who just moves on when the quick buck is made. I hope we can stop it before peoples tongues start swelling for a drink of water.

Yours truly,

RAY GREEN.

SALEM, OHIO, *February 23, 1971.*

Representative KENNETH HECHLER,
Representative of West Virginia,
Washington, D.C.

DEAR SIR: Thank you for your proposal to outlaw strip mining. I think this is a very important bill for our country.

Yours truly,

E. P. SCHAEFER, M.D.

ATHENS, OHIO, *February 21, 1971.*

Representative KEN HECHLER,
House Office Building,
Washington, D.C.

SIR: Your bold proposal and introduction of legislation to outlaw strip mining should have the support of all Appalachia which has been raped by the strippers insatible greed. Stripping should have ben outlawed 20 years ago.

I'm expressing my support of your proposal to my Ohio congressman Rep. Clarence Miller.

Sincerely,

DWIGHT MITCHELL.

MARION, OHIO, *February 17, 1971.*

HONORABLE SIR: This paper I am inclosing is true and I lived all my life as a coal miners wife, and this strip mine came back of our house and done damage at Red Jacket, W. Va. where I lived then that sent big boulders of rock through homes on either side of mine. They just missed mine, but they left great cliffs of rock like the pictures say and a water hole above my home that boys went swimming in. They never once filled any trenches or anything else. After their work was done, that was it. I know because I saw it. You have my permission to print this in the Williamson Daily News at Williamson, W. Va. or the Marion Star, Marion, Ohio. Thank God my son doesn't work in the coal mines. The strip mines should be stopped.

Sincerely,

MRS. ALBERT LOPEZ.

THE PRUDENTIAL
INSURANCE CO. OF AMERICA,
Jacksonville, Fla., February 14, 1971.

Hon. KEN HECHLER,
House Office Building,
Washington, D.C.

DEAR MR. HECHLER: Your statements concerning the proper course of action toward regulating surface mining are being enjoyed by many people. You have chosen the right attitude toward this thing that could be a catastrophe for us. And, as you stated, let us consider the whole picture at this time.

We are now face to face with problems of pollution in every way and I hope you will continue to lead us toward a reasonable solution.

Thank you.

Very truly yours,

FRANK C. GREENE.

LEXINGTON, KY., *March 1, 1971.*

Representative KEN HECHLER.

DEAR SIR: This bill may be one of the most important landmarks in the attempt to make safe the environment necessary for us to survive.

I beg you to do all that is in your power, not only in strip-mining and its banning, but in all the steps presented towards the establishment of a *natural* environment *versus* industrial pollution.

Sincerely yours,

VIVIENNE CLARAC.

ST. MICHAEL, PA., *February 21, 1971.*

Representative HECHLER: I understand that you've introduced a bill which would prohibit strip mining in all states. Congratulations. Whether in West Virginia or Pennsylvania, the strippers are ravaging our Appalachians.

I'm sure you'll pressure for a vote as soon as possible. Then we'll see how many conservationist-minded Congressmen there are indeed.

GARY L. LEHMAN.

LUZERNE COUNTY DISTRICT ATTORNEY,
Wilkes-Barre, Pa., February 19, 1971.

Hon. KEN HECHLER,
U.S. Representative, Cannon Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HECHLER: Thank you for your recent letter. We will continue to support your efforts to ban strip mining and make deep mining safe for miners.

We are hoping to get some more effective laws in Pennsylvania.

Very best wishes!

Sincerely,

BLYTHE H. EVANS, Jr.,
District Attorney.

JOHNSTOWN, PA.

REPRESENTATIVE KEN HECHLER: I just want to congratulate you on the stand you take on Strip Mining. That strip mining must be stopped. We surely want our children's children to have pure water to drink. We need a million Reps like you. Yes as you say President Nixon's bill has no teeth in it as there is nothing to study by it whatever. Good luck to you and health to both you and your family.

CLAUDE SHUFF.

SUPERIOR, WIS.,
February 20, 1971.

Hon. KEN HECHLER,
U.S. Representative, West Virginia, Rayburn Office Building, Washington, D.C.

DEAR SIR: I am very encouraged to learn that you have sponsored legislation calling for an end to strip mining in the United States. I wish your efforts complete success.

I also was very encouraged to learn of your public exposé of Interior Department appointees who were supposedly expert in the field of mine safety but were in reality, political hacks. Aside from passing legislation, I feel that it is very important for a Congressman to see that the laws passed by Congress are properly carried out. This, at least in my opinion, has been a major weakness in Congress.

Again, my thanks for your efforts in the above areas.

Very truly yours,

Mr. JAMES BONDANK,
Senior Student at Wisconsin State University, Superior.

POMONA, CALIF.,
February 23, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I am deeply concerned with conservation and re-establishing a balanced ecology.

I read in yesterday's newspaper of your bill to ban all coal strip mining. This is indeed worthy legislation, and I hope, for all our sakes, that your bill is passed.

Is there anything I can do to help?

Good Luck,

JERRY E. SMITH.

BILLINGS, MONT.,
February 19, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. KEN HECHLER: I read in the Billings Gazette about that range land destructive coal surface strip the sod grass mining. You are so right. Their aim is to destroy Montana Indian lands and public lands. These destroyers will all be destroyed one day in the day of Doom.

The Indians will sell their birthright for a few dollars. We'll all stand behind you against coal strip mining by these destroyers for a fast buck. God will bless you for helping us save the grass lands, where the deer, antelope and prairie chickens live. We the landless boys stand behind you. Save the West.

CARL WALLIN.

POPLAR, MONT.,
February 12, 1971.

Representative KEN HECHLER,
West Virginia Delegation,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I read in today's Billings Gazette that you are planning to introduce legislation to ban strip mining of coal in the U.S. I want you to know you have a supporter in the State of Montana where the mining firms are already getting into action. Unfortunately, there are always individuals who care nothing for the land except what it will put into their pockets. If coal were necessary for heating homes and lighting, I wouldn't object to the judicious removal of coal, but when it comes to ruining the land to get coal to make electricity to operate electric toothbrushes and knives and can-openers, I think we have reached some sort of limit.

I wish you luck.

Sincerely yours,

JOAN F. BROOMFIELD.

FEBRUARY 19, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: Though I am not one of your constituents, I would like to both thank you and congratulate you for your legislative efforts to protect man and his environment.

I also wish you every success for your proposed legislation against strip mining. If it would be helpful to your effort, please pass this along to my congressional representative, Gilbert Gude.

Sincerely yours,

EDWARD VIGUERA.

TENNESSEE DEPARTMENT
OF CONSERVATION,
Nashville, Tenn., February 22, 1971.

Hon. KEN HECHLER,
House of Representatives,
U.S. Congress, Washington, D.C.

DEAR MR. HECHLER: It was certainly gratifying to read of your proposed bill on the curtailment of strip mining. This method of extracting coal and other minerals is definitely a problem in our state, too. In fact, several of our State Parks are jeopardized due to these operations.

Good luck to you and your colleagues in the promotion of this legislation. I shall write other congressmen urging their support.

Sincerely yours,

LARRY RICHARDSON,
Field Naturalist.

MEMPHIS TENN.,
February 13, 1971.

Representative KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HECHLER: I am writing to congratulate you on your introduction of legislation to ban coal strip mining and prohibit deep coal mining in national forest and wilderness areas.

Please continue in the fight to save our environment.

Thank you.

Sincerely,

Mrs. THOMAS V. SMITH.

H.R. 1 SHOULD BE AMONG THE FIRST ORDERS OF BUSINESS IN CONGRESS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, millions of Americans, whose hope for a needed increase in social security benefits were disappointed just a few weeks ago at the close of the 91st Congress, now must be wondering if the Congress really intends to take action in their behalf.

There are more than 26 million citizens who have made their contribution to this Nation and who now live on social security benefits.

It did not go unnoticed by these people when the leadership of this session of the House of Representatives designated the social security increase proposal as H.R. 1. To them it is a sign of hope—a sign that they would not be relegated to a back seat this year as they were last year.

These 26 million Americans remember how it was last May when the House passed a social security increase and sent it to the Senate. They remember the long summer, the fall, and the winter while their bill was talked about, and set aside again.

And they remember the final indignity when the social security increase measure came back to the House loaded down with more than 200 cumbersome amendments.

These 26 million Americans saw their hopes die—smothered in an avalanche of senselessness.

Caught tightly in the vise of inflation, they have been struggling from day to day and week to week just to maintain a bare minimum standard of living.

It is incumbent on Congress to do now what should have been done many long months ago. Immediate and favorable action on H.R. 1 is urgently needed.

H.R. 1 is far too important a measure to be used as a vehicle for other considerations. It is far too important to wait longer for action.

The 26 million who look to Congress for help are far too important to be used as pawns in the game of political expediency.

They have made their contribution to society. They have worked long and hard and have had a hand in making this Nation great and in keeping it free. When we look at today's social security recipient, we are looking at workers who gave us the weapons to win World War II. We are looking at the men and women who saw the Nation through a depression in the 1930's, and we are looking at men and women who were among the first to rise to their feet and wear its uniform when trouble faced our land.

In years past, America has looked to them for help and they have given it. Now, they look to us for help and we must not fail them again.

Congress raised their hopes a year ago and those hopes fell short. Now, by designating their bill as H.R. 1, we again have given rise to the hope that something will be done to ease the financial crisis facing almost every one of the 26 million Americans of whom I speak.

It is with a sense of urgency that I respectfully urge the Congress to pass the bill H.R. 1 without further delay. It should be one of the first orders of business in the present Congress.

THE THREATS TO THE UNITED STATES AND FREE WORLD SECURITY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Defense report which has been made public by

the Secretary of Defense, the Honorable Melvin Laird, is a very important document. It provides a comprehensive analysis of the status of defense problems worldwide. It analyzes Communist capabilities in unusual detail and it provides a clear picture of the need for modernization of United States and free world forces in the period immediately ahead. I find much of particular interest in a section of this report which is entitled "The Threats to the United States and Free World Security." I feel that this section should have careful study and I earnestly recomend that my colleagues in the Congress not overlook its significance.

THE THREATS TO THE UNITED STATES AND FREE WORLD SECURITY

(Tables not included in the RECORD)

The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, will provide a more detailed analysis of the threat in his statement to the Committee.

This section summarizes the major threats we and our friends and allies must confront, primarily in terms of the categories of potential conflicts: strategic and theater nuclear, theater conventional and subtheater. Also included are discussions of different dimensions of the threat: communist military assistance and the technological challenge. Tables 2 through 8 in the Appendix amplify the following summaries.

Although the various military forces are shown in specific categories for ease of understanding and clarity of presentation, such structuring does not mean that these forces can be neatly allocated specific roles in the spectrum of conflict. Just as is the case for U.S. forces, many of the force elements shown or discussed in this threat section could have multi-mission roles, could be used in theater or subtheater conflicts, or could be delivered to other countries under an assistance program.

A. THE STRATEGIC NUCLEAR THREAT

The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3. Although projections beyond those shown become progressively less certain, especially where they extend beyond the production and deployment leadtimes of the weapon systems involved, we must make such projections for future defense planning.

The Soviets have built up their ICBM forces at a rapid rate during the past five years, and as of the end of 1970, had some 1,440 operational launchers. There are indications, however, that construction on new silo starts has slowed during the past year.

The SS–11 deployment of launchers appears to have leveled off at the present time, with over 900 missiles, part of which are associated with the MR/IRBM fields. The deployment rate of the SS–9s decreased during 1970, even though deployment continued. Work on some sites may have been suspended and work has slowed on several others. The deployment rate of the SS–13 continues as it has for the past four years, with some indication that it may be slowing.

The implications of these trends are still not clear. The Soviets may have completed new starts for a programmed force of SS–9 and SS–11 missiles, or they may have slowed silo construction in order to proceed with retrofit of some existing silos with improved, modified or MIRVed missiles. Alternatively, the explanation may be that the Soviets are preparing to deploy new ICBM systems. We will, of course, be examining the situation carefully in order to get more precise indications of where they are headed.

However, we expect the Soviets by mid-1972, if they elect to continue work on those sites where construction has slowed or stopped, and to maintain the older systems at the current level, to have over 1,500 operational ICBM launchers, part of which are associated with the MR/IRBM fields.

Beyond 1972 our projections of Soviet ICBM launchers and reentry vehicles (RVs) become less firm. As was the case last year, there is still no agreed estimate on what the size and characteristics of the Soviet force will actually be in the period after 1972, or on where it may level off.

It should be kept in mind that although the Soviets probably have no MIRVed missiles operational at the present time, MRVs have been tested many times on the SS–9 since August 1968.

It is evident that the Soviets could have over the next few years, several distinctly different forces depending on their objectives and force decisions. Regardless of the direction in which they proceed, a key question would remain about the accuracy of the RVs in their ICBM force. It is estimated that the accuracy of the SS–9 could be substantially improved by 1975/76. With this improved RV accuracy, the projected Soviet SS–9 missile force could pose a serious threat to the future survivability of undefended MINUTEMAN silos.

The Soviet ICBM threat is augmented by a substantial nuclear-powered, ballistic-missile submarine fleet, that is presently the fastest growing element of the threat. The most capable component of this fleet is the Y-class, which, like the U.S. POLARIS, has 16 tubes for launching missiles. There are now at least 17 such subs operational—capable of launching at least 272 missiles with a range of 1,300 nautical miles. The additional ballistic missile capability in older Soviet submarines gives them a total of more than 350 launchers in the operational inventory. Another 15 or more Y-class are in various stages of assembly and fitting out. At the current production rate of 7–8 SSBNs per year, the USSR could develop an operational force of Y-class submarines by 1974, comparable in size to the current POLARIS force. A longer range submarine launched ballistic missile is under active development. We cannot estimate deployment at this time.

The Soviet intercontinental heavy bomber force, which now numbers around 200 aircraft (including about 50 tankers) continues its slow downward trend of the past few years. Although we believe the Soviet medium bomber force of several hundred aircraft is targeted primarily against the Eurasian area, we cannot ignore the fact that these aircraft do have a one-way mission capability against the United States. The Soviets also have a new swing-wing bomber under development. Its future role has not been determined, but it is estimated to have intercontinental range capability.

With regard to the strategic defensive forces of the Soviet Union, there is extensive deployment of aircraft defenses, as well as an ABM system deployed around Moscow. The Soviets have a large inventory of radars numbering in the thousands and a force of over 3,000 interceptor aircraft. There is a slight trend towards a reduction in the number of these interceptors, but the quality of the force has improved. Four new interceptors have been added since 1964, and these newer models make up a substantial part of the force. In addition, four different SAM systems, with about 10,000 launchers, are presently deployed for air defense. There is concern by some of my technical experts that the SA–5 SAM might be capable of adaptation for certain ABM roles.

The Soviets now have four MOSCOW ABM complexes (ABM–1) operational. They are continuing construction of surveillance radars which could be a part of an ABM system, and are actively working on R&D related to development of new ABM system components, including a new missile. Further details are shown on Table 3.

As for the strategic nuclear threat of the Peoples Republic of China, their progress toward achieving an ICBM capability is continuing. The sophistication of Chinese missile programs was clearly indicated by the launching of China's first satellite in April 1970, probably using stages of an IRBM now under development. We believe that the Chinese could attain an initial operational capability (IOC) with ICBMs within three years after flight testing commenced. The start of testing has not yet been confirmed, but a reduced range test of an ICBM may have occurred in late 1970. Thus the earliest possible date for deployment would be 1973, but it is more likely that the Chinese ICBM will not attain IOC until a year or two later, and they probably could not have significant numbers of ICBMs deployed until late in the decade.

Further details on Chinese strategic systems are provided in Table 4.

B. THE THEATER NUCLEAR THREAT

The theater nuclear forces of the Soviet Union include large numbers of ballistic missile launchers (including short, medium, intermediate, as well as variable range missiles) and tactical surface-to-surface missile launchers assigned to their ground forces. In addition, their large medium bomber force of about 700 aircraft in Long Range and 400 aircraft in Naval Aviation is capable of carrying nuclear weapons, as are a substantial number of light bombers, fighter bombers and fighters in the tactical air forces. Soviet naval forces, both surface and sub-surface, also carry nuclear-capable missiles.

Theater nuclear capabilities of the Peoples Republic of China probably are limited currently to medium bombers, but limited deployment of the Chinese medium range ballistic missile (MRBM) may have occurred. The emphasis in Chinese R&D appears to have shifted in 1970 from the MRBM to development of an intermediate range ballistic missile (IRBM). The Chinese MR/IRBM development efforts have also provided important experience for their ICBM program.

By mid-1971, the Chinese are expected to have a small number of MRBMs deployed. Their IRBM could attain IOC within the next year or two, and by mid-1972, the Chinese are expected to have operational a modest number of missiles, with a mix of MRBMs and IRBMs. This will, of course, provide an additional nuclear threat to the free nations of Asia.

China's primary aircraft for nuclear weapon delivery is the BADGER, now in series production. They now have a few of these aircraft operational and are expected to have a significant force by mid-1972.

C. THE SOVIET AND WARSAW PACT THEATER CONVENTIONAL THREAT

Over the past year, we have seen the Soviet and other Warsaw Pact forces continue their growth both in quality and in quantity. The Soviets now have at least 160 divisions including motorized rifle, tank, and airborne. This total includes divisions deployed along the USSR-Chinese border.

It should be borne in mind that Soviet divisions are appreciably smaller than their U.S. counterparts, and that the Soviets allocate a considerably smaller proportion of

their manpower to combat and service support functions than we do.

Admiral Moorer will discuss Soviet ground forces in greater detail in his presentation to the Committee.

Ground Combat. The Soviets probably will continue for the next few years production of the T-62 medium tank, with modifications.

In other categories of equipment we believe that the Soviets will gradually equip infantry units in at least some of the divisions with a new amphibious armored infantry combat vehicle. Furthermore, the Soviets are almost certainly experimenting with improved conventional weapons and within several years the Soviets could have sizable operational inventories of improved conventional artillery shells, bombs, and missile warheads in theater force units.

We believe the Soviets will retain their current family of tactical missiles and that the number of tactical launchers will continue to grow.

Tactical Air. In tactical aviation, a gradual buildup probably will continue for the next few years. Over the longer term, the total aircraft inventory probably will decline as newer aircraft models reduce the requirement for large numbers of older fighters and light bombers. As of 1 January 1971, we believe that the force consisted of over 4,500 aircraft, including reconnaissance and support types. Almost half are capable of delivering nuclear weapons, though some of these aircraft at the present time are assigned to units that do not have a primary ground attack mission.

The Soviets have developed several new aircraft which could satisfy their requirement to replace obsolescent ground attack and light bombers and improve their air defense capability. One of these aircraft became operational in 1970, and another may be operational now in Soviet tactical aviation. A third, FOXBAT, recently was deployed with strategic defense forces as an interceptor, and may enter the tactical aviation inventory in 1971. If employed in tactical aviation, it is believed that the FOXBAT will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

Air Defense We expect the Soviets to continue to expand and improve their theater air defense systems, including the command and control systems and the tactical missile systems. The SA-4 GANEF missile system which has been in service with Soviet forces in the USSR and Eastern Europe since 1967, is now entering service with several of the subordinate armies, and the SA-6 GAINFUL is currently being deployed to upgrade Soviet capability in this category.

Naval Forces. It is obvious that an open-ocean navy has been developed by the Soviet Union. Already having the largest submarine force in the world, the Soviets have introduced several new, advanced classes of submarines since 1968. The Y-class SSBN already has been discussed. The introduction of nuclear-powered, cruise missile attack classes has added a new dimension to submarine warfare.

By the mid-1970s, the replacement of older diesel-powered, cruise missile and attack submarines with new nuclear-powered vessels could result in a quantitatively smaller but qualitatively improved submarine force.

Concurrent with this massive submarine construction and development program, the Soviets have introduced new and advanced naval missile systems.

Over the next five years, we expect the composition of the Soviet's major surface combatant fleet to change significantly as new missile-equipped combatants replace ships armed with guns. Whereas in 1970, missile-equipped surface combatants accounted for 23 percent of the major surface combatant fleet, by 1975, we project that some 40-50 percent of the fleet will be missile-armed.

Life Capability. With regard to lift forces the Soviets have increased their military air transport capability to include the AN-22/COCK heavy logistic transport, a number of which are operational with transport units. The new AN-22 can carry nearly 100,000 pounds of cargo to a radius of 2,800 nm or 175 troops to a radius of some 5,000 nm.

General—Warsaw Pact. With regard to future developments in forces of other Warsaw Pact nations, we believe that there will be qualitative improvements in general purpose forces over the next decade, but we see no trends which indicate substantial changes in their contribution to Warsaw Pact capabilities. Barring disruptive political developments, we believe the Soviets will continue to place heavy emphasis on East European forces opposing NATO.

D. THE IMMEDIATE THREAT IN THE MIDDLE EAST

We are hopeful that the initiative for peace in the Middle East will be successful. The President has described this area as ". . . the most dangerous . . . with its vastly greater potential for drawing Soviet policy and our own into a collision that could prove uncontrollable."

The situation in the Middle East can be fitted into potential categories of possible conflict only with difficulty. This illustrates the point I made earlier that forces which we have included in one category—such as the Soviet theater conventional threat—also represent capabilities that could be used in other types of conflict. The immediate threat in the Middle East, of course, consists of the potential for war between Arab states and Israel, but the possibility exists that such a conflict could involve the Soviet Union and the U.S. The balance of power in the Middle East obviously has a vital bearing on the U.S. security interests in that area. Moreover, the Soviets are deeply involved with and in some of the Arab states in the area.

Thus, we are striving to prevent the outbreak of a war that has a chance—however slight—of leading to a U.S.-Soviet confrontation, and we are trying to help obtain a peace settlement that will promote economic and political stability in the area. As the President has explained, our assistance programs are designed to preserve a balance of military power in this area.

The combined military forces of the Arab countries which are likely to be involved in a conflict—those of Egypt, Syria, and possibly Jordan and Iraq—are numerically superior to the Israeli forces. As before the June 1967 war, however, the qualitative superiority of the Israeli armed forces offsets the numerical difference.

E. THE THEATER AND SUB-THEATER THREAT IN ASIA

Our Asian allies and friends are faced with a threat that differs somewhat from that posed to NATO by the Warsaw Pact. The forces of the Peoples Republic of China, North Korea, and North Vietnam are able to engage in subversive and small-scale guerrilla attacks in bordering states, as well as being capable of mounting full-scale conventional attacks in adjoining countries. These forces, therefore, pose both a potential theater conventional threat, and a subtheater threat. This should be kept in mind as we address the total forces available to China, North Korea, and North Vietnam.

In addition, the Soviet forces in Asia, which were covered previously, must be considered as part of the theater threat in Asia.

Communist China, however, poses the principal general purpose force threat in Asia. The Chinese army consists of approximately 2.5 million personnel, organized into a total of more than 140 combat divisions. The air force (including the Navy's air arm) consists of more than 4,000 aircraft, of which most are jet fighters, and a small fleet of about 300 jet bombers. The Navy's main offensive strength centers upon a growing force of more than 40 attack submarines, a number of which are of the medium-range R-Class; and increasing numbers of guided missile patrol boats. Chinese production of army ordnance, new guided missile destroyers and advanced jet fighter aircraft are contributing to a rapid modernization of the general purpose forces.

The Peoples Republic of China could conduct major offensive operations in four non-Communist areas: South Korea, Taiwan, Southeast Asia and India. While the Chinese have the largest land military force in the world, a commitment of forces in conventional military operations on more than one front would impose serious burdens on their available logistic resources, and is considered unlikely today, given China's limited logistic capabilities and its border problems with the Soviets. Such an effort would be possible only if there were no interdiction of China's lines of communications (LOCs) and capacity to make war.

Of course, in addition to the potential of its regular combat forces, China has significant ability to promote and support subversion and insurgency in peripheral areas.

North Korea poses another significant threat in Asia. The country's general purpose forces are relatively modern in structure and equipment and have attained a high state of combat readiness. The Army consists of some 360,000 personnel and about 25 division equivalents and could probably engage in initial offensive operations without external assistance.

The North Korean Air Force has more than 550 aircraft in its tactical air inventory, including MIG-21s. The air force also has a number of transport planes (including helicopters), and a small number of light bombers and 70 trainer aircraft.

The Navy includes a small submarine force, guided missile patrol boats, and a sizable number of motor torpedo boats.

Any sustained conventional offensive operations would require considerable material and possibly military personnel assistance from North Korea's Communist allies. However, North Korea is capable of mounting a wide variety of unconventional warfare operations.

The North Vietnamese theater and subtheater threat in Southeast Asia is significantly different from other threats in Asia since a portion of its force already is engaged in actual combat. We must, however, recognize the full dimensions of the military threat that could be posed by the North Vietnamese in Southeast Asia.

The Army has a total in-country strength of 315,000 and is organized into 13-14 division/commands. The Navy is relatively small and consists primarily of motor gun and torpedo boats. The North Vietnamese have a total of more than 200 fighter and attack aircraft in the Air Force. While most of these are MIG-15/17/19s, a significant number are MIG-21s.

The actual deployment of the North Vietnamese Army outside its territory will be covered in the next section.

A brief summary of the threat in Asia is shown in Table 8.

F. THE IMMEDIATE SUB-THEATER THREAT IN SOUTHEAST ASIA

The actual deployment of a substantial portion (roughly half) of the North Vietnamese Army in South Vietnam, Cambodia and Laos, along with the North Vietnamese support of local communist forces (Viet Cong, Khmer Communist, and Pathet Lao) in these countries, provides the immediate threat to our friends and allies in Southeast Asia. In South Vietnam we believe there are a total of at least 240,000 Viet Cong and North Vietnamese personally actually deployed.

The major threat to friendly forces in South Vietnam continues to be posed by those VC/NVA forces just north of the DMZ, in the southern Laos Panhandle and in the

northern two provinces of MR 1. The principal Communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental-level operation. In other areas, we believe the enemy will retain the capability of causing serious but temporary disruptions by launching significant, isolated attacks if he commits the bulk of available forces. Additional information on the security situation in South Vietnam is covered in Section I, Chapter II, of this report.

Communist strength in Cambodia is estimated to be over 55,000 VC/NVA forces and Khmer Communists. Communist activity here has been characterized by persistent light-to-heavy military pressure against population centers, increased acts of terrorism, sabotage and interdiction of major lines of communication throughout the countryside. Current Communist strength in Laos is estimated at about 145,000 North Vietnamese and Pathet Lao.

The present threat to Thailand is primarily one of insurgency. Although the insurgency continues to expand, it is not yet considered a serious threat to the internal stability of the Royal Thai Government. This assessment was given me by Thai officials during my recent visit there. Insurgents along the Thai/Malaysian border are under the direction of the Communist Party of Malaysia (CPM). The remaining insurgents are under the direction of the Communist Party of Thailand and receive some support from the Peoples Republic of China, North Vietnam, and Pathet Lao.

G. COMMUNIST MILITARY ASSISTANCE

Communist military assistance programs are another important aspect of the threat to Free World security interests. Soviet and Communist Chinese aid to North Vietnam, North Korea and the Warsaw Pact countries clearly increase the military threat which we and our allies must face. Moreover, Communist military assistance programs to non-Communist countries can, as in the case of the Middle East, pose a real threat to the maintenance of regional military balances. We do not have precise and complete data or means of measuring and estimating Communist military aid programs, but the information we have does indicate their overall magnitude and direction. We have not included economic assistance, which can, in some cases, be as effective as military assistance, and which we believe is substantial.

1. Intra-Communist military assistance

Our current best estimates are that military aid among Communist countries approximated $15 billion in the 1955–1970 period, with more than 85% provided by the Soviet Union.

The largest amount of intra-Communist military assistance has gone to North Vietnam. More than 70% of it has been supplied by the Soviets, and virtually all of the remainder by Communist China. Between 1966 and mid-1970, Soviet aid to Southeast Asia has been concentrated on North Vietnam, and in that period, Hanoi has received substantial military equipment.

North Korea is also a major recipient, with the Soviet Union supplying all except a small amount provided by Communist China. During the period from 1966 to mid-1970, the Soviets provided North Korea assistance for the maintenance and modernization of North Korea forces.

More than half of the intra-Communist assistance in the 1955–1970 period is accounted for by aid transfers among the USSR and Eastern European countries. The Soviets have, of course, provided the vast bulk of this aid, but Poland and Czechoslovakia have also had fairly sizeable programs. Soviet assistance to Eastern European Communist countries has averaged over $500 million annually in the last ten years, and has included some of their most sophisticated aircraft and missile equipment.

The other two major Communist recipients of Soviet military assistance since 1955 have been Cuba and the Peoples Republic of China. Soviet assistance to the CPR totalled about $1.3 billion before it was terminated in 1960. Soviet military aid to Cuba has averaged about $20 million annually, and it is likely to continue at about that level for the next few years.

2. Communist assistance to other countries

Communist countries have provided, in addition to the intra-Communist flow of military assistance, about $8 billion in military aid to other countries in the 1965–1970 period. The bulk of it, over 85%, has been provided by the Soviet Union, and the remainder by Eastern Europe (12%) and the CPR (2%).

Middle Eastern countries have received the largest proportion of this military aid (almost 55%), and this area is expected to remain the major recipient of Soviet aid to non-Communist countries. The UAR and the Soviet Union reportedly concluded a new military aid agreement during 1970, which probably covered the introduction of the SA–3 surface-to-air missile system into the UAR. Since 1967, the Soviets have also concluded military aid agreements with Iran which amount to over $300 million in value.

The Soviets have also provided significant amounts of military aid to the countries of South Asia, particularly India and Afghanistan. Soviet efforts to upgrade Afghan capabilities and increase their influence in India and Pakistan are expected to keep Soviet assistance to this area at relatively high levels in the next few years.

Soviet military aid to Indonesia was virtually cut off in 1965 after the fall of the Sukarno government. Since that time, Soviet aid to Indonesia has been limited to the sale of small quantities of spare parts for equipment previously supplied.

The Soviets have also provided smaller but still significant amounts of military aid to African states. Soviet aid in Africa has emphasized areas in North Africa and along the Red Sea which are adjacent to the major recipient countries in the Middle East.

The Chinese have provided substantial amounts of military aid to Pakistan and Tanzania in recent years.

H. THE TECHNOLOGICAL CHALLENGE

Forces in-being and military assistance are only part of the military threat to our nation's security. The technology behind the capabilities of our potential opponents, particularly the Soviets, is of severe concern to us. With the continuing technological effort on their part, we must expect the Soviets will be capable of reducing our technological lead in some areas, and at some point in the future, we could even lag in certain critical areas.

Since 1968, the Soviet RDT&E budget has increased at 10% to 13% per year, while that of the U.S. has remained essentially constant. Our estimates indicate that the Soviets are now spending, in 1968 equivalent dollars, some $3 billion more annually on military and space research and development than we do. The Soviet level of military and space technological effort appears to be significantly larger than that of the U.S.

With a technological effort of that size, our analyses indicate that the Soviets could reduce our technological lead of several years by approximately one year with the passing of every three years. Towards the mid-to-late 1970s, we may find that we have no technological lead at all—or worse—we may lag several years behind the Soviets in some critical areas by that time.

Although these comments relate primarily to our estimates of funding associated with Soviet research, the same general trends are evident with regard to other measures—manpower, facility growth, and basic research efforts. Given the fact that theirs is a closed society, if the Soviets were to take the technological lead, it would be much more difficult for us to guide our intelligence collection activities, to interpret the information we do acquire, and to make confident decisions based on this information.

The earlier part of this chapter points out the highlights in the growth of Soviet technical capabilities. As I mentioned earlier, there may be other, perhaps dramatic changes as a result of this Soviet momentum, which could emerge unexpectedly from their closed society, and which could create urgent problems for us in the future. These surprises and consequent problems could occur across the spectrum of capabilities—as unexpected threats to strategic force survivability, as new tactical weapons and surveillance systems which we might not understand or be able to cope with, and as other improvements in existing systems.

I mentioned earlier our review of U.S. R&D programs, our reasons for the increases we are proposing in R&D for FY 1972, and some of the R&D initiatives we are taking. In the next chapter, I will discuss many of the major development programs contained in the Defense Budget, relating to force modernization and improvement.

We cannot guarantee that technological surprises and problems will not develop, but unless we increase our research effort and improve its application, we can be increasingly confident that they will. Dr. Foster will discuss the technological challenge in greater detail when he appears before the Committee.

THE CIVIL AERONAUTICS BOARD AND AIRLINE FARES

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, on March 8, 1971, a number of colleagues and I filed a petition for reconsideration with the Civil Aeronautics Board. The petition concerns the Board's recent order responding to our earlier request that a hearing be held to fashion a remedy for the air fares that were found to be illegal by the Court of Appeals for the District of Columbia Circuit. Our petition for reconsideration asks the Board to modify its order and remove several ambiguities. The petition, along with the Board's order, follows:

PETITION FOR RECONSIDERATION

By Order 71–2–109, dated February 25, 1971, the Board has announced its decision to institute an investigation, including an adjudicatory hearing, with respect to the unlawful domestic passenger fares that were based upon illegal Board Order 69–9–68 and that went into effect as of October 1, 1969.

Complainants, who requested such an investigation some seven months ago following the decision of the United States Court of Appeals for the District of Columbia Circuit in *Moss* v. *CAB*, 430 F. 2d 891 (July 9, 1970), are gratified by this development. Complainants believe an investigation is an important part of the remedy process which the Court of Appeals envisioned when, at the conclusion of the *Moss* opinion, it remanded the case to the agency for "further proceedings." They wish to assure the Board that they will cooperate to the full extent of their capabilities in this further endeavor to restore legality to airline fares. Complainants earnestly hope that the forthcoming investigation will be conducted in compliance

with the Board's declared purposes to "clear the air" and "remove the uncertainty currently surrounding the fares in question."

It is true that various aspects of Board Order 71–2–109 are not in accord with Complainants' views regarding the proper approach for an investigation of the fares in question. Those views were expressed in Complainants' Complaint of July 24, 1970, requesting this investigation, and in Complainants' Brief of October 15, 1970, in response to Board Order 70–9–73, of September 15, 1970.[1]

Nevertheless, the important fact from Complainants' point of view is that an investigation is now to be instituted. Complainants therefore propose to defer their contentions relating to the fares in question until the investigation itself, in order that a clear and complete record may be compiled by the hearing examiner. Complainants would hope and expect to encounter a similar approach on behalf of both the Board and the carriers.

* * * * *

Complainants are hopeful that their desire for a single, effective, comprehensive investigation of the fares that went into effect as of October 1, 1969, is shared by both the Board and the carriers. It is in a spirit of cooperation that Complainants now petition the Board, immediately following issuance of Board Order 71–2–109, for clarification of some of the ambiguities they find in that order. Obviously, it will be dilatory and wasteful if the reviewing court eventually finds that the agency's investigation of fares was aborted at the outset by an overrigid definition of its scope and an improper organization of its procedures, and that a second investigation or some other remedial action must be undertaken. Accordingly, Complainants urge the Board to reconsider its recent order and make clear that *all* pertinent issues, comprising *all* points of view, can be presented to the hearing examiner and included in the record that is compiled for Board and, ultimately court review.

With these considerations in mind, Complainants would make the following specific suggestions to the agency as a basis for reconsidering and clarifying its Order 71–2–109.

1. The Board appears to have cut off the proposed investigation as of October 14, 1970, the date on which tariffs called for by the Board in Order 70–7–128, of July 28, 1970, went into effect. In Order 71–2–109, the Board has referred to the October 1970 tariffs as "new," filed "without the onus of Board compulsion as found by the Court," and pursuant to procedures "approved by the Court." The Board well knows, however, that Complainants do not agree with the Board's views regarding the legality of the October 1970 tariffs, and that there is ample basis in the relevant facts for Complainants' position. It would be pointless here to summarize all of the arguments and other considerations that Complainants have already put forward, and which are therefore in the Board's files in this case, to support the contention that the October 1970 fares were and are as illegal as those that preceded them. Whichever way the Board chooses eventually to come out, there is a genuine issue here; and nothing yet said by the Court of Appeals has resolved that issue one way or another. Therefore, Complainants ask that the Board reconsider the cut-off date and that the forthcoming investigation be expanded to permit consideration of the October 1970 fares as well as those that have been filed since that time.

2. The Board, in footnote 5 to Order 71–2–109, seems to have instructed the parties and the hearing examiner that only the "general level of fares" is to be investigated:

> We are concerned here with the reasonableness of the general level of fares which took effect on October 1, 1969, in compliance with Board Order 69–9–68, which the Court declared invalid in the *Moss* case. As we have indicated in earlier orders, the October 1, 1969, fare increases increased the average industry level of fares by approximately 6.35%. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, and those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of Sections 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

It seems clear, however, that the investigation should not be thus limited. The structure of fares is as relevant to reasonableness as their level. And if the Board has chosen to fix rates in wholesale lots, rather than on a city-pair by city-pair basis, that choice is itself an integral part of the agency's rate determination and should be subject to scrutiny as being, or not being, in accordance with the Federal Aviation Act. As Complainants read the statute, the reasonableness or unreasonableness of any particular tariff does not necessarily have anything to do with the reasonableness or unreasonableness of the tariff in any other market; there is no reason why travelers in Market A should be made to pay unreasonable rates on the ground that rates in Market B have been set at a particular level. If the agency wishes to maintain a contrary position, that is its privilege—but that position should itself be subject to question in the forthcoming investigation.

Moreover, the standard of "unjust enrichment" is a figment. It does not appear in the *Atlantic Coast Line* decision which the Board cited in Order 70–9–73 and which went off on the more general question whether "the money was received in such circumstances that the possessor will give offense to equity and good conscience if permitted to retain it." 295 U.S. at 309. The standards may be equivalents in the Board's mind. But Complainants believe the "unjust enrichment" norm is susceptible of being read too narrowly: it would surely be no defense against a charge of unreasonableness if the carriers were to show merely that the fares in question did not actually produce higher gross revenues or that the carriers squandered their revenue away. After all, Complainants have been contending all along that these fares not only were injurious to the traveling public, but would not serve to increase carrier earnings.

For the foregoing reasons, Complainants suggest that the Board withdraw the statement made in footnote 5 and defer decision on this issue, thus permitting Complainants to explore their position fully before the hearing examiner.

3. Complainants object to various statements in Order 71–2–109 which either misrepresent Complainants' position or indicate that the agency has already prejudged the forthcoming investigation. More specifically, with respect to footnote 6 in the order, it is inaccurate to summarize Complainants' position by stating simply that "they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review . . .;" with respect to footnote 16, it is similarly inaccurate to summarize Complainants' position with the statement that "the complainants argue that *Atlantic Coast Line R. Co.* v. *Florida* . . . is inapplicable because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the *Atlantic* case." And with respect to the discussion on page 5 of the order, Complainants believe the statement that the Court of Appeals in the *Moss* case declared fares unlawful "on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness," is highly prejudicial when read in conjunction with the other statements just quoted.[2] The Board has completely missed the Complainants' point: (a) that the fares in question were in fact *invalidated* by the Court of Appeals because the Board completely failed to observe the requirements of section 1002(d) of the Federal Aviation Act, an infirmity far more serious than, and completely distinguishable from, the "imperfections of form" and "slips of procedure" that were involved in the *Atlantic Coast Line* case; (b) that the fares in question were *invalid* when they reached the Court of Appeals not only by reason of the Board's failure to observe section 1002(d) but also because the Board failed to observe section 1002(e), an infirmity that can in no meaningful sense be referred to as "procedural;" (c) that the fares in question cannot (even now) be harmonized with the requirements of the Federal Aviation Act. If the Board wishes to summarize Complainants' views, Complainants would urge that it simply quote from this Petition; in any event, the agency should refrain from misstating and prejudging Complainants' position.[3]

4. The Board makes clear that if it now finds the illegal fares to have been "reasonable," it will not have to determine whether it has power to grant relief. The Board at no point, however, states what will happen if it finds the fares to have been "unreasonable." Perhaps the chances of finding "unreasonableness" are so remote in the Board's mind that it has chosen not to face up to this possibility in a serious way. Complainants would have thought, however, that—if only to appear unprejudiced and open-minded—the Board would have made some

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[1] The agency will appreciate that Complainants wish to preserve the points made in these documents and that they therefore wish that their Complaint and their Brief be incorporated in the record of the forthcoming investigation, in order that a full record may be available to the Court of Appeals. Normally, Complainants would assume that the complaint which initiates an investigation and a brief filed in support of such a complaint would be included in the record of that investigation. But the Board, in Order 71–2–109, changed the docket number and caption of this proceeding "in order to avoid confusion and to describe more accurately the investigation being undertaken herein." Complainants take it that this change responds to some internal requirement of the agency and that it is not intended to cast the forthcoming investigation as something other than the "further proceedings" envisioned by the Court of Appeals in the *Moss* decision.

[2] It is a mystery to Complainants why the Board seems to believe that the identification of its error as "procedural" or "substantive" is decisive of anything of significance in this case. The *Atlantic Coast Line* decision does not support the proposition that refunds depend upon any such distinction. But resolution of this matter can be deferred until the investigation itself.

[3] Complainants also suggest that the new caption of the case be changed from "Reasonableness of Passenger Fares Charged by Domestic Trunkline and Local Service Carriers" to something more neutral such as "Relief Proceedings Concerning Passenger Fares Charged by Domestic Trunkline and Local Service Carriers."

provision for a finding of "unreasonableness." Accordingly, we urge the Board to modify its order to indicate that if the fares are found to be "unreasonable" it will forthwith, without any further hearings, briefs, or other delays (1) render a decision on its power to grant relief and (2) grant or deny relief. If any party has further authorities or arguments to make on this question, it should do so in the investigation. To put it bluntly, Complainants would be dismayed if the investigation concluded that the fares were "unreasonable," but still more time were required for a separate hearing or new briefs on the jurisdictional issue, which Complainants regard as ripe for decision now.[4]

5. The Board's order gives specific instructions to the hearing examiner on various issues, and this approach may be both proper and helpful. However, Complainants believe the Board should also give a broad general direction to the hearing examiner to cope with issues the Board does not anticipate. The investigation that has been ordered by the Board is a proceeding of the utmost delicacy, since it casts the agency in the role of judge and jury of the consequences of its own prior actions, which have already been held illegal by a court. Such proceedings are anomalous in the traditions of American jurisprudence, where the central theme is impartial third party resolution of adversary relationships. Complainants believe it is incumbent on the agency, at the outset of such a peculiar proceeding, to take every conceivable step to mitigate the inherent and inevitable conflict of interest that is involved on its part.[5] Regardless of the outcome, we hope the record will be kept full and complete so that the reviewing court can ultimately determine the propriety of the process utilized and the legality of the substantive decisions in the instant investigation.

6. Complainants would raise one final point relating to the procedures to be followed in the hearing. Contrary to certain suggestions in Board Order 71–2–109, the forthcoming investigation clearly will be burdensome for Complainants.[6] They undertook this case almost two years ago in the interests of the traveling public, without expectation of personal gain, without a source of funds to pay litigation costs, and without ready access to carrier- and Board-held information. Complainants have proceeded to this point by a process of simply asking questions regarding the conformity of the carriers' and the agency's action to the requirements of the controlling statute. In so doing they have enlisted the support of others who are concerned with the public interest aspects of the case. The investigation now ordered by the Board calls for a further expenditure of resources by Complainants, a factor the Board should not treat so lightly.

We would point out two aspects of this case which are particularly important to the procedures to be followed at this juncture. First, Complainants are now in the position of an aggrieved party in this case. They have carried their burden in showing to the satisfaction of a court that the Board and the carriers acted in violation of the statute. Second, most of the information relevant to the relief Complainants request in the forthcoming investigation lies almost entirely in the hands of the carriers and the Board. It is the carriers and the Board, therefore, who should bear the primary burden of answering the questions relevant to relief, especially since they share the responsibility for the illegality of the fares in question.

When litigants representing a broad public interest establish the legitimacy of their concern, as has happened in this case now that the Court of Appeals in the *Moss* decision has found the fares to be illegal, public policy dictates that procedures be followed which will facilitate the determination of the legal consequences of the dereliction that has been established. In short, Complainants are clearly entitled to a relief proceeding which puts as little burden on them as possible and places the burden to the maximum extent possible elsewhere.[7]

It is with these considerations in mind that Complainants request that the Board clarify its order to make clear to the hearing examiner that the investigation be organized so that the burden for showing that the fares in question are reasonable rests first with the carriers; that the Board make provision for the Board or carriers to undertake to pay the necessary costs, such as travel expenses,[8] fees for witnesses and other experts, and legal fees that Complainants reasonably may incur in the course of these proceedings; and that the Board make available such further assistance as the Complainants may, in the course of these proceedings, reasonably find necessary to a presentation of their case.

Complainants believe these requests are not only fair but necessary to assure the integrity of the forthcoming investigation and the legality of the resolution of this case. For the Board should make no mistake, the public has been irretrievably harmed by the illegality that has already been proven. A finding by the Board at the conclusion of this investigation that no relief is authorized or justified will not change the fact that illegality has occurred and harm has been done. When public officials act contrary to the public trust reposed in them, there is always and inevitably harm, for the respect for public institutions that is the ultimate underpinning of democratic government is undermined. The Board had best understand that no determination it might now make of the "reasonableness" of fares can vindicate or itself compensate for the illegality that occurred. The only way to restore public confidence in the Board as an institution is if the investigation is handled fairly and a just result reached. Thus, ensuring that the public will be effectively and fully represented is a vital concern and responsibility of the Board, and the granting of these requests is an important part of a proper discharge of that responsibility.

* * * * *

Complainants conclude by respectfully requesting that the Board react positively and promptly to these suggestions for clarification of Order 71–2–109 and to the other matters raised in this Petition. For all of the Order's shortcomings, Complainants wish to express their congratulations to the Board for finally making the basic decision to go forward with an investigation, and to reiterate their intention to cooperate with that investigation to the fullest possible extent in order to further the interests of the traveling public.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon all other parties in Docket 23140, *i.e.*, all domestic trunkline and local service carriers. I have also caused the foregoing document to be mailed to all counsel for plaintiffs in Docket No. 58 before the Judicial Panel on Multi-District Litigation, and upon counsel for *Rose, et. al.* v. *American Airlines, Inc., et al.*, N.D. Ill., Civil No. 70C–1844.

STANFORD G. ROSS.

MARCH 8, 1971.

[Order 71–2–109: Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February, 1971—Docket 23140]

REASONABLENESS OF PASSENGER FARES CHARGED BY DOMESTIC TRUCKLINE AND LOCAL SERVICE CARRIERS FROM OCTOBER 1, 1969 THROUGH OCTOBER 14, 1970

ORDER INSTITUTING INVESTIGATION

On July 24, 1970 Congressman John E. Moss *et al.*, filed a supplemental complaint with the Board[1] requesting, *inter alia*, that the Board institute an adjudicatory proceeding to determine appropriate relief for alleged fare overcharges for the period during which the air carrier parties charged fares pursuant to the tariffs declared unlawful by the Court of Appeals for the District of Columbia Circuit.[2] This period extended from October 1, 1969 "through the date on which lawful domestic passenger fares are reestablished."[3] Specifically, the supplemental complaint requested that the Board calculate "the sum unlawfully extracted from the public" and "the proper disposition of the overcharge."

Initially, the Board entered an Order on Supplemental Complaint (Order 70–9–73, September 15, 1970) calling for briefs from the parties on a number of troublesome issues in order to assist the Board in deciding whether to institute the requested proceeding. Briefly, we asked for the parties' views on (1) the Board's legal power to order refunds or grant other relief, assuming that the fares charged after October 1, 1969 embodied "overcharges"; (2) the nature of the proof appropriate to a determination of unreasonableness or that the fares in question constituted "overcharges"; (3) the interrelationship of the requested proceeding and the *Domestic Passenger-Fare Investigation*, Docket 21866, now in an advanced state of progress; and (4) the practicality and feasibility of the various suggested forms of relief, if any, to be accorded.

The materials that we have requested have been submitted.[4] The Board has carefully considered all of the arguments and contentions presented, and we conclude that the public interest requires that we provide for the adjudicatory proceeding requested by the supplementary complaint and supported by

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[4] It should be noted incidentally that the Board is incorrect on page 4 of its order, where it states that "the air carrier parties . . . [argue] that the Board lacks power to order relief in the nature of refunds or reparations . . . ." Actually the positions of the carriers with regard to the jurisdictional issue, at least the positions that have been reduced to written statements, differ widely. *Compare*, e.g., Brief of American Airlines, Inc., and Brief of Northwest Airlines, Inc., *with* Brief of Trans World Airlines, Inc.

[5] The possibility for conflict is increased in this case by the pendency of the Domestic Passenger-Fare Investigation. Complainants are hopeful that the agency will take care so that conclusions reached in that proceeding will not be improperly influenced by conclusions necessary to this one, and vice versa.

[6] Complainants would recall to the Board that the choice to postpone decision of the jurisdictional issue until after a factual investigation imposes on Complainants a burden which the Board may eventually decide to have been unnecessary. The reasons given by the Boards in Order 71–2–109 for the structure it has chosen for the investigation have nothing to do with this case.

[7] Board Chairman Browne, in announcing last October the formation of a new Consumer Affairs Committee to advise the Board, spoke of an effort "to be sure that the people who don't have an organized way to express themselves, particularly the consumer, have a better voice, or better influence, on our proceedings." Chairman Browne also said [is] not an attempt to muffle any criticism. This is a chance for a dialogue but the last thing we want to do is to stifle criticism. The best thing we can do is ventilate it." Complainants believe the forthcoming investigation will afford the Board an attractive opportunity to permit effective consumer criticism of and participation in its activities.

[8] See, in this connection, § 403(b) of the Federal Aviation Act and §§ 223.2, 223.8 of the Board's regulations.

Footnotes at end of article.

virtually all of the carriers. These proceedings should not be burdensome to the parties since, as we explain below, the voluminous materials developed in the *Domestic Passenger-Fare Investigation* will be available for use here.

Specifically, we have determined that in light of all the circumstances an investigation should be initiated, including an adjudicatory hearing, to determine whether the fares charged from October 1, 1969 through October 14, 1970 were unjust and unreasonable, and if so, the amount of any overcharges that resulted for the period in question.[5] The fact that we are instituting an investigation does not necessarily reflect a view that the Board has power to grant relief; rather, we will defer resolution of this jurisdictional issue until such time as the factual issue of reasonableness is ready for decision. Moreover, we will also defer until that time the form any eventual relief may take, although we will expect the parties to develop an evidentiary record on this issue. We are also persuaded that this investigation should remain separate and distinct from the *Domestic Passenger-Fare Investigation*, but to the extent that evidence in the latter proceeding is relevant herein, such evidence is to be utilized to the maximum extent possible. Finally, we find that the justness and reasonableness of the fares in question will be best determined by application of the standards traditionally governing Board practice in rate cases as set forth in Sections 102 and 1002(e) of the Act. The reasons and bases for our action are more fully explicated below.

Initially, it should be noted that virtually no controversy exists among the parties concerning the desirability of having an adjudicatory proceeding. The Moss group argues that the Board has power to grant the relief requested in the supplemental complaint, relying chiefly upon *United Gas Improvement Co.* v. *Callery*, 382 U.S. 223 (1965) for the proposition that "an agency, like a court, can undo what is wrongfully done by virtue of its orders."[6] Accordingly, the complainants urge us to exercise our power to determine the extent of any "overcharges," and their appropriate disposition. The air carrier parties on the other hand, while arguing that the Board lacks power to order relief in the nature of refunds or reparations,[7] urge that a hearing be held nevertheless. Only Trans World Airlines, Inc. (TWA) is opposed, arguing that the *T.I.M.E.* case is an insurmountable bar to reparations and that no purpose would be served by a hearing.

The carriers emphasize as grounds for proceeding with a hearing the existence of a number of class actions seeking to recover alleged overcharges from the airlines following the decision of the Court of Appeals in the *Moss* case.[8] Should any of the suits proceed to a decision on the merits, the carriers point out, the issue of the reasonableness of the fares, central to any award of restitution by the courts, would fall within the primary jurisdiction of the Board and would therefore have to be referred to the Board. Consequently, the air carrier parties (except TWA) urge us to institute a proceeding to determine justness and reasonableness, meanwhile deferring decision on the Board's power to grant relief, since the factual decision may well moot the jurisdictional issue.

Conversely, the Moss group, while not controverting the carriers' arguments, urges the Board to proceed initially on the jurisdictional issue, asserting that they are not parties to the class actions, and that it would be unfair and burdensome for them to participate in a factual determination if the Board should subsequently decide that it lacks power to grant the relief requested.

We agree with the complainants and the air carrier parties that a hearing is desirable. It is apparent that substantial uncertainty has followed in the wake of the Court's decision in the *Moss* case, and that a hearing will be necessary to clear the air concerning the fares in effect from October 1, 1969 through October 14, 1970. While the Court declared the fares unlawful, it did so on what we believe to be purely procedural grounds, intimating no opinion as to the fares' justness or reasonableness.[9] Moreover, pending the new tariffs filed for effectiveness on October 15, 1970, without the onus of Board compulsion as found by the Court, the tariffs declared invalid by the Court were the only ones which could be legally charged pursuant to Section 403 of the Federal Aviation Act,[10] Nevertheless, it appears that segments of the traveling public may view the fares in effect during the period in question as constituting "overcharges" and resulting in unjust enrichment of the airlines, as witnessed by the class actions in the various lower courts around the country as well as by the supplementary complaint herein. Thus, the present unsettled condition concerning the fares works to the detriment of the scheduled air transportation system in general.

Finally, should any or all of the class actions surmount the initial jurisdictional hurdle and proceed to trial on the merits,[11] it would appear that the central issue would not be whether the airlines were entitled to collect the fares in question, but whether they are entitled to retain such amounts or a part thereof which were above the lawful fares in effect before October 1, 1969. *Atlantic Coast Line R. Co.* v. *Florida*, 295 U.S. 301 (1935), holds that relief is available only if it is shown that the retention of the monies collected would "unjustly enrich" the carriers at the expense of the traveling public. It appears that the issue of "unjust enrichment" necessarily entails an assessment of the justness and reasonableness of the fares, a function statutorily entrusted to the primary jurisdiction of the Board.[12] Thus, it may well be that the factual issue of reasonableness will be referred to the Board for determination at some time in the future in any case. Under these circumstances, the Board's resolution of the reasonableness issue at this time could be an aid to the district courts in fashioning relief, if indeed relief is due, or in determining whether the class actions should be entertained any further.

For all of the above reasons we find that it is in the public interest to provide for the adjudicatory proceeding requested by the supplemental complaint and to determine the justness and reasonableness of the general level of fares for the past period in question. We do not think, however, that we should or need decide at this time the question of our power to order the relief requested. It may well be that the fares were in fact just and reasonable, as the carriers assert they are prepared to prove. If so, the jurisdictional issue could be "bypassed",[13] since a finding of reasonableness would be an adequate basis for passing upon the supplemental complaint.[14] Moreover, as noted above, the factual issue of reasonableness may come before the Board in any case, whereas a Board decision on jurisdictional grounds, even if favorable to complainants, would neither assist the district courts in the near future, nor remove the uncertainty currently surrounding the fares in question, since our determination of the Board's power would not necessarily bar the courts from acting.

In sum, we are convinced that to proceed first with the adjudicatory investigation instituted herein will serve a number of important public interests. It will provide both the carriers and the traveling public with one central forum wherein to present their respective views and evidence on the matter lying at the core of the controversy surrounding the fares in issue, their justness and reasonableness. It may further provide the various courts presently entertaining class actions against the airlines with guidance on an issue within the Board's primary jurisdiction. And it should alleviate confusion and uncertainty with respect to the fares in issue. The Board is therefore of the opinion that this investigation, with the jurisdictional issue temporarily deferred, will most fairly meet the needs of the traveling public and the carriers and is thus in the public interest.[15]

The Board's Order on Supplemental Complaint requested the parties' views on the interrelationship between the *Domestic Passenger-Fare Investigation* and the proceeding requested by the complainants. Most carrier parties as well as the Moss group feel that this matter is retrospective, covering a "closed" period, whereas the *Investigation* is prospective, looking toward the establishment of fares and fare standards for the future, and that therefore consolidation would unnecessarily delay both proceedings. These parties conclude that the proposed proceeding be conducted independently, and that to the extent there is duplicative evidence it can be readily stipulated from the *Domestic Passenger-Fare Investigation* or otherwise incorporated into the separate proceeding.

We agree. The *Domestic Passenger-Fare Investigation* is now at an advanced stage, and the incorporation of the issues herein will require reopening of the record. Moreover, the *Investigation* is an extensive and complex reappraisal of the standards, structure, and level of domestic passenger fares with the purpose of guiding the air transportation system's fare development in the future. On the other hand, the crucial issue in this proceeding is the comparatively narrow one of the justness and reasonableness of the fares in effect for the "closed" period of October 1, 1969 through October 14, 1970. Many of the complex issues inherent in the *Investigation* do not arise in the adjudication we are instituting, and the folding in of this investigation would, we believe, tend to blur the focus in both. Moreover, the time frames of the two proceedings differ. Consequently, we do not think that any significant duplication of evidence will occur. Thus, while the *Investigation* may be broad enough to absorb this proceeding, we are persuaded that completely separate proceedings would be preferable from the standpoint of convenience to the parties herein, the expeditious conclusion of both investigations, and the avoidance of unnecessary procedural complexity.

Nevertheless, it may be that some of the evidence adduced in the *Domestic Passenger-Fare Investigation* is relevant to this proceeding or duplicates pertinent evidence. To the extent that this is the case, we will allow the parties to stipulate evidence from the *Investigation* and in fact encourage them to do so to avoid needless expense and expenditure of time.

The Board also requested the parties' views on the nature of the proof to "be introduced to demonstrate that the fares charged after October 1, 1969, were 'excessive,' 'unreasonable,' or constituted 'overcharges' or that those fares were none of those things." The responses elicited diverged widely. The Moss group argued that the traveling public, not the carriers, is the aggrieved party, and that therefore the carriers have the entire burden of showing if any part of the fare increase was justifiable, or else the complainants will be entitled to the full amount of the increase above pre-October 1, 1969 levels as a matter of law.[16] On the other hand, some of the carriers assert that the basic showing is whether or not the carriers as a group had exceeded a 10.5% rate of return (our historical standard), and that consequently the only relevant proof is historical revenue and expense data for the period in question to

Footnotes at end of article.

determine the actual rate of return achieved. In their view, a full-blown rate proceeding would not be required.

We believe that the measure of overcharges, if any, constitutes those sums in excess of just and reasonable fares as determined by the standards of the Federal Aviation Act, which clothes us with the mantle of jurisdiction over this matter, particularly Sections 1002(e) and 102 and the established practices of the Board thereunder. Thus, we agree with those carrier parties [17] who propose to show the fares accord with all of the substantive standards of the Act just as in any other rate proceeding involving a past period, with no presumption of either reasonableness or "unjust enrichment." We think that this approach will provide all parties with the opportunity to advance their contentions as to the reasonableness *vel non* of these fares on an equal basis and will best serve to build a useful record consistent with all of the substantive provisions of the Act. We leave the delineation of specific issues to the usual processes of the Board's adjudicatory machinery.

In light of our decision to defer the issue of our power to grant relief in the nature of refunds or reparations, we will also presently defer decision on the form any eventual relief might take. We believe that it would be appropriate, however, for the parties to develop an evidentiary basis at the hearing for the contentions they support with respect to the form any required relief is to take. Some air carriers assert that refunds to individuals would be a practical impossibility as well as administratively costly, and that in many markets fares were reduced, thus creating an obligation on some passengers to pay additional charges. Some of the carriers also assert that they lack capital to establish a specific fund to offset future fare increases. We will permit the introduction of concrete evidence bearing on these and similar problems, so that should we find the fares to be unjust and unreasonable and within our power to restore in appropriate fashion, we shall have an appropriate record to determine the specific means for effectuating our determinations.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly Sections 204(a) and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the passenger fares between points in the 48 contiguous States and the District of Columbia in effect during the period October 1, 1969, to and including October 14, 1970, based upon Board Order 69–9–68, as modified during such period, and the rules, regulations and practices affecting such fares, were unjust and unreasonable, and if found to be unreasonable, to determine whether and to what extent other relief for fare-paying passengers, restoring overcharges unlawfully paid by them, or otherwise, may and should be granted. The fares are those published in Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 65, 90, 98, 99, 101, 117, 124, 125, 134, 136, 139, 142, 143, 144, 148 and 149;

2. The supplemental complaint of *John E. Moss, et al.*, dated July 24, 1970, to the extent deferred by previous Orders of the Board, be and hereby is consolidated in this proceeding;

3. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complainants, John E. Moss, *et al.*, and all domestic trunkline and local service carriers, are made parties to this investigation.

5. A copy of this order will be served upon the foregoing parties and upon counsel for plaintiffs in the federal district court cases presently before the Judicial Panel on Multi-district Litigation in its Docket No. 58—Air Fare Litigation, and upon counsel for plaintiffs in *Rose, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil No. 70C–1844.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HARRY J. ZINK,
Secretary.

FOOTNOTES

[1] The original docket number and caption of this proceeding ("Passenger fare revisions proposed by the Domestic Trunkline Carriers," Docket 21322) have been replaced by a new caption and docket number in order to avoid confusion and to describe more accurately the investigation being undertaken herein.

[2] *Moss, et al.* v. *C.A.B.*, 430 F. 2d 891 (decided July 9, 1970).

[3] Tariffs replacing those declared unlawful by the Court went into effect on October 15, 1970. Order 70–7–128, dated July 28, 1970, established a program for achieving compliance with the *Moss* decision. The adopted procedures were approved by the Court (*Moss et al.* v. *C.A.B.*, C.A.D.C. No. 23,627, Order dated July 30, 1970). Order 70–9–123, dated September 24, 1970, disposed of the new tariffs filed in response to Order 70–7–128, allowing several to go into effect and suspending others. All air carriers subsequently filed tariffs matching those which the Board permited to go into effect, and these filings have also been permitted to go into effect (Special Tariff Permissions Nos. 27381 and 27396). All the new tariffs bore an effective date of October 15, 1970.

[4] Briefs were filed by Honorable John E. Moss, *et al.*, Air West & Piedmont Aviation, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc. & North Central Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Answering briefs were filed by Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[5] We are concerned here with the reasonableness of the general level of fares which took effect on October 1, 1969, in compliance with Board Order 69–9–68, which the Court declared invalid in the *Moss* case. As we have indicated in earlier orders, the October 1, 1969, fare increases increased the average industry level of fares by approximately 6.35%. However, a substantial number of fares, particularly in long-haul markets, were reduced, many others were not changed, and those that were increased, were increased by widely varying percentages. The investigation we are instituting will not be concerned with either assessing or determining the reasonableness of specific fares in the myriad of city-pair markets in the United States, but only with the reasonableness of the general level of fares effective during the retrospective period, the returns to the carriers which they produced, and their conformance as a whole to the standards of Sections 1002(e) and 102 of the Act. More specifically, we are concerned with the question of whether the fares charged were within the zone of reasonableness and, if not, the extent to which the carriers were "unjustly enriched."

[6] Complainants acknowledge that the Federal Aviation Act lacks provision for reparations, but assert that this is irrelevant. They argue that they seek a remedy for illegal and excessive Board-made rates which are successfully challenged on substantive grounds on direct court review, rather than "reparations," which flow out of "collateral attack upon carrier-made rates which, when imposed, . . . [are] final and valid in the sense of being no longer subject to direct judicial review." Thus, in their view, the statutory concept of "reparations" is inapplicable to this case.

[7] The air carriers rely upon *T.I.M.E.* v. *United States*, 359 U.S. 464 (1959), and various other cases as well as the legislative history of the Federal Aviation Act. They also distinguish the *Callery* case on the facts as well as differences in the enabling statute, and assert that the defects found by the Court of Appeals in the *Moss* case were procedural rather than substantive, thus precluding reparations or other relief in any case.

[8] *Air Travelers Association, et al.* v. *Air West Inc., et al.*, U.S.D.C. N.D. Cal., Civil Action No. C–70 1540 SAW; *William M. Bennett, et al.* v. *Air Transport Association of America, et al.*, U.S.D.C. N.D. Cal., Civil Action No. C–70 1608 GSL; *Michael W. Williams, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. D.C., Civil Action No. 2162–70; *Alan Weidberg, et al.* v. *American Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil Action No. 70C 1879; *Wayne A. Benjamin, et al.* v. *Delta Airlines, Inc., et al.*, U.S.D.C. N.D. Ill., Civil Action No. 70C 2004; *Allen E. Botney* v. *American Airlines, Inc., et al.*, U.S.D.C. C.D. Cal., Civil Action No. 70–2405–R.

[9] See C.A.B. Order 70–7–128, July 28, 1970, at 1; C.A.B. Order 70–9–123, September 24, 1970, at 5.

[10] The Court of Appeals recognized this factor in staying its mandate pending the establishment of new, lawful tariffs, *Moss et al.* v. *C.A.B.*, *C.A.D.C* No. 23,627, Order dated July 30, 1970.

[11] We note that the Judicial Panel on Multidistrict Litigation is presently considering the possible consolidation of the class actions for purposes of pre-trial matters.

[12] *Texas and Pacific R.R. Co.* v. *Abilene Cotton Oil Co.*, 204 U.S. 426, 448 (1907).

[13] The Board has on a number of recent occasions expressed its tentative view that it lacks power to order refunds or reparations, see C.A.B. Order 70–7–128, July 28, 1970, at 1, and C.A.B. Order 70–9–73, September 15, 1970, at 3. However, the issue is not without doubt, *Ibid.*, and the question has never been definitively settled.

[14] The deferral of jurisdictional issues pending resolution of factual questions is not unusual in either Board or judicial practice. See, *e.g.*, *Hawaiian Common Fares Case*, 37 C.A.B. 269 (1962); *Pan American World Airways, et al.* v. *C.A.B.*, 392 F.2d 483 (C.A.D.C., 1968) and cases cited therein at 486 *Airline Employees Association* v. *C.A.B.*, 413 F.2d 1092 (C.A.D.C., 1969). Should the Board find the fares to have been unjust and unreasonable, we can thereafter squarely face the issue of our power to grant relief.

[15] We fail to see how this procedural arrangement will unduly burden the complainants, as they allege. In the first place, any hardship of presenting evidence before decision on the jurisdictional issue is ameliorated by the ready availability of evidence adduced in the *Domestic Passenger-Fare Investigation*. Secondly, the carriers intend to come forward with evidence on justness and reasonableness, so that the evidentiary burden does not lie solely or primarily on the complainants. Thirdly, any Board order finally disposing of the complaint is subject to court review. If the complainants expect to prevail in their contentions, as they assert they will, they will in any case be required to bear the burden of participating in the factual determination necessary to the relief they seek, whether the factual issue is heard prior to, contemporaneously with, or after the jurisdictional issue.

[16] The complainants argue that *Atlantic Coast Line R. Co.* v. *Florida*, 395 U.S. 301 (1935), which would seem to place the burden of persuasion as to unreasonableness of the fares on complainants, is inapplicable

because the fares here in question were invalidated for substantive rather than merely procedural errors and were for that reason void rather than voidable as in the *Atlantic* case.

[17] American Airlines, Inc., Continental Air Lines, Inc., and Delta Air Lines, Inc.

GETTING TO THE HEART OF THE TEXTILE PROBLEM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, yesterday the Textile Federation of Japan announced their intention to impose voluntary, unilateral restraints on their textile imports to the United States. At first glance, this seems a positive indication of a willingness by Japan to work with us in solving the problem of these imports. People have played up the fact that this is the first time Japan has proposed such a voluntary restraint with the United States in textiles and apparels. Yet, upon further analysis, the provisions of the declaration do not begin to alleviate the problems of these industries.

The significant deficiencies in the Japanese plan are as follows:

First, the across-the-board restriction that Japan is suggesting does not get to the heart of the textile and apparel problem. Some of our domestic textile and apparel industries have been hurt more seriously than others because of the introduction of cheap imports. Without a category-by-category restraint, Japan could continue to funnel her imports into those areas of the industry which are currently the hardest hit as a result of Japanese imports through the years.

Second, by selecting 1970 as the base year for setting the quota limitations, the Japanese have chosen the peak year in history for textile imports. In addition, the unilateral declaration calls for a 5-percent, 6-percent, and 6-percent cumulative increase of imports over the next 3 years respectively. I think a much fairer base was suggested in last year's trade bill—an average of textile imports from Japan between 1967 and 1969. There is a great difference in the two bases: For 1970 the import figure of total U.S. imports of wool, cotton, and manmade apparel and textiles, measured in square yard equivalents was 1,153 million yards whereas the 1967–69 figure averaged 912 million yards per year.

Third the Japanese are trying, to dictate American domestic action and foreign policy by conditioning their unilateral action on two things:

That the United States does not legislate general textile import quotas, impose higher tariffs, or take other restrictive measures; and

That Taiwan, Hong Kong, Korea, impose similar restraints.

Personally, I resent what appears to be an attempt by the Japanese to dictate what Congress and the Government of the United States can and cannot do.

Mr. Speaker, this is a terribly complex problem. I have studied it for a long time and have traveled to Japan, Taiwan, Hong Kong, and Korea to discuss the situation with our leading suppliers. Like so many problems we must grapple with in Congress, the problem of the effect of cheap imports on the textile and apparel industries in America is not one which has an easy or clear-cut solution .

The whole issue has received a great deal of attention from Congress, as it rightfully should, for it is a critical problem affecting industry and workers in every one of our 50 States. Because of the confusion this topic has created, it might be beneficial to share with you some of the insight I have gleaned from my study.

The textile and apparel industries' condition must be considered over a period of many years. It cannot be measured solely by recent data. Many of those who have refused to acknowledge the current crisis are relying too heavily on information from just the first 8 years of the last decade. To gain an accurate and more balanced picture, it is necessary to look not only at 1960–68 but at the latest years as well.

Although there are many areas in which the textile and apparel industries can be considered jointly, there are many times when the same economic factors have had different effects on each industry. These are industries where it is sometimes too easy to blame such problems as low profits, unemployment, and sale declines on cheap imports. It is also too easy to dismiss cheap imports as having little significant effect.

Since we first started discussing this issue in Congress, much of the debate can be traced to a disagreement over the actual health of these two industries. In 1968, the Tariff Commission initiated an extensive study and reported that from 1960 to 1968 domestic producers had experienced unparalleled growth. Output increased, sales expanded, employment increased, and investment expanded in both industries.

This tariff commission report is borne out by statistics:

In the textile industry, net sales rose from $13.2 billion to $20.8 billion in 1968; net profits after Federal income taxes jumped from $329 million to $654 million.

In apparel, net sales went from $11 billion in 1960 to $20.7 billion in 1968, while profits after Federal income taxes climbed from $152 to $507 million.

From 1960 to 1968, all indicators of profit show a steady improvement:

Net profits as a percent of net sales, for example, jumped from 2.5 percent in textiles in 1960 to 3.1 percent, in apparel, they went from 1.4 percent in 1960 to 2.4 percent 8 years later. During this time, while net profits for manufacturing as a whole increased by 0.7, textile profit rates lagged just slightly behind at 0.6 but apparel profits outdistanced the norm by jumping a full percentage point.

The rate of profit on stockholders' equity in textiles increased from 5.9 percent in 1960 to 8.8 percent in 1968. The apparel rate increased from 7.7 percent to 12.9 percent. Here again, the textile rate increased by the same amount as manufacturing as a whole—2.9 percent—and apparel increase reached 5.2 percent.

However, Mr. Speaker, there are several facts which must be presented along with these statistics to place them in the proper perspective:

First. Both the textile and apparel industries operate at a much lower margin of profit than either nondurable manufacturing or manufacturing as a whole. For instance, while profits as a percentage of sales were 3.6 for textiles and 2.4 for apparel in 1966—the peak year for the two industries for the decade—they were 5.6 for overall manufacturing. The rate of profits on stockholders' equity, in the same year, was 13.5 for manufacturing as a whole while it was 10.1 for textiles and 13.3 for apparel manufacturing.

Second. This is 1971, not 1968 anymore. The health picture of these two industries has changed drastically during the economic downturn of the past few years. It would appear that the downturn may have affected these industries more severely than many others in the manufacturing sector. From 1968 through the first three quarters of 1970, profits as a percentage of net sales dropped 15 percent for nondurable manufacturing as a whole, but dropped 35 percent for textile manufacturing and 17 percent for apparel manufacturing.

During the same period, profits as a percentage of stockholders' equity dropped 13 percent for nondurable manufacturing overall, but dropped a whopping 42 percent for textile and 40 percent for apparel manufacturing. For the first three quarters of 1970, averaged, apparel profit as a percentage of stockholders' equity was at the same level that it was in 1960.

During the decade, from 1960 through 1969, the net sales of textiles and apparel from all sources increased 106 percent overall—from $13.5 to $21.7 million. During the same period, the value of domestic production increased only 26 percent—from $10.6 billion to $13.4 billion—while the value of textile and apparel imports sold increased by an unbelievable 227 percent—from $90 million to $3 billion.

Turning from profits to people, I think we are all very concerned about the 2.4 million workers employed by these two basic industries. I know I am; 67,000 of such workers are employed in Brooklyn—or were working—until many were laid off. In New York State today, the unemployment rate in the apparel industry is 13 percent.

As has been said before in this Chamber, from 1960 to 1968, textile and apparel employment rose by 300,000 jobs. However, it has been estimated that another 250,000 to 300,000 jobs could have been created had it not been for imports. As it was, 100,000 of those 300,000 jobs created in the sixties were lost in one 10-month period from January to October 1970. No one can say this is not a disturbing situation.

Looking over the decade, the level of unemployment in nondurable manufacturing as a whole dropped from 6 percent in 1960 to 3.7 percent in 1968 but went back up to 5.4 percent last year. During the same years, the textile industry saw unemployment go from 6.3 percent to 3.5 percent to 6 percent. And the apparel industry during those same years had unemployment go from a

startling 10.5 percent to 5.9 percent in 1968 and back up to 8.2 percent last year.

But, the unemployment figure I just quoted in the apparel industry does not tell the whole employment story. In this industry, when a work shortage occurs workers are not laid off but, instead, the available work is divided among all workers. In other words, instead of laying off a part of the work force, the whole force is retained but only works part time and consequently takes home only a percentage of their usual pay. As a result, man-hour figures, not unemployment, must also be considered when studying the apparel industry's employment situation; unemployment figures might show workers laid off as a result of factory closings, but they do not reflect work cutbacks and lower total wages as a result of lower production.

Now from 1968 through 1970, the apparel sector experienced a drop in total average weekly man-hours—or the number of hours the workers spend in the factory each week—from 43.2 million hours to 41.7 million hours. In some areas, workers are working only 1 day a week.

It should be considered here, too, that this drop in man-hours would very possibly have been even greater in some apparel areas if there were not factors at work which have increased the amount of work necessary—and thus man-hours spent—to produce the goods. For example, with the greater demand for knit clothing—which takes longer to sew—production is somewhat slowed and so man-hours have gone up here. Similarly, production time has been increased by the variety and diversity of fabrics. These factors were acting to increase production time, but man-hours overall still dropped.

This, then, is the state of the two industries over the past decade. Let us turn now to what many consider the heart of the problem—imports. Here again, the myriad of statistics which have been given to Congress need be put in some perspective.

Over the decade, imports of textiles and apparel products have increased greatly. From 1961 to 1968, imports increased 135 percent in these two areas while domestic production only increased 47 percent. In absolute terms, imports increased 451 million pounds while domestic production increased 3.1 billion pounds. Thus, imports became a much larger percentage of the entire sales while the absolute growth of domestic production was about seven times greater than the growth in imports.

Even these figures, however, are misleading. The problem of trying to gage the impact of imports on these industries is increased by the fact that these are large and diverse industries; while import penetration in some clothing, yarn, or fabric industries may be small, in others it is quite significant.

Overall, import penetration in the apparel market, for example, during the period 1960–70 has increased from 8.6 to 21.6 percent—which means imports have increased from about 9 percent of domestic production to 22 percent of import production, a very significant increase. In terms of consumption, overall apparel penetration has increased from 7.7 to 17.9 percent.

Within these gross changes, however, it is obvious that some industries have been severely hit by this significantly greater penetration. In sweaters, for example, the import penetration is 70 percent; in gloves, it is 36 percent. In women's and children's trousers and shorts, penetration is 30 percent and in men's and boys' shirts penetration is 32 percent.

I would also like to refer to a chart of total apparel imports as a percent of the total domestic apparel market so each of us can judge for ourselves whether imports in this area have been growing unusually rapidly. I think most of us will find the steadily increasing share of the market which is being consumed by imports very disturbing.

Now, there is little mystery as to where most of these textile and apparel imports are coming from. Five countries—Japan, West Germany, Korea, Hong Kong, and Taiwan—accounted for two-thirds of our imports in these areas during the first 6 months of 1970—and that is fairly typical of the picture in earlier years.

Japan, as we all know, is our largest supplier. In 1969, Japan exported $555 million of textiles and apparel to the United States but bought only $70 million of such products from us. But, in the same year, we also imported $289 million worth of textiles and apparel from Hong Kong while she reciprocated only to the tune of $35 million. The story is similar with Korea from whom we bought about $110 million worth of these products while she bought only $52 million of ours. And finally, from Taiwan in 1969, the United States imported $98 million, while they imported only $28 million from us.

I remember with interest the debates over the trade bill last year and how some of our European brethren were quite strong on their resistance to our imposing any limitations on textile and apparel imports. I was doubly interested to learn, while studying this problem that these countries all have some trade restrictions on these items from the same countries which are our chief suppliers. In fact, the United States is the only major world market without quantitative restrictions on the importation of man-made and woolen goods.

Through either licensing, ceilings, or price certificates, the following Western nations have protected themselves from textile and apparel imports from the main Asian suppliers: Denmark, Germany, Italy, France, Norway, the United Kingdom, Switzerland, and Canada.

Thus, while the United States bought 20 percent of Japan's 1968 textile exports and 51 percent of her apparel exports, the European Economic Community countries brought a total of only 3 and 5 percent respectively. There is good reason for this: Japan has signed a series of bilateral agreements with 10 European countries. In the first 6 months of the same year, the United States bought 38 percent of Hong Kong's apparel exports and 32 percent of her mill product exports; the EEC bought 14 percent and 2 percent of the respective exports.

Three of the four Asian nations themselves have trade restrictions on these goods. Japan has 98 items on which she fixes import quotas. She also controls other imports through licensing and an arm-twisting technique called "administrative guidance." Korea has an embargo on all goods except those needed to manufacture her exports. For instance, she will import U.S. cotton but she has an absolute embargo on all apparel items. Taiwan requires import licenses on all goods and either bans or restricts the importation of all textile and apparel products. Hong Kong alone has no import restrictions.

I should note, however, that Taiwan's and Korea's trade restrictions were given international sanction under the GATT because these countries are classified, for trade purposes, as underdeveloped countries. However, Japan, as the third largest industrial nation in the world, has no such excuse.

Now I am not saying that the only other alternative to dealing with the Japanese declaration should be the immediate imposition of commodity import restrictions on textiles and apparel goods, although it is true that we did get some results from Japan when this body passed a bill providing for such restrictions.

At the same time, we should not accept this unilateral declaration by Japan as binding. Rather it should be looked upon as an impetus for reopening further discussion aimed at reaching a bilateral solution between our two countries.

We must not rule out the possible enactment of a trade bill such as the one we passed last session should negotiations in the next few months fail to produce an agreement which will relieve our textile and apparel industries from the economic distress they are now experiencing.

LEGISLATIVE PROGRAM FOR INCREASING OUR NATION'S HEALTH MANPOWER

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. STEIGER of Wisconsin. Mr. Speaker, this administration has introduced an exciting and forward looking legislative program for increasing our Nation's health manpower supply while moving to solve our chronic manpower shortages in an orderly but imaginative approach.

This year, if we adopt the President's manpower recommendations with the budget proposals, we will be providing almost $120 million more for our health manpower programs than we did last year. The proposed $545 million for health manpower education represents a jump of 27 percent over the $428 million in 1971 and more than 55 percent than the $350 million in 1970.

This is a forward-looking program which combines several significant and coordinated approaches—student aid,

construction grants, incentives for increasing the actual production of physicians coming out of our schools, and a workable plan for increasing the flow of money into the construction of health facilities.

That is why I was quite surprised to hear from testimony originating in the Health Subcommittee of the other body an attack on this program before it had even been introduced.

The President's program is designed to address all components of health manpower production in a coordinated manner. The $6,000 for each graduate, although only one portion of this support, is designed to give each school a substantial amount of money which it can use as it sees fit for its own special and unique needs. No one contends that this amount is designed to reimburse the full cost of medical education, but it can achieve the goal of encouraging medical schools to graduate greater numbers of physicians and doing it at a faster rate.

Every medical school in this country, especially the great and prestigious ones, should examine their operations in much greater detail to see how the product they are producing can begin serving society more effectively and in a shorter space of time.

I noticed that Dr. Russell Nelson, president of Johns Hopkins Hospital, has claimed that the Federal share of Johns Hopkins' budget has decreased 28 percent since 1965. Now, we know that some Federal programs, for very appropriate reasons, have been curtailed. Federal funds are provided for such a wide variety of purposes that it is hard to tell how much Federal funding has actually decreased without their total budget figures, but I do know in the specific area of undergraduate medical education, Johns Hopkins is getting more and not less money. In the fiscal year 1970, the institution received $629,000; this will probably increase in this current year to approximately $785,500.

While it is quite true that much of the health related research is conducted in medical schools, it is not true that the purpose of research support is to provide basic and continuing support for education. The reason for funding research is to advance the state of knowledge in the field of health care and delivery. Johns Hopkins has been one of the outstanding leaders in this area. Although research activity undoubtedly contributes to the quality of medical education, it does not follow that a medical school must have a massive program in research to be a good and productive medical school.

I do hope that a program that increases funds for health manpower education by almost $120 million in 1 year and by 55 percent over a 2-year period will be given a chance to be discussed and enacted so that we can achieve what this administration wants and what the American people need so desperately—more health manpower where they are needed and under a system of delivery that will enable every American to be served. These are the objectives of the President's health manpower proposals.

LEGISLATION REQUIRING INSPECTION OF IMPORTED MEAT AND ANIMAL PRODUCTS

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ABOUREZK. Mr. Speaker, it has been 65 years since Upton Sinclair, in his book, "The Jungle," first exposed the outrageous conditions then prevailing in meatpacking plants. Because of the public indignation that followed the publication of that book and the resulting improvements in the inspection of domestically produced meats, the American public has come to assume that all meat products meet the highest standards of quality control.

Fortunately, the 7,000 Federal inspectors who monitor 1,062 meatpacking plants in the United States are generally able to insure that domestically produced meats do meet that high standard. But the quality of imported meat is another story. There is only the equivalent of 75 inspectors to watch all of those 1,100 plants which pack meat for import to this country. As a result of this woefully inadequate force, less than 1 percent of the 1.6 billion pounds of imported meat brought into this country is ever inspected. I can see no reason why foreign meat products should be subject to less rigorous inspection than that required of meat produced in American packing plants.

It is for this reason that I am pleased to join with Congressman JOHN MELCHER in introducing a bill which would improve inspection of imported meat and insure that the American consumer is adequately protected. I hope that the Congress will enact this legislation without further delay.

DESIGNATING 1974 AS CENTENNIAL OF INTRODUCTION OF HARD RED WINTER WHEAT

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SHRIVER. Mr. Speaker, today I join with my colleague from Kansas (Mr. SEBELIUS) in cosponsoring a resolution to designate the year 1974 as a centennial for celebrating the introduction into the United States of Hard Red Winter Wheat. This resolution provides for a proclamation by the President calling on the people of the United States to observe such centennial, with appropriate ceremonies and activities to be focused in the State of Kansas where such wheat was first grown in our Nation.

The centennial celebration would be most appropriate in 1974 in that Russian Mennonite families first planted Hard Red Winter Wheat in the community of Hillsboro, Kans., in 1874. The year 1974, therefore, would mark 100 years that Kansas has served the Nation and the world as the "breadbasket of the world."

The wheat industry plays a significant role in the agricultural economy of our Nation and is a key to this Nation's efforts to eliminate hunger in the United States and throughout the world.

It is appropriate that we take the necessary action now to support proper ceremonies and activities to observe this centennial, and at the same time, pay deserved tribute to the red wheat farmer.

NATIONAL AND DULLES AIRPORTS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, President Nixon has recently suggested that the Federal Government get out of the airport business and turn control of National and Dulles Airports over to local interests.

Among the proposals offered to effect this transfer is a bill sponsored in the Senate by the Honorable WILLIAM B. SPONG, JR., of Virginia, and in the House by myself to turn the airports over to a regional authority representing the interests of all the residents of the area served by the airports in question. National and Dulles Airports are most certainly regional concerns. It is essential that all who inhabit the Washington metropolitan area have a voice in the operation of these facilities. My bill would help assure that the transfer of ownership brings to the operation of the airports a management more in tune with the local governments and the people of the area.

I would like to submit the following editorial recently broadcast by WTOP which clearly states the need for regional control:

VIRGINIA NEED NOT APPLY FOR AIRPORTS

If the U.S. government hangs "for sale" signs on Dulles and National airports, there should be an extra line on each one which says "Virginia need not apply."

Washington's two major airports now are federally owned and operated. The President recently indicated a willingness to get rid of them.

Consequently, various groups in Virginia, where the two facilities are located, have begun to look on them with covetous eyes. Among those expressing interest are Arlington County officials, the state Chamber of Commerce, and the Virginia General Assembly.

Dulles and National are *not* Virginia airports, and in our judgment they shouldn't be owned or operated by any Virginia agency.

Dulles and National are *regional* operations in every sense of the word. The primary region they serve includes Maryland and the District as well as Virginia. Any new proprietor should be representative of that region—and *accountable* to it.

Virginia's own Senator William Spong emphasized not long ago that airport planning and development in the National Capital region should not "continue to take place in a vacuum without reference to other community plans or desires."

On a long-range basis, Baltimore's Friendship Airport probably will have to be integrated into a metropolitan airport scheme. Certainly within a couple of decades, a fourth major terminus will be in the works. These are strong arguments in support of some kind of *regional* airport agency.

WTOP hopes the President will make good on his intention to get Dulles and National airports off the federal books. When he does, they should be transferred to some regional body—not to Virginia.

NATIONAL GRANDPARENTS DAY

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to introduce today a joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as National Grandparents Day.

For many years we have paid tribute to parents through setting aside a "Mother's Day" and a "Father's Day." The idea of setting aside such a day as "National Grandparents Day" was conceived earlier and has been reintroduced in this Congress by the distinguished senior Senator from Texas.

While in this age of family planning and of a new morality, which appears to be approximately equivalent to the old immorality, motherhood may have fallen out of favor; no one has successfully knocked grandparents yet. It is ironic, therefore, that while we honor our fathers and our mothers through special days, this society has been totally neglectful of its patriarchs and matriarchs.

As one American who has a maternal grandmother 101 years young and still very much alive, I am convinced that grandparents constitute one of the richest blessings that most of us know in life. It is, therefore, high time and past time that we honor these to whom honor is clearly due.

Mr. Speaker, I urge the support of my colleagues for National Grandparents Day.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Twenty-eight percent of the U.S. population is enrolled in all types of schools. This compares with 25 percent in the Soviet Union, 19 percent in West Germany, and 15 percent in the United Kingdom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ABZUG for today (at the request of Mr. KOCH), on account of illness.

Mr. BAKER (at the request of Mr. GERALD R. FORD), on account of illness.

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. ULLMAN, tomorrow, for 1 hour.

Mr. RANDALL, today, for 30 minutes.

Mr. CONABLE for 10 minutes today and to revise and extend his remarks and include extraneous matter.

Mr. CONABLE, for 1 hour on Tuesday, March 16, and to revise and extend his remarks and include extraneous matter.

Mrs. HECKLER of Massachusetts (at the request of Mr. FISH) for 60 minutes on March 11.

(The following Members (at the request of Mr. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. RHODES, for 10 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. KEATING, for 5 minutes, today.

Mr. ROBISON of New York, for 45 minutes, on March 11.

Mr. MYERS, for 1 hour, on March 17.

Mr. PRICE of Texas, for 15 minutes, today.

Mr. RUPPE, for 5 minutes, today.

Mr. SANDMAN, for 5 minutes, today.

Mr. BUCHANAN, for 5 minutes, on March 11.

(The following Members (at the request of Mr. DANIELSON) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BYRNE of Pennsylvania, for 10 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. COTTER, for 30 minutes, on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH and to include extraneous matter.

Mr. HOLIFIELD, and to include a list of cities and other matter.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. SHOUP in two instances.

Mr. PEYSER in 10 instances.

Mr. WYATT.

Mr. MICHEL in two instances.

Mr. PELLY in two instances.

Mr. WIDNALL.

Mr. MINSHALL.

Mr. HUNT.

Mr. KEMP in three instances.

Mr. DEVINE.

Mr. FRENZEL.

Mr. EDWARDS of Alabama in two instances.

Mr. WYMAN in two instances.

Mr. STEIGER of Wisconsin.

Mr. BRAY in two instances.

Mr. RHODES.

Mr. MCCOLLISTER.

Mr. SPENCE.

Mr. LUJAN.

Mr. MIZELL in two instances.

Mr. THOMPSON of Georgia.

Mr. HILLIS.

Mr. SCHMITZ in three instances.

Mr. NELSEN in three instances.

Mr. BUCHANAN in two instances.

Mr. ROUSSELOT in two instances.

Mrs. HECKLER of Massachusetts in two instances.

Mr. PRICE of Texas.

Mr. ROBISON of New York in three instances.

Mr. SCHNEEBELI.

Mr. BROYHILL of Virginia in three instances.

Mr. GERALD R. FORD.

Mr. SEBELIUS.

Mr. SKUBITZ in three instances.

Mr. MYERS.

Mr. HOSMER in two instances.

Mr. SCHWENGEL in two instances.

Mr. HORTON.

Mr. WHALLEY.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. SPRINGER.

Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mrs. CHISHOLM.

Mr. CARNEY in two instances.

Mr. YATRON.

Mr. BADILLO in two instances.

Mr. EVINS of Tennessee.

Mr. MCFALL in six instances.

Mr. SCHEUER in two instances.

Mr. KARTH.

Mrs. MINK in four instances.

Mr. JACOBS in two instances.

Mr. ASPIN.

Mr. BURKE of Massachusetts.

Mr. GONZALEZ in two instances.

Mr. MURPHY of Illinois in five instances.

Mr. RUNNELS.

Mr. GALLAGHER.

Mr. GETTYS in two instances.

Mrs. GRASSO in two instances.

Mr. FRASER in two instances.

Mr. WILLIAM D. FORD in two instances.

Mr. SEIBERLING.

Mr. RARICK in four instances.

Mr. DULSKI in six instances.

Mr. BENNETT in three instances.

Mr. HÉBERT.

Mr. HAWKINS in four instances.

Mr. MATSUNAGA.

Mr. HARRINGTON in three instances.

Mr. HUNGATE.

Mr. WHITE in two instances.

Mr. ANDERSON of California in three instances.

Mr. THOMPSON of New Jersey in five instances.

Mr. JONES of Tennessee in three instances.

Mr. HAGAN in two instances.

Mr. O'NEILL in two instances.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 11, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

384. A letter from the Securities and Exchange Commission, transmitting the institutional investor summary report, pursuant to section 19(e) of the Securities Exchange Act of 1934 (H. Doc. No. 92–64); to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

385. A letter from the chief scout executive, Boy Scouts of America, transmitting the 61st Annual Report of the Boy Scouts

of America for the year of 1970 (H. Doc. No. 92-65); to the Committee on Education and Labor and ordered to be printed with illustrations.

386. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility; to the Committee on Armed Services.

387. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to make permanent the authority to pay special allowances to dependents of the uniformed services to offset expenses incident to their evacuation; to the Committee on Armed Services.

388. A letter from the Secretary of the Treasury, transmitting a draft of 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; to the Committee on Government Operations.

389. A letter from the Secretary of the Interior, transmitting the annual report of the Office of Saline Water's 1970 activities in the desalting of sea and brackish waters, pursuant to Public Law 448, 82d Congress; to the Committee on Interior and Insular Affairs.

390. A letter from the Assistant Secretary of the Interior, transmitting the annual report of the Governor of Guam to the Secretary of the Interior, pursuant to section 6 of Public Law 90-601; to the Committee on Interior and Insular Affairs.

391. A letter from the Assistant Secretary of the Interior, transmitting notification of the receipt of an application for a loan and a grant from the Overland Ditch & Reservoir Co., Hotchkiss, Colo., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

392. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Federal Trade Commission Act; to the Committee on Interstate and Foreign Commerce.

393. A letter from the Attorney General, transmitting a draft of proposed legislation to provide increased protection for consumers, prevent consumer fraud, and for other purposes; to the Committee on Interstate and Foreign Commerce.

394. A letter from the Attorney General, transmitting a draft of proposed legislation to provide increased warranty protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

395. A letter from the Administrator, Environmental Protection Agency, transmitting a report on progress in the prevention and control of air pollution for calendar year 1970, pursuant to section 313 of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

396. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to documentation of vessels; to the Committee on Merchant Marine and Fisheries.

397. A letter from the Secretary of Transportation, transmitting the annual report on highway relocation assistance, pursuant to section 33 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

398. A letter from the Cochairmen, Upper Great Lakes Regional Commission, transmitting the annual report of the Commission for fiscal year 1970, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

RECEIVED FROM THE CONTROLLER GENERAL

399. A letter from the Comptroller General of the United States, transmitting a list of the reports of the General Accounting Office issued or released in February 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

400. A letter from the Comptroller General of the United States, transmitting a report on the adverse effects of producing the AN/SQS-26 surface ship sonar system for service use before completion of development and testing, Department of the Navy; to the Committee on Government Operations.

401. A letter from the Comptroller General of the United States, transmitting a report on unauthorized retention, in the working capital fund, by the National Bureau of Standards, Department of Commerce, of money accumulated for earned leave of transferred employees; to the Committee on Government Operations.

402. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for substanial savings by the Department of Defense by printing military service newspapers in Southeast Asia instead of airlift from Japan; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 5800. A bill to make appropriations for patient care and special health services within the Department of Health, Education, and Welfare, for fiscal year ending June 30, 1972; to the Committee on Appropriations.

H.R. 5801. A bill to extend disability benefits under title II of the Social Security Act to disabled individuals who have 20 quarters of social security coverage during an 80-quarter period; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 5802. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. BEGICH:

H.R. 5803. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 5804. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN (for himself, Mr. CAMP, Mr. COLMER, Mr. DORN, Mr. JONES of North Carolina, Mr. LANDGREBE, Mr. MIZELL, Mr. MONTGOMERY, Mr. SEBELIUS, and Mr. YOUNG of Florida):

H.R. 5805. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 5806. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 5807. A bill to insure the separation of Federal powers by amending the National Labor Relations Act transferring jurisdiction over unfair labor practice and representation cases to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 5808. 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. BROWN of Ohio:

H.R. 5809. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 5810. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNE of Pennsylvania:

H.R. 5811. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. CAFFERY:

H.R. 5812. A bill to provide for the holding of terms of the District Court of the United States for the New Orleans Division of the Eastern District of Louisiana in Houma, La.; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 5813. A bill 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; to the Committee on the Judiciary.

H.R. 5814. A bill 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; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. CAREY of New York, and Mr. CONABLE):

H.R. 5815. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 5816. A bill to amend title II of the Social Security Act to provide a 12-percent across-the-board increase in monthly benefits thereunder, with subsequent cost-of-living increases in such benefits, and to raise to $3,200 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 5817. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

H.R. 5818. A bill to alleviate multiple State or local income taxation of an individual and to reduce income taxes imposed by States or subdivisions on nonresidents of such States; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5819. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 5820. 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. DINGELL (for himself, Mr. CONTE, Mr. WILLIAM D. FORD, Mr. KARTH, Mr. MCCLOSKEY, Mr. MOSS, Mr. NEDZI, Mr. OBEY, Mr. SAYLOR, and Mr. UDALL):

H.R. 5821. A bill to extend to hawks and owls the protection now accorded to bald and

golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN:

H.R. 5822. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes; to the Committee on Veterans' Affairs.

H.R. 5823. A bill to provide for a 10-percent increase in the rates of pension paid to veterans of the Civil, Indian, and Spanish-American Wars, to the widows and children of such veterans, and to "old law" pensioners; to the Committee on Veterans' Affairs.

By Mr. DULSKI:

H.R. 5824. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOLEY (for himself, Mr. LEGGETT, Mr. MCFALL, Mr. JOHNSON of California, Mr. Moss, and Mr. MCCORMACK):

H.R. 5825. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. FORSYTHE:

H.R. 5826. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 5827. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of merchandise and other commodities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 5828. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE:

H.R. 5829. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

H.R. 5830. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGAN:

H.R. 5831. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

By Mr. HALEY:

H.R. 5832. A bill to amend title 38 of the United States Code to provide Veterans' Administration hospital and medical services for any disability of a World War I combat veteran and his wife or widow; to the Committee on Veterans' Affairs.

By Mr. HARSHA:

H.R. 5833. 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. HELSTOSKI:

H.R. 5834. A bill to make possible appropriate, economical, and accessible learning opportunities for all adults, both for their individual fulfillment and for the social and economic well-being of the Nation; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 5835. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. ICHORD (for himself, Mr. VIGORITO, and Mr. TALCOTT):

H.R. 5836. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 5837. A bill to establish a survivor benefit plan for members of the armed services and to equalize the retired pay of certain former members; to the Committee on Armed Services.

H.R. 5838. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 5839. A bill to amend the Internal Revenue Code of 1954, with respect to the tax treatment of payments received from domestic price support programs in certain cases; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. DON H. CLAUSEN, Mr. WYATT, and Mr. SISK):

H.R. 5840. A bill to provide a method for paying costs of fires caused without negligence in connection with national forest timber sales operations; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 5841. A bill to amend the Military Selective Service Act of 1967 to extend to individuals performing civilian work pursuant to such act the same reemployment benefits as are extended to persons inducted thereunder for training and service; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. STEIGER of Wisconsin, and Mr. KEATING):

H.R. 5842. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. MELCHER (for himself and Mr. ABERNETHY, Mr. ABOUREZK, Mr. BARING, Mr. DENHOLM, Mr. FISHER, Mr. FLOWERS, Mr. HANSEN of Idaho, Mr. HUNGATE, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. LINK, Mr. MCCORMACK, Mr. MCKAY, Mr. MILLS, Mr. RARICK, Mr. RONCALIO, Mr. SEBELIUS, Mr. SKUBITZ, Mr. STUBBLEFIELD, Mr. VIGORITO, Mr. WHITE, and Mr. ZWACH):

H.R. 5843. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself and Mr. RYAN):

H.R. 5844. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. DRINAN, Mr. HAWKINS, Mr. HOWARD, Mr. ROYBAL, Mr. RYAN, and Mr. WALDIE):

H.R. 5845. A bill to amend the Military Procurement Act of 1970 to prohibit the future transportation, deployment, storage, or disposal of chemical and biological warfare munitions outside of the United States; to the Committee on Armed Services.

By Mr. PATMAN (for himself, Mr. ASHLEY, and Mr. WIDNALL):

H.R. 5846. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 5847. A bill to provide for disclosures designed to elicit a balance of expression to the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. PURCELL:

H.R. 5848. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good-faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 5849. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 5850. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 5851. A bill to provide additional benefits for podiatry officers in the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 5852. A bill to facilitate the entry into the United States of aliens who are brothers and sisters of U.S. citizens; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 5853. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide for an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BOLLING, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mr. CARNEY, Mr. CAREY of New York, and Mrs. CHISHOLM):

H.R. 5854. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. COLLINS of Illinois, Mr. COUGHLIN, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. GREEN of Pennsylvania, Mr. GUDE, and Mr. HALPERN):

H.R. 5855. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HATHAWAY, Mrs. HICKS of Massachusetts, Mr. HOWARD, Mr. JOHNSON of California, Mr. KLUCZYNSKI, Mr. MADDEN, and Mr. METCALFE):

H.R. 5856. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. MCCLORY, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOORHEAD, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, and Mr. O'NEILL):

H.R. 5857. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purpurposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. PEPPER, Mr. PODELL, Mr. PUCINSKI, Mr. RANGEL, Mr. REES, Mr. REID of New York, Mr. ROONEY of PENNSYLVANIA, Mr. ST GERMAIN, and Mr. SCHEUER):

H.R. 5858. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. JAMES V. STANTON, Mr. SEIBERLING, Mr. STRATTON, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. TIERNAN, Mr. RYAN, and Mr. NIX):

H.R. 5859. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

My Mr. RUNNELS:

H.R. 5860. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department; to the Committee on Government Operations.

By Mr. SHOUP:

H.R. 5861. 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. STRATTON:

H.R. 5862. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances has been prepared or packed or packaging, labeling, and other materials had been prepared in good-faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of California (by request):

H.R. 5863. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a non-service-connected disability to any war veteran who has a permanent total disability from a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 5864. A bill to amend title 38 of the United States Code to extend wartime benefits to veterans who served between January 1, 1961 and August 5, 1964; to the Committee on Veterans' Affairs.

H.R. 5865. A bill to amend chapter 37 of title 38, United States Code, to prevent the charging of fees or discounts in sales guaranteed under the Veterans' Administration loan guarantee programs, except as authorized; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 5866. A bill to amend title 38 of the United States Code to increase the maximum burial and funeral expense payment for a veteran to $400 and to provide an additional allowance of not to exceed $150 for the purchase of a burial plot; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 5867. A bill to amend title II of the Social Security Act to provide a 12-percent across-the-board increase in monthly benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 5868. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 5869. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5870. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 5871. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 5872. A bill to amend title 10 of the United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 5873. A bill to amend the Railroad Retirement Act of 1937 to provide that actual entitlement to a social security benefit shall not have the effect of reducing an individual's railroad retirement annuity by depriving such individual of the full advantage of the so-called social security guarantee formula in the computation of his or her annuity; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.R. 5874. A bill to repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens; to the Committee on the Judiciary.

By Mr. BEGICH:

H.R. 5875. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 5876. A bill to provide that Congress shall establish a budget ceiling for each fiscal year, and to provide that appropriation acts which violate any such ceiling shall require a two-thirds vote in each House; to the Committee on Government Operations.

By Mr. FINDLEY:

H.R. 5877. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 5878. A bill to amend chapter 607 of title 10, United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 5879. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of the salary of a full-time policeman or other State or local law enforcement officer shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 5880. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 5881. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 5882. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 5883. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 5884. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

H.R. 5885. A bill to prohibit officers and employees of the United States from dumping or permitting the dumping of dredgings and other refuse materials into any navigable water; to the Committee on Public Works.

H.R. 5886. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 5887. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 5888. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 5889. A bill to require the Secretary of Agriculture to compensate certain permittees where permits for summer or recreation-type residences on national forest lands are terminated and not renewed, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 5890. A bill to amend title II of the Social Security Act to make it clear that hearings conducted with respect to claims thereunder shall be subject to the administrative procedure act; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 5891. A bill to accord duty-free status to imported plywood of lauan or Philippine mahogany suitable for use as doorskins; to the Committee on Ways and Means.

By Mr. MATHIAS of California:

H.R. 5892. A bill to provide for the withdrawal of the right of entry for mining pur-

poses with respect to certain real property located in Kern County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 5893. 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 reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 5894. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. ROE:

H.R. 5895. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 5896. A bill to authorize the Administrator of Veterans' Affairs to acquire certain land in the vicinity of Fresno, Calif., to grant such land to the University of California if certain conditions are met, to construct a medical center on a reserved portion of such land, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STRATTON (for himself, Mr. FLOOD, Mr. MINSHALL, and Mr. WHITEHURST):

H.R. 5897. A bill to amend chapter 607 of title 10, United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 5898. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States, in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States, to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families and by communities dependent upon defense industry as a result thereof; to the Committee on Interstate and Foreign Commerce.

H.R. 5899. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN:

H.J. Res. 450. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 451. Joint resolution requesting the President to issue a proclamation designating the last schoolday in April as "National Pledge Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 452. Joint resolution to authorize the President to designate April 30, 1971 as "Pledge of Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. LONG of Maryland, and Mr. ROE):

H.J. Res. 453. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. MARTIN:

H.J. Res. 454. Joint resolution designating February of each year as "American History Month"; to the Committee on the Judiciary.

By Mr. ROUSH:

H.J. Res. 455. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SEBELIUS (for himself, Mr. SHRIVER, Mr. ABOUREZK, Mr. HANSEN of Idaho, Mr. MARTIN, Mr. McCOLLISTER, Mr. MELCHER, Mr. ROY, and Mr. SHOUP):

H.J. Res. 456. Joint resolution to provide for a 1974 Centennnal Celebration observing the introduction into the United States of Hard Red Winter Wheat; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.J. Res. 457. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. WINN:

H.J. Res. 458. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H. Con. Res. 198. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. Con. Res. 199. Concurrent resolution to create a select joint committee to conduct an investigation and study of an alarm system for the Capitol Building and the Senate and the House Office Buildings; to the Committee on Rules.

By Mr. MATHIS of Georgia (for himself, Mr. BERGLAND, Mr. BRINKLEY, Mr. FLOWERS, Mr. MONTGOMERY, Mr. SPENCE, and Mr. THOMPSON of Georgia):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress with respect to the policy of consolidation of certain functions of the local boards of the Selective Service System; to the Committee on Armed Services.

By Mr. SEIBERLING:

H. Con. Res. 201. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ASPINALL:

H. Res. 285. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 18; to the Committee on House Administration.

By Mr. HUNT:

H. Res. 286. Resolution amending the Rules of the House of Representatives to permit the presentation and recognition in the Hall of the House of holders of the Congressional Medal of Honor, and for other purposes; to the Committee on Rules.

By Mr. MATSUNAGA:

H. Res. 287. Resolution to express the sense of the House of Representatives relative to the relations between the United States and the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H. Res. 288. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 109, 92d Congress; to the Committee on House Administration.

By Mr. RUPPE:

H. Res. 289. Resolution amending the Rules of the House of Representatives to entitle the minority party members on the standing committees to not less than one-third of the funds provided for the appointment of investigative staffs pursuant to expense resolutions; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 290. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 170; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 5900. A bill for the relief of John Borbridge, Jr.; to the Committee on the Judiciary.

By Mr. BRAY:

H.R. 5901. A bill for the relief of Chun-Ying Sa; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5902. A bill for the relief of Doctor Triponia Artienda; to the Committee on the Judiciary.

H.R. 5903. A bill for the relief of Rosa Binetti; to the Committee on the Judiciary.

H.R. 5904. A bill for the relief of Dr. Ricardo J. Crudo and his wife, Antonia Yulo Crudo; to the Committee on the Judiciary.

H.R. 5905. A bill for the relief of Giuseppe Cucuzza; to the Committee on the Judiciary.

H.R. 5906. A bill for the relief of Giuseppe Cusumano, his wife, Maria Cristina Cusumano, and their son, Giovanni Cusumano; to the Committee on the Judiciary.

H.R. 5907. A bill for the relief of Giuseppe D'Aguanno; to the Committee on the Judiciary.

H.R. 5908. A bill for the relief of Giuseppe D'Angelo, his wife, Rose D'Angelo, and Onofrio D'Angelo and his wife, Francesca D'Angelo; to the Committee on the Judiciary.

H.R. 5909. A bill for the relief of Domenico Marrone, his wife, Luisa Marrone, and their minor child, Luigi Marrone; to the Committee on the Judiciary.

H.R. 5910. A bill for the relief of Miriam Mischel; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 5911. A bill for the relief of Angela Puglisi; to the Committee on the Judiciary.

H.R. 5912. A bill for the relief of Hazle Ann Smith; to the Committee on the Judiciary.

H.R. 5913. A bill for the relief of Francis Michael Mikio Yamaguchi; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5914. A bill for the relief of Yerk Fei Sze; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5915. A bill for the relief of Georgios Gerakaris; to the Committee on the Judiciary.

H.R. 5916. A bill for the relief of Umberto Maccarone; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 5917. A bill for the relief of Jose Becerra; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5918. A bill for the relief of Vincenza Nunziata; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 5919. A bill for the relief of Roger W. Wishart; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5920. A bill for the relief of Miss Giorgia Terranova; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 5921. A bill for the relief of Ena Gaymes; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 5922. A bill for the relief of Virgilio Lazaro Domingo; to the Committee on the Judiciary.

H.R. 5923. A bill for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 5924. A bill for the relief of Mrs. Pasqualina T. Colavita and her minor child, Donato Antonio Colavita; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 5925. A bill for the relief of Park Choong Kyu; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 5926. A bill for the relief of Antonio Carollo; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 5927. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

55. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to creating a national health security program; to the Committee on Ways and Means.

56. Also, a memorial of the Legislature of the State of Nevada, relative to allowing a credit against Federal income tax for slot machine taxes used to support education; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By Mr. RUNNELS: Petition of the Rio Grande Compact Commission; support of S. 520: to the Committee on Interior and Insular Affairs.

41. By Mr. RUNNELS: Petition of Otero County Commission, county of Otero, Alamogordo, N. Mex., supporting the principle of revenue-sharing legislation; to the Committee on Ways and Means.

42. By the SPEAKER: Petition of the City Council, Beverly Hills, Calif., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

RESEARCH NEEDS EXIST IN DIET AND HEALTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. OBEY. Mr. Speaker, for some time we have heard charges, countercharges, and counter-counter charges with regard to the relationship between diet and heart disease, cholesterol, and good health.

An interesting article recently appeared in the Washington Post which shows once again that disagreements in this area still exist. In fact, says the article, "without doubt, no consensus in the scientific community about the possible harm done by unsaturated fats is in sight."

In light of constant and seemingly unchallenged statements in the past which tend to imply there was no question about the relationship between the consumption of fats and heart disease, this statement may surprise some people.

But, it is a statement which reflects the fact that a great deal of research in this area is still going on. And it is there, Mr. Speaker, where this issue should be settled. I cannot agree more with those who believe that it is time we stop trying to face complex questions of health and the public welfare through magazine ads and television promotions.

Mr. Speaker, I include the article in the RECORD:

HEART CLAIMS PROBED: FDA, FTC QUESTION POLYUNSATURATE ADS

(By Morton Mintz)

For a dozen years, Americans have been confronted with advertisements in medical and lay publications that encourage use of polyunsaturated fats, usually as margarines or oils, as a means to reduce the risk of heart disease.

Presently, claims made in such ads for margarines are under scrutiny by two federal agencies, the Food and Drug Administration and the Federal Trade Commission.

The agencies' investigations are under way, moreover, as medical researchers are reporting findings that heating polyunsaturates at "temperatures that are typical for family cooking" leads to resaturation of the fats—thereby possibly negating the purpose for which polyunsaturates are advertised.

One full-page ad of this kind, for a widely sold cornoil margarine, has appeared frequently in numerous medical journals.

A photograph of a boy dominates the top half of the ad. He is blowing at candles—eight of them—on a birthday cake.

"Is there a heart attack in his future?" the caption asks.

"More and more doctors," the upbeat answer in the text begins, "are coming to the conclusion that the best time to deal with coronary disease is 30 to 40 years before it is likely to occur.

"That is why they are recommending good dietary practices, especially the low-saturated fat diet—not only for the heart patient, but for people of all age groups—as a means of controlling blood cholesterol and to reduce the risk of coronary diseases later on.

"Such a regimen, of course, involves the substitution of vegetable oils for animal fats wherever possible . . ."

In publications for laymen, the manufacturer picks up the same theme, but points it directly at parents

"Should an 8-year-old worry about cholesterol?" asks the caption in an often-published ad.

Again, the answer is hopeful: Fathers and mothers who take the precaution of giving their children corn-oil margarine, Fleischman's, in this case, are acting to reduce "one important risk to coronary disease"

Over the years, such ads, along with similar messages from non-commercial sources—the appeals to physicians reinforcing those to laymen, and vice-versa, have hammered home an implied fear:

To refrain from recommending such margarines and oils may be to invite negligently the diseases of the heart and blood vessels that, each year, cause the deaths of more than a half-million Americans

For millions, meanwhile, such messages have made the avoidance of animal (saturated) fats part of the conventional good-health wisdom for millions.

In the process, an enormous market has been built up for polyunsaturated fats (mainly, corn, cottonseed, safflower and soy oils. Peanut and olive oils, which are highly monosaturated, do not alter blood cholesterol levels. Coconut oil and cocoa butter are almost completely saturated).

But is it known that lowering the levels of lipids (cholesterol or other fatty substances) in the blood helps to preserve health and life?

The Food and Drug Administration says that despite a large amount of evidence, some of it conflicting, the case has not been proved.

For that reason, the FDA requires pharmaceutical manufacturers to include an "important note" in every ad for prescription medicines that lower blood lipid levels.

It has not been established, the note reminds physicians, whether drug-induced decreases in serum lipids have "a detrimental, a beneficial, or no effect on the morbidity or mortality due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question."

Many eminent men of medicine share this view. "After 20 years and several hundred million dollars," Vanderbilt University biochemist George Mann has said, "we still do not see any convincing evidence" in support of the "overpromoted and overpublicized" dietary concept of the management of heart disease.

In the prestigious Lilly Lecture before the American College of Physicians last April, Swedish research scientist Lars Werko said: "Despite considerable effort, nobody has been able to demonstrate that it is possible to reduce the incidence of . . . heart disease by lowering serum cholesterol."

Yet, in ads for foods that have the same purpose as the drugs—that is, to lower blood lipid levels—no such cautionary advice appears.

For example, a physician going through the Journal of the American Medical Association may see the "important note" on one page, in an ad for a drug. But in the pages where there are ads for cholesterol-lowering foods he never sees anything of the kind.

Yet the secretary of the AMA's Council on Foods, Dr. Philip L. White, told a recent meeting of food editors, "We are all tired by now of the unending advertisements for oils and margarines that promise to clear our arteries in much the same way a drain cleaner works."

The inconsistency of the medicine and food ads is the product of a bureaucratic division of legal responsibilities between the FDA and the Federal Trade Commission.

The FDA is able to require the "important note" in drug ads because it has responsibility to be sure that advertising as well as labeling of prescription drugs is truthful and balanced. It has no jurisdiction over the advertising of foods.

In previously undisclosed correspondence prompted by Dr. Edward R. Pinckney, a Beverly Hills, Calif., internist, FDA Commissioner Charles C. Edwards has said that his agency would not permit the claims now in the margarine ads to be made in the labeling over which the FDA does have jurisdiction.

If such claims were to be made in the labels, Dr. Edwards told Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, the FDA "would regard the products as misbranded" and would seize them.

Indeed, Dr. Edwards said, "we are considering strengthening the prohibitions" on

claims of the type made in three sample margarine ads submitted to him by the subcommittee.

In the absence of an effort by the FDA to treat the advertised margarines legally not only as foods, but also as "drugs" promoted for the prevention of disease, possible action is up to the FTC, because it has responsibility for food advertising.

A few days after the Fleishmann margarine ad captioned, "Should an 8-Year-Old Worry About Cholesterol?" appeared in last November's Readers Digest, the commission's Food and Drug Advertising Division began an investigation.

The staff sought "to determine whether that ad and similar ads . . . were in violation of any statutes which the commission enforces. Joseph Martin Jr., the FTC's general counsel, said on Feb. 18 in response to an inquiry from Fountain.

"The staff advises me that its investigation should be completed within the next week and that it will be enforcing appropriate enforcement recommendations to the commission," Martin said.

The differing FTC–FDA policies have been but a symptom of the confusion that besets a troubled medical-scientific community as it grapples with the mysteries of coronary and atherosclerotic heart diseases.

Dr. Pinckney, the Beverly Hills internist, has assembled "ample evidence" for possibly the most ironical twist of all: that heating polyunsaturates such as corn oil tends to "resaturate" them.

Pinckney, an author and former professor of medicine at Loma Linda College of Medicine, presents his case in a paper prepared for the recent Southern California meeting of the American College of Physicians in Palm Springs.

Cooking with polyunsaturates would—"if the advertised claims for these products are accepted at face value—defeat the very purpose for which polyunsaturates are commercially promoted," he said.

Resaturation by heating," he went on, "happens at times and temperatures that are typical for family cooking."

"But the degree of saturation becomes worse if the fat or oil is reused (as is a common custom among housewives)," he continued.

"Even more dangerous—again, assuming saturated fats are as dangerous as they are commercially exploited—are the fats and oils used in restaurants and commercial cooking establishments, where this cooking media is sometimes kept at high temperatures for months at a time, or are reheated daily (new fat or oil being added, when necessary, to maintain the proper cooking level . . ."

Pinckney contends that in addition to saturating vegetable oils, heating makes them harmful in other ways. Both contentions have been disputed. But Pinckney's "main point" is:

". . . That it would seem to me to be negligence on the part of physicians to advise the use of polyunsaturated fats and oils—for the purpose of lowering laboratory-measured blood cholesterol and other fats— without stressing the fact that such oils and fats should not be heated, or used in cooking."

(The phrase, "laboratory measure" reflects evidence that stress—along with such other factors as lack of exercise and cigarette smoking—can elevate blood cholesterol.

(". . . making the patient heart-conscious every time he sits down to eat" could have a self-defeating affect, Pinckney contends. It is even "quite possible that the single act of drawing blood from a patient—especially when the patient is made aware that the blood sample is intended to reveal the condition of his heart—could alter the resultant cholesterol value to a false, elevated reading.")

As noted, the regulatory agencies with responsibilities for foods do not require either the labeling or the advertising to disclose possible hazards in heating the oils. Neither do other primary information sources.

The National Heart and Lung Institute (a unit of the National Institutes of Health), for example, has a set of printed guidelines for treating certain patients with an elevated level of blood cholesterol.

Recommend polyunsaturates for "broiling, baking, or frying," as well as for "popping corn," the guidelines urge physicians.

The American Heart Association long has encouraged the use of polyunsaturated fats to replace a portion of the saturated fat in the diet.

The organization has drawn a rebuke for this advice from the conservative American Medical Association. Dr. White of the AMA's Council of Foods, in his talk to food editors, said the American Heart Association's promotional messages sometimes have been confusing because no one really has pinned down the relation of diet to heart disease.

In encouraging use of polyunsaturated fats the AHA has not referred to evidence that heating them possibly could be harmful.

The AHA has no "rigid" position on the matter, a spokesman in New York City said. Rather, he said, the AHA, as of now, simply does not regard as adequate the evidence of possible ill effects from heating the oils.

This puts the AHA at an opposite pole from Dr. Pinckney. For the past two years, he has researched the medical and scientific literature, has exchanged letters with officials of the Heart and Lung Institute and others, and has tested his views before his peers in articles and letters in the Annals of Internal Medicine and other journals.

Pinckney's new paper is to be published in "Medical Counterpoint," which is widely circulated among internists. Its editor, Dr. Mark D. Altschule, an assistant clinical professor of medicine at Harvard, shares Pinckney's views on the possible hazards of heating polyunsaturates (and, in addition, contends that blood cholesterol "cannot have a primary role" in causing coronary heart disease).

Those who would dispute Pinckney and Altschule face some awkward statistics.

In the years 1909–65, the proportion of cholesterol in the American diet has changed hardly at all, while the rate of coronary heart disease (CHD) has skyrocketed.

Reporting this last July, Dr. Harold A. Kahn of the Heart and Lung Institute said, "The increased risk of CHD reported to have occurred over this period is not related to dietary fat changes to a very important degree."

During the more than 12 years in which physicians in large numbers have tried to control serum cholesterol and CHD through dietary changes, Pinckney pointed out:

The World Health Organization has reported an increase in heart disease.

But Japan, where there has been a large increase in the consumption of dairy products, eggs and saturated fat foods since 1955, has had a 14 per cent decrease in heart attack deaths, according to the WHO.

In a letter responding to inquiries from fellow physicians, Pinckney said that the following have provided "a direct refutation for the use of heated unsaturated fats in the diet for the proclaimed prevention and therapy of heart disease:"

Dr. David Kritchevsky, an organic chemist at the famed Wistar Institute in Philadelphia, has shown, Pinckney said, "that heating an unsaturated fat (especially corn oil) to 200 degrees Fahrenheit for 15 minutes (far less than normal home cooking temperature and time) actually enhanced atherosclerosis in animals." Pickney noted that "inferential animal studies" were the basis for the removal of synthetic sweeteners from the market.

Dr. Antoine Gattereau, director of the Nutrition Laboratory at the University of Montreal's Clinical Research Institute, has written Pinckney, "I totally agree with you" that resaturation occurs with heating.

Oils chemist Fred Kummerow of the University of Illinois' Burnsides Research Laboratory, also agrees that heating resaturates fats.

"In household operations I don't think there's much trouble," he said. "It's the restaurant friers that are dangerous because they use the same hydrogenated fats over and over again. In Germany these kinds of fats are banned."

Some householders, especially among the poor, also use fats over and over, figuring they cannot afford to throw them away.

Other scientists who say that heating saturates unsaturated fats include: Drs. Laurance M. Hursh, director of health services and professor of health sciences at the University of Illinois, and Dr. Penny Wells, director of the School of Public Health Laboratory at UCLA.

Resaturation is by no means the only concern. Questions have also been raised by researchers, for example, as to whether heating polyunsaturated fats causes the formation of peroxides, which destroy cells, or decreases the fats' content of linoleic acid—the ingredient the American Heart association considers to be what makes them valuable. Further, one study indicates the possibility that the likelihood of cancer increases in persons who depend heavily on polyunsaturated fat for a long time.

All the adverse findings cited here are sharply disputed by scientists with impressive credentials and unquestioned integrity.

Without doubt, no consensus in the scientific community about the possible harm done by the unsaturated fats is in sight.

But even among those who disagree on the possibility of harmful effects, there are many who agree with Dr. Pinckney that it is inexcusable for the federal government to, say, allow one of its agencies not to impose on food advertisers the same requirements that another of its agencies imposes on drug advertisers.

Nor is there likely to be a permanent lack of consensus on two other issues raised by Pinckney in his paper:

That answers must be found, through research, to such crucial questions as what happens to the cholesterol that diet or drugs takes out of the blood? Where in the body does it go?

That advertising promoting a dietary approach to cholesterol control and prevention of heart disease, and messages from the American Heart Association that do pretty much the same thing, are not the best way to handle one of the most serious health problems of mankind.

TURNING SWORDS INTO PLOWSHARES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. McCLORY. Mr. Speaker, the single most destructive weapon the world has ever known is in the process of being tamed by American scientists. This front page report greeted every reader of the Washington Post this morning. Experiments have recently been conducted in order to find ways to safely contain the energy of the hydrogen bomb, and the scientists conducting those experiments not only suggest that this energy can be used most effectively for peaceful purposes, but they also state that when it

is made ready for use it will produce only a fraction of the radioactive by-products that an atomic plant does.

Mr. Speaker, I can think of no greater achievement in the interests of man's humanity than to turn devastating weapons into instruments of peace and sources of energy which will not blemish our planet's environment. As the prophet Isaiah said:

And they shall beat their swords into plowshares, and their spears into pruning-hooks: Nations shall not lift up sword against nations, neither shall they learn war anymore.

Mr. Speaker, today's good news 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 Labratory 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 containing 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 runaway 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.

JOINT COMMITTEE OF CONGRESS TO HELP SENIOR CITIZENS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PEYSER. Mr. Speaker, on January 22, 1971, I introduced House Resolution 140, to establish a Joint Committee of Congress on Senior Citizens. This legislation has already begun to receive strong nationwide support because it is a sign of new hope for the over 20 million senior citizens in this country who feel that they have become "forgotten Americans."

The committee would unify the fragmented jurisdiction of the three House committees which now have jurisdiction over legislation which deals with senior citizens. Namely it would replace the work now done by the Education and Labor Committee, the Interstate and Foreign Commerce Committee, and the Ways and Means Committee, and coordinate it in the new joint committee. At the same time it would incorporate the presently existing Senate Select Committee on Senior Citizens which has done such excellent work in the past few years. This marriage of the efforts of both Houses in this new committee would result in quicker more efficient action on proposals, better planning, and would mean that finally our senior citizens will be able to register their complaints and needs in a single place. Since the new joint committee which I propose would have legislative authority, it would have power to actually introduce legislation which it recommends instead of just making recommendations as the Senate select committee does presently. It would be a potent force in helping to act on the many pressing demands which face the senior citizens of our country.

Mr. Speaker, the senior citizens in America truly have been treated as "forgotten Americans." These people who labored so long to make this country great, have serious problems in the areas of income maintenance, housing, transportation, educational services, leisure time programs, nursing home, and general health care just to name a few. These problems must be solved with comprehensive solutions, and this type of solution can only be arrived at by congressional machinery which has broad jurisdiction.

Mr. Speaker, there will be over 25 million senior citizens in this country by 1985, and it will not be too long before the United States, which prides itself on its youth will have a larger senior citizen population. Now is the time to take action to commit ourselves to the senior citizens of the present and the future. We must provide these citizens not only with promises for a future, but also with concrete plans. I believe my proposals for a joint committee could go a long way to help coordinate and enact plans for the future of our senior citizens.

SIERRA CLUB AGAINST WALTER J. HICKEL

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 into the RECORD an excellent brief for and on behalf of the Wilderness Society, Izaak Walton League of America, and Friends of the Earth as amici curiae in the matter of Sierra Club, petitioner, against Walter J. Hickel, et al., respondents, in the Supreme Court of the United States, October term, 1970, No. 939, filed by Mr. Bruce J. Terris and Mr. James W. Moorman.

The resolution of the important questions raised in this matter will determine whether or not citizens will be able, in the future, to have litigation of important questions and important environmental values and protection of citizens' rights in matters of this kind.

The brief is as follows:

[In the Supreme Court of the United States, October term, 1970—No. 939]

SIERRA CLUB, PETITIONER, v. WALTER J. HICKEL, ET AL., RESPONDENTS

(On petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit—Brief for the Wilderness Society, Izaak Walton League of America and Friends of the Earth, as Amici Curiae)

OPINIONS BELOW

The opinions of the United States Court of Appeals for the Ninth Circuit (Pet. App. A, pp. 1–28) and the United States District Court for the Northern District of California (Pet. App. B, pp. 29–42) are not reported.

JURISDICTION

The judgment of the court of appeals was entered on September 16, 1970, and the petition for a writ of certiorari was filed on November 5, 1970 The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

1. Whether a national conservation organization has standing to sue to prevent permanent damage to Sequoia National Game Refuge, Sequoia National Forest and Sequoia National Park under statutes intended to protect these areas.

2. Whether defendants may allow the construction of a large resort and a connecting highway and electric transmission line in Sequoia National Game Refuge, Sequoia National Forest and Sequoia National Park even though such uses are inconsistent with the purposes for which Congress reserved these federal lands. More specifically, whether defendants may:

Circumvent the 80-acre limitation on long-term permits for national forests (16 U.S.C. 497) by issuing supplemental permits for 13,000 acres which are not revokable either in fact or law;

Ignore a statute (16 U.S.C. 688) requiring that all use of Sequoia National Game Refuge be consistent with the purposes for which the refuge was established;

Authorize a major highway across Sequoia National Park for a non-park purpose despite requirements that the Park be conserved (16 U.S.C. 1, 43); and

Ignore a statute (16 U.S.C. 45(c)) requiring Congressional approval of any transmission line in Sequoia National Park.

INTEREST OF AMICI CURIAE

All three amici curiae are major, national conservation organizations with deep and well-established interests in protecting America's great scenic resources. They are increasingly relying upon litigation as a principal means for carrying out their purposes.

The Wilderness Society is a nonprofit citizens' organization with approximately 80,000 members. It was organized in 1935 to obtain protection for the Nation's remaining wild lands, to carry on education programs concerning the wilderness, and to conserve our natural resources.

Friends of the Earth is a nonprofit organization with 8000 members and is dedicated to the preservation, restoration and rational use of the environment in the United States and throughout the world. It is particularly interested in preserving the world's natural ecosystems and remaining wild places.

The Izaak Walton League of America is a nonprofit organization with approximately 50,000 members. Its primary goal is restoring and maintaining the quality of the environment through the protection and wise use of our natural resources.

Both the petitioner and respondents have consented to the filing of this brief.

STATEMENT

The amici curiae adopt as their statement of the case the statement contained in the petition for a writ of certiorari.

REASONS FOR GRANTING THE WRIT

1. The Decision Below Is In Direct Conflict With Two Court of Appeals' Decisions on an Important Issue of Standing.

The Court of Appeals held that the plaintiff, the Sierra Club, did not have standing to sue pursuant to various federal statutes which restrict the authority of the Secretaries of Interior and Agriculture to permit use of national park, refuge, and forest land. The court recognized the standing of "local conservationist organizations made up of local residents and users of the area affected by the administrative action" (Pet. App. 17). The court distinguished the Sierra Club on the ground that "there is no allegation in the complaint that members of the Sierra Club would be affected by the actions of defendants-appellants other than the fact that the actions are personally displeasing or distasteful to them" (Pet. App. 16).

The holding of the Court of Appeals for the Ninth Circuit is in square conflict with decisions of two other circuits and several district courts. The court below specifically rejected (Pet. App. 17, note 9) the holding in *Citizens Committee for the Hudson Valley v. Volpe*, 425 F.2d 97 (C.A. 2, 1970), that the national conservation organizations, and specifically the Sierra Club, have standing.[1] In contrast to the Ninth Circuit's holding, the Second Circuit explicitly upheld the Sierra Club's standing on the ground that the Club (425 F.2d at 102): "made no claim that the proposed Expressway or the issuance of the dredge and fill permit threatened any direct personal or economic harm to them. Instead they asserted the interest of the public in the natural resources, scenic beauty and historical value of the area immediately threatened with drastic action, claiming that they were 'aggrieved' when the Corps acted adversely to the public interest. They are . . . serving as 'private Attorneys General' to protect the public interest."

Similarly, the decision below is in conflict with *Environmental Defense Fund, Inc. v. Hardin*, 428 F. 2d 1093, 1097 (C.A. D.C., 1970), where the Court held that national conservation organizations had standing to attack the continued marketing of DDT:

"[T]he consumers' interest in environmental protection may properly be represented by a membership association with an organizational interest in the problem.

"On the basis of petitioners' uncontroverted allegations, it appears that they are organizations with a demonstrated interest in protecting the environment from pesticide pollution. Therefore they have the necessary stake in the outcome of a challenge to the Secretary's inaction to contest the adverseness required by Article III of the Constitution."

The national organizations whose standing was upheld included the Environmental Defense Fund, the Isaac Walton League, the National Audubon Society and the Sierra Club, the plaintiff in this case. Accord, *Environmental Defense Fund, Inc. v. HEW*, 428 F. 2d 1083, 1085, note 2 (C.A. D.C., 1970). And several district courts have also upheld the standing of national conservation organizations. *Isaac Walton League v. St. Clair*, D. Minn., Civ. No. 5–69, decided June 1, 1970 (standing upheld because "the League has a long history of activity in conservation matters and natural resource preservation"); *Parker v. Unted States*, D. Colo., Civ. No. C–1368, decided December 24, 1969 (upholding, *inter alia*, the standing of the Sierra Club); *Wilderness Society v. Hickel*, D. D.C., Civ. No. 928–70, decided April 23, 1970.

It is possible that the issue of standing in this case could be overcome if this Court remanded the case to the district court to allow plaintiff the opportunity to amend its complaint. The Sierra Club has a national membership of 78,000 of whom 27,000 reside in the San Francisco area. Some of its members probably use the Mineral King Valley and the portion of Sequoia National Park affected by the proposed development.

However, the holding of the court below is of fundamental importance for the protection of the environment—possibly for this case but certainly in other cases. Environment cases increasingly raise issues which do not involve, or only incidentally involve, direct users: The protection of wilderness areas, the preservation of wildlife refuges, the survival of rare and endangered species, the integrity of natural rivers, and the natural or scenic aspect of landscape. Those who bring the suits may incidentally be users in that they or their members have walked, watched and beheld the subject of the litigation. However, such use is often incidental to the larger purpose to protect the integrity of the environment.[2] And if the only persons with standing are users no one will have standing where there is no present use (such as a suit to preserve the wilderness) or no use is possible (such as a suit to prevent the chemical poisoning of eagles).

Even where there are users, they will frequently be unwilling to sue. Nearby resident-users of a wilderness area may desire development because of the economic benefits which will result. National conservation organizations may be the only parties who will represent the national, as opposed to local, interest by opposing development. This conflict between local and national interests is particularly obvious and significant with regard to national parks, refuges, and forests which must be preserved even if local residents desire to develop them.

Furthermore, as the statute creating the National Park Service makes clear, one of the purposes for which these lands are reserved is "to conserve the scenery and the national and historic objects and the wild life therein . . . ." 16 U.S.C. 1. It follows that conservationists, as well as users, must have standing to protect the national interest in preserving the national parks. Analogous reasoning applies to national refuges and forests. See 16 U.S.C. 476, 694.

The plaintiff—the Sierra Club—and the four amici curiae—the Wilderness Society, Friends of the Earth, the Isaac Walton League, and the Environmental Defense

[1] In its petition in this case the Sierra Club noted (p. 10) corrected the conflict between the decision of the court below and that of the Second Circuit in *Citizens Committee v. Volpe*. However, in its Brief in Opposition to Petitions for a Writ of Certiorari in *Citizens Committee v. Volpe*, Nos. 614 and 615, this Term, the Sierra Club said (p. 25) that the disagreement between circuits "is not material . . . to the Ninth Circuit's principal holding and constitutes no reason for review by this Court." In fact, the Ninth Circuit's decision is in direct conflict with one of the holdings by the Second Circuit—i.e., that national conservation organizations have standing to protect the environment—and therefore fully justifies review by this Court of the Ninth Circuit case. But since both the Second and Ninth Circuits agree that some of the plaintiffs in the Second Circuit case, the local conservation organizations, have standing, there is no basis for this Court to review the Second Circuit case on the issue of standing. For even if the Ninth Circuit is correct and national conservation organizations do not have standing, this will affect only one holding, not the decision, of the Second Circuit.

[2] Two important examples other than the instant case are *Wilderness Society v. Hickel, supra* (the Alaska Pipeline case) and *West Virginia Highlands Conservancy v. Island Creek Coal Co.*, D.W. Va., Civ. No. 70–82–E (involving use of a possible wilderness area).

Fund [3]—all have as their principal interest the protection and conservation of the environment. While the Sierra Club, Wilderness Society and the Isaac Walton League are also interested in appropriate uses of natural areas consistent with conservation of the environment, this is not their principal interest. They should not be required to assert this subsidiary interest in order to obtain standing to prevent despoilment of the environment. The other two organizations do not represent users at all and cannot assert standing on that basis.

Finally, Congress, in enacting the National Environment Policy Act, has recognized the standing of national conservation organizations to protect the environment. That Act declares that it is federal policy to use "all practical means and measures" to protect the environment in cooperation with "concerned . . . private organizations." 42 U.S.C. 4331(a). Russell E. Train, the Chairman of the President's Council on Environmental Quality, which was created by the Act, has stated that (BNA Environment Reporter, 1970, p. 745):

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

The Council has itself specifically noted with approval the decisions in *Wilderness Society v. Hickel, supra,* and *Citizens Committee for the Hudson Valley v. Volpe, supra,* upholding the standing of national conservation organizations. BNA Environment Reporter, 1970, p. 746.

2. The Decision of the Court Below Allowing Use of Federal Parks, Forests and Refuge Lands for Uses Inconsistent with the Purposes for Which Congress Reserved Them Raises Issues of Major National Importance.

The issues raised by this case on the merits involve actions by the Secretaries of Interior and Agriculture in permitting use of Sequoia National Refuge, Forest, and Park inconsistent with their purposes as specified by Congress.

Congress has provided that the Department of Interior shall regulate national parks to conform to the fundamental purpose . . . which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. 1. Congress has provided specifically with respect to Sequoia National Park that the Secretary of the Interior has the duty to establish regulations "for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition." 16 U.S.C. 43. Sequoia National Game Refugee was established "to protect from trespass the public lands of the United States and the game animals which may be thereon" and permitted the Secretary of Agriculture only to allow uses within the Game Refuge which "may be consistent with the purpose for which said game refuge is established." 16 U.S.C. 688.

The court below has in effect ignored the well established rule that Congress has plenary power under the Constitution concerning federal lands (Article IV, § 3, cl. 2) and that defendants have only the powers given them by Congress. *United States v. California,* 332 U.S. 19, 27; *Udall v. Shale Oil Corp.,* 406 F.2d 759, 764 (C.A. 10, 1969). The defendants have allowed major, permanent uses—a large resort, highway, and electric transmission line—to be built in a national park, refuge, and forest in conflict with both the purposes for which they have been reserved by Congress and specific statutory limitations.

a. First, Congress has authorized the Secretary of Agriculture to grant permits for constructing hotel or resorts in national forests only for 80 acres and for 30 years. 16 U.S.C. 497. Nevertheless, the Secretary has given a permit for 13,000 acres for the construction of ski lifts, sewage treatment facilities and parking structures as part of the development of a large resort. The court of appeals justifies this permit on the ground that the Secretary has traditionally exercised the broad power to issue revocable permits.

It is clear, however, that the admitted power of the executive to issue revocable permits cannot be allowed to circumvent Congressional limitations on the use of land in federal forests. The Secretary of Agriculture cannot be permitted to issue what are in fact long-term permits for extensive acreage in the guise that they are revocable. If the Secretary is allowed to issue such permits, the 80-acre limitation imposed by Congress will become virtually meaningless.

The revocable permit involved here is not truly revocable.[4] The ski lifts, sewage treatment plants, and parking facilities cannot be removed and the use of bulldozers to create ski slopes will permanently damage the area. Plainly the permit is not revocable before the termination of the 30-year-permit since the developer is making a 35 million dollar investment contingent on the use of 13,000 not 80 acres.[5]

b. Congress has provided that the Secretary of Agriculture has authority to permit other uses of lands in the Sequoia National Game Refuge only "so far as they may be consistent with the purposes for which said game refuge is established." 16 U.S.C. 688. The refuge was established to protect scenically outstanding public lands and game animals and their habitat. *Ibid.* Personnel of the California Fish and Game Commission stated "that in an extensive development such as the Disney proposal, considerable wildlife habitat would be lost and wildlife would suffer" (R. 119). And the Secretary of Agriculture has neither made a finding nor could he make a finding that a large ski resort was compatible with the purpose of the refuge.

c. Defendants propose to allow the State of California to build a modern highway through Sequoia National Park purely to give access to the resort in Mineral King. This is a new modern highway which will have a different alignment than the present inadequate mountain road and will cause extensive damage to the scenery and ecology of the park, including the Giant Sequoias, the great trees for which the park is named.

The Secretary of Interior has no authority to use land in a national park for a non-park purpose—to build a road to give access to a private resort outside the park. Such use is inconsistent with the responsibilities placed on the Secretary by Congress, both as to national parks generally and Sequoia in particular, to allow uses which preserve the scenery, the trees, the wildlife and the natural wonders.

d. Congress has provided that no permit for "transmission lines" will be issued in Sequoia National Park. 16 U.S.C. 45c. Without explanation, the court below held that this section was intended to apply only to hydroelectric projects and related facilities (Pet. App. 25). This decision is directly inconsistent with the plain words of the statute.

Two of these issues, those relating to revocable permits in national forests and the construction of highway across national parks for non-park purposes, are of major importance in their own right since they apply to national forests and parks throughout the country. Indeed, as the court below noted (Pet. App. 22), so-called revocable permits seem to be frequently employed to avoid the 80-acre limitation on the use of national forest land. While the other two issues involve statutes applying specifically to Sequoia National Game Refuse and Park, they too have broader significance. All four issues warrant review by this Court due to the importance of preserving national park, refuge, and forest lands for the Congressionally specified purposes for which they were created.

3. The Preservation of Sequoia National Refuge, Forest and Park Is of Such Importance as to Justify Review by this Court.

This case involves the actions of defendants in allowing Walt Disney Productions to build a large resort in Mineral King Valley and allow construction of a highway and electric transmission line through Sequoia National Park. The Valley is in the Sierra Nevada Mountains of California and is surrounded on three sides by the National Park. While geographically and ecologically the Valley is part of the Park, Congress did not include the Valley in the Park because of the existence of mining claims. Congress did recognize its importance to the Park, however, by designating the Valley, which is part of Sequoia National Forest, as constituting, in addition, the Sequoia National Game Refuge, 16 U.S.C. 688.

If defendants and the developer are allowed to proceed, magnificent natural and scenic resources of this country will be irrevocably lost. Hotels, restaurants, parking, ski lifts, ski slopes and other recreational facilities will be spread over 13,000 acres of the Valley and nearby mountains. As many as 14,000 visitors will use the Valley daily, twice as many as now use Yosemite Valley on busy days. A major highway and transmission line will be cut across Sequoia National Park to Mineral King.

This Nation in the last few years has become increasingly concerned with the serious environmental dangers facing us, including the need to preserve the scenic and wildlife resources which are still left. Congress has recognized these dangers in several major pieces of legislation and particularly the National Environmental Policy Act. That Act, *inter alia,* places on the Federal Government the responsibility to "preserve important . . . natural aspects of our national heritage." 42 U.S.C. 4331(b)(4).

We submit that the proposed destruction of significant portions of the Sequoia National Game Refuge, Forest and Park is of such importance as itself to justify this Court in granting the writ of certiorari. Even if the decision below were not in conflict with holdings of other federal courts of appeals and raised no major issues of continuing importance in future environmental litigation, the

[3] The Environmental Defense Fund has filed a separate brief supporting the petition for a writ of certiorari.

[4] An opinion of the Attorney General in 1962 recognizes the difference between revocable and term permits by stating that a revocable permit is valid only if (1) the permit is expressly revocable at will; (2) the permitted structures are capable of being removed in case of revocation; (3) the permitted use will not permanently damage or destroy the land; and (4) the permitted use will be of direct benefit to the United States. 35 Op. Atty. Gen. 485. Similarly, Attorney General Stone concluded that a revocable patent license is only valid if "the occupancy is subject in theory and in fact to immediate termination at any time at the will of the Government." 34 Op. Atty. Gen. 320, 328.

[5] The Court below implicitly admitted both that the permit is not truly terminable "at will" and that the improvements cannot be removed by holding that a revocable permit can be issued regardless (Pet. App. 21).

subject matter of this case requires review by this Court.[6]

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be granted.

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Attorneys for the Amici Curiae.

NOVEMBER, 1970.

[6] While the opinion of the court of appeals is not entirely clear, it appears that the district court on remand will be obliged to dismiss the complaint because, in the view of the court below, the plaintiff both lacked standing and failed to state a cause of action. However, even if plaintiff is permitted to amend the complaint to improve its position with regard to standing (by alleging and showing that it has members who use the Sequoia National Refuge, Forest and Park) and to offer further evidence on the substantive issues, the court of appeals did deny the preliminary injunction. If plaintiff is allowed to continue the litigation, irreparable damage will still occur as the developer starts work in the Valley to build the resort and the State of California begins to construct the highway across Sequoia National Park. It is therefore essential for this Court, in order to prevent this damage, to grant the writ and either (a) hear the cause on the merits or (b) continue the present injunction until plaintiff has had the opportunity to amend its complaint in the district court and has received a full hearing on its prayer for a permanent injunction.

EYEWITNESSES ACCOUNT OF CHILDREN'S SHOW AT MUSEUM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HOGAN. Mr. Speaker, I was shocked and appaled by the article which recently appeared in the Baltimore News American. I would like to share it with my colleagues and urge them to make known to those who devised such a shameful program that the Congress of the United States will not support such activities with taxpapers' money.

Mr. Speaker, I insert the story at this point:

[Baltimore News American, Jan. 24, 1971]

EYEWITNESS ACCOUNT OF CHILDREN'S SHOW AT MUSEUM

(By Corinne F. Hammett)

This was the lure: "An experience—new, exciting, and memorable—is in store for the children when Living Stage 71 comes to the Baltimore Museum of Art."

This was the warning: "Absolutely no adults or parents will be admitted."

But there was an exception.

A prior arrangement was made with the museum and two adults were admitted—a News American photographer who remained for part of the performance, and this reporter, who stayed until the end.

And this is what we witnessed.

It was about 20 minutes prior to the 11 a.m. performance.

Children and their parents were arriving in large numbers—they were being registered, their hands were stamped and they waited in the corridor. A member of the museum's Woman's Committee for the Performing Arts for Children, whose group had arranged the day, said, "We hope this will be a very free, full and lively experience . . . it should be a good way for children to express themselves."

A few parents were reluctant to leave their children—one young mother commented, "I wish we had a one-way mirror so we could at least see them."

A museum memo had indicated the performances would be for children aged 8 to 12.

No one made any attempt to enforce this directive. As a result, at least one-quarter of the 150 at the morning performance appeared to be under 8 years old.

As the children were directed to enter a small anteroom, which opened onto a larger room, Vernon Price, the photographer and I made our way, quickly through an adjacent gallery to a doorway that opened into the large room where the performance was to take place.

The doorway was just slightly in back of the portion of the large room that the actors were to use as their imaginary stage.

Heavy, free-standing wooden partitions were placed in back of the large room to shut off the view of anyone who may have gained entrance into the anteroom, although that small room also had a wooden barricade blocking the doorway from the corridor. Several museum guards were stationed outside.

The doorway where I stood also had a wooden barricade—which I later moved ajar to get a better view of the proceedings.

The stage area was almost bare. There was a small electric piano, bongo drums and tambourines. A tall hat rack with hats, scarves and a raincoat stood in back—and there were a couple of wooden stands to serve as tables or chairs or desks.

Slowly, rhythmically, the music, with an exotic, African beat—began. The music grew louder, faster and children reacted—some danced, some just swayed, clapped their hands—it was a promising beginning.

The Living Stage 71 troupe was composed of two young women, one of whom served as actress-master of ceremonies-and narrator, two men and a third woman who played the piano but took no part in the skits. All were black.

"O.K. . . . this performance is for you. We're doing our thing, you tell us!

"Let's loosen up (the music continued), shake your arm, now your other arm, shake your feet, your leg, now shake all over. Shake your tongue. Shake your nose. Make a loud noise . . . louder, let's pretend the world is gone away and this is the world!"

The kids loved it.

The music stopped. The music was not heard again until the last few minutes of the two hour performance.

"We can do anything we want to do. Let's make a statue. This museum is filled with art but we're going to do the kind of art today that they probably never heard of and that is much better."

She continued:

"What do you want to make a statue about? What do you most hate? One voice (I couldn't see the entire group of children from the side doorway) said something . . . then a little boy shouted, "War!"

"That's beautiful," she said. We'll do one about war, about peace."

The children, those in the front three rows, were told to "attach" to each other one at a time, in the center of the room, and "freeze."

Within minutes about 35 children were "the statue." The other children were directed" to circle around. "Is he dead?" "Let's see . . . is he a soldier . . . would you stab him? Some children later told their parents that they "got to stab someone in the war."

The statue broke up.

By now many of the younger children were restless. Some even left the large room but since their parents had been instructed to stay away for two hours the children came back into the room.

What had they learned about war? About peace? My daughter, age 7, later said "I don't know . . . we got to attach to somebody."

The actors sensed some restlessness—they urged the audience to shout, to make noises. The two men began making grotesque faces and noises, running into the group of children, like a berserk monster. One of the females got on her knees, her tongue lolled out, she made noises, a little girl faced her, they stared and gurgled at each other. Mr. Price later commented, "They seemed in a trance, like they were really going to take each other on . . . I wondered if some of the kids might have nightmares about it."

The noises stopped.

Two of the troupe, a male and female, came to center of the stage area. The man sat, legs full length, on the floor, the female leaned over, grasped his hands and they moved back and forth—the movement was slightly stylized but from the snickers among the older members of the audience it was obvious they got the point . . .the action would have been more appropriate on a bed.

"This," said the woman, "is a machine. What kind of a machine do you think it is? It could be any kind of a machine."

The two continued to move. That "machine" broke up. Similar poses were assumed throughout the performance.

A couple of the actors rolled on the floor.

The children, two-by-two, a boy and a girl, were told to get on the floor (not all of them did). The girls laid down first, the boys were told to bend and to grasp hands, and move back until their heads were above the girl's thighs . . . "O.K. freeze! Now if you should suddenly wake up like this what would you be doing?" Some snickers, some laughter, answers weren't audible to me. Some of the children just fell on top of each other—not being able to manage the "machine" pose, if that's what it was.

More "machine" poses. The troupe then told the children to lay down and pretend "you have two holes in your body. What noises would you make? Make noises." Some of them did.

A brief skit. The actors pretended to be children . . . of uncertain age. They found some "guns" in a junkyard. The guns were "old" and they had been thrown away. "What would you do with them?" Some of the children pretended to find guns and play with them.

Another skit. One of the men, again pretending to be a child, wanted a "new suit to take my girl to the dance." His mother and father talked . . . he couldn't have the suit. The skit droned on and on—it was obviously improvised, but less than creative.

The "father" told the "boy" he couldn't have the suit. A violent temper tantrum was the result . . . a lot of shouting back and forth. Finally, the "boy" stalked out, with a knowing glance, "O.K. don't need the suit, I'll wear rags . . . my girl and me, we'll do something else, don't need a new suit."

The object lesson? Fantasy? Dramatic?

My daughter didn't mention this skit at all. She did talk about "finding a gun in the street." I asked, was it loaded?

"Oh, mommy! It was old . . . somebody threw it away."

Prior to the next skit the troupe turned to the "machine" poses again . . . more laying on the floor. Some of the little children thought this was very funny.

Not too many children answered the question, "What kind of machine is this A popcorn machine?"

Mr. Price, on the other side of the room saw several of the older girls (there were about six teenaged girls together) "appear to be very interested in the machine poses"

especially the male-female ones . . . one of the teenagers later did a go-go dance during a machine pose. I couldn't see this either.

Another skit. This one was about school. One of the females pretended to be a child who hadn't done her homework, the indication was that she didn't want to do it. She was afraid to tell her teacher, because she would "yell and punish" her. The teacher did find out . . . and there was a lot of screaming . . . the "girl stormed out saying "God damn!" several times.

The actors stopped . . . the narrator stepped out of the scene and turned to the children:

"Listen, it is all right to say God damn if you want to. You shouldn't be afraid to say anything that you feel like saying. Go ahead. Let's say it . . . God damn." Some of the children said it. But not too many. "If you want to say something else, that's all right too . . . but don't let anyone tell you that you can't say something."

The skit resumed, briefly. The "girl" not only got away with not doing her homework . . . she also didn't bother to go back to class.

Parents later told the newspaper that in the afternoon performance this school skit featured the beating up of a teacher by a parent as the child looked on. The principal said it was all right.

Another skit . . . at "home" two members of the troupe were again "children" ordered to clean up their rooms. They refused. A lot of yelling between the "parent" and the "children." The scene ended. One of the actors stepped out of character and told the children:

"If your parents treat you like a rat, then you treat them like a rat, let them know how it feels to be treated like a rat. You're a person, you have your rights."

A little girl, about 9, raised her hand and repeated this philosophy, almost word for word. The narrator said, "right, that's it."

Throughout the two hours I periodically watched the faces of the children in the audience. Once in awhile I would walk back to the anteroom and peer in that way to see what the children in the back rows were doing.

I saw a lot of boredom, mostly among the very young children.

Many appeared confused but interested, a lot of the 6, 7 and 8-year-olds stared, openmouthed. Some wandered about and talked among themselves. The older ones apparently got some of the sexual references and anti-authority suggestions; they grinned at each other, snickered or just looked at each other. One boy, the tallest in the audience, about 15, looked like he'd rather have been somewhere else. But because of the wooden barricades—all were captive. And, after all, didn't their own parents bring them?

Another skit. This was quite long, less inventive than a child's own imagination (as were all the skits), repetitive, spiced with suggestive gestures and glances between several members of the troupe and laced with sexual innuendoes.

The language, imaginary scene and general manner of the actors in all the skits had a closer affinity to back alleys and severely deprived areas. Certainly not culture—but in the interest of race relations? Education?

The skit droned on. The scene, in a "home" where a "brother" was picking on his "sister." The girl in the skit was either supposed to be mentally retarded or she was just a poor actress . . . she also appeared to be more on the make than one would expect between a "brother" and "sister."

There was talk about "cleaning up my half . . . all of it . . . then yours too. Will you play with me (this was accompanied with a sly smile and with the "sister" standing quite close to the "brother" as she stood, hands behind her back, nuzzling her head under his chin).

The "brother" went outside to play ball with another "boy."

Meanwhile the other female rolled around on the floor pretending to be "a doll." A couple of the boys rolled around on the floor with her . . . punched her, poked her stomach a few times. The audience thought this was funny.

There was a lot of conversation about "do you want to play with my dolly?" the "sister" would ask the "brother" or the other "boy." "You can't play with my dolly." Then the "doll" got up and took off after the "brother" and proceeded to kick him several times—apparently avenging his treatment of his "sister."

This skit ended with the "sister" again going up to the "brother" and slyly asking "will you play with me?" as she leaned against his chest.

Each of the skits was preceded by several "loosening up" poses, more "machine" positions and the like. Some of these gestures were beyond my vision.

Prior to the final skit the narrator turned to the audience: "We're going to improve this play, about parents and children at home . . . you know what improvise means? It means we're going to make it up as we go along, so if there's something you don't like. If you want us to do it another way, just shout. Bullshit! And we'll freeze and do it another way. Remember, Bullshit!"

I didn't hear anyone in the audience say this at this time.

But later, when I had a little talk with my daughter, saying that she knows she's not really supposed to talk like that, she said:

"Why not? They were children and they said it."

I explained they were adults pretending to be children.

"When I grow up can I?" she asked. After we had talked a little more, she said: "Well, I guess they shouldn't have done a lot of those things, I don't know why they did it. They yelled a lot . . . some of the things I didn't understand." Did you like it? "Well, oh, mommy, of course . . . I guess."

The skit went on. Two girls from the audience took part. It was about the children wanting to go to a movie on a school night and the parents didn't want them to go. Again, there was a lot of yelling. One of the actors yelled the expletive and the scene froze. The skit ended with the children going to the movie anyway.

The performance ended as it had begun, with music, and the audience filed out.

Just before the last skit, several parents began to gather around the barricades at the rear of the room. One of the actors told the children the parents were there and said: "Tell them to go away . . . we're going to say some things we don't want them to hear. "Go away!" A group of the children shouted, "Go away!" They went.

Later I spoke to several members of the museum's Women's Committee. Their children, like my daughter, had been reluctant to say much about the performance.

No one on the committee had seen a performance by Living Stage 71 prior to the museum show. But said one woman, "We investigated it thoroughly, we talked to some people and we relied on the reputation of Arena Stage."

An official of the museum later told a reporter that he had checked out the Living Stage 71 children's show with a "Washington, D.C. school principal." The principal turned out to be Robert Alexander, director of Living Stage 71, and principal of a freedom school that presently enrolls 17 children, aged 6 to 8.

Alexander was not in Baltimore on Saturday.

I failed, after repeated attempts, to talk to him on the telephone. But I was able to talk to Alan Miller, a public information official with Arena Stage.

He said: "They are part and parcel of Arena Stage, although the troupe is a separate organization . . . they perform six days a week in schools, community centers, anywhere that someone wants them.

"No adults, including teachers, are ever allowed to watch. I have seen a few performances, but I had to pretend I was a member of the troupe . . . no, I have never seen one for the younger children."

The troupe also performs for children over 12.

These, said Miller, ask for skits on "drugs, sex and parent-children relationships."

What about profanity, specifically "bullshit?"

"This doesn't surprise me. I've heard them use similar language. Personally, I think it's a little abrasive but their point is to shock. To prove to the kids that they aren't just saying do your own thing, but that they mean it. The shock value proves to the children that they can interrupt, rudely, and proves that anything goes.

"I don't think this does any long range harm, or any short range harm either."

Asked about violence, stabbing, beating up a teacher, and dropping bullets on people (in the second performance), he said: "I haven't seen those skits but I have seen them do a scene where a dope addict was beaten up. This is stylized violence, almost like a dance.

"People who criticize this don't know the real nature of drama, the real meaning of drama. We must do a certain kind of thing to get the kids, who wouldn't normally be interested in drama, to pay attention . . . we're trying to do away with the old."

Children not interested in good drama? Not true. Our daughter, at 6, attended a performance of "The Merry Wives of Windsor," at Stafford. It was her first play. She was enthralled. She laughed, appropriate times and clapped so hard that several adults turned and smiled at her.

Miller revealed that Living Stage 71, now in its third year has performed in public schools in Maryland and Washington. "No teachers were allowed to watch. Although they have also given workshops for teachers, in the techniques of improvisation."

He also said that while the troupe performs "free for inner city groups," that the Art Museum did pay ($600 seems to be the figure). Miller stated that the budget for Living Stage 71, from Oct. 19 "when they began to rehearse" through March is $50,000. "Half of that is from the National Endowment for the Performing Arts."

Miller said also: "We get many comments from kids on how much they like it . . . One boy said, 'It made school seem a little less unbearable that day.' Yes, we do get complaints from some adults. But frankly we'd think we were doing something wrong if people didn't call up and complain."

An art museum official, who, unlike Miller, was mocking and rude, said "You think that's news? People complaining . . . don't tell me about that."

News, no. Bad acting isn't news. Neither is "bullshit" news—but $50,000 worth?

SELLING OF THE PENTAGON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BINGHAM. Mr. Speaker, on February 23, 1971, the CBS television network broadcast a most enlightening documentary concerning the "public affairs and public information" activities of the

military. I have been concerned for some time about the level of expenditure and activity by the military in this area, and I have proposed amendments to the military appropriations bills in the House to strictly limit expenditures for this purpose. For fiscal year 1971, those expenditures were limited to $28,000,000 by action of the Congress, having risen from an estimated $9,108,000 in 1968 to $44,062,000 in 1969.

In my judgment, even $28,000,000 is excessive spending for military information, and that amount is very likely only a fraction of actual expenditures. But more important even than the expenditures is the type of information disseminated in these programs. As the CBS documentary clearly demonstrates, much of it borders on pure military propaganda.

Mr. Speaker, the transcript of the CBS documentary, "The Selling of the Pentagon," written and produced by Peter Davis, with Roger Mudd reporting, follows:

THE SELLING OF THE PENTAGON

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

SPEAKER FOR MARINE CORPS. Gentlemen, today we have shown you the individual Marine, the who implements foreign policy. He comes from all walks of life, all over the U.S.A. He's not much different from the young men we see on the street corners of America today, except he's been trained as a Marine.

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

ANNOUNCER: CBS REPORTS. "The Selling of the Pentagon," with CBS News Correspondent Roger Mudd.

(Announcement.)

ANNOUNCER. Here now is CBS News Correspondent Roger Mudd.

MUDD. Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda all interrupt that flow. They make it impossible for people to know what their government is doing, which, in a democracy, is crucial. The largest agency in our government is the Department of Defense, and it maintains a public relations division to inform people of its activities. In December, Congress cut the appropriations for this division, but, according to the Pentagon, it will still spend $30 million this year on public affairs, an amount more than 10 times greater than what it spent to tell people about itself just 12 years ago. Even this figure may be only the tip of the public relations iceberg. A special, still unpublished report for the prestigious 20th Century Fund estimates the real total at $190 million. The combined news budgets of the three commercial television networks—ABC, CBS and NBC—are $146 million.

Whatever the true cost at the Pentagon, there have been recent charges in the press and in Congress that the Department is using these public relations funds not merely to inform but to convince and persuade the public on vital issues of war and peace. Ten months ago, CBS News set out to investigate these charges and to examine the range and variety of the Pentagon's public affairs activities. We selected three areas for concentration: direct contacts with the public, Defense Department films, and the Pentagon's use of the media—the press and television. We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public.

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

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

MUDD. The weapons officer on this range claimed that the information display cost two million dollars. Later, Army public relations officials put the expense at $22,000.

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

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

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

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

THIRD CHILD. Get off . . .

FIRST CHILD. What are you doing?

THIRD CHILD. I'm going to shoot you.

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

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

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

Colonel MACNEILL. Well, now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—What happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power.

MUDD. Over the years, the Colonels have travelled—at taxpayers' expense—to 163 cities and spoken to 180,000 people. In a question and answer period, they promote American presence in Southeast Asia.

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

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

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

FIRST CHILD. I want to play this one.

SECOND CHILD. Now it's my turn.

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

THIRD CHILD. Let Danny do it.

FATHER. How many mistakes you gonna make?

MUDD. At a St. Paul, Minnesota shopping mall, an Army display emphasizes power, a recurrent theme in Defense Department public relations programs. (MUSIC) The Army Exhibit Unit has been to 239 cities in 46 states and has been seen by over 20 million people. The cost to taxpayers: $906,000 a year.

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

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

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

ANNOUNCER FOR AIR FORCE. Approaching next will be Major Mike Kirby and his next maneuver, the exciting Wing Walk and Roll.

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

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

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

MUDD. Tonight, like any other evening, there are between six and ten Pentagon speakers appearing in public. With military transportation at their disposal, they traverse the country shaping the views of their audiences. For years, General Lewis Walt has been the Marine speaker most in demand.

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

GREEN BERET ANNOUNCER. Please pay particular attention to the hands, the elbows, the knees, and the toe of the boot, which

are used to deliver killing blows to the vulnerable portions of the body.

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

CHILD. C'mon . . . no! Damn you . . . ow! (Crying.)

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

CBS News followed the distinguished visitors on a weekend war game in North Carolina. The purpose of these tours, according to the Pentagon, is to teach military realities. The guests are referred to as "major taxpayers." As their education proceeded, we recorded some of the military realities and part of their impact on the civilians.

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

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

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

MUDD. The 64 civilians themselves paid part of their own costs and the official total price of this tour is only $12,000. Twelve thousand dollars, however, does not include the amount spent on elaborate briefings, the war game itself, nor the expenses of several thousand servicemen who performed for the civilians along the way.

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

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

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

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

CIVILIAN. A lot of killpower though.

OFICER. Oh, yes, yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANNOUNCER. CBS Reports: "The Selling of the Pentagon" will continue in a moment. (Announcement.)

ANNOUNCER. "The Selling of the Pentagon" continues.

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

MUDD. With scenes of war protesters tinted red for emphasis, the Defense Department introduces a film on Vietnam narrated by television star Jack Webb. Over 300 films a year are made by the Pentagon. Most of them are meant originally for troop information, but a large number is later released for public showing. It is widely known that the Defense Department often helps sympathetic Hollywood producers who need troop support for their war movies. What has received far less attention is that the Pentagon itself spends over $12 million a year on its own pictures.

The annual cost of a single Army series, "The Big Picture," is $900,000 and the overall Army film budget is more than $6½ million a year. During the 1960's, at least 52 million Americans saw Pentagon motion pictures, 45,000 public gatherings viewed them and at least 356 commercial and educational television stations have presented them as part of their public service broadcast time. Facts and information—not opinions and attitudes—are supposed to be the ingredients of Defense Department films. An official Pentagon directive states: "Propaganda has no place in Defense Department Public Information programs." In preparing this broadcast we looked only at products of the last decade—all made after the thaw in cold war politics. Well-known journalists and movie stars often serve as narrators for the films as these excerpts show.

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

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

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

SOLDIER TALKING TO WAYNE. In Vietnam, revolution is a double-edged word. The enemy uses it—it's what they call the "aggressive war" they're using against people over here.

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

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

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

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

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

WALTER CRONKITE. Starting in World War II, the aggressive Communist tide has spread in Europe and Asia to engulf its neighbors Communist China even now has plans to dominate Asia by mass murder, destroying ancient civilizations. Right next door is the nation we freed in 1898—Cuba. A Communist tyranny holds sway and whiskers do not hide the naked face of dictatorship. Our army is face to face with Communism around the world. To meet immediate threats on any

front we must build up our land forces at home and overseas.

This soldier, guarding one of Asia's gateways against Soviet aggression, symbolizes the determination of free men everywhere to resist Communist expansion by force of arms.

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

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

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

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

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

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

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

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

WEBB. Frightening, isn't it?

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

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

DONOVAN (To Soldier). Hey! What do you think you're doing?

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

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

DONOVAN. Linda, why?

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

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

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

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

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

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

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

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

(Announcement.)

ANNOUNCER. "The Selling of the Pentagon" continues.

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

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

MUDD. Every morning at 11:00 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a careful and despected adversary, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did.

FRIEDHEIM. I can't discuss that at all.

NEWSMAN. What about the size of the warhead?

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

ROBERT GORALSKI, NBC News. When did you last have three carriers on station in the Med?

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

NEWSMAN. Has the Guam chopped to the Sixth Fleet?

FRIEDHEIM. Negative. It has not.

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

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

NEWSMAN. Slightly larger?

FRIEDHEIM. That's correct.

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

MUDD. Former Public Information Officer Jack Tolbert was an Air Force Major who worked with the press at many military bases for 12 years. He believes that the Defense Department confronts reporters with numerous obstacles.

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

MUDD. The vastness of the Defense establishment confronts a reporter with an almost impossibly complex task. Pentagon stories develop in many other ways besides formal briefings, but the sheer size of the building itself remains bewildering. Often it is impossible to get to a news story, even when the story does not involve national security, until the Pentagon chooses to announce it.

Going into and out of the 30,000 Pentagon offices each day are 200,000 phone calls and 129,000 pieces of mail. But very little of this communicating is done with the press. Although the Department of Defense is the biggest business in America, over 95 percent of the news bureaus in Washington do not even assign a reporter regularly to the Pentagon. More newsmen cover the pennant race than the arms race.

We asked the man in charge of all Pentagon public reactions, Assistant Secretary of Defense Daniel Henkin, if he thought the press did a good job covering the Defense Department.

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

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

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

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

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

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

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

MUDD. How hard is it, Mr. Wilson, for a single reporter at the Pentagon to discover the truth when the Pentagon doesn't want the truth to be known?

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

MUDD. Can't a case be made, Mr. Wilson, from the standpoint of national security, to prohibit you from printing in your paper information that the enemy wants to know?

WILSON. It certainly can. A case can be made, but my counter to that is that if it's going to be—if the weapon is going to be described in public as it was in 1969 and 1970, along with the sales job to get the anti-ballistic missile defense approved, it should be described accurately. The point here is that because the technology is reachable, that there will always be the pressure to build it. Weapons are inexorable and they're imperious, and only public challenges and public resistance can keep technology from running us right onto the road of Armageddon, and I think that points up why more coverage of the Pentagon is desirable. Editors should have a larger appetite for these weapons because they're not just nuts and bolts; they often dictate the largest policy decisions in the world today.

Radio voice (Hometown News Center): This is Army Specialist Gene Canfield reporting from Pleiku, Republic of Vietnam. . . .

MUDD. The Armed Forces do not have to wait for radio, television and newspapers to come to them. They have their own way of reaching the media. At the Army's Hometown News Center in Kansas City, a blizzard of press releases is turned out in all seasons. Each year, 12,000 radio and television tapes are mailed to 2700 radio stations and 546 television stations. Over two million printed releases are sent to 6,500 daily and weekly newspapers. In these releases, medals, promotions and re-assignments are emphasized. While transmitting legitimate information about servicemen, the News Center also functions as a publicity agency for American forces abroad. The only news from the Center is good news. The Center is commanded by Colonel Richard Stewart, who feels the operation is helpful to the Army.

Colonel STEWART. This is another way of seeing your Army in action and it's even more meaningful because the people can relate to this particular soldier. This is not just an exercise or combat operation or something of that nature but this here is Sergeant Willy Jones.

TOLBERT. There are hundreds and thousands of weeklies and small dailies in this country that live on what we call the hometown release, where the Army, Navy and Air Force maintain hometown news release centers, and are just spewing this stuff into these newspapers who accept it willingly and who print it.

STEWART. They have said time and time again when I've talked to them, they've said "Keep it coming," in effect, words like that, "keep it coming."

TOLBERT. What the press—and this is the whole press, the community press which is extremely important to this country, is giving a free ride to a military story.

Representative EDWARD HÉBERT. I'm one of those who believes that the most vicious instrument in America today is network television.

MUDD. Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV reports from pro-Pentagon politicians. Here Representative F. Edward Hébert of Louisiana asks Major James Rowe, a Green Beret and former POW, what keeps the Viet Cong fighting.

Major ROWE. The support that the VC receives from the United States is the only thing that keeps them fighting.

MUDD. Later, Congressman Hébert, who is the new chairman of the House Armed Services Committee, asks Major Rowe for his reaction to a peace rally.

ROWE. I walked up and I heard one of the speakers yelling, "Down with imperialism, down with capitalism, down with the oppressive leadership in Washington. Power to the people." I heard the same thing from the Viet Cong, except there it was in Vietnamese and here it was in English. I looked around the crowd—I walked through the crowd, and I saw some VC flags flying from the flagpole of the Washington monument, I saw American flags with VC flags flying over the top of them. I saw American flags with the stars removed and a peace symbol superimposed. I saw the red flag with a black peace symbol on it and then I heard one of my Senators say that "We are here because we cherish our flag." And the only thing I could think of in answer is what flag does he cherish?

HÉBERT. Let me congratulate you, please, sir. It's an honor to have had you on this program with me, and I only wish to God we could have more people wearing the uniform privileged to speak as you've spoken, because the silent majority will and must be heard.

MUDD. The war is covered extensively not only by the civilian press but also by the Defense Department's own camera crews in Vietnam. Their product is distributed to American TV stations and networks. This is a soccer match played by North Vietnamese prisoners of war and filmed by the Defense Department. It is intended to supplement regular network news coverage. But the Defense Department can hardly be said to be a disinterested observer in Vietnam. Recently, there have been charges that some of the Pentagon's footage was staged. In fact, the cameraman who filmed this soccer game told CBS News that the prisoners had never been permitted to play soccer before but were trotted out for this match when his crew arrived. The cameraman, former Air Force Sergeant Thomas Demitor, spoke about his filming experience shortly before leaving the service after 16 years.

DEMITOR. In many stories that were filmed in Vietnam, with my team, we staged a number of stories of the Vietnamese. We were propagandizing the war and an example of it was a story titled "U.S. and South Vietnamese forces patrol enemy infiltration routes." We went out with the Vietnamese in the Riverine patrol, went down the river until we found an area that was suitable for our landing. Because I knew it wasn't an actual combat situation I had no fear—I was off the boat on the land before the Vietnamese infantry came up, so that we could get a shot as the boats came onto the shore. They proceeded inland about three-quarters of a mile or half a mile while we were getting shots of them running through the rice paddies. They didn't fire any shots. There were no traces of Viet Cong.

We were told, when we thought we had a sufficient amount of footage exposed, to tell the Vietnamese and they would turn around. When someone turns around and asks you, "Well, do you have enough film?" and you say, "Yes," then it is definitely staging.

MUDD. Later, while filming the same story, Sergeant Demitor shot real combat footage involving American troops.

DEMITOR. In the final release, we see none of the actual combat footage of the Americans. We see all of the staged footage of the Vietnamese, and it would lead someone to believe that the Vietnamese were doing the majority of the work. The staged action got in. The actual action did not get in.

HENKIN. We are trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage; after all this interview here is being staged.

MUDD. How so?

HENKIN. Well, props were set up, arrangements were made. You and I did not just walk into this room cold. Arrangements were made for it.

MUDD. Well, we wanted to film in your office, but your people said, "Let's go into the studio," so—we didn't stage it.

ARMY BRIEFER. We are conducting limited-duration protective reaction air strikes . . .

MUDD. Defense Department information machinery is well established in Vietnam, where a special language has developed that takes some time to learn. "Protective reaction" means the United States resumed the bombing of North Vietnam. "Selective ordnance" means napalm. "Defoliation" means nothing will grow there any more. A "civilian irregular defense group volunteer" is a mercenary. "Population resettlement" means getting villagers out of their villages, and "Military Assistance Command Daily Press Briefing" means this scene right here, which is popularly known among newsmen in Saigon as the Five O'clock Follies. The most popular phrase at these sessions, however, needs no explanation.

ARMY BRIEFER. No comment. Nothing further to say.

FIRST REPORTER. Well, can you please tell us . . .

ARMY BRIEFER. I have nothing further to add to the statement read.

SECOND REPORTER. Why don't you answer my question?

ARMY BRIEFER. I repeat I have no comment.

MUDD. Often the press is an unwitting partner in its own deception. Former Information Officer Tolbert once took great pride in utilizing the media. He's not so proud of the record anymore.

TOLBERT. A network was coming over to cover and do a documentary on the air war over North Vietnam. They were going to film it out of Danang, where I was the information officer. So in preparing for them we tried to pick out the most articulate, the best-looking pilots that we could, to be able to describe through their eyes what the air war was all about. We briefed the pilots so that they would understand that we were trying to present our views in a one-voice concept; we didn't want divergent views coming from a variety of the different pilots that might raise questions concerning whether they understand, or whether they were satisfied with the way the air war in the North was being fought.

MUDD. And the cast of characters that you made available to those network men was such that they never heard any dissension or criticism about the bombing mission?

TOLBERT. No, no, never. You know, being an insider, knowing fully what was going on, if I was absolutely candid with them, and opened all of our closets to them, yes, they would have come out with a lot more balanced report. I could have helped them do that.

MUDD. What was the result of that network team's journalistic efforts?

TOLBERT. Frankly, it was just great. It represented the pilots, it represented the way we conceived that the air war in the North was being fought by very professional people, and it was as good as if we had done it ourselves.

MUDD. Well, I'm duty-bound to ask, I've got to ask you which network it was. Will you tell me?

TOLBERT. Yes, yes, I will.

MUDD. Which one was it?

TOLBERT. It was CBS.

MUDD. Well, taking that incident you had with CBS and applying it, Mr. Tolbert, to your 12 years as a public information officer, what effect do you think incidents like that have on a democratic society which is supposed to enjoy a free press?

TOLBERT. I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. Had we

not been able to convince the American people prior to Vietnam that a military solution was a correct solution, without a doubt and not to be questioned, we couldn't have had a Vietnam. I feel that if we allow this pervasiveness to continue, that frankly it could lead us to another Vietnam.

MUDD. We have reported tonight only a fraction of the total public relations apparatus belonging to the Pentagon and supported by taxpayers. Indeed, the news restrictions on the current invasion of Laos raise the question whether the public's right to know is being served or thwarted.

On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world. Not only the public but the press as well has been beguiled, including at times, ourselves at CBS News. This propaganda barrage is the creation of a runaway bureaucracy that frustrates attempts to control it.

Last November 6, President Nixon sent this memorandum to executive agencies, criticizing what he called self-serving and wasteful public relations efforts. He directed an end to what he described as "inappropriate promotional activities." The President specifically ordered, in his words, a curtailment of "broadcasting, advertising, exhibits and films."

Just since the memo was written the Army's Golden Knights, a parachute team, have performed for the public in Nevada, California and North Carolina. Other Army exhibits have travelled to 59 different locations. Air Force displays, like this Hound Dog-Quail missile, have appeared in at least 36 shopping malls and municipal centers since the memo was written.

We went back to the Pentagon and asked what effect the Presidential directive would have. We were told there will be cuts in personnel, not activities. There may be some disagreement, of course, over just what constitutes an "inappropriate promotional activity," but to date not a single activity shown on this broadcast has been eliminated. Tomorrow morning, according to Defense Department schedules, there will be an Army show pushing the ABM in Mountain View, California; an Air Force missile will turn up in Houston on Friday; the Pentagon's travelling colonels will be in Hampton, Virginia, March 8; and next week fifth graders at the Hill Elementary School in Davidson, Michigan, will get to see the Navy's propaganda film on Vietnam.

FARMERS NEED ADVANCE PAYMENTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. PRICE of Texas. Mr. Speaker, last week several Members greatly concerned about the problems of the farmer, the problems of agriculture, and the problems of rural America took to the House floor and in an extended debate tried to enlighten the membership as to general and specific needs of this entire sector of our Nation.

The reception our efforts got was a mixed one. It ran the gamut from benign indifference through mild interest to vital concern. This notwithstanding, I was pleased and gratified when I was afterward approached by a few Members and asked to expand on the summary views I so briefly stated during the course of the general discussion. While I was glad to do so and still remain ready to talk with anyone interested in learning more about the problems of rural America, I said then and I say now that remedial action, not talk, is really what I am after.

To those who say, "How do you help the farmer? How do you help agriculture? How do you help rural America?" I say stop talking and take a serious look at the many bills designed to accomplish exactly these purposes that have already been introduced in the 92d Congress. For my own part, I have introduced eight of my own.

H.R. 1031—requires imported meat and meat products to be labeled "imported" at all stages of the food distribution chain.

H.R. 1228—imposes a quota on imported lamb—fresh, chilled, frozen, or preserved.

H.R. 3141—transfers funding of the FHA operating loan program from the Federal budget to the private money market.

H.R. 3142—raises the outer limit of the FHA operating loan program from $35,000 to $50,000.

H.R. 3306—gives businesses a tax credit to offset part of the expenses attached to their conducting job opportunity programs.

H.R. 3504—creates new rural job opportunities for young people as well as for older persons interested in bettering themselves.

H.R. 3678—creates new legal conditions wherein needed numbers of good, solid, and attractive homes could be built utilizing cost-saving techniques such as prefabrication, modular construction, and other technological innovations.

H.R. 4399—reforms the Federal inheritance tax system as it affects small farms, ranches, and businesses.

In addition, I am introducing still another today.

Mr. Speaker, as it stands now USDA regulations operate to prohibit feedgrain farmers from receiving payments running 32 cents per bushel on corn and 29 cents per bushel on grain sorghum until after July 1, 1971.

In my mind if this July 1, 1971, date is adhered to the payments farmers receive will come too late to help them in their most critical period of need, a period coming up in the next few months. Farmers will soon have to make critical decisions about what and how much to plant, how many people to employ, what kinds of new or rebuilt operating equipment to use and what kinds and amounts of supplies to stock up on. To think about these decisions takes time, but to make these decisions takes money, money that is awfully hard for the farmer to come by considering current financial conditions.

To remedy this situation, to give grain farmers some extra operating capital, I am introducing legislation to enable feed grain farmers to receive at least half of their duly allotted payments in April, shortly after program sign-up time. This money is money that the farmer has coming and is entitled to; my bill merely gives part of it to him earlier when he has the greatest need for it. Moreover, this bill would extend advance payment requirements to any diversion payments and public access payments which might be made under the farm program. Finally, it would require advance barley payments to be made if the Secretary of Agriculture should designate barley as a feed grain under the 1972 or 1973 program.

If this proposal is enacted, and speedily so, I can assure all my colleagues who represent urban or suburban constituencies that our Nation's farmers will be better able to continue to supply abundant, high quality, and reasonably priced food and fiber for the tables of nonfarm dwellers. I can assure you that Americans can to be well fed for what amounts to only 16.5 percent of their disposable income, a percentage unmatched by any other country in the world.

Finally, Mr. Speaker, I want to point out although my proposal covers only feed-grain farmers, I am in the process of drafting similar legislation for cotton and wheat producers. This will complete greatly needed advance payment coverage for the producers of three crops vital to American agriculture and the Nation.

FROM THE MOUTHS OF BABES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, it is fashionable these days to criticize the misguided protestations of our Nation's young people against decisions and values of their elders which they find lacking. On the other hand there are those, whom I join, who recognize and are grateful for the vision of our young people who refuse to accept unquestioningly the supposed wisdom of our generation which sometimes asserts that bad is really good and wrong is really right. A touching example of the kind of naïvete which will be the salvation of our troubled society is embodied in the following letter sent to me by a grade school constituent of mine. I commend her letter to all my colleagues, and ask you how you would answer her melancholy unstated assumption that all of us are too busy and too uncaring to understand and deal with problems which even a child can understand. The letter follows:

MARCH 5,1971.

Representative ABNER MIKVA,
House of Representatives,
Washington, D.C.

DEAR SIR: I know you're very busy with letters from grownups, and I'm sorry if I am bothering you.

Yesterday in our class we were discussing how we can make this world better, and then we started talking about what we thought about going to the moon. I think we should

help the poor first instead of putting all that money into the space capsule.

Some children my age don't even know what the moon is because they cannot afford going to school.

To some grownups it doesn't really matter but I hope you care.

Sincerely,

MARIE CLAUDE NADY.

P.S. (Please answer my letter).

FEDERAL CONTROL OF LOCAL POLICE BY THE NEW AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. RARICK. Mr. Speaker, throughout the constitutional history of the United States the administration of public justice has always been considered as reserved to judges at the State and local levels. Federal court trials were limited to disposing of Federal questions.

The passage of the controversial civil rights laws in recent years has usurped Federal power for unelected Federal judges, at their whim or at the behest of an unelected bureaucrat, to preempt jurisdiction over many cases which traditionally would have been heard by local and State judges.

Under this new dual system of jurisdiction which in effect makes Federal judges overseers of local and State courts, we see the U.S. Justice Department intervening to secure indictments in Federal courts of local policemen for violation of the civil rights of suspected criminals.

A pattern is now discernible whereby the Federal Government is using our valiant local police officers, just as the same Federal Government is using our brave servicemen, schoolteachers, and students, as guinea pigs to achieve political objectives as well as to gain national control over local police.

Police Chief Edward M. Davis of Los Angeles has denounced the Federal civil rights indictment of five Los Angeles policemen as a cheap attempt to use policemen by President Nixon's "Eastern Republican Party" to get minority votes in the most populous State in the Nation.

FOP National President John J. Harrington, an outspoken defender of the rights of local policemen, has explained why many police officers may have to stand by helplessly while crimes like murder, rape, and kidnaping are committed. Mr. Harrington has said that many officers are subjected to a fear that in preventing crimes they nevertheless might be subjecting themselves to indictment by the Federal Government.

Mr. Speaker, it is essential local police have broad popular support to keep them independent. Local law enforcement officers are the first and last line of defense against crime, anarchy, and insurrection. A strong, armed, and independent local police force is an impassable barrier to the advance of communism as well as crime. They historically have carried a gun so the citizen does not need one.

For these reasons Communists, their dupes, and allies seek to make ineffective, if not to harass and destroy local police forces. They use several means of attack. One calls for the establishment of civilian police review boards so as to intimidate the individual police officer by making him afraid to do his duty for fear of punishment. Another method is to use policemen to play the role of social worker or tour director instead of law enforcer and require policemen to undergo human relations or sensitivity training so as to make them oversensitive to and understanding of criminals.

Yet another method is to centralize control over police from the State, regional, and eventually national level. Federal control of local police can but lead to a national police force—the antithesis of the American peace officer.

Now we have the latest threat, repeated instances suggestive of a design to use Federal Courts and the Justice Department to intimidate local police action.

I have introduced in the 92d Congress several bills which would, in addition to accomplishing other things, help unhandcuff local police from Federal control. I ask the support of my colleagues for the following bills:

H.R. 383—A bill to repeal the Civil Rights Act of 1964.

H.R. 384—A bill to repeal the Civil Rights Act of 1968.

H.R. 385—A bill to repeal the Voting Rights Act of 1965.

Apparently until we repeal these viciously misused rights acts, our bureaucratic justice apparatus will continue officious intermeadling with local police affairs instead of prosecuting criminals.

I insert a copy of my letter dated February 22, 1971, on the matter of Federal prosecution of local police officers to the U.S. Attorney General, to which letter I have as of this date received no reply, and several newsclippings:

FEBRUARY 22, 1971.

Hon. JOHN N. MITCHELL,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Like many other Congressmen and concerned citizens, I am beginning to question what is taking place in our Justice Department with the growing number of federal prosecutions of police officers.

Since it is possible that many of your subagents in the Justice Department may be acting without your full knowledge, I am enclosing a newspaper clipping from the Columbus, Ohio "Dispatch" pertaining to prosecution of Robert Morgan, a white police officer, and a photocopy of the February 18 "Washington Post" article concerning prosecution of a Negro sheriff in Alabama on like charges.

Certainly the inference being created is that the Justice Department is more interested in prosecuting local law men than in actions against known communists, anarchists, and criminals.

I would greatly appreciate your office advising me as to what is taking place in the Department of Justice.

Very truly yours,

JOHN R. RARICK,
Member of Congress.

PETITION TO ABSOLVE PATROLMAN BEING CIRCULATED BY COMMITTEE

More than 9,000 copies of a petition asking the U.S. Justice Department to drop civil rights violation charges against Columbus police patrolman Robert A. Morgan are being circulated.

Warren Hayes of 5282 Crawford Dr., chairman of a civilian committee supporting Morgan, said the petition will be circulated Saturday in the area's major shopping centers and forwarded Jan. 14 to U.S. Reps. Samuel Devine and Chalmers Wylie.

Morgan, 34, was indicted by a U.S. District Court grand jury last month on charges that he inflicted summary punishment on an 18-year-old burglary suspect Morgan trapped and killed in the basement of a West Side home Jan. 1, 1970.

Morgan has pleaded innocent to the charge. His trial is pending.

The petition intended eventually for U.S. Atty. Gen. John Mitchell, states Morgan's indictment is a "travesty." It is "blatantly obvious that such an indictment can only serve the best interests of the criminal element," the petition asserts.

Hayes, father of Lee Hayes—one of 88 crewmen held captive for 11 months after North Korean naval forces captured the USS Pueblo early in 1968—said his committee has the support of the Fraternal Order of Police, the American Legion, the United Hard Hats of America, the Support Your Local Police Society and building and construction trade unions.

The elder Hayes was an unsuccessful candidate for city council in 1969 as a member of the arch-conservative American Independdent party. Hayes asserted the fact that Charlie James Cook Jr., who fell under Morgan's machine gun bullets, was a black has no bearing on the support petitions.

"Color, race or creed has nothing to do with it. The fellow (Cook) in that basement was a criminal. He had no rights when he broke into that house. Morgan was acting for you and for me and for every law abiding citizen," Hayes said.

Hayes said he is not a personal friend of the indicted policeman. "I never set eyes on the man until the day he was arraigned in federal court," he said.

POLICEMAN'S INDICTMENT DENOUNCED

WASHINGTON.—The Fraternal Order of Police (FOP) complained Wednesday that the federal indictment against Columbus Patrolman Robert A. Morgan is "against the interests of law enforcement."

FOP national President John J. Harrington registered his complaint with U.S. Atty. General John N. Mitchell.

Harrington said he spoke for 120,000 police officers in asking for an explanation of the "unusual" indictment against Morgan.

Morgan was cleared under Ohio law in the shooting death of a burglary suspect he accosted in a private home Jan. 1, 1970.

Said Harrington:

"If police officers who kill criminals while trying to prevent felonies—and murders, rapes, kidnapings and muggings are in this category—they may feel that they have to stand by helpless while crimes are committed.

"If they take action, they might kill or injure the criminal and consequently be liable to indictment by the federal government."

FOP sources indicated the group intends to make the defense of Morgan a national issue.

[From the Washington Post, Feb. 18, 1971]

NEGRO SHERIFF IN ALABAMA INDICTED FOR BEATING BLACK PRISONER

(By J. M. McFadden)

MONTGOMERY, ALA., February 17—After four years in office, Alabama's first black sheriff

since Reconstruction has been indicted for beating a Negro prisoner.

Sheriff Lucius D. Amerson of Macon County and a deputy, Richard Coleman Jr., were released on $1,000 bond each by U.S. Commissioner Calvin Pryor.

The federal grand jury indictment against Amerson used the language that has often indicted white Southern sheriffs on similar charges:

". . . Acting under color of laws of the state of Alabama, did willfully beat, strike, injure and assault Wilbert Dean Harris, a citizen . . ."

Amerson, who took the oath of office in Tuskegee in 1967, and Coleman are charged with assault "with the intent of imposing summary punishment," thereby depriving Harris of his civil rights.

The indictment does not specify a date or place, but on Aug. 22, 1970, Harris was charged with staging a wild shootout in Amerson's county jail

Harris was charged with four counts of intent to murder, two of disturbing the peace, one count of destroying public property and one of carrying a concealed weapon, all stemming from a fracas in the jail.

Amerson said Harris pulled a gun while he was being booked for driving while intoxicated and without taillights on his car.

Amerson said Harris disarmed the deputies in the room and allowed them to leave, whereupon Amerson and the deputies ran outside. The sheriff said Harris was subdued after an exchange of gunfire.

Amerson and Coleman returned from signing their bonds to find a parking ticket on their automobile in front of the Federal Building.

[From the Washington Post, Mar. 4, 1971]

POLICE INDICTED IN L.A. SHOOTING

LOS ANGELES, March 3.—Four policemen were indicted here today for violating civil rights in the so-called "mistake shooting" deaths of two Mexican nationals last summer.

In addition, a federal grand jury indicted two policemen and a civilian for plotting to burglarize a woman's home and another officer with forcing a female suspect to disrobe in his patrol car.

In the shootings last summer, police had contended that a series of mistakes—compounded by the fact that none of the men in an apartment raided by officers spoke English—led to the deaths of the two Mexicans.

The indictments, involving six policemen and three separate incidents last summer, were announced in Washington by Attorney General John N. Mitchell.

At the same time, Mitchell announced the Justice Department had found no violations of civil rights in the separate deaths last summer of Mexican-American journalist Ruben Salazar and Jerry Lee Amie.

Salazar, a columnist for the Los Angeles Times, was killed by a tear gas projectile fired by a deputy into a bar where he was sitting during a Chicano disturbance in East Los Angeles. Amie, a Negro Vietnam veteran, was shot to death by Los Angeles police.

Police Chief Edward M. Davis said it was a "day of infamy" for the Justice Department. "I believe that the motivation in these indictments is political to gain minority votes," he said. He termed them a "cheap attempt to use policemen for political gain."

In the shootings, the grand jury indicted Los Angeles policemen Marshall F. Gaines, Jeffrey J. Fedrizzi and Hector R. Zepeda, and William Kinsella of the San Leandro, Calif., police department.

They went to a skid row apartment in search of a murder suspect wanted in San Leandro.

The gunfire erupted when one officer said he thought one of the Mexicans in the apartment was charging him with a gun.

Policeman Peter J. Lupton was indicted for requiring a Chinese woman, May Ling Lu, to disrobe in his patrol car so he could search her.

The burglary conspiracy allegedly involved Los Angeles policeman Edgar Brown and Gaines, one of the officers indicted in the shootings.

It was charged that Angelo Direienzo, a police informant, burglarized a home and gave the officers photos of antique silver he stole. The silver eventually wound up in the possession of attorney Lester Berman, who was then arrested by the officers for possession of stolen property.

[From the Washington Evening Star, Mar. 4, 1971]

CHIEF SCORES NIXON, GOP AS FIVE POLICE ARE INDICTED

(By Bob Rose)

LOS ANGELES.—Police Chief Edward M. Davis has angrily denounced the federal civil rights indictment of five Los Angeles policemen as politically inspired by President's Nixon's "Eastern Republican party."

"This is a day of infamy as far as the U.S. Department of Justice is concerned," Davis told a news conference. "It's an attempt by the Eastern Republican party to get the minority vote in the most populous state in the nation. . . . This is a cheap attempt to use policemen for political gain."

Three of the policemen—Sgt. Marshall Gaines and officers Jeffrey J. Fedrizzi and Hector R. Zepeda—were indicted in connection with the shooting deaths of two unarmed Mexican nationals last July 16 during a hunt for a murder suspect.

The officers were charged with manslaughter and felonious assault, but the charges were dropped in Superior Court because of lack of evidence.

In the other two indictments, Lt. Edgar Brown was accused of planting evidence on a narcotics suspect and officer Peter Lupton was accuesd of making a female narcotics suspect disrobe in the back of his squad car.

"The accusations against Lt. Brown are a dirty, infamous lie. He came through several lie tests with flying colors," Davis said.

"I told (Atty. Gen. John) Mitchell that on the phone Monday."

The chief said Lupton was making a search and "acted unwisely" but has been disciplined.

All five officers and a San Leandro policeman, William Kinsella, involved in the shooting were indicted on charges of depriving others of their civil rights.

Mitchell said the federal government moved in after a "failure of local police" to take action.

U.S. Atty. Robert Meyer said in Los Angeles, "We do not take any pleasure in indicting police officers. These are indictments of individuals. We are very impressed with the performance of the Los Angeles Police Department."

[From the Washington Evening Star, Mar. 7, 1971]

LOS ANGELES ACTS TO DEFEND POLICE IN RIGHTS KILLING

LOS ANGELES.—The Los Angeles City Council has voted to defend three police officers indicated on federal civil rights statutes in the mistake slaying of two Mexican nationals.

The 8-to-5 vote followed a 2½-hour session Friday during which Chicano militants shouted insults.

The three officers, and a fourth from San Leandro, were indicated by a federal grand jury for an incident last June 16 when officers raided an apartment in search of a murder suspect from San Leandro.

Police later said the shooting was the result of a "tragic chain and combination of circumstances." Manslaughter and assault charges were filed against all officers involved in the case, but those charges were dismissed in Superior Court.

Richard Cruz, state chairman of the Chicano Law Students Association, said the council's action would require Mexican-Americans to "pay for the legal defense of murderers of our own people."

John A. Daly, chief executive assistant city attorney, told the council the action was "unprecedented." But, he said it was legal for the city to provide the defense for employes if the employes acted in good faith, without malice and in the best interest of the city.

TRANS-ALASKA PIPELINE

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 statement by EnAct, Environmental Action for Survival, of the University of Michigan presented by Mr. Alexander Woodle at the hearings on the environmental impact statements required by section 102(2)(C) of the National Environmental Policy Act.

This excellent statement by EnAct sets out further reasons why the Trans-Alaska pipeline should not be built and why the environmental impact statement in its draft form is hopelessly inadequate and does not meet the requirements of the National Environmental Policy Act:

STATEMENT OF ALEXANDER WOODLE, REPRESENTING ENACT—ENVIRONMENTAL ACTION FOR SURVIVAL

The preliminary draft of the environmental impact statement of the proposed Trans-Alaska pipeline leaves many questions unanswered and raises others concerning the pipeline's impact on the Alaskan environment. It is in the interest of EnAct and other concerned people at the University of Michigan to discuss these problems and arrive at some conclusions concerning the proposal.

EnAct is not against development of resources, but insists that there be proof of a legitimate need for the development of the pipeline in addition to an environmentally sound plan for its construction based on the possible impacts of such a development.

Firstly, we must look at the possibility of oil leaks. It is reassuring, on the one hand, to know that detection of large leaks will be instantaneous, but, on the other hand, how much oil will be spilled at any one rupture of the pipeline? The report talks about block valves at intermediate intervals, yet even if they are spaced ten miles apart for the length of the pipeline, approximately five million gallons of oil could conceivably be spilled. The southern portion of the pipeline passes through a seismically active area and terminates at the warm water port of Valdez. The use of seismic equipment will enable the pipeline to be shut down, but what pipeline can survive in an area subjected to earthquakes of an intensity which

would cause tremendous structural damage to any community? The recent disaster in the Los Angeles area vividly shows what havoc can befall man and his structures in a seismically active area.

The Department of the Interior report says in reference to the active Denali Fault (which crosses the proposed pipeline route), "The geologic and geophysical evidence suggest the future occurrence of large earth quakes accompanied by large surface displacements." The report also mentions the six meter vertical surface displacement which occurred during the 1964 earthquake disaster.

Contingency plans for such emergencies and clean-ups should be submitted before the pipeline is constructed, and *not* six months prior to initial pumping of oil. This will permit time to assess the adequancy of these plans.

Other questions arise as to how the storage tanks at Valdez which will initially store over 7.5 million barrels (or 315 million gallons) of crude oil will survive a severe shock? Can spill containment dikes withstand an earthquake if a storage tank ruptures? What kind of contingency plans are available to handle a clean-up job of this magnitude especially if the oil reaches Prince William Sound?

Secondly, we must look at the difficulties of adapting a pipeline to Alaska's terrain. Terrain problems include solifluction, removal of vegetation, and permafrost. The study admits that many questions remain unanswered as to the mode of construction to be employed on portions of the buried pipeline due to a lack of geologic data on permafrost conditions. EnAct believes that construction should not proceed until all questions are answered and unknown information collected. Research at The University of Michigan, Department of Civil Engineering, reveals that removal of vegetation from slopes and other disturbances can quicken soil creep and trigger sudden mass-soil movement. The impact statement recognizes that mass-wasting is common along the route, but pushes the problem aside by saying these areas will be avoided "wherever possible." This is hardly reassuring yet such terminology is used continuously.

Thirdly, we must examine the impact of an oil pipeline on fish and wildlife resources. The study admits that information on probable impacts of the pipeline on fish and wildlife resources is incomplete and that some adverse effects are inevitable. Removal of wildlife habitat, destruction of spawning beds, and disturbances of behavioral patterns of wildlife (especially those intolerant of man and his activities) are some of these effects expected in the vicinity of the pipeline. Some of the species mentioned are not only intolerant of man, but also appear on the endangered species list. Yet, the report only states that these animals will most likely migrate out of the area and may or may not return. Also, the effect on caribou migration cannot be conclusively determined. EnAct feels that more research is needed to ascertain the long term effects on not only endangered fish and wildlife resources, but also its implications to the Alaskan natives who are so dependent on this animal life as a life support.

The report mentions the importance of the fishing industry to Alaskans, yet nowhere does it determine the effects of pipeline construction and oil spills on the fishing industry. This area should also be studied in depth.

Large oil spills that reach a river or other body of water are a threat to fish and wildlife in that vicinity. The report states (page 122), "extensive habitat damage or spills at certain times could decimate a population of the species in the spill area for many years or perhaps permanently." The report readily admits to the inevitability of oil spills, and to the adverse damage to the marine environment. The tremendous amount of oil to be shipped at Valdez and the increase in tanker traffic increases the probability of oil spills and tanker collisions in the foggy waters of Prince William Sound.

Fourthly, we should view what effects the pipeline could have on the Alaskan Natives. The environmental impact statement reports that adverse effects to culture groups that live off the Alaskan environment are "negligible" and yet the report itself mentions several facts that would make the effects on the natives considerably more than "negligible." Page thirteen of the study states, "Most Natives live in an economy based on subsistence fishing and hunting and have little cash income. More than one-half of the work force is unemployed most of the year and median per capita income for rural natives with income is extremely low." Like other natives of North America, the Alaska Natives lived adequately within their environment. It was only after the economic push of white entrepreneurs that the "extremely low income" occurred. We do not suggest that time be turned back, that these facts of life can vanish, that we forget the oil on the North Slope. The point is that if most Natives live in an economy based on "subsistence fishing and hunting," it is incumbent on the oil developers to be *certain* the effect the pipeline will have on these subsistence-oriented cultures. We can guess about economic ventures, perhaps, but not about the subsistence and existence of entire culture groups. North Alaskan Eskimos still follow the migrations of caribou over the Brooks Range, still fish in the plentiful streams that run from the mountains. If the migration and spawning patterns and the floral growth for the animals is upset, even by a 48 inch pipeline, the delicate perma frost ecosystem is irreparably upset.

Many will raise the argument that the oil companies will bring economic prosperity to the native Alaskans. This has not been so. A Task Force investigation in the late 1960's found that in regards to hiring in the oil fields, only 8 out of 800 jobs were held by natives (*Indian Affairs* July-September, 1969). Also, as glossed over in the statement itself, for those natives in mixed-culture villages especially, an influx of wealthy pipeline workers may have a depressing effect. It would be, if alternatives were not found, just another example of white extractive culture upsetting and at least partially destroying another culture, replacing it with nothing but a newly found poverty and cultural despair.

Finally, we must analyze the impact of the pipeline on the national security interests of the United States. One of the main conclusions of the report is that "there appears to be a compelling need for developing North Slope oil as long as it can be transported with adequate safeguards to protect the environment." As we have tried to show above, we do not feel that adequate safeguards have as yet been developed to protect the Alaskan environment. We also take issue with the statement asserting the "compelling need for developing North Slope oil." This conclusion is based on consideration of the national security interests of the United States. However, EnAct feels that the interests of national security require that the entire range of possible alternatives be fully explored. Alternatives to the immediate development of North Slope petroleum reserves may, in the long run, prove to be more consistent with our national security needs. We are not yet ready to acknowledge "the unequivocal need for the early delivery of substantial volume of Alaskan North Slope oil to the United States domestic market."

We agree that U.S. domestic supplies will be severely taxed in the future. Given this fact, might it not be better to safeguard our future national security by saving our reserves of crude oil through government underground stockpiling and maintaining North Slope petroleum deposits undeveloped. An alternative that should be considered is cutting back on domestic crude oil production and increasing oil imports now, while we still have free access to foreign supplies. This could be done by eliminating present import quotas. In this way we would be certain of having adequate domestic petroleum reserve capacity in the event that part of our foreign supply gets cut off in the future.

Immediate extraction of Alaskan oil by pipeline will have just the opposite effect, rapid depletion of our Arctic reserves. The reason for this is that the high costs of transportation by pipeline from the North Slope require that oil be extracted and transported in a large enough volume to cover these costs. It would not pay to build the pipeline and then not utilize it at full capacity. None of the Alaskan oil would be saved as an emergency reserve, and we would find ourselves in the future even more dependent on foreign imports than we are now. If one agrees that this is very undesirable from a national security standpoint, then perhaps we should leave the North Slope oil fields undeveloped, for utilization, should the need arise.

A point that is not considered in the environmental impact statement is the reliability of the pipeline as a source of oil during periods of global conflict. How well does the Prudhoe Bay to Valdez transportation route form the answer to our national security needs for oil? How is the pipeline to be protected from sabotage and bombing? Could we really depend on this oil which is being transported by pipeline over many miles of rugged wilderness terrain during a time of war? Finally, to get the oil to market we must rely on tankers from Valdez to the West Coast. Dr. M. A. Adelman, Professor of Economics at M.I.T., stated in the 1969 hearings on the Petroleum Industry by the Senate Subcommittee on Anti-trust and Monopoly, that in a conventional war, "The sea lanes would be the vulnerable target, including Gulf Coast to East Coast or Alaska to West Coast."[1]

In short, EnAct does not feel that national security considerations lead inevitably to the conclusion that immediate extraction of Alaskan crude oil and transportation via pipeline and tanker to West Coast markets is the most desirable alternative. The arguments contained in the environmental impact statement have failed to adequately take into account other possible alternatives to provide the United States with maximum national security gains from our crude oil reserves. We feel that the social costs of delaying the construction of the pipeline for several years, during which time we can develop better alternatives, are minimal compared with the social costs of proceeding with construction at this time.

The construction of the pipeline through areas subject to processes of mass-wasting and severe earthquakes would not be compatible with the environment.

The report instead of answering the questions actually raises more serious ones concerning the long-term effects the pipeline would have on the delicate ecosystems of the Arctic. It is obvious that much more intensive research must be carried out in the Arctic environment in order to develop Alaska's resources in a way that will bring the fullest benefit to man and the environment. The statement seems to imply the

[1] U.S. Congress, Senate Subcommittee on Anti-trust and Monopoly of the Committee of the Judiciary, *Hearings on the Petroleum Industry, Part I, Economists' Views*. 91st Congress, 1st Session, 1969, Senate Resolution 40, page 16.

desirability of extracting the oil as rapidly as possible. EnAct can only conclude that there is neither adequate scientific knowledge nor technology at this time to construct a pipeline which would have a minimal impact on the environment.

Respectfully submitted for the official record.

ALEXANDER WOODLE,
Chairman, Alaska Pipeline Subcommittee, EnAct.

PROPOSED RAIL PASSENGER PLAN NEEDS RESTUDY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. DULSKI. Mr. Speaker, since last fall, when the Department of Transportation first moved toward developing a national rail passenger system to be operated by the National Railroad Passenger Corporation, I have been concerned that the proposed pattern insure that major areas throughout the country will have adequate service.

My immediate concern, of course, is the service east and west from my home city of Buffalo, N.Y.

But, as I emphasized in my representations to the Department and to the House Committee on Interstate and Foreign Commerce, I feel that the overall pattern is the key to the success of the system.

In looking at specific areas around the country, it seems to me essential that we take into account the pattern of traffic both inbound and outbound in the directions of the prime usage by the general public.

BILL TO GET FULL CONSIDERATION

The chairman of the Interstate and Foreign Commerce Committee, the gentleman from West Virginia (Mr. STAGGERS), has assured me that legislation which I introduced in January will receive full consideration at an early date by his committee.

My bill, H.R. 709, proposes a 6-month postponement of the inauguration of the system in order to permit a restudy of recommended routes.

This bill is similar to one which I introduced in the closing days of the 91st Congress.

I am well aware that the new national system must start from a base, but I think that we in the Congress have a responsibility to insure that the original system is adequate to provide a practical demonstration of how the system can operate both economically and for the convenience of the general public.

EXCELLENT INTRASTATE PLAN

Referring again to our own situation in western New York and the city of Buffalo, the recommended system proposes a route connecting Buffalo and New York City over the old New York Central Railroad—now Penn Central—tracks by way of Rochester, Syracuse, and Albany. This is an excellent and essentially needed intrastate route to serve the citizens of our State.

However, there is no provision for travel west from Buffalo, nor is there any provision for travel east from Albany. These are vital omissions, in my opinion and in the opinion of many with whom I have talked, because one of the principal needs for railroad passenger service is a direct route between Boston and Chicago, with key stops en route.

There are two ways in which service can be provided between Buffalo and Chicago.

First, the Penn Central route could be utilized around the lakes by way of Cleveland.

Second, since the proposed rail passenger system also provides a route between Detroit and Chicago, it would be a simple and convenient addition to the system to connect Buffalo and Detroit over the trackage through Canada, a shortcut route which has had considerable traffic in years past.

When the Department of Transportation was considering the rail passenger system several months ago, the State of New York filed a formal report with the Department and I am incorporating with my remarks pertinent excerpts from that State report, as follows:

NEW YORK CITY-CHICAGO

In the selection of the end points of New York City and Chicago, the Secretary has wisely identified a long-haul corridor which we believe has the potential for becoming one of the more profitable within the basic system.

As a practical matter there are presently two routes employed by Penn Central Transportation Company to provide service between these end points. One route utilizes the former New York Central through Buffalo and Cleveland, while the other utilizes the former Pennsylvania tracks via Philadelphia and Pittsburgh.

Travel requirements between the cities of New York and Chicago could probably be satisfied by the operation of only one of these routes. However, a large proportion of the travel is presently to, from or between intermediate points.

Thus, we believe it is essential that service be provided between New York City and Chicago via Buffalo as well as via Pittsburgh. If the Pittsburgh route were to be omitted, it would be impossible for persons to travel from New York City to such points as Altoona, Pittsburgh, and Fort Wayne.

On the other hand, if the Buffalo-Chicago route were omitted, it would be impossible for persons to travel between New York City and any of the large metropolitan areas located along the Empire Service corridor, on the one hand, and, on the other, such large metropolitan areas as Cleveland, Toledo, Detroit and South Bend.

This omission would also disrupt travel between all upstate New York points and the western United States via the Chicago gateway.

It is the considered position of New York State that both the Buffalo and Pittsburgh routes are essential and should be employed to provide service between the New York City-Chicago terminal points. It is our understanding that the regulatory commissions of Pennsylvania and Indiana also support our position that service over both routes is essential and that neither route is an adequate substitute for the other.

POINTS OMITTED FROM BASIC SYSTEM

Buffalo - Cleveland - Toledo - Chicago—Although the Secretary has designated New York City and Chicago as terminal points of a long distance route, this is no assurance that any trains will actually be routed via Buffalo.

New York State believes it is essential that rail passenger service be maintained between New York City and such large population centers as 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, Detroit and Chicago.

Failure to specifically include service west of Buffalo in the system could result in the cutting off of the entire population of upstate New York from an outlet to the western United States via the Chicago gateway.

New York earnestly requests that the Secretary specifically designate Buffalo-Chicago—as well as Buffalo-Detroit—as end points in the basic system so as to *ensure* the continuation of service in this territory by the corporation.

Although most service over this route would probably be through service operated in conjunction with the New York-Buffalo corridor, the corporation might also find it profitable to operate additional short-haul service between Buffalo and Cleveland as well as between Cleveland and Chicago.

Since all of the cities along this route now have established intercity rail passenger service for which roadbeds and signal systems are maintained to passenger standards and passenger station facilities exist, the immediate need for the corporation to expend large sums of money for capital improvements would be obviated by the use of this route. Furthermore, with the assistance of the State of New York, Penn Central has recently constructed new modern passenger stations with abundant parking facilities to serve the cities of Albany, Schenectady, Amsterdam and Syracuse.

Penn Central's service has in recent years been characterized by poor on-time performance, misleading and incomplete timetables, unheated and unairconditioned cars and other features which by design or otherwise have artificially depressed patronage on the Buffalo-Chicago route. It is almost incredible that trains operating between New York City and Chicago 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 Penn Central train 51 between Buffalo and Chicago are subjected to a one hour and fifty minute layover at Cleveland, along with an additional twenty-six minute layover at Toledo.

Summary—In terms of the criteria used by the Secretary, New York State believes that these end points qualify for inclusion in the basic system.

Particular attention has been called to the large population centers at each end point, the extraordinary scenic value of the route, heavy corridor travel, the present service by four daily trains, and the availability of the Canadian rail system by inclusion of the Montreal end point.

Preservation of this historic route of international commerce would have the additional advantage of enhancing relations with our Canadian neighbors.

BOSTON-ALBANY SEGMENT

New York State is concerned over the omission of the present Boston to Albany service from the basic system.

At the present time, the Penn Central offers a connecting service at Albany to and from Boston for the west by means of Trains 427 and 428. Of special significance is the comparatively large proportion of users of this service which transfer at Albany to or from Trains 61 and 62.

The inclusion of east-west service to

Boston, with its metropolitan population in excess of a million, would permit the basic system to be operated as a truly national integrated system. The Boston-Albany line operates in an east-west direction across the Commonwealth of Massachusetts and as such draws passenger traffic from the far-reaches of northern New England. The inclusion of this link is essential to properly tap the large New England travel market.

Mr. Speaker, as part of my remarks I also would like to include the text of my letter of February 23 to Chairman STAGGERS requesting early consideration of my bill, H.R. 709:

FEBRUARY 23, 1971.

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

DEAR MR. CHAIRMAN: On January 22, the first day in which the bills could be introduced in the 92d Congress, I introduced H.R. 709, a bill to provide additional time for review of the basic National Rail Passenger System.

About a week later, Secretary of Transportation John A. Volpe designated the basic system of cities between which intercity rail passenger service will be provided by the National Rail Passenger Corporation.

My concern about the final proposal by Secretary Volpe, notwithstanding the changes which were made from the preliminary plan, is that I feel some key segments still ought to be added to the over-all system. My immediate concern, of course, is service to my home city of Buffalo, New York. However, many of my colleagues have expressed concern about the provision of service for their areas in the final plan.

So far as Buffalo is concerned, the plan provides for a route between New York, Albany, Syracuse, Rochester, and Buffalo, located entirely within the State of New York. This is an excellent and much-needed route, and we certainly have no doubt about the necessity for this route in any national system.

Our question pertains to service west from Buffalo, and this would apply likewise to Albany, Rochester, and Syracuse, covering all of the upstate New York areas.

There is definite need for service west from Buffalo because it would permit connections to points in the west and the south. We also have need for a direct route to the south, but this has not proven acceptable and the support would probably not be adequate.

However, with regard to extending the route from Buffalo west by way of Cleveland and/or Detroit to Chicago, the demand is very clear.

I would commend to you the comments and recommendations made by the State of New York, in filing with the Transportation Department on December 31, 1970, with regard to service between New York City and Chicago. For your convenience, I am enclosing copies of these three pages of the report.

The State very wisely points out that the Penn Central now has two passenger routes between New York and Chicago; one over the old New York Central tracks through Buffalo and Cleveland, the other over the former Pennsylvania Railroad tracks by way of Philadelphia and Pittsburgh.

While through traffic between New York and Chicago could be served by either route, upstate New York will have no service past Buffalo under the adopted plan.

As your Committee is organized, I hope that you will give early consideration to H.R. 709. I hope that your Committee can schedule a hearing to consider the over-all plan as adopted.

Since the plan was scheduled to go into effect on May 1, there is a sense of urgency if any action is to be accomplished.

With best wishes,

Sincerely yours,

T. J. DULSKI.

FEDERAL BUDGET ARITHMETIC: FISCAL 1972

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HORTON. Mr. Speaker, each year, because of the deep concern of my constituents about the contents, the amounts, and the priorities of the Federal budget, I have prepared an extensive analysis of administration budget proposals. My analysis seeks to highlight priority judgments in the budget items, particularly focusing on the proposed expenditures of controllable funds, as opposed to uncontrollable expenditures and trust funds which are inflexibly earmarked for special purposes.

Last month, I issued a two-part analysis entitled "Federal Budget Arithmetic" which analyzes the fiscal 1972 proposals and compares the results with similar analyses of the fiscal 1970 and 1971 budgets.

I feel these results are of interest to other colleagues and to all Americans who share the increasing concern with the spending judgments which are exercised at every level of government.

Thus, Mr. Speaker, I will include the full text of "Federal Budget Arithmetic" at this point:

FEDERAL BUDGET ARITHMETIC: HOW MUCH SHIFT IN PRIORITIES IN FISCAL 1972?

(By Congressman FRANK HORTON)

(EDITOR'S NOTE.—This is the first of a two-part series on Federal Budget Arithmetic analyzing the fiscal 1972 budget proposed by the Administration. The second article will examine controllable and non-controllable expenses.)

When President Nixon submitted his $229.2 billion budget for fiscal 1972 to Congress last month, it was heralded by the Administration as "an indicator of the reordering of the nation's priorities."

Outlays for human resources will be the highest in 21 years, the Administration said, and although spending for defense will increase dollarwise it will drop percentagewise.

To support these statements, the Office of Management and Budget prepared for public distribution a colorful "pie chart" which shows where the budget dollar will go:

"National defense, 34%; human resources (including education and manpower, health, income security and veterans benefits and services), 42%; physical resources (including agriculture and rural development, natural resources, including pollution control, commerce and transportation, and community development and housing), 11%; interest on the public debt, 8%; and other categories (including international affairs and finance, space research and technology, and general government), 5%.

While the President's budget for fiscal 1972 does indicate some real reordering of the nation's priorities away from defense and some innovative proposals for solution of domestic problems, the turnabout is not, unfortunately, as substantial as the Administration's pie-shaped chart would lead us to believe.

For included in the President's $229.2 billion pie is $53.8 billion from Social Security and Highway Trust Funds. These trust funds are not collected from income taxes and little spending discretion can be exercised over them by Congress or the President.

While Social Security benefits contribute to the income security of older and disabled Americans, they are not paid out of revenue from income taxes but out of a trust fund made up of payroll taxes. These funds are not subject to discretionary spending on a year-to-year basis.

These Social Security expenditures are necessary, but they cannot fairly be included with other programs in the "human resources" category which contribute directly to health, education, manpower training and other innovative or social action purposes.

I believe the interpretation of the budget for fiscal 1972 which I have prepared gives a less distorted view of the spending picture. It looks at the budget by income and corporate tax outlays of the federal government. These are grouped into 14 functional categories according to the general purposes served.

These 14 categories totalling $181.3 billion include an outlay of $4.0 billion for the proposed general revenue sharing programs but do not include either the $53.8 billion for Social Security and Highway Trust Funds or any adjustment for special allowances.

When we look at the budget in this way, it totals $181.3 billion, instead of the $229.2 billion figure which included the trust funds. The following table shows how much of each $100 of individual income tax and corporate tax money would be spent on various government functions for fiscal 1972. In addition, these figures are compared with those for fiscal 1970 and 1971:

THE $100 TAX PICTURE

	1970 [1]	1971 [1]	1972 [1]
National Defense	$48.90	$45.67	$42.77
International Affairs and Finance	2.53	2.24	2.23
Space Research and Technology	2.39	2.12	1.74
Agriculture and Rural Development	3.93	3.32	3.20
Natural Resources	1.53	1.55	2.34
Commerce and Transportation	3.08	2.72	3.40
Community Development and Housing	1.87	2.34	2.48
Education and Manpower	4.64	5.05	4.86
Health	8.16	9.28	8.83
Income Security (excluding Social Security)	4.14	5.27	6.46
Veterans Benefits and Services	5.34	5.26	5.87
General Government	2.22	2.55	2.74
Interest	10.98	11.04	10.86
Allowances	0.29	1.59	
Revenue Sharing			2.22
Total	100.00	100.00	100.00

[1] Figures do not include allocations from the social security and highway trust funds, which are not collected from income taxes.

This table is evidence of a shift in priorities. Proposed percentage outlays for defense and space research and technology have been reduced. Percentages for natural resources, commerce and transportation and community development and housing have been increased.

If adopted, increases in these areas will help spur a partial conversion of industry to these domestic pursuits and will help make up for loss of jobs in the defense field.

However, some additional areas upon which I have placed high priority in the years I have been in Congress—education and manpower, health and agriculture and rural development—show a decrease in their share of the $100 tax picture.

Our states and localities presently face bankruptcy because they cannot meet the financial burdens imposed by the mounting costs in the fields of education, health and employment. Revenue sharing, if enacted, will mean some increases in these areas, but not enough.

Any real reordering of our nation's priorities must include greater outlays in the crucial areas of human resources as well as the physical resources.

These adjustments should be made during review of the budget by Congress and any increases for education or other categories must be deducted from lower priority expenditures.

FEDERAL BUDGET ARITHMETIC: CONTROLLABLE AND UNCONTROLLABLE EXPENSES

(By Congressman FRANK HORTON)

(EDITOR'S NOTE: This is the second article of a two-part series on Federal Budget Arithmetic. Last week's article looked at the priorities established by the Fiscal 1972 budget.)

At this time of concern over the financial crisis of government and the burdens of taxation, it is important to take a realistic view of the federal budget—to examine how much financial assistance the federal government is actually able to allocate to states and localities and how much money it can spend on solutions of domestic problems.

Last year, in analyzing the Fiscal 1971 budget on the basis of controllable and uncontrollable expenses, I noted that only $22.3 billion in controllable budget funds were allocated for domestic purposes. This amounted to 11% of the total $200.8 billion budget for Fiscal 1971.

In analyzing the Fiscal 1972 budget, I can report that the news is brighter, but the controllable funds available for domestic purposes still may not be enough to meet the mounting financial crisis.

In this budget, $28.1 billion in controllable funds amounting to 12% of the total $229.2 billion budget, is available for domestic use. This is an increase of $5.8 billion over last year.

What few people realize is that 66% of the total 1972 budget figure, or $152.2 billion, is categorized as Uncontrollable or relatively uncontrollable expense. This means, briefly, that the President and Congress have little flexibility or choice in the expenditure of 66% of the budget.

This compares with $138.4 billion, or 69% in uncontrollable expenses in the 1971 budget.

Included in uncontrollable budget items are such programs as Social Security, medicare and other social insurance trust funds. These alone amount to $55.8 billion for Fiscal 1972.

Military retired pay, interest on the Federal debt, veterans benefits, medicaid and welfare assistance grants to states, farm price supports, operating costs of the legislative and judiciary branches of government and obligations to carry out prior-year contracts make up the remainder of the 152.2 billion in uncontrollable expenses.

None of these budget items is subject to administration discretion in the sense that existing legislation requires the expenditures of funds for these programs. But of course, changes in Social Security laws, veterans benefit laws, treasury borrowings, interest rates and other factors can have an upward or downward effect on these expenditures.

With 66% of the budget allocated to uncontrollable items, what discretion is left to the government to allocate money for so-called "controllable" categories or programs?

In Fiscal 1972, the total of "controllable" budget items requested by the President is $77.0 billion or 34% of the total budget. Theoretically, this is the figure the President and Congress can work with in setting budget priorities and in allocating funds for new programs.

This is an increase of 3% over the controllable budget estimate for Fiscal 1971, during which $62.4 billion, or 31% of the total budget, was allocated for controllable expenses.

Those concerned about the need for new and costly domestic programs in the areas of revenue sharing, housing, education, transportation, job training, pollution control and welfare reforms would, at first glance, feel that $77.0 billion would provide enough leeway to make room for some or all of these needed items.

However, a closer look at the controllable side of the 1972 budget paints a different picture. Of the $77.0 billion controllable budget dollars, the 1972 budget requests $48.9 billion or 64% of the controllable budget for defense expenditures.

This leaves $28.1 billion for civilian programs, which is even further reduced by a portion of the $7.8 billion in intragovernmental transactions between Federal agencies.

In Fiscal 1971, of the $62.4 billion in controllable expenses, $46.7 billion, or 75% of the controllable expenses, were allocated for defense.

President Nixon's proposed budget for Fiscal 1972, therefore, does show a significant shift in priorities from defense to domestic programs. Defense spending has been cut 11% from the 1971 level as a proportion of the controllable budget. This decrease is represented by an increase of 11% in spending for domestic programs such as revenue sharing, welfare reform and environmental quality.

The table below, however, showing the breakdown of controllable and uncontrollable budget items for 1970, 1971 and 1972 illustrates in dollar terms how slowly this change is occurring.

[Fiscal years, in billions]

Controllability in 1972	1970 actual	1971 estimate	1972 estimate
RELATIVELY UNCONTROLLABLE OUTLAYS UNDER PRESENT LAWS			
Open-ended programs and fixed costs:			
Social Security, Medicare, and other social insurance trust funds	$45.2	$53.6	$55.8
Interest	18.3	19.4	19.7
Veterans benefits: Pensions, compensation, education, and insurance	6.6	7.8	8.4
Medicaid program	2.7	3.3	3.8
Other public assistance grants	4.7	6.4	7.6
Farm price supports	3.8	3.2	3.6
Food stamp program	.6	1.5	2.0
Military retired pay	2.8	3.4	3.7
Postal Service	1.5	2.4	1.3
Legislative and Judiciary	.5	.5	.6
Other	2.1	2.9	3.6
Outlays from prior year contracts and obligations:			
National defense	24.9	22.4	22.4
Civilian programs	16.6	19.2	19.6
Subtotal, relatively uncontrollable outlays	130.2	146.0	152.2
RELATIVELY CONTROLLABLE OUTLAYS			
Allowances for pay raises:			
Department of Defense		.9	2.4
Civilian agencies		.5	1.0
National defense:			
Proposed volunteer army program			1.2
Other	52.3	49.6	47.7
Civilian programs:			
Proposed added amounts for revenue sharing			4.0
Proposed social security benefit increase		$1.1	$3.0
Other	$20.5	21.5	24.5
Allowance for contingencies		.3	1.0
Undisturbed intragovernmental transactions	−6.4	−7.2	−7.8
Subtotal, relatively controllable outlays	66.4	66.8	77.0
Total budget outlays	196.6	212.8	229.2

Source: Taken from p. 527 of the Budget of the United States Government for Fiscal Year 1972. Estimates for fiscal 1971 have been updated and are, therefore, higher than used in the body of the article and taken from the table published with last year's analysis of controllable and uncontrollable expenses.

THE ETHNIC AMERICAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. COLLIER. Mr. Speaker, very recently I read an article in "The Polish Women's Voice" entitled "The Ethnic American". The paper is published by the Polish Women's Alliance of Chicago.

The author, Barbara A. Mikulski, is presently an assistant professor of urban affairs at Community College in Baltimore. I was deeply impressed with her candid analysis of life in ethnic America, and I commend her for her insight into this problem.

The article follows:

THE ETHNIC AMERICAN

(By Barbara A. Mikulski)

The ethnic American is forgotten and forlorn. He is infuriated about being used and abused by the media, government, and business. Pejorative epithets such as "piks" and "racists" or slick, patronizing labels like the "silent majority" or "hard hats" are graphic examples of the lack of respect, understanding and appreciation of him and his way of life.

The ethnic Americans are 40 million working class Americans who live primarily in 58 major industrial cities like Baltimore, Chicago and midwest. Our roots are from Central and Southern Europe. We have been in this country for one, two or three generations. We have made a maximum contribution to this country, yet received minimal recognition.

The ethnics came to America at the turn of the century through the '20's, until we were restricted by prejudicial immigration quotas—65,000 Anglo-Saxons to 300 Greeks. We came looking for political freedom and economic opportunity. Many fled from countries where there had been political, religious and cultural opposition for 1,000 years.

It was the working class who built the Great Cities—constructed the skyscrapers, operated the railroads, working on the docks, factories, steel mills and in the mines. Though our labor was in demand, we were not accepted. Our names, language, food and other cultural customs were the subject of ridicule. We were discriminated against by banks, institutions of higher learning and other organizations controlled by the Yankee Patricians. The conditions under which we worked were horrendous. There

were no protective mechanisms for safety, wages and tenure. We called ourselves Americans. In return, we were called "wop," "polak" and "hunky."

For our protection, we formed our own institutions and organizations and clung together in our own neighborhoods. We created communities like "Little Italy" and "Polish Hill" in which to live and raise our families. The ethnic parish church and the fraternal organizations like the Polish Women's Alliance and the Sons of Italy became the focal points for the preservation of our culture and provision of community services. It was these institutions that helped set up citizen classes that established nursing homes for the elderly sick and provided educational opportunities for the young.

These neighborhoods were genuine "urban villages." Warmth, charm and zesty communal spirit were among their chief characteristics. People knew each other and related to each other in a personal way. This was true not only of relatives and friends, but of the grocer, politician and priest. The people were proud, industrious and ambitious for their children. All they wanted was a chance to "make it" in America.

We created our own Savings & Loan Associations to allow our neighbors to buy homes and start businesses. Money was lent on the basis of a man's character, rather than on the status of his job. Ethnics organized and fought to get their own political representatives. We knew these measures meant jobs and services coming into the community. Workers banned together into labor unions, fought for a New Deal and sought various routes of mobility. Government responded by instituting Social Security and the minimum wage. We haven't heard from it since then, except when our men get their draft notices.

Here we are in the 1970's, earning between $5,000–$10,000 per year. We are "near poor" economically, with no one listening to our problems or appreciating the contribution we have made to American life. The President's staff responds to our problems by patronizingly patting us on the head and putting pictures of construction workers on postage stamps. The media stereotypes us either as gangsters or as dumb clods in dirty sweat shirts. The status and value of manual labor has been denigrated to the point where men are often embarrassed to say they are plumbers or tug boat operators. This robs men of the pride in their work and in themselves. Society chooses to ignore the fact that architects would be helpless unless there are carpenters and brick layers to make their plans a reality; that manufacturers and their engineers would be powerless unless there are men to work on the assembly line and in the tractor trailers. In many instances, the ethnic working class is treated like the machines they operate and viewed only as objects of production.

The Ethnic American is also losing ground economically. He is the victim of both inflation and anti-inflation measures. Though wages have increased by 20 per cent since the mid '60's, true purchasing power has remained the same. Simultaneously, he is hurt by lay-offs due to cutbacks in production and construction. Tight money policies strangle him with high interest rates for installment buying, mortgages and home improvements. He is the man who at 40, is told by the factory bosses that he is too old to be promoted and there are no opportunities to be trained for something new. The old job is often threatened by automation. At the same time, his expenses are at their peak. He is paying on his home and car, probably trying to put at least one child through college and probably facing the responsibility of supporting an elderly parent. Some respond to their financial problems by moonlighting or by having his wife going to work. Family tension and conflict often arise.

He feels trapped and rejected. All of his life he has been taught that the "system" is good if only you work hard, not be demanding and obey the law. He has followed all of these rules. Yet, when he looks to government figures for help, he finds that his political representatives are not interested in listening to him. Nor are there any programmatic responses to his needs.

Paying the bureaucratic bill through inequitable taxes and getting little in the way of return seems to be his fate. In pursuing his treasured dream of home ownership, he finds that it becomes a millstone rather than a milestone in his life. Since FHA loans are primarily restricted to "new" housing, he cannot buy a house in the old neighborhood. He has to choose whether to get a conventional loan, which requires a much higher down payment, or move into an over-priced, homogenized housing development. As a home owner, he is forced to bear the brunt of spiraling property taxes—the major source of revenue in his city as a wage earner. He has no silk stocking lawyers or fancy lobbyists getting him tax breaks.

He believes in the espoused norms of American manhood like "a son should take care of his mother" and "a father should give his children every opportunity." Yet, he is often torn between putting out $60 a month for his mother's arthritis medication or paying for his daughter's college tuition. Nobody in the richest nation in the history of mankind should have to make a choice like that.

When the ethnic worker looks for some modest help, he is told that his income is too high. He's "too rich" to get help when his dad goes into a nursing home. If his wife suffers a major illness, his neighborhood isn't poor enough to qualify for free homemaker services. Colleges make practically no effort to provide scholarships to kids named Colstiani, Slukowski or Klima. Bewildered and embittered, he wonders what happened to the American Dream that he had at Iwo Jima and Pork Chop Hill.

The one place where he felt the master of his fate and where he had status was in his own neighborhood. Now even that security is being threatened. He wants new schools for his children and recreation facilities for the entire family—not just the token wading pool for preschoolers or the occasional dance for teenagers. He wants his street fixed and his garbage collected. He finds that the only thing being planned for his area are housing projects, expressways and fertilizer factories. He's told that those things represent "economic development" and "community progress." This makes him furious. Whose economics are developed and whose community is progressing? It is certainly not his. When he goes to City Hall to make his problems known, he is either put off, put down or put out.

Liberals scapegoat us as racists. Yet, there was no racial prejudice in our hearts when we came. There were very few black people in Poland, Lithuania or our other homelands. The elitists, who now smuggly call us racists, are the very ones who taught us the meaning of the word; however, their bigotry also extended to those of a different class or national origin. He is tricked by the political rhetoric of the illusionary funding of Black-oriented programs. Government is further polarizing people by the creation of myths that Black needs are being met. Thus, the ethnic worker is fooled into thinking that the Blacks are getting everything.

Thus, old prejudices and new fears are ignited. The two groups end up fighting each other for the same jobs and competing with each other so that the new schools and recreation centers will be built in their repective communities. They are falsely told that these resources are limited. What results is angry confrontation for tokens, when there should be an alliance for a whole new agenda for America. This agenda would be created when Black and White organize separately in their own communities for their own needs, but come together to form an alliance based on mutual issues, interdependence and respect. This alliance would develop new strategies for community organization and political restructuring. From this, the new agenda for America would be generated. It could include such items as "new towns in town," innovative concepts of work and creative structures for community control.

What is necessary is to get rid of the guilt of phony liberals, control by economic elitists and manipulation by selfish politicians. Then, let us get on with creating the democratic and pluralistic society that we say we are.

GOOD CITIZENSHIP AWARD

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. WHITEHURST. Mr. Speaker, I am currently conducting a Good Citizenship Award competition in the high schools of Norfolk and Portsmouth, Va., as a means of recognizing high school senior students who have been contributing toward a better community by working with their school, organizations, and civic groups.

The award is given in cooperation with Norfolk School Superintendent E. L. Lamberth, and Portsmouth School Superintendent M. L. Alford, and the mayor's committee of Norfolk Mayor Roy Martin and Portsmouth Mayor Jack Barnes. The award is an all expense paid day in Washington as my guest, and a tour of the Capitol. The two winners will be a "Congressman for a Day."

The selection will be made on the basis of volunteer work, leadership or participation in a community service project such as a chuch, scout, civic or political organization, and leadership or participation in school activities.

A faculty committee of each school will select the school winner. The names of these nominees will be forwarded to the mayor's committee in each city, who will select the final winner.

This is the second annual contest, and I am sure the selection of a student from each Norfolk and Portsmouth high school will again prove to be not an easy task, and the selection of the final winner for each city will again be most difficult.

Recognition for students contributing toward a better community and interested in public and civic affairs is something we all recognize as a worthwhile undertaking. An award, such as the Good Citizenship Award, can perhaps bring to the public's attention that the majority of our students have appealing qualities and are interested in the orderly growth of our cities.

THE THREATS TO UNITED STATES AND FREE WORLD SECURITY

HON. ROBERT L. F. SIKES
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. SIKES. Mr. Speaker, the Defense Report which has been made public by the Secretary of Defense, the Honorable Melvin Laird, is a very important document. It provides a comprehensive analysis of the status of defense problems worldwide. It analyzes Communist capabilities in unusual detail and it provides a clear picture of the need for modernization of U.S. and free world forces in the period immediately ahead. I find much of particular interest in a section of this report which is entitled "The Threats to U.S. and Free World Security." I feel that this section should have careful study and I earnestly recommend that my colleagues in the Congress not overlook its significance.

I include the material as follows:

THE THREATS TO U.S. AND FREE WORLD SECURITY

The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, will provide a more detailed analysis of the threat in his statement to the Committee.

This section summarizes the major threats we and our friends and allies must confront, primarily in terms of the categories of potential conflicts: stragetic and theater nuclear, theater conventional and subtheater. Also included are discussions of different dimensions of the threat: communist military assistance and the technological challenge. Tables 2 through 8 in the Appendix amplify the following summaries.

Although the various military forces are shown in specific categories for ease of understanding and clarity of presentation, such structuring does not mean that these forces can be neatly allocated specific roles in the spectrum of conflict. Just as is the case for U.S. forces, many of the force elements shown or discussed in this threat section could have multi-mission roles, could be used in theater or subtheater conflicts, or could be delivered to other countries under an assistance program.

THE STRATEGIC NUCLEAR THREAT

The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3. Although projections beyond those shown become progressively less certain, especially where they extend beyond the production and deployment leadtimes of the weapon systems involved, we must make such projections for future defense planning.

The Soviets have built up their ICBM forces at a rapid rate during the past five years, and as of the end of 1970, had some 1,440 operational launchers. There are indications, however, that construction on new silo starts has slowed during the past year.

The SS–11 deployment of launchers appears to have leveled off at the present time, with over 900 missiles, part of which are associated with the MR/IRBM fields. The deployment rate of the SS–9s decreased during 1970, even though deployment continued. Work on some sites may have been suspended and work has slowed on several others. The deployment rate of the SS–13 continues as it has for the past four years, with some indication that it may be slowing.

The implications of these trends are still not clear. The Soviets may have completed new starts for a programmed force of SS–9 and SS–11 missiles, or they may have slowed silo construction in order to proceed with retrofit of some existing silos with improved, modified or MIRVed missiles. Alternatively, the explanation may be that the Soviets are preparing to deploy new ICBM systems. We will, of course, be examining the situation carefully in order to get more precise indications of where they are headed.

However, we expect the Soviets by mid-1972, if they elect to continue work on those sites where construction has slowed or stopped, and to maintain the older systems at the current level, to have over 1,500 operational ICBM launchers, part of which are associated with the MR/IRIBM fields.

Beyond 1972 our projections of Soviet ICBM launchers and reentry vehicles (RVs) become less firm. As was the case last year, there is still no agreed estimate on what the size and characteristics of the Soviet force will actually be in the period after 1972, or on where it may level off.

It should be kept in mind that although the Soviets probably have no MIRVed missiles operational at the present time, MIRVs have been tested many tiems on the SS–9 since August 1968.

It is evident that the Soviets could have over the next few years, several distinctly different forces depending on their objectives and force decisions. Regardless of the direction in which they proceed, a key question would remain about the accuracy of the RVs in their ICBM force. It is estimated that the accuracy of the SS–9 could be substantially improved by 1975/76. With this improved RV accuracy, the projected Soviet SS–9 missile force could pose a serious threat to the future survivability of undefended MINUTEMAN silos.

The Soviet ICBM threat is augmented by a substantial nuclear-powered, ballistic-missile submarine fleet, that is presently the fastest growing element of the threat. The most capable component of this fleet is the Y-class, which, like the U.S. Polaris, has 16 tubes for launching missiles. There are now at least 17 such subs operational—capable of launching at least 272 missiles with a range of 1,300 nautical miles. The additional ballistic missile capability in older Soviet submarines gives them a total of more than 350 launchers in the operational inventory. Another 15 or more Y-class submarines are in various stages of assembly and fitting out. At the current production rate of 7–8 SSBNs per year, the USSR could develop an operational force of Y-class submarines by 1974, comparable in size to the current Polaris force. A longer range submarine launched ballistic missile is under active development. We cannot estimate deployment at this time.

The Soviet intercontinental heavy bomber force, which now numbers around 200 aircraft (including about 50 tankers) continues its slow downward trend of the past few years. Although we believe the Soviet medium bomber force of several hundred aircraft is targeted primarily against the Eurasian area, we cannot ignore the fact that these aircraft do have a one-way mission capability against the United States. The Soviets also have a new swing-wing bomber under development. Its future role has not been determined, but it is estimated to have intercontinental range capability.

With regard to the strategic defensive forces of the Soviet Union, there is extensive deployment of aircraft defenses, as well as an ABM system deployed around Moscow. The Soviets have a large inventory of radars numbering in the thousands and a force of over 3,000 interceptor aircraft. There is a slight trend towards a reduction in the number of these interceptors, but the quality of the force has improved. Four new interceptors have been added since 1964, and these newer models make up a substantial part of the force. In addition, four different SAM systems, with about 10,000 launchers, are presently deployed for air defense. There is concern by some of my technical experts that the SA–5 SAM might be capable of adaptation for certain ABM roles.

The Soviets now have four Moscow ABM complexes (ABM–1) operational. They are continuing construction of surveillance radars which could be a part of an ABM system, and are actively working on R&D related to development of new ABM system components, including a new missile. Further details are shown on Table 3.

As for the strategic nuclear threat of the Peoples Republic of China, their progress toward achieving in ICBM capability is continuing. The sophistication of Chinese missile programs was clearly indicated by the launching of China's first satellite in April 1970, probably using stages of an IRBM now under development. We believe that the Chinese could attain an initial operational capability (IOC) with ICBMs within three years after flight testing commenced. The start of testing has not yet been confirmed, but a reduced range test of an ICBM may have occurred in late 1970. Thus the earliest possible date for deployment would be 1973, but it is more likely that the Chinese ICBM will not attain IOC until a year or two later, and they probably could not have significant numbers of ICBMs deployed until late in the decade.

Further details on Chinese strategic systems are provided in Table 4.

THE THEATER NUCLEAR THREAT

The theater nuclear forces of the Soviet Union include large numbers of ballistic missile launchers (including short, medium, intermediate, as well as variable range missiles) and tactical surface-to-surface missile launchers assigned to their ground forces. In addition, their large medium bomber force of about 700 aircraft in Long Range and 400 aircraft in Naval Aviation is capable of carrying nuclear weapons, as are a substantial number of light bombers, fighter bombers and fighters in the tactical air forces. Soviet naval forces, both surface and sub-surface, also carry nuclear-capable missiles.

Theater nuclear capabilities of the Peoples Republic of China probably are limited currently to medium bombers, but limited deployment of the Chinese medium range ballistic missile (MRBM) may have occurred. The emphasis in Chinese R&D appears to have shifted in 1970 from the MRBM to development of an intermediate range ballistic missile (IRBM). The Chinese MR/IRBM development efforts have also provided important experience for their ICBM program.

By mid-1971, the Chinese are expected to have a small number of MRBMs deployed. Their IRBM could attain IOC within the next year or two, and by mid-1972, the Chinese are expected to have operational a modest number of missiles, with a mix of MRBMs and IRBMs. This will, of course, provide an additional nuclear threat to the free nations of Asia.

China's primary aircraft for nuclear weapon delivery is the BADGER, now in series production. They now have a few of these aircraft operational and are expected to have a significant force by mid-1972.

THE SOVIET AND WARSAW PACT THEATER CONVENTIONAL THREAT

Over the past year, we have seen the Soviet and other Warsaw Pact forces continue their growth both in quality and in quantity. The Soviets now have at least 160 divisions including motorized rifle, tank, and airborne. This total includes divisions deployed along the USSR–Chinese border.

It should be borne in mind that Soviet divisions are appreciably smaller than their U.S. counterparts, and that the Soviets allocate a considerably smaller proportion of their manpower to combat and service support functions than we do.

Admiral Morer will discuss Soviet ground forces in greater detail in his presentation to the Committee.

Ground Combat. The Soviets probably will continue for the next few years production of the T–62 medium tank, with modifications.

In other categories of equipment we believe that the Soviets will gradually equip infantry units in at least some of the divisions with a new amphibious armored infantry combat vehicle. Furthermore, the Soviets are almost certainly experimenting with improved conventional weapons and within several years the Soviets could have sizeable operational inventories of improved conventional artillery shells, bombs, and missile warheads in theater force units.

We believe the Soviets will retain their current family of tactical missiles and that the number of tactical launchers will continue to grow.

Tactical Air. In tactical aviation, a gradual buildup probably will continue for the next few years. Over the longer term, the total aircraft inventory probably will decline as newer aircraft models reduce the requirement for large numbers of older fighters and light bombers. As of 1 January 1971, we believe that the force consisted of over 4,500 aircraft, including reconnaissance and support types. Almost half are capable of delivering nuclear weapons, though some of these aircraft at the present time are assigned to units that do not have a primary ground attack mission.

The Soviets have developed several new aircraft which could satisfy their requirement to replace obsolescent ground attack and light bombers and improve their air defense capability. One of these aircraft became operational in 1970, and another may be operational now in Soviet tactical aviation. A third, FOXBAT, recently was deployed with strategic defense forces as an interceptor, and may enter the tactical aviation inventory in 1971. If employed in tactical aviation, it is believed that the FOXBAT will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

Air Defense. We expect the Soviets to continue to expand and improve their theater air defense systems, including the command and control systems and the tactical missile systems. The SA–4 GANEF missile system which has been in service with Soviet forces in the USSR and Eastern Europe since 1967, is now entering service with several of the subordinate armies, and the SA–6 GAINFUL is currently being deployed to upgrade Soviet capability in this category.

Naval Forces. It is obvious that an open-ocean navy has been developed by the Soviet Union. Already having the largest submarine force in the world, the Soviets have introduced several new, advanced classes of submarines since 1968. The Y-class SSBN already has been discussed. The introduction of nuclear-powered, cruise missile attack classes has added a new dimension to submarine warfare.

By the mid-1970's, the replacement of older diesel-powered, cruise missile and attack submarines with new nuclear-powered vessels could result in a quantitatively smaller but qualitatively improved submarine force.

Concurrent with this massive submarine construction and development program, the Soviets have introduced new and advanced naval missile systems.

Over the next five years, we expect the composition of the Soviet's major surface combatant fleet to change significantly as new missile-equipped combatants replace older ships armed with guns. Whereas in 1970, missile-equipped surface combatants accounted for 23 percent of the major surface combatant fleet, by 1975, we project that some 40–50 percent of the fleet will be missile-armed.

Lift Capability. With regard to lift forces the Soviets have increased their military air transport capability to include the AN–22/COCK heavy logistic transport, a number of which are operational with transport units. The new AN–22 can carry nearly 100,000 pounds of cargo to a radius of 2,800 nm or 175 troops to a radius of some 5,000 nm.

General—Warsaw Pact. With regard to future developments in forces of other Warsaw Pact nations, we believe that there will be qualitative improvements in general purpose forces over the next decade, but we see no trends which indicate substantial changes in their contribution to Warsaw Pact capabilities. Barring disruptive political developments, we believe the Soviets will continue to place heavy emphasis on East European forces opposing NATO.

THE IMMEDIATE THREAT IN THE MIDDLE EAST

We are hopeful that the initiative for peace in the Middle East will be successful. The President has described this area as ". . . the most dangerous . . . with its vastly greater potential for drawing Soviet policy and our own into a collision that could prove uncontrollable."

The situation in the Middle East can be fitted into potential categories of possible conflict only with difficulty. This illustrates the point I made earlier that forces which we have included in one category—such as the Soviet theater conventional threat—also represent capabilities that could be used in other types of conflict. The immediate threat in the Middle East, of course, consists of the potential for war between Arab states and Israel, but the possibility exists that such a conflict could involve the Soviet Union and the U.S. The balance of power in the Middle East obviously has a vital bearing on the U.S. security interests in that area. Moreover, the Soviets are deeply involved with and in some of the Arab states in the area.

Thus, we are striving to prevent the outbreak of a war that has a chance—however slight—of leading to a U.S.-Soviet confrontation, and we are trying to help obtain a peace settlement that will promote economic and political stability in the area. As the President has explained, our assistance programs are designed to preserve a balance of military power in this area.

The combined military forces of the Arab countries which are likely to be involved in a conflict—those of Egypt, Syria, and possibly Jordan and Iraq—are numerically superior to the Israeli forces. As before the June 1967 war, however, the qualitative superiority of the Israeli armed forces offsets the numerical difference.

E. THE THEATER AND SUB-THEATER THREAT IN ASIA

Our Asian allies and friends are faced with a threat that differs somewhat from that posed to NATO by the Warsaw Pact. The forces of the Peoples Republic of China, North Korea, and North Vietnam are able to engage in subversive and small-scale guerrilla attacks in bordering states, as well as being capable of mounting full-scale conventional attacks in adjoining countries. These forces, therefore, pose both a potential theater conventional threat, and a sub-theater threat. This should be kept in mind as we address the total forces available to China, North Korea, and North Vietnam.

In addition, the Soviet forces in Asia, which were covered previously, must be considered as part of the theater threat in Asia.

Communist China, however, poses the principal general purpose force threat in Asia. The Chinese army consists of approximately 2.5 million personnel, organized into a total of more than 140 combat divisions. The air force (including the Navy's air arm) consists of more than 4,000 aircraft, of which most are jet fighters, and a small fleet of about 300 jet bombers. The Navy's main offensive strength centers upon a growing force of more than 40 attack submarines, a number of which are of the medium-range R–Class; and increasing numbers of guided missile patrol boats. Chinese production of army ordnance, new guided missile destroyers and advanced jet fighter aircraft are contributing to a rapid modernization of the general purpose forces.

The Peoples Republic of China could conduct major offensive operations in four non-Communist areas: South Korea, Taiwan, Southeast Asia and India. While the Chinese have the largest land military force in the world, a commitment of forces in conventional military operations on more than one front would impose serious burdens on their available logistic resources, and is considered unlikely today, given China's limited logistic capabilities and its border problems with the Soviets. Such an effort would be possible only if there were no interdiction of China's lines of communications (LOCs) and capacity to make war.

Of course, in addition to the potential of its regular combat forces, China has significant ability to promote and support subversion and insurgency in peripheral areas.

North Korea poses another significant threat in Asia. The country's general purpose forces are relatively modern in structure and equipment and have attained a high state of combat readiness. The Army consists of some 360,000 personnel and about 25 division equivalents and could probably engage in initial offensive operations without external assistance.

The North Korean Air Force has more than 550 aircraft in its tactical air inventory, including MIG–21s. The air force also has a number of transport planes (including helicopters), and a small number of light bombers and 70 trainer aircraft.

The Navy includes a small submarine force, guided missile patrol boats, and a sizeable number of motor torpedo boats.

Any sustained conventional offensive operations would require considerable materiel and possibly military personnel assistance from North Korea's Communist allies. However, North Korea is capable of mounting a wide variety of unconventional warfare operations.

The North Vietnamese theater and sub-theater threat in Southeast Asia is significantly different from other threats in Asia since a portion of its force already is engaged in actual combat. We must, however, recognize the full dimensions of the military threat that could be posed by the North Vietnamese in Southeast Asia.

The Army has a total in-country strength of 315,000 and is organized into 13–14 division/commands. The Navy is relatively small and consists primarily of motor gun and torpedo boats. The North Vietnamese have a total of more than 200 fighter and attack aircraft in the Air Force. While most of these are MIG–15/17/19s, a significant number are MIG–21s.

The actual deployment of the North Viet-

namese Army outside its territory will be covered in the next section.

A brief summary of the threat in Asia is shown in Table 8.

THE IMMEDIATE SUB-THEATER THREAT IN SOUTHEAST ASIA

The actual deployment of a substantial portion (roughly half) of the North Vietnamese Army in South Vietnam, Cambodia and Laos, along with the North Vietnamese support of local communist forces (Viet Cong, Khmer Communist, and Pathet Lao) in these countries, provides the immediate threat to our friends and allies in Southeast Asia. In South Vietnam we believe there are a total of at least 240,000 Viet Cong and North Vietnamese personnel actually deployed.

The major threat to friendly forces in South Vietnam continues to be posed by those VC/NVA forces just north of the DMZ, in the southern Laos Panhandle and in the northern two provinces of MR 1. The principal Communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental-level operation. In other areas, we believe the enemy will retain the capability of causing serious but temporary disruptions by launching significant, isolated attacks if he commits the bulk of available forces. Additional information on the security situation in South Vietnam is covered in Section I, Chapter II, of this report.

Communist strength in Cambodia is estimated to be over 55,000 VC/NVA forces and Khmer Communists. Communist activity here has been characterized by persistent light-to-heavy military pressure against population centers, increased acts of terrorism, communication throughout the countryside. Current Communist strength in Laos is estimated at about 145,000 North Vietnamese and Pathet Lao.

The present threat to Thailand is primarily one of insurgency. Although the insurgency continues to expand, it is not yet considered a serious threat to the internal stability of the Royal Thai Government. This assessment was given me by Thai officials during my recent visit there. Insurgents along the Thai/Malaysian border are under the direction of the Communist Party of Malaysia (CPM). The remaining insurgents are under the direction of the Communist Party of Thailand and receive some support from the Peoples Republic of China, North Vietnam, and Pathet Lao.

COMMUNIST MILITARY ASSISTANCE

Communist military assistance programs are another important aspect of the threat to Free World security interests. Soviet and Communist Chinese aid to North Vietnam, North Korea and the Warsaw Pact countries clearly increase the military threat which we and our allies must face. Moreover, Communist military assistance programs to non-Communist countries can, as in the case of the Middle East, pose a real threat to the maintenance of regional military balances. We do not have precise and complete data or means of measuring and estimating Communist military aid programs, but the information we have does indicate their overall magnitude and direction. We have not included economic assistance, which can, in some cases, be as effective as military assistance, and which we believe is substantial.

INTRA-COMMUNIST MILITARY ASSISTANCE

Our current best estimates are that military aid among Communist countries approximated $15 billion in the 1955–1970 period, with more than 85% provided by the Soviet Union.

The largest amount of intra-Communist assistance has gone to North Vietnam. More than 70% of it has been supplied by the Soviets, and virtually all of the remainder by Communist China. Between 1966 and mid-1970, Soviet aid to Southeast Asia has been concentrated on North Vietnam, and in that period, Hanoi has received substantial military equipment.

North Korea is also a major recipient, with the Soviet Union supplying all except a small amount provided by Communist China. During the period from 1966 to mid-1970, the Soviets provided North Korea assistance for the maintenance and modernization of North Korean forces.

More than half of the intra-Communist assistance in the 1955–1970 period is accounted for by aid transfers among the USSR and Eastern European countries. The Soviets have, of course, provided the vast bulk of this aid, but Poland and Czechoslovakia have also had fairly sizeable programs. Soviet assistance to Eastern European Communist countries has averaged over $500 million annually in the last ten years, and has included some of their most sophisticated aircraft and missile equipment.

The other two major Communist recipients of Soviet military assistance since 1955 have been Cuba and the Peoples Republic of China. Soviet assistance to the CPR totalled about $1.3 billion before it was terminated in 1960. Soviet military aid to Cuba has averaged about $20 million annually, and it is likely to continue at about that level for the next few years.

2. Communist Assistance to Other Countries

Communist countries have provided, in addition to the intra-Communist flow of military assistance, about $8 billion in military aid to other countries in the 1955–1970 period. The bulk of it, over 85%, has been provided by the Soviet Union, and the remainder by Eastern Europe (12%) and the CPR (2%).

Middle Eastern countries have received the largest proportion of this military aid (almost 55%), and this area is expected to remain the major recipient of Soviet aid to non-Communist countries. The UAR and the Soviet Union reportedly concluded a new military aid agreement during 1970, which probably covered the introduction of the SA–3 surface-to-air missile system into the UAR. Since 1967, the Soviets have also concluded military aid agreements with Iran which amount to over $300 million in value.

The Soviets have also provided significant amounts of military aid to the countries of South Asia, particularly India and Afghanistan. Soviet efforts to upgrade Afghan capabilities and increase their influence in India and Pakistan are expected to keep Soviet assistance to this area at relatively high levels in the next few years.

Soviet military aid to Indonesia was virtually cut off in 1965 after the fall of the Sukarno government. Since that time. Soviet aid to Indonesia has been limited to the sale of small quantities of spare parts for equipment previously supplied.

The Soviets have also provided smaller but still significant amounts of military aid to African states. Soviet aid in Africa has emphasized areas in North Africa and along the Red Sea which are adjacent to the major recipient countries in the Middle East.

The Chinese have provided substantial amounts of military aid to Pakistan and Tanzania in recent years.

THE TECHNOLOGICAL CHALLENGE

Forces in-being and military assistance are only part of the military threat to our nation's security. The technology behind the capabilities of our potential opponents, particularly the Soviets, is of severe concern to us. With the continuing technological effort on their part, we must expect the Soviets will be capable of reducing our technological lead in some areas, and at some point in the future, we could even lag in certain critical areas.

Since 1968, the Soviet RDT&E budget has increased at 10% to 13% per year, while that of the U.S. has remained essentially constant. Our estimates indicate that the Soviets are now spending, in 1968 equivalent dollars, some $3 billion more annually on military and space research and development than we do. The Soviet level of military and space technological effort appears to be significantly larger than that of the U.S.

With a technological effort of that size, our analyses indicate that the Soviets could reduce our technological lead of several years by approximately one year with the passing of every three years. Towards the mid-to-late 1970s, we may find that we have no technological lead at all—or worse—we may lag several years behind the Soviets in some critical areas by that time.

Although these comments relate primarily to our estimates of funding associated with Soviet research, the same general trends are evident with regard to other measures—manpower, facility growth, and basic research efforts. Given the fact that theirs is a closed society, if the Soviets were to take the technological lead, it would be much more difficult for us to guide our intelligence collection activities, to interpret the information we do acquire, and to make confident decisions based on this information.

The earlier part of this chapter points out the highlights in the growth of Soviet technical capabilities. As I mentioned earlier, there may be other, perhaps dramatic changes as a result of this Soviet momentum, which could emerge unexpectedly from their closed society, and which could create urgent problems for us in the future. These surprises and consequent problems could occur across the spectrum of capabilities—as unexpected threats to strategic force survivability, as new tactical weapons and surveillance systems which we might not understand or be able to cope with, and as other improvements in existing systems.

I mentioned earlier our review of U.S. R&D programs, our reasons for the increases we are proposing in R&D for FY 1972, and some of the R&D initiatives we are taking. In the next chapter, I will discuss many of the major development programs contained in the Defense Budget, relating to force modernization and improvement.

We cannot guarantee that technological surprises and problems will not develop, but unless we increase our research effort and improve its application, we can be increasingly confident that they will. Dr. Foster will discuss the technological challenge in greater detail when he appears before the Committee.

MARION, IND. PAL CLUB

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. HILLIS. Mr. Speaker, the Police Athletic Club of Marion, Ind. is helping to create better communications and relationships between the youth and the police officers of this fine community.

I want to take this opportunity to commend the Marion PAL for its outstanding work and wish it continued success for the future.

It is interesting to note that the PAL director and the mayor of the city of

Marion credit the help of the Federal Criminal Justice Planning Agency with playing a big part in making this program the success that it is.

I submit for the RECORD a letter from PAL Director Ron Mowery and Mayor Gene O. Moore:

POLICE ATHLETIC LEAGUE,
Marion, Ind., March 2, 1971.

Congressman HILLIS,
Washington, D.C.

DEAR CONGRESSMAN HILLS: I would first like to thank you for your interest in our local Police Athletic League.

Your taking time from your busy schedule to attend our Open House on Sunday, February 28, 1971, was very much appreciated.

I am sure you noticed at our Open House, the local support we are getting from the Community in creating a better communication and relationship between the youth and our police officers, is very great.

Although local contributions and donations have been overwhelming, PAL would not have been possible without the assistance of the Federal Government and the Criminal Justice Planning Agency. This Agency was most helpful in preparing the Grant request in the amount of $16,000.00.

I am sure that I speak for the whole Board of Directors in expressing a BIG THANKS to you and all who made it possible.

Respectfully,

RON MOWERY,
Police Athletic League Director.
GENE O. MOORE,
Mayor.

THE NATIONAL SCIENCE TALENT SEARCH HONORS THREE STUDENTS FROM THE SECOND CONGRESSIONAL DISTRICT OF ILLINOIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. MIKVA. Mr. Speaker, this Nation's achievements in science and health in recent times can sometimes be taken for granted. One of the barometers of a sustaining devotion to scientific endeavor is in the activity of this country's youth. Three hundred young men and women were recently named to a select honor group in the 30th annual National Science Talent Search sponsored by the Westinghouse Educational Foundation. I take great pride in congratulating all the members of the honors group and especially commending the three outstanding students from my congressional district for the award projects they completed:

Clement Balanoff, of 9204 South Phillips Avenue, Chicago; a student at James H. Bowen High School. Project: Compact and connected spaces.

Lynn Janice Strauss, of 8754 Euclid Avenue, Chicago; a student at James H. Bowen High School. Project: Antibacterial activity of human saliva on escherichia coli.

Dennis James Trevor of 14225 South Wentworth Avenue, Riverdale, Ill.; a student at Mendel Catholic High School. Project: Co(III) covalent bonding interactions observed in absorption spectra.

THE ALASKAN PIPELINE—SOME NEW INFORMATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. ASPIN. Mr. Speaker, recently I placed in the RECORD the text of the Jorgenson report, a reasoned and thorough statement which criticized the Interior Department's environmental impact statement on the Alaskan pipeline. The main author of the report was Harold T. Jorgenson, then in the Bureau of Land Management. It seems that there was an attempt on the part of some Interior officials to keep the Jorgenson dissent quiet until after it became the subject of a Jack Anderson article and after I placed the report in the official record of the Interior Department's pipeline hearings in Washington on February 16.

Today I am placing in the RECORD another excellent report—this one written by the Alaskan Army Corps of Engineers—which criticizes the Interior Department's impact statement. Again, this report was the subject of a Jack Anderson article and, again, it appears that there was a conscious attempt—by the Pentagon, this time—to keep the report secret.

Among many other good points, the Corps of Engineers' report criticizes the Interior Department impact statement for:

Failing to "fully comply with the letter and spirit of the Environmental Policy Act," which requires a full report of the expected ecological consequences arising from a proposed project.

Assuming without sufficient data that immediate development of the Alaskan oil deposits is necessary for the national security.

Agreeing to stipulations which "are too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations."

I urge you to read this important report, which follows:

DEPARTMENT OF THE ARMY,
ALASKA DISTRICT,
CORPS OF ENGINEERS,
Anchorage, Alaska, February 5, 1971.

Memorandum to NPAEN.

Subject: Review Comments—Interior Department Environmental Impact Statement for the Trans-Alaska Pipeline.

Chief of Engineers, ATTN: ENGCW.

1. Forwarded as requested are review comments on the draft of Environmental Impact Statement for the Trans-Alaska Pipeline (Incl. 1). These comments were jointly prepared by the Alaskan Command, North Pacific Division, and the Alaska District.

2. During our review of this impact statement, it became evident that comments could not be limited to our regulatory responsibilities for a comprehensive treatment of this document. We found it important to introduce discussion on matters where it appeared that the information contained in the statement did not conform to OCE instructions for preparation of similar statements on Corps of Engineer projects or did not seem consistent with the National Environmental Policy Act of 1969. Your particular attention is invited to Part 1, general comments A, B, and C, covering a general statement, legal sufficiency, and Department of the Army permit requirements.

3. We must emphasize that the time allocated for this review was insufficient to properly assess and prepare commentary of sufficient depth required on a project of this magnitude and with the potential for environmental change it could introduce. Although considerable effort and expense were incurred in developing the attached comments, we do not consider them as the comprehensive analysis required by the Environmental Policy Act. In this respect, we find that compliance with the Act in the review capacity will introduce a need for separate funding. This subject will be further developed in additional correspondence.

4. The definition of navigable streams in Alaska, particularly as it applies to the Trans-Alaska Pipeline project requires immediate attention. It is our judgment that a policy statement that can be used in all situations, but particularly as it would apply to this project is an urgent necessity. We cannot over emphasize the importance with which we view the need to define navigable streams and our associated responsibilities.

5. The limited review period together with "operation minimize" seriously curtailed our communications and allied coordination with the North Pacific Division. In order to reflect complete understanding, you will note that some comments by NPD have been included although they closely parallel other similar discussions. We felt it important that all aspects of these comments be presented, but limitations noted did not allow coordination of them into combined statements. We understand that comments from the Alaskan Command would be forwarded directly to the Department of Defense. However, we received comments from them and they have included their views under separate headings.

PAUL BAZILWICH, Jr.
Lieutenant Colonel, Corps of Engineers, Acting District Engineer.

ENVIRONMENTAL IMPACT STATEMENT, TRANS-ALASKA PIPELINE

PART I. GENERAL COMMENTS (BASED ON LIMITED REVIEW)

A. General

1. Our review of the impact statement results in the general conclusions that the draft statement is deficient because it fails to fully comply with the letter and spirit of the Environmental Policy Act. Section 102(C) of the Act, requiring preparation of environmental impact statements, is followed by the express requirement in paragraph (D) that all Federal agencies shall, "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

These requirements clearly contemplate an active, objective inquiry into the environmental effects of proposed Federal projects, and bona fide consideration of these effects in making basic decisions at every stage of project planning. The Department of Interior's draft statement does not appear to accomplish this to the degree that we consider the law requires. The document, therefore, in our opinion is quite vulnerable to challenge.

2. Although the statement presents much information on the physiography of the pipeline route and on similar non-controversial matters, it contains limited detailed analyses of the proposed construction and operation of the pipeline. While the reason

for this is known to those close to the project, without this information, conclusions on environmental effects appear to be unsupported opinions which; in fact, in many instances they indeed are. It is very important that this statement include a reemphasis on the point that no construction will be permitted until such time as design analysis, plans and specifications are in such a stage of development as to be acceptable to the Government agencies that are charged with responsibility for the protection required by Environmental Acts.

The statement's consideration of alternatives is also unconvincing. Some subjects which appear least practicable are discussed in detail, while others which warrant equal or greater considerations are summarily dismissed.

3. We recognize the difficulty of developing an adequate environmental impact statement on a controversial project of such scope and complexity. We are aware of the problems inherent in correlating technical data with less quantifiable ecological concepts. Even with allowances for these obstacles, we do not believe the draft statement meets the standard of inquiry contemplated by the Act.

B. Legal sufficiency

1. The statement of alternatives to the proposed pipeline construction may not be legally sufficient to meet the requirements of the National Environmental Policy Act (NEPA), Section 102(2)(C)(iii). Read in the context of the Act, this requirement will probably be interpreted to impose a duty of very comprehensive consideration of alternatives. Of the range of alternatives considered, one should be deferral of construction or nondevelopment.

2. The injunction presently barring issuance of the pipeline permit was granted by a United States District Court in part because the Department of Interior failed to file a detailed environmental impact statement pursuant to the Act. The injunction will remain in effect until a statement is filed in conformance to requirements of the Act.

3. There appears to be an analogy to the case of Udall versus Federal Power Commission, decided by the United States Supreme Court on 5 June 1967. Interpreting the Federal Power Act, the Court held that Federal Power Commission had failed to consider all alternatives properly in determining whether private power companies should be licensed to build High Mountain Sheep Dam on the Snake River.

a. Relevant provisions of the Federal Power Act merely required the Commission to show that private power development was a satisfactory alternative to federal development. Mandatory areas of consideration were not indicated specifically, as they are in the NEPA. Not withstanding this comparatively broad discretion in the Commission, the Court held that failure to consider specific matters, including the consequences of nondevelopment, barred issuance of the license.

b. The Court stated, "implicit in the reasoning of the Commissioner . . . is the assumption that this project must be built and that it must be built now . . . But neither the Examiner nor the Commission specifically found that deferral of the project would not be in the public interest or that immediate development would be more in the public interest than construction at some future time or no construction at all."

c. The Commission did find that Pacific Northwest power companies needed additional power and would be able to use it as soon as it became available from the proposed dam. However, the Court held that the inquiry should not stop there, but should proceed to detailed exploration of other issues pertinent to whether the project would be in the public interest. These issues included "whether deferral of construction would be more in the public interest than immediate construction and whether preservation of the reaches of the river affected would be more desirable and in the public interest. . . ."

4. As noted the above case was decided prior to passage of the NEPA. In view of the latter statute's express requirement that alternatives be considered, it seems reasonable to believe that the courts would interpret it as strictly as the Federal Power Act.

5. Interior's statement of alternatives is based on the premise that domestic petroleum needs, according to present projections, will grow; that without North Slope oil it will be impossible to meet these needs without increased imports of Eastern Hemisphere oil; and that dependence on such imports would be detrimental to security. This may well be true as far as it goes. But it is not a statement of the consequences of nondevelopment as an alternative. The basic question would seem to be, rather, the consequences if supply failed to meet energy demands.

C. Permit program

1. Paragraph B-9 of the proposed stipulations requires the applicant to obtain any permits required by Federal law. Among these would be the Department of the Army permits issued under authority of Sections 10 and 13 of the Rivers and Harbors Act of 1899. These permits would regulate structures, and discharges or deposits, in navigable waters, and would cover pipeline streambed crossings, gravel extraction, and terminal construction.

2. Engineer Regulations implementing NEPA expressly require preparation of an environmental impact statement in connection with permit issuance, when the activity to be permitted would significantly and adversely affect the quality of the environment. Interior's draft statement admits on pages 121, 124, and 145 that Prince William Sound is a valuable fishery, and may be gravely damaged by chronic low-level pollution and marine oil spills. Clearly issuance of permit for the Valdex terminal would require preparation of an environmental impact statement.

3. We understand that the subject draft Statement is intended to cover the pipeline project as a whole, including terminal construction. If this is correct, the terminal should receive far more detailed treatment than it has.

4. A marine facility handling from 600,000 to 2,000,000 barrels of oil and 23,3409PM to 38,9009PM of oil ballast water poses different problems than a pipeline on land.

a. Ballast water treatment and precautions against oil spills are closely dependent on water and harbor characteristics such as currents, tides, seasonal variations in water volume, etc. These characteristics should be discussed.

b. The statement on page 8 that floating booms and skimming devices will be used to retain oil spilled at the docks is phrased in such a way as to suggest that this system is recognized to work effectively. It should be recognized that there are numerous technical uncertainties in cleaning up marine oil spills and that complete recovery of spilled oil is not likely. The statement should include data on projected cleanup costs and who will bear them.

5. The Corps of Engineers cannot and will not abandon its regulatory responsibilities under the Rivers and Harbors Act. Data in the Department of Interior's draft impact statement is totally inadequate for use by the Corps in determining the environmental impact of proposed activities under permit in navigable waters. In the present absence of detailed design date, there can be no assurance to the Department of the Interior or to Alyeska Pipeline that the Corps will issue permits for this work.

a. Acceptable design, design analysis, plans and specifications, procedures, and quality controls, together with all other supporting data required by the Corps of Engineers for permit processing under Sections 10 and 13 of the Rivers and Harbors Act, must be presented timely to the Corps, and to Interior for development of the final environmental impact statement.

b. Issuance of a pipeline permit by the Department of the Interior does not guarantee issuance of permits by the Corps under Section 10 and 13 of the Rivers and Harbors Act. This should be made clear to the Interior Department, Alyeska Pipeline, and the public to avoid a possible impasse for which the Corps could be severely criticized.

6. Either the environmental statement for the pipeline project should cover the terminal in depth, or the Corps should prepare a separate environmental impact statement on the terminal. Because of the inevitable duplication of separate statements, we recommend the former course, provided the final statement includes all the necessary data described above.

D. Safety

1. Recommend that proposed U.S. Labor Department Standards, under Construction Safety Act of 1969 as finally adopted, be utilized on all sections of the lines.

2. Enforcement of safety standards should be designated as the responsibility of the Authorized Officer.

3. References to ANSI B 31.4, 1966, on page 2 of the impact statement and on page 16 of the Environmental Stipulations, should include ANSI reference addendum ANSI B 31.4a, 1969, and all addendums that may be current at time of design approval.

4. Applicable Code—Refer to: Part I, page 2, Project Description, Pipe and associated Elements, lines 12 and 13, (2) the Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

Part B, General, page 16, paragraph 10, Pipeline Standards, ii The Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

It is recommended that at the two above referenced places in the Environmental Impact Statement that the words "Transportation of Hazardous Materials by Pipeline" be deleted and that in lieu thereof the reference at both places be amended and the following language be substituted:

"Code of Federal Regulations, Title 49, 1969 Ed.), Chapter 1, Part 195 Transportation of Liquids by Pipeline, with the following exceptions: Delete subparagraph 195.1(b)(4) in its entirety." (NOTE: The Alyeska Pipeline transports crude petroleum in rural areas, except for minor segments of pipeline, between a production facility and the point where the petroleum is received by carrier. It therefore is exempt from Part 195, except for Subpart B, Accident Reporting.) It is recommended that the provisions of Part 195 be made applicable to the Alyeska Pipeline except (1) that all materials shall be constructed to be suitable and safe against damage in storage, in construction, and after installation in the pipeline when subjected to temperatures in the range to which it will be exposed, (2) in paragraph 195.248 add new subparagraph 195.248(b)(3) with the language, "soil types and seismic occurrences described in subparagraph 195.248(c) are present or are likely to occur during the anticipated life of the pipeline."

E. Real estate

1. The stipulations contained in this Impact Statement provide that the issuance of permit for construction will be subject to valid existing rights already granted to oth-

ers. It is assumed that PLO No. 3520 dated 5 January 1965, withdrawing 8,958,720 acres of land as a Power Site Classification (No. 445) is such a valid right; however, there exist no specific conditions in the stipulations alerting the Permittee to potential impact of crossing this area. Similarly, the question of future designation of streams and rivers as navigable within the meaning of the Rivers and Harbors Act of 1899 is not specifically treated in the current stipulations.

2. It is noted that both of the above subjects, i.e., future designation of Dams and Reservoirs and future designation of Navigable Waters, were treated specifically in the Proposed Pipeline Stipulations, July, 1969 draft, by Department of the Interior.

3. The public should not be required to bear the expense of any pipeline relocations or modifications necessary to accommodate future public projects, such as dams and reservoirs, which might be located on public lands. To avoid any possible disputes and future litigation on this subject, it is recommended that the financial burden of any such relocation or modifications of the pipeline necessitated by future public projects be specifically stated as the obligation of Permittee by reinstatement of the following clauses in any permit (stipulations) governing construction of the proposed pipeline:

(a) Relocation or modification of the pipeline necessitated by the future designation of streams, rivers and lakes as "Navigable" within the meaning of the Rivers and Harbors Act of March 3, 1899, as amended, shall be at the sole expense of the Permittee.

b. Relocation or modification of the pipeline which might be required in planned or future damsite and/or reservoir areas shall be at the sole expense of the Permittee providing any such projects are constructed partially or fully with Federal funds or grants.

F. Stipulations

1. The technical and environmental stipulations presently contained in the statement are too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations. We do not find that the stipulations in themselves can guarantee adequate protection of environmental matters. While the stipulations do establish guidelines for the purposes of this statement and for design, construction, and operating considerations, we believe that it will be absolutely necessary for the Government to insist upon specific construction features and operating characteristics which are based upon the actual design details. We find that the last sentence on page 11 of the technical stipulations does not adequately encompass matters other than those now contained in the stipulations but which may later be found necessary for environmental protection. We recommend this wording be revised as follows and made a condition of the right-of-way permit:

"Plans and specifications, design analyses procedures, and quality controls, together with all supporting data, including but not limited to exploration and test data that will ensure compliance with the Environmental and Technical needs shall be presented and be acceptable to the Authorized Officer prior to any construction."

G. Secondary effects

1. The impact statement alludes to the fact that secondary effects are likely, but that they should each be examined individually at such time as they occur. The Corps of Engineers today finds itself under criticism for its civil works projects. Many of these projects in themselves created little or minor environmental impact, but they did change or create economic considerations in such a manner that the overall effect introduced conditions now found to adversely affect environmental values. We believe this impact statement must analyze secondary effects similar to those discussed in much greater depth. Without such a searching analysis and quantifying where possible, this project could establish conditions which produce pressures that seriously curtail the ability to effectively reduce the impact of future significant ecological changes or pollution potential. In any case should this project be found to be in the overall interest of the Nation, the comprehensive analysis would enable immediate commencement of long-range planning for the other developments that will be necessary or desirable in accordance with section 102(B) of "The National Environmental Policy Act of 1969."

a. The development of this major oil field and its allied transportation system to world markets will undoubtedly introduce a major population increase in South-central Alaska under boom conditions. The impact statement, by limiting consideration only to the work force the pipeline construction itself, presents an entirely different impact on population growth and its effect on Anchorage, Fairbanks, and Valdez than most people anticipate. The experiences in the United States and other areas of the world have been that such development does introduce major changes in the economic climate which in turn brings about other development. The potential change of Valdez from a small fishing village into a major industrial port seems imminent. We find that Anchorage within the past two years has developed the characteristics of a developing major city. Fairbanks is experiencing similar changes. We believe the impact statement, must under the purposes of the National Environmental Policy Act of 1969, address itself to such matters. We suggest that by so doing all government bodies and the oil industry itself can institute planning functions, funding, controls, etc., that will be necessary to maintain a quality of life envisioned under the act. These are considerations commonly found in comprehensive design memorandums.

b. The impact statement fails to mention in a comprehensive manner the development of the North Slope oil resources; its construction requirements and effect; the short and long term population for the area and its effect. Likewise, the terminal(s) in the lower 48 states should, it seems, be included in the statement for a comprehensive understanding in the magnitude of this undertaking. All these matters together with the shipping lanes to market hold major potential changes in environmental matters. It seems only logical that they be fully explored. These types of investigations were also normal to development of Corps of Engineers projects before passage of the environmental acts.

H. Environmental stipulations

1. Environmental stipulation No. 16 does not adequately cover the problems inherent in deactivation of the pipeline and its future impact on the environment. We believe additional thought should be given to removal of the underground pipe. The effect on the environment should also be covered in the impact statement.

I. Contingency plan for recovery and disposal of crude oil spills

1. The environmental stipulations covering the contingencies plan for recovery and disposal of oil spills require the permittee to prepare a detailed plan for acceptance prior to commencement of operations. However, the impact statement describes a method using trucks which we do not find adequately meet environmental needs in the case of massive spills. For such spills we recommend consideration be given to reintroduction of the oil back into the line in the immediate area of the spill by tapping the pipe and pumping.

J. Thermal relief and pressure disposal

1. The crude oil transportation pipeline system, must be provided with adequate pressure relief devices and pressure disposal piping. Drawings, specifications and design analysis should clearly delineate disposal methods, where the protection will be installed, and details for the construction.

L. NPD comments

1. As shown by letter of 22 July 1970 to the attorney for the Wilderness Society: (See attachment No. 1.) Army permits are required where this pipeline involves navigable waters of the U.S., as well as easements in military reservations. Also, it shows that many of those permits have been issued. No compliance with the National Environmental Policy Act is indicated.

2. Cumulatively, if not individually, issuance of those permits significantly affect the quality of the human environment. Under the Tentative Guidelines of the Council, the lead agency should prepare the statement. Interior is the lead agency so its statement should satisfy the requirement of the National Environmental Policy Act, but will only do so if its statement adequately covers the Corps, Army and Defense actions.

3. The "proposed action" page 1, is limited to application for right-of-way over Federal lands, presumably Interior's. It should also cite application for easements across military reservations, and permits for work, discharges and deposits in navigable waters of the U.S. from the Army.

4. The statement notes that about 350 rivers and streams will be crossed by the proposed pipelines. As noted in paragraph E(3) of the stipulations, most such crossings will be underground. Of the major rivers listed, the Corps presently considers the Yukon, Tanana, Tolovana and Koyukuk as being navigable. This is subject to change. All crossings over or under U.S. navigable waterways which involve structures, activities or alterations covered in Sections 9 and 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 401 and 403, will require permits from the Corps.

5. All possible river sites for excavation of gravel and other construction materials are not covered in the environmental statement. Permits from the Corps will be needed under 33 U.S.C. 403 before such material is removed from the bed of any navigable waterway of the United States.

6. The environmental statement mainly covers the pipeline itself, mention is also made of secondary effects, such as required port facilities at Valdez. All such facilities constructed below mean high water at Valdez Harbor will require a Corps permit under 33 USC 403, and the statement must clearly cover the impact of such construction and associated navigation.

7. In issuing permits in the above situations, the Corps must impose additional provisions for the protection of the environment as may appear necessary, including provisions related to those contained in stipulations F, G, H, and O.

8. Stipulation H, "Small Craft Passage," does not appear to be warranted. Any obstruction to navigation on U.S. navigable waterways must be authorized by the Corps, and said stipulation implies that obstructions of craft over 40 feet is all right. In addition, it would be up to the Corps to decide if obstructions to boats under 40 feet would be reasonable in processing the required permit application, so the absolute prohibition is unjustified as to such craft.

9. The determination that this source and mode of transportation of oil is necessary for national security should be made and supported by Department of Defense or the Executive Office.

10. It will be near impossible to stay within the 54 ft. wide pipe right-of-way unless it is directly adjacent to the road. The stipulations page 34, paragraph F-6 direct the contractor to stay within the right-of-way.

11. Attachment 1, page 32, paragraph 3, Water Crossings. Clarify with respect to timing of stream bed excavation.

12. Attachment 11, page 8, paragraph 4 deletes the word 'reasonable" from fifth line.

13. Attachment II, page 9, paragraph 4a (2). Clarify by indicating the cover in channel crossings is 120% of computed maximum scour but not less than 4 feet.

M. Comments by Alaskan Command

a. The last sentence of the second paragraph on page 10 indicates the military comprises about 11 percent of the total population of Alaska. This should be changed to reflect the Department of Defense military and civilian personnel, and their dependents, comprise 23 percent of the total population of Alaska. The breakout of figures to support this is based on January 1, 1971 data as follows:

Military, 29,986.
Military Dependents, 32,865.
DoD Civilians, 5,178.
DoD Civilian Dependents, 3,826.
71,855 divided by 313,000 equals 22.96%.

b. The impact statement should stress that specific stipulations applicable to Military Real Estate will be contained in the permit authorizing construction on lands controlled by the Department of Defense. These stipulations will contain provisions peculiar to the military operation as well as all of the Interior Department's Environmental Stipulation which do not conflict with the military missions.

N. Alaskan Air Command comment

1. The stipulations for the proposed Trans-Alaska Pipeline, prepared by the Department of the Interior, appear to provide safeguards that will minimize degradation of the environment in areas of pipeline construction and operation. We concur with the evaluations on page 196 of this document

PART II. SPECIFIC COMMENTS—BASED ON LIMITED REVIEW

A. *Page 2.* Line 14: This paragraph is inaccurate and requires rewording. We recommend the following:

"The pipe is manufactured to American Petroleum Institute Specifications 5LX and 5LS, modified to provide greater ductility at the low Arctic temperature. The steel pipe has an outside diameter of 48 inches and is furnished in two wall thicknesses, 0.462 inches and 0.562 inches, and in three strengths, (1) 60,000 psi. minimum yield and 75,000 psi. minimum tensile, (2) 65,000 psi. minimum yield and 77,000 psi. minimum tensile, and (3) 75,000 psi. minimum yield and 82,000 psi. minimum tensile in 0.462 inch wall thickness only. The specifications additionally require fine grain, fully killed steel and Charpy impact tests to control toughness and ductility, in recognition of the exposure conditions. Ultrasonic, radiographic, and hydrostatic testing, including a 20 second hydrostatic mill test at 95% of minimum yield strength, and a 24 hour pressure test at 125% of maximum operating pressure in the as constructed condition, are required. The pipe coating selected is 10 mil powdered epoxy resin that is resistant to flame, funginert, and resistant to chemicals normally present in soils. The coated pipe would be cathodically protected after burial by impressed current devices that operate successfully in cold climates. This dual protection would minimize "the adverse effects from external corrosion to the pipe."

B. *Page 3.* Pump Stations: The number of pump stations cannot be finalized until stresses in the pipeline have been thoroughly evaluated since stresses due to internal pressures are additive to bending, seismic, and other stresses; Therefor, we recommend restating the last sentence on page 3 as follows:

"Preliminary design indicates that the line———."

C. *Page 4.* Marine Terminal: We recommend the discussion of the marine terminal indicate that the initial stage construction is to accommodate two 250M D.W.T. tankers plus one 120M D.W.T. tanker simultaneously and provide for processing 23,340 gpm of ballast, and that the future construction will accommodate four 250M D.W.T. tankers plus one 120M D.W.T. tanker simultaneously and provide for processing 38,900 gpm. of ballast.

D. *Page 4.* Marine Terminal: No provisions for cathodic protection of either dock or tank facilities.

E. Under pipeline monitoring system Pages 6 & 7.

1. Small leak detection discussed but inadequate. System is adequately only for major line leaks.

2. Air patrol is described and associated with leak detection—Not true unless major leak—Air patrol is helpful to observe changes in line cover, land slides, and washouts. It is also helpful to determine encroachment on line right-of-way by various other construction activities—Page 7.

3. The discussion concerning the proposed system design to detect pipeline leaks and to control the volume of oil that may escape the pipeline leaks or breaks does not seem adequate to fully weigh the potential impact on the environment. The following tables showing volumetric content of the pipeline should be included in the Statement to show the potential excapement that could occur between isolating valves at various spacings. A maximum valve spacing should be considered as well as a requirement to locate valves at closer spacings in particular sensitive areas:

TABLE II.—PIPELINE, VOLUMETRIC CONTENT, 48-INCH O.D. × 0.562-INCH WALL THICKNESS

Pipeline distance		Volumetric content	
Lineal feet	Miles	Gallons	Barrels
1	----------	89.6533	2.1346
10	----------	896.533	----------
100	----------	8,965.33	----------
1,000	----------	89,653.3	----------
5,280	1	473,369.	11,271.
	10	4,733,690.	112,710.
	25	11,834,225.	281,775.
	50	23,668,450.	563,550.
	100	47,336,900.	1,127,100.
	789	373,488,141.	8,892,819.

This distance will be laid with pipe having two wall thickness, i.e., 0.562 inches and 0.462 inches. Accordingly, data shown in this table being for 0.562 inches wall thick pipe, actual total volumetric content of the as-built pipeline will be somewhat greater than the volumes shown. Furthermore, the distance of 789 miles is a tentative distance. Actual lineal feet of pipeline to be laid will be unknown until the as-built measurement becomes available. Consequently, volumetric content shown is tentative and will be subject to being adjusted when the as-built measurement becomes known.

PARSELL LAYS OFFICER'S DEATH TO LAXITY IN GUN PROSECUTION

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 article by Mr. Mike Maza, News staff writer, in an article appearing in the Detroit, Mich., News of Saturday, February 20, 1971, entitled "Parsell Lays Officer's Death to Laxity in Gun Prosecution."

Perhaps a reading of this article will lead some of the proponents of legislation to restrict the right of a citizen to own and use firearms for legitimate sporting and defense purposes to the conclusion that better enforcement of existing laws might well be their effort at this time.

It is my feeling that if existing laws were appropriately enforced, there would be no need to strip free American citizens of rights carefully set out by the Founding Fathers in the Constitution to own and use firearms for legitimate defense and sporting purposes.

If 20,000 laws on the books do not protect American citizens how is one to expect that criminals will be deterred in their nefarious ways by disarming the law abiding?

The article follows:

PARSELL LAYS OFFICER'S DEATH TO LAXITY IN GUN PROSECUTION

(By Mike Maza)

The head of Detroit's police union has charged that laxity in prosecution and sentencing of persons carrying guns illegally is responsible for the off-duty death of a Detroit policeman and the city's soaring homicide rate.

"It is common knowledge in Detroit that, while drunk drivers go to jail, anyone can carry a gun through the courtesy of the prosecutor's office and the courts," said Carl Parsell, president of the Detroit Police Officers Association (DPOA).

The criticism, leveled at the Wayne County prosecutor's office and Detroit Recorder's Court, was Parsell's second blast at the two agencies this year.

"The murder of Officer Edward Coleman," a 43-year-old patrolman shot to death while visiting friends yesterday, "could not have been prevented by police," Parsell said.

Because the man police are holding in connection with Coleman's death, Walter L. Carson, 33, of 8651 Roselawn, has no felony record, Parsell said, "the prosecutor and the courts would not have prosecuted his illegal conduct before he shot and killed someone."

Parsell said Carson had no permit to carry a gun.

"Under an agreement between the prosecutor's office and the courts, police would not have been able to obtain a warrant for this potential killer had they stopped him before the murder," Parsell said.

Replying to Parsell's earlier criticism of court policies, Recorder's Executive Judge Robert E. DeMascio said:

"We are required by law to judge each case on its merits."

DeMascio said he wouldn't send a man to jail for carrying a gun illegally if the man had no criminal record and if it were shown that the man feared for his own or his family's safety.

"The prosecutor's office screens these cases carefully, as it should," DeMascio said.

A spokesman for the prosecutor's office said guidelines have been adopted so that persons without criminal records will not be prosecuted for carrying concealed weapons under the felony statute but for failure to present a firearm for safety inspection, a misdemeanor.

Parsell said yesterday the policy is responsible for Detroit's "fast becoming known as Murder City."

SMOKESCREEN OBSCURES FLORIDA BARGE CANAL ISSUE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. YOUNG of Florida. Mr. Speaker, promoters of the discredited Cross-Florida Barge Canal have raised a series of

smokescreens to try and obscure the critical environmental considerations which led President Nixon to call a permanent halt to the project.

The latest stratagem is to falsely accuse the President of making his decision solely on political considerations—a charge laden with irony since President Kennedy's agreement to fund the long-dormant project was admittedly a political one.

Basis for the attack on President Nixon is a selected excerpt from a memorandum canal supporters say was sent from Russell E. Train, Chairman of the Council on Environmental Quality, to the White House. The advocates have repeatedly quoted out of context from a single paragraph of the document.

This memorandum would be a privileged communication, and canal supporters will not say how they obtained it. If it is authentic and we accept their quotation of the fourth paragraph of the memorandum, it is only fair and reasonable that we be allowed to examine the entire document.

I have managed to obtain a copy of the memorandum from which canal advocates are citing a select passage as evidence that the President "played politics" in halting construction of a 107-mile ditch across the middle of Florida.

I can see why they cite only the portion which they believe supports their case. I can understand why they have not released the entire document. For the memorandum fully supports the President's determination that continuation of the nearly $200 million project would result in irreparable damage to Florida's environment and pose a serious threat to the State's water supply.

This is not the message canal advocates are trying to publicize.

True, the last point considered in the memorandum is of the possible political consequences of halting the project. And it notes, quite accurately, that the majority of Florida residents do not support the canal. As I have said previously, if reexamining programs in light of the public's determination to preserve our great natural assets is "playing politics," then let us have more of it.

Since canal advocates give great credence to this memorandum and publicize select portions which they believe serve their purposes, I feel strongly that the American people are entitled to the full text of this document so they can judge for themselves whether the President acted wisely in halting a project of marginal economic benefit and of serious environmental impact.

Here, then, is the entire text of the memorandum being used by canal supporters:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C.

Memorandum for Mr. Whitaker.
Subject: Cross Florida Barge Canal.

I recommend termination of the Cross Florida Barge Canal, rather than the partial realignment proposed by Army, for the following reasons:

1. This project could seriously affect the environment in Florida by degrading water quality, altering the water supply in central Florida, vitally affecting the fish and wildlife of the area, and combining what are now separate ecological systems. Potential pollution from the project may be transferred to the Florida aquifer, setting off a destructive chain reaction affecting the water supply for many users. Many unique ecological features would be destroyed. This would pose a serious threat to the survival of rare alligators, panthers and wild turkeys through the alteration of their habitat. The Canal could add to the spread of pests from the Gulf to the Atlantic Coast where they would spread virtually unobstructed throughout the East Coast Waterways.

2. The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

3. The estimated sunk cost of this $179 million project is from $71 to $77 million. If the project were abandoned, annual benefits of $1.2 million would still accrue. The budget savings this year and in subsequent years for this marginal project is a strong reason in itself for stopping it.

4. I believe there are probably more political advantages than disadvantages in stopping the project, compared to a partial realignment, I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it. As you know, Governor Kirk backed away from the project in the last election and the Governor-elect opposed it. Although this certainly is not a detailed analysis of the political situation, I conclude that the benefits nationally of dropping the project would greatly outweigh the benefits of continuing it. I further believe that a bypass over only 20 miles of the project would be considered "tokenism" by conservationists and many others.

Because of these reasons, I believe that termination of the project would bring maximum political benefits, would prevent potentially significant environmental problems and would save a great deal of Federal money for a marginal project.

Attached is a draft Presidential statement on cessation of the project.

RUSSELL E. TRAIN,
Chairman.

IMPORTANCE OF BUSINESS AND GOVERNMENT RAPPORT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. CRANE. Mr. Speaker, the February, 1971, issue of "Nation's Business" contains a very interesting article by the president of the Chase Manhattan Bank.

In this article, Herbert P. Patterson makes the very telling point that—

It is hard for a chief administrative officer to argue that he doesn't have time to go to Washington because he is so busy at the home office. It behooves him to get to know more about how the decisions that will affect his company are being made and to provide the technical information that will help to share these decisions along consructive lines.

The article is a thought-provoking one that warrants the consideration of all businessmen and indeed all community leaders, and I include it, as follows:

CUTTING DOWN ON LOST CAUSES
(By Herbert P. Patterson)

Ordinarily, a period of high interest rates and tight money would seem like the worst possible time for a banker to go calling on Senators and Representatives on Capitol Hill.

But I started doing it a year ago when money was at its tightest, and I've been at it at least once a month since then. I've invariably been received with a gracious blend of cordiality and curiosity. I've found the legislators more than willing to listen to my side of the story of money, credit and banking, and eager to question me on virtually every aspect of the current economic scene.

One day, talking with a Cabinet member, I spoke of what turned out to be my unwarranted fears of criticism and described the searching but friendly questioning that customarily took place at my sessions with the Congressmen.

The Cabinet officer said that, contrary to what bankers and other business executives often believe, people in the Legislative and Executive branches of government welcome the expert opinions these men can offer, either in private conversations or in testimony at legislative hearings. It adds significantly to the dialogue, he said, and contributes to the development of forward-looking legislation in the national interest.

I have heard similar assessments from many Washington officials.

In essence each has made the point that the trouble with many businessmen is that they go to Washington only at the last minute when some issue, critical to their interests, is about to reach a final vote. By then there is almost nothing they can add or subtract from the measure.

Even worse, some businessmen remain silent all through the legislative process then write scathing letters to Congressmen on how bad a bill was, as finally enacted.

Such people, said one lawmaker wryly, remind him of the fellow who rushed into his doctor's office and said he needed an immediate operation to remove a silver coin he'd swallowed five years earlier.

"Why," asked the doctor, "have you waited five years? Why didn't you attend to it the day you swallowed it?"

Replied the patient: "I didn't need the money then!"

UNNECESSARY BATTLES

This attitude explains, in part at least, why business and government frequently find themselves engaged in pitched battles over issues that might well have been settled equitably before enactment of punitive legislation that must be lived with for years.

Instead of dissipating its energies fighting lost causes, business might better have joined with government in constructive efforts to temper and improve changes that were inevitable anyhow.

Business and banking are increasingly dependent upon being understood by government, which provides and enforces rules of conduct, determines business climate and has, in the end, a good deal to say about day-to-day operations. Unfortunately, though, government officials often have little direct contact with business. The same applies to many businessmen with respect to government. A number of avenues are available to remedy this situation.

One is the array of organizations such as the Chamber of Commerce of the United States, whose activities have played an important part in the development of constructive legislation. The Chamber has staff executives representing all facets of business and industry and it makes frequent appeals for executives to testify personally during hearings on important legislation.

There are aslo other organizations representing individual industries—the American Bankers Association as an example.

Our own bank maintains a small but very active Washington staff because at Chase Manhattan there has long been an effort to make our official staff more readily available to members of Congress who wish to know about our business.

Managers of our branch banks in Greater New York keep in close touch with the Congressmen who represent their areas.

Officers of our United States Department, which handles our banking on a national scale, make frequent trips to meet with Representatives and Senators—not only those from New York State but from all states where we carry on correspondent banking activities or are involved with the financial aspects of industry.

With all these people involved directly, you might wonder what reasons there are for me to spend a dawn-to-dusk day in Washington each month. It seems to me there are several.

AN "EARLY WARNING" SYSTEM

For one, there is the realization that as many decisions are being made on the future of business and banking in the halls of Congress these days as in corporate board rooms. Legislation on automobile safety, packaging requirements, cigaret advertising and other issues has had a profound impact on scores of businesses.

In view of this, it is hard for a chief administrative officer to argue that he doesn't have time to go to Washington because he is so busy at the home office. If behooves him to get to know more about how the decisions that will affect his company are being made and to provide the technical information that will help to shape these decisions along constructive lines.

No matter how many "confidential" reports an executive reads, he cannot possibly absorb the feel and the mood of Washington the way he can by actually being on the scene. Regular contacts with Congressmen and Cabinet officers frequently provide an "early warning" system of legislative trends that can be enormously helpful in evaluating future courses of action.

Not the least important lesson an executive can learn from regular visits to the capital is that Senators and Congressmen are dedicated human beings, far removed from the cartoonist's stereotypes and the comedian's quips. They grapple each day with an almost impossible job. They are expected to pass judgment on hundreds of different issues ranging from health care for the aged to the best way to get to the moon.

The men and women in the two houses of Congress whom I have met represent a high level of competence and devotion to duty. Most of them are serving at great financial sacrifice. The $42,500 salary is far less than most of them could earn in any one of a number of careers in the private sector.

Neil H. McElroy, board chairman of Procter & Gamble, who was Secretary of Defense in the Eisenhower Administration, expressed very well what I have found to be true.

"From my own experience in government," he said, "I know that the vast majority of men and women employed there are conscientious public servants. Most are receptive to facts properly presented to them and most are readily approachable.

"We in business need, more than anything else, to learn to communicate better with them, and to take the time and make the effort to do it."

A number of companies and groups already do an excellent job of communicating.

My banking colleague, A. W. Clausen of the Bank of America, is no stranger to Capitol Hill. Men like Edward Cole of General Motors, John Connor of Allied Chemical and Charles Myers of Burlington Industries, among others, have made a real effort to provide legislators with information, to discuss with them problems of mutual interest, and to give them their best judgment as to how particular issues can be handled in the national interest.

Unfortunately, though, there are not enough business executives doing this, and the rank-and-file are like the patient with the coin. Over the longer run, their woes are bound to mount because inevitably there will be more and more legislation coming up for consideration that could plague their business lives.

NO TIME FOR LEISURE

Lest anyone think the Washington visit is a leisurely round of luncheons and cocktails, I can assure him it is the hardest of hard work. The hours are long, the appointments scattered over considerable acreage. A regular routine of jogging as preparatory conditioning would not be amiss.

Often, as I've crossed and recrossed Capitol Hill for tightly scheduled appointments, I've thought a motorized golf cart would be useful.

On each visit I face 10 or 12 appointments that have been intricately organized by the Washington representative of Chase Manhattan. He spends untold hours making my schedule dovetail with those of the Congressmen. A recent schedule:

8:30 a.m., Arrive National Airport; 9:15 a.m., Sen. Ernest Hollings of South Carolina; 9:45 a.m., Rep. William Widnall of New Jersey; 10:30 a.m., Sen. Warren Magnuson of Washington; 11:00 a.m., Sen. Alan Cranston of California; 11:45 a.m., Rep. Gerald Ford of Michigan, House Minority Leader. (I'm asked to note that if he's delayed at a White House conference the appointment will be rescheduled for 3:45 p.m.); Noon, Luncheon in House dining room with Rep. Leslie Arends of Illinois, the House Minority Whip, and Rep. Harold Collier of Illinois; 1:30 p.m., Sen. Henry Jackson of Washington; 2:00 p.m., Sen. Wallace Bennett of Utah; 2:30 p.m., Sen. Robert Packwood of Oregon; 3:15 p.m., Rep. Hale Boggs of Louisiana, the House Majority Leader; 3:45 p.m., Rep. Gerald Ford (who was delayed at the White House).

Also on the schedule, if time permitted and they could break free, were Rep. Benjamin Blackburn of Georgia and Sen. William Brock of Tennessee.

Some might question the usefulness of this hurly-burly of appointments in terms of providing constructive information. But even such brief encounters, it seems to me, afford an opportunity to make key points and to further the dialogue between government and business.

The personal contact also helps break down the barriers of suspicion on both sides by demonstrating that businessmen don't wear horns and Congressmen don't have hooves.

The importance of this personal element was vividly demonstrated on a recent visit to a Senator who had had trouble with a bank credit card.

He had tried to make a purchase at a high-grade store with his card, but the clerk declined to give him credit. The Senator walked out with something less than a favorable image of banks and bank credit cards.

Soon afterward, I dropped in on him. You can imagine the reception—and who did most of the talking!

Yet the mixup was the result of a perfectly human misunderstanding. The Senator was from a Western state, and several of his identification cards bore his Western address. But his credit card was issued through a Maryland bank, and his home address was given as Washington. From a credit standpoint, admittedly confusing.

I telephoned a bank associated with the credit card group and one of its key executives responded immediately. Happily, the matter was smoothed over and the Senator is now, I hope, satisfied that the banking industry really wants to provide good service.

THEY WANT TO KNOW

Perhaps the most impressive aspect of my monthly visits has been the keen interest exhibited by various members of Congress in economic and banking matters.

They want all the information they can get about things like interest rates, loans and mortgages. Beyond these more technical aspects of banking and monetary matters, I find these men and women sincerely interested in urban affairs and minority problems.

What, they frequently ask, is my bank doing to help combat urban problems in the nation's largest city? What are we doing to assist in the employment of minority groups? Do I think this typical of banking in general?

What future plans do we have and does the industry have for establishing a forthright policy of making funds available for minority entrepreneurs?

These are not mere points of conversation but penetrating examinations of how banking is meeting its social obligations. There is no doubt that the answers are being carefully filed away in the Congressmen's minds; to be used at some future period when legislation on these subjects comes to the fore.

As for myself, I've learned a number of things from my Washington visits.

I have a much keener appreciation than before of the problems the legislators face. I also have a better understanding of how greatly concerned government is, at all levels, with the many facets of the economy.

Given this concern, we in business and banking have a special responsibility of helping to see that the facts about our economy and our businesses are presented and understood.

If this is done, the chances are much better that our lawmakers will find workable solutions to the problems we face.

Instead of looking upon government as a hobbling nuisance or a hostile force, we must come to regard it as a partner in the achievement of national aspirations.

There is one final point that comes clear: Business and banking are likely to fare much better in Washington if they emphasize the things they are for, rather than everlastingly stress what they are *against*.

Curiously, when you strip away the outmoded attitudes of opposition and the ritualistic rhetoric, you find that what most businessmen are *for* is pretty much what the country at large is seeking today: To achieve lasting peace in the world, to provide a meaningful opportunity for all citizens to achieve a rewarding place in our national life, to safeguard the purchasing power of earnings and savings, to strengthen the growth of the economy, and to stimulate programs for meeting our urgent needs in health, education, welfare, and public safety.

In short, most businessmen are *for* responsible actions to bring about a better life for all Americans.

And they can achieve these goals far more readily, in my view, by spending less time "fighting City Hall" and more helping our legislators and other public officials to deal constructively with problems involving the quality of our lives and the character of our society.

AN ARM OF CONGRESS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, as a follow-up to my recent remarks on the future of the ICC, I would like to recommend to the attention of the House the following editorial:

AN ARM OF CONGRESS

It has been difficult for members of the trucking industry to find an area of agreement with Sen. Mike Mansfield since he began marshalling congressional forces for a move to abolish the ICC. But one thing he said last week certainly will win the endorsement of virtually all supporters of ICC regulation.

Sen. Mansfield, although he is again advocating legislation for the abolition of the ICC, had the grace to admit that "part of the problem the ICC now faces is that they are no longer, in realistic terms, a regulatory arm of the Congress."

"Their existence and activity," he explained, "are too dependent upon the budget arm of the Executive Branch. The Interstate Commerce Commission must have sufficient funds to carry out their responsibilities."

Coincidental to Sen. Mansfield's move was the introduction by Sen. Lee Metcalf (D-Mont.) and Rep. John D. Dingell (D-Mich.) of legislation to permit the ICC and similarly situated agencies to bypass the Bureau of Management and Budget in the submission of requests for appropriations.

Over the years the handling by the bureau of the ICC appropriations request has had the effect of placing a ceiling on the agency's budget well below the amount the ICC believed it needed. The reason for this is that, as a matter of policy, Congress has rarely appropriated more than the bureau recommended.

Some observers have felt that this situation tended to make the ICC subservient to the Executive Branch and to negate its role as an arm of Congress. If this was the case it would be well to remember that Sec. 8 of the Constitution confers on Congress the power: "To regulate commerce with foreign nations and among the several states. . . ." That this power was delegated to the ICC and other regulatory agencies does not take from Congress the responsibility for its effective use.

It is not surprising, therefore, that prominent members of House and Senate are expressing concern as to whether the ICC has been accorded the consideration due it as an arm of Congress. In a sense this is self-examination because clearly the successes or failures of the Commission depend on how well its actions are monitored by Congress.

"ELEPHANT'S ROAR" DOES NOT SPEAK IN AN OFFICIAL CAPACITY FOR THE REPUBLICAN PARTY

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. DEVINE. Mr. Speaker, on March 2 an item was inserted in the Extensions of Remarks by my colleague, Mr. ANDERSON of California. In it he quoted from a publication calling itself "The Elephant's Roar—A Gazette for Republican Leaders." The article quoted was an all-out assault on President Nixon's revenue-sharing plan. The impression given—wittingly or unwittingly—was that a bona fide organ of the Republican Party was opposing one of the most innovative, forward-looking proposals offered this Congress in many a year.

I have no quarrel with my colleague in this matter. As he stated in prefacing the article:

I do not know if this publication always speaks for the Republican Party . . .

My purpose is to point out that the Elephant's Roar does not speak in any official capacity for the Republican Party. It is a small, privately owned tabloid that consists mainly of advertisements and reprints of political handouts. Although many people solicited by "The Elephant's Roar" may think they are contributing to a legitimate party publication, it has no official status.

In view of these facts, I would urge anyone who reads or quotes from "The Elephant's Roar" in the future to remember that it is, at the very best, an "uncertain trumpet"—and in no way an official voice of the Republican Party.

DAIRY PRICE SUPPORTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. JONES of Tennessee. Mr. Speaker, I read an Associated Press article yesterday which indicated that Secretary of Agriculture Hardin is considering a dairy price support announcement of $4.92 per hundredweight. I think this price is too low for our Tennessee dairy farmers. It is, I feel sure, too low for any dairy farmer.

We all know the importance of milk in the diets of all people—and most importantly the diets of children. An adequate supply of milk is absolutely necessary for the health and welfare of our Nation. Our national supply of milk has fallen fast since 1964—from 127 billion pounds in 1964 to 117 billion pounds in 1970. Our number of dairy farmers has declined dramatically to the point where we now have less than 400,000 dairy farmers in the United States—down from 2 million just 20 years ago.

By 1980, the Department of Agriculture predicts there will be only 200,000 dairy farms and only 110 billion pounds of milk production.

I think that all of us should be vitally concerned about this press release and the possibility that Secretary Hardin just might do what is reported—that is, not to increase milk price supports to 90 percent of parity—the maximum allowed by law. Even at 90 percent of parity our dairy farmers would not be receiving a decent return on either their 7-day a week labor or their tremendous capital investment. Many of my Tennessee dairy farmers work more than 100 family hours per 7-day week for considerably less than $10,000 net income per year. Most dairy farmers do not even receive the minimum wage for their labor.

Farmers in general have long been on the short end of our economic ladder—we just cannot let this most important segment of our economy continue to suffer so long. I would like to urge all of my distinguished colleagues to study the facts concerning our dairy farmers and this milk price support situation. We need a viable dairy industry—nothing can completely reverse the long-term trend in decreased dairy production, but 90 percent of parity would certainly help.

This contraction of numbers is expected to continue. This trend is summarized in the following table:

Number of U.S. farms selling milk and cream

Year:	Thousands
1950	1,959
1955	1,475
1960	1,032
1964	641
1969	400
1980	200

Thus, there are now only 400,000 dairy farms in this country. Four-fifths of the dairy farms operating in 1950 have gone out of business. The Department of Agriculture considers that in 1980 there will be only one-tenth as many dairy farms as there were in 1950.

This contraction has not simply been a consolidation of dairy herds into larger farms. The number of milk cows on U.S. farms has also been declining sharply. In 1950, there were almost 22 million milk cows on American dairy farms. By 1970, this number had decreased by nearly 10 million cows to a total of 12.5 million. By 1980, milk cows on farms are expected to decrease by another one-third or some 4 million cows, to a total of 8 or 9 million.

Decreases in cow numbers have been offset in part by increases in milk production per cow. Thus the decreases in numbers of farms and cows does not always mean an absolute reduction in milk production. In the early years of the downtrends in numbers, offsetting increases in efficiency have tempered its impact upon output. Yet efficiency gains are increasingly hard to come by. As the number of cows decreases, capacity to maintain aggregate output becomes more difficult. Dairy cows cannot be replaced quickly and inexpensively and it is increasingly difficult to increase output per cow.

All of these factors are reflected in the steady downward trend of milk production during recent years. It is a remarkable fact that 1970 milk production of 117.4 billion pounds was no higher than the production level of 1950—despite the expansion of the American economy. Moreover, annual production of milk has declined from the 1964 high of 127 billion pounds by approximately 10 billion pounds in the past 6 years. The following table illustrates the declining trend in milk production since 1960:

MILK PRODUCTION AND PER CAPITA MILK PRODUCTION (UNITED STATES 1960-70)

	Total milk production (million pounds)	Per capita milk production (pounds)
Year:		
1960	123,109	681
1961	125,707	684
1962	126,251	676
1963	125,202	661
1964	126,967	661
1965	124,173	638
1966	119,892	609
1967	118,769	597
1968	117,234	583
1969	116,345	573
1970	117,436	572

Mr. Speaker, I sincerely hope that the Department of Agriculture does not intend to sit idly by and watch our dairy industry decline into oblivion. Unless

dairy price supports are set at a level high enough to guarantee 90 percent of parity, that is exactly what we are inviting.

GOVERNOR DUNN OF TENNESSEE URGES PRESIDENT NIXON TO RELEASE FUNDS APPROPRIATED FOR TVA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I have recently called on the President and the Office of Management and Budget to release appropriations by the Congress for construction by the Tennessee Valley Authority of the Normandy and Columbia Dams in the TVA system. I have spoken to Director Shultz of the OMB concerning the need for these funds—especially in view of current economic conditions and the administration advocacy of full-employment at this time.

In this connection I was pleased recently to note in the Tennessee press that Gov. Winfield Dunn of Tennessee, a Republican, has called on President Nixon to release the $4.3 million appropriated by the Congress for these projects on the Upper Duck River in Tennessee. These funds have been frozen and impounded by the Bureau of Management and Budget by administrative action.

I welcome Governor Dunn's support of my position on this most important matter. I commend the Governor for his helpfulness and cooperation in the public interest.

Governor Dunn, in his letter to the President, said:

> Let me respectfully recommend, Mr. President, that these funds be released so that this well-conceived and most needed project can really get off the ground. I would personally appreciate your serious consideration of this request.

Commenting on the Governor's statement, the Tullahoma News and Guardian charged that the Bureau of Management and Budget has exceeded its authority in impounding funds for TVA appropriated by the Congress.

Because of the interest of my colleagues and the American people in this most important subject, I place this editorial in the RECORD herewith:

The editorial follows:

[From the Tullahoma (Tenn.) News and Guardian, March 5, 1971]

THE GOVERNOR HELPS

Gov. Winfield Dunn has joined Rep. Joe L. Evins in urging President Nixon to release funds to permit work to be started on Tennessee Valley Authority dams at Normandy and Columbia.

We hope now that Senators Howard Baker Jr. and Bill Brock will raise their voices as well on behalf of a needed project for this region and against the dangerous growing power of the executive branch to hold up spending of funds duly authorized by the Congress.

The thanks of the people of the upper Duck River valley should go to Gov. Dunn for a forthright statement to the President, which called the dams "well conceived and most needed," and for his request that funds be made available to permit an immediate work start in accordance with a congressional mandate. Our two senators, since they are of the same party as the President and thus part of his administration in many ways, also can play a key role in getting the project going.

The seriousness of the conflict between the Congress and the Office of Management and Budget has been emphasized by criticism from prominent senators, who have charged, as Rep. Evins did last week, that the White House budgetary review staff is overstepping the bounds of its coordinating authority by holding up more than $8 billion in funds voted by both houses of Congress.

Sen. John Sparkman of Alabama called the actions "a serious breach of faith with Congress," while another respected legislator, Sen. Sam Ervin of North Carolina, criticized "the use of the impounding practice to avoid or nullify congressional intent.

This misuse of spending management is affecting, not only the Duck dams, but housing and public works programs throughout the nation that could make a difference in alleviating widespread employment.

Clearly the time has come for our two senators to raise their voices, for the good of this area and for the nation generally.

"THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HÉBERT. Mr. Speaker, recently Mr. Aaron R. Einfrank wrote a letter to the editor of the Washington Post which was highly critical of the CBS TV special, "The Selling of the Pentagon." This fact, in itself, is not remarkable. Nor is the fact that the Post published that letter on March 2, 1971. Many people have written to the Post condemning the program and several have been published.

The remarkable thing about this incident is that Mr. Einfrank can be considered an expert in the field of journalism and, therefore, highly qualified to distinguish between good and bad reporting. Mr. Einfrank is the Washington bureau chief of the Toronto Telegram. He is also the former Moscow bureau chief for that newspaper.

In view of his expertise in the field of journalism and his experience in determining what is impartial reporting and what is biased propaganda, I am submitting, for the information and edification of my colleagues, Mr. Einfrank's letter to the Post and I ask that it be printed in the RECORD at this point.

"SELLING OF THE PENTAGON"

Your reporter, William C. Woods, in his story (Feb. 26) on the public reaction to CBS Reports' "The Selling of the Pentagon," writes off public criticism of this show by saying that "the (telephone) calls were largely critical as though viewers were outraged by a news team delivering news instead of propaganda."

I would offer that the criticism expressed in these phone calls is based on a different premise: that many viewers felt as I did that the show was purely anti-Pentagon propaganda of an outrageously biased and dishonest nature. The same criticism might be leveled to a lesser extent in the case of Mr. Woods' story.

Perhaps one way to solve the problem would be for the respective organizations of Messrs. Mudd and Woods to post them to Moscow. Then perhaps these gentlemen would understand why a Pentagon is a necessity for free people and why the Pentagon must maintain informational and other links with the free people it defends.

AARON R. EINFRANK.

WASHINGTON.

FREEDOM—OUR HERITAGE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GETTYS. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest. This year over 400,000 school students participated in the contest competing for the five scholarships awarded. The winning speech from South Carolina was delivered by an attractive, talented young lady from my hometown of Rock Hill, S.C., Miss Susan Tibbets. While Susan did not win the national contest, she is a top winner in my book and her speech is worthy of study and consideration by Americans of all ages.

I insert, Mr. Speaker, the Voice of Democracy speech of Miss Tibbets in the RECORD:

FREEDOM—OUR HERITAGE

(By Miss Susan Tibbets)

This nation, our America, is unique among the nations of the world. It did not grow by accident or by conquest, but was carefully constructed, principle upon principle, by the founding fathers. They passed on to us their masterpiece of building—our heritage of freedom.

Our heritage is passed on to us, a legacy which carries with it no responsibility, to be used or neglected as we please. Or is it? As in Jesus's parable of the talents entrusted to the servants, the neglected gift gains nothing. Our forefathers bequeathed to us their most precious possession to hold in trust for later generations. Unless we have increased our inheritance when we are called to account for it, we become like the unworthy servant; we will have betrayed the trust of our ancestors and cheated our own descendants. The hidden talent benefited no one; neither does freedom, taken for granted, grow. Instead, it tarnishes and loses its value. To make the best use of any heritage, one must protect it and nurture it in order for it to survive and grow. It is the responsibility of every citizen to do his utmost to protect that legacy for which men died—and are dying yet. Lexington and Concord, Bunker Hill, Valley Forge, and Yorktown were not the end of the American fight for freedom. Even today Americans are defending the ideals of freedom at Phnom Penh—the Mekong Delta—yet most citizens take their inheritance for granted, not pausing to realize that it is precious and rare; for in what other country exists so valuable a heritage? And in how many countries is repression and tyranny the only birthright? Our heritage was created because men cared and were concerned with providing their fellow-citizens with a life without repression. Can we do less than our forefathers for the cause of liberty? Without the care

and concern from which it was born, freedom will die. And if we do not provide the careful attention to freedom's growth, who will? Freedom is a legacy to each of us as an individual; it is therefore the responsibility of every citizen to protect and increase his own inheritance.

Freedom is the right to do whatever we want without regard to any consideration other than our individual desire. Or is it? What kind of society would we have if everyone followed his inclinations without regard to the rights of others? At best, chaos would reign; at worst, tyrants would come to power. When the long-standing Roman Empire began to crumble, the foreign provinces were abandoned. A bewildered Britain was among the forgotten possessions. No longer did the power of Rome enforce laws. Each man was totally free from any sort of restraint. This unlimited freedom catapulted Britain into the Dark Ages, a time of anarchy and fear. On today's college campuses some people feel that they are above all laws and regulations. They protest. They march. They disrupt classes. They riot. They deny to all others the freedoms that they, supposedly, are demonstrating for. Confusion reigns supremely. When Julius Caesar took the law into his own hands by crossing the Rubicon in defiance of commands from his superiors, he took the first step on a road that led him to the dictatorship of Rome. This one violation of regulation led to one man's absolute power over the known world. The Communist Revolution plunged the vast land of China into a period of lawlessness. There was only one hope for regulation of the chaotic conditions—a strong leader. Chairman Mao came to power and proved himself to be strong—strong enough to remain in complete power for decades, strong enough to impose his very thoughts on a large proportion of the world's population. While each of us must carefully guard and preserve his own rights, he must also take pains not to infringe on the rights of others; for their rights, as well as his own, are bound up in the total fabric of freedom. If he destroys the slightest freedom of another, he also destroys a bit of his own. In the words of John Donne:

No man is an island, entire of itself; Every man is a piece of the continent, a part of the main. Any man's death diminishes me because I am involved in Mankind.

No man's freedom is safe if one man's freedom is denied. Every citizen must assume the responsibility of ensuring the basic rights of all men.

The heritage of freedom is a legacy to us all. It concerns each of us personally and all of us as a nation. We must guard and care for both our individual rights and the rights of all citizens, for these basic privileges are our inheritance. This legacy is not yours alone, nor does it belong solely to me. It belongs to us all—Our Heritage of Freedom.

REORGANIZATION TIMELY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FRENZEL. Mr. Speaker, I want to say how pleased I am that the President has provided us with such a thorough and logical executive reorganization proposal based on the purposes of Federal Government. It is indeed timely.

Each year there are more Americans. Approximately 2 million more. And that means each year our old ways of serving the public and their needs become less effective.

We all know that international agencies criticize American consumption of the world's natural resources. What we perhaps do not realize is how rapidly we are devouring, and, to a great extent, wasting the vital natural resources of our own land.

Today the average American is using 25 tons of basic materials each year. This is excluding air and water. And, more important, this usage is climbing by a ton a year. If this trend continues, in 10 years we will be using twice as much energy, in 18 years we will be using twice as much water, and in 22 years twice as much metal.

We cannot start too soon to plan to replenish these supplies where possible and to find new sources of energy, water, and metals.

I urge the prompt consideration of legislation to establish a Natural Resources Department to coordinate Government programs for consumption, conservation, and enjoyment of our natural resources.

THE STATE OF THE WORLD MESSAGE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHMITZ. Mr. Speaker, Karl von Clausewitz said in 1830:

Now, this improvement from without can be nothing else than a change in political relations; either new alliances spring up in favor of the defender or old ones directed against him collapse. This is, therefore, the aim of the defender, in case his weakness does not permit him to think of any important counterstroke.

The above would seem to be the major premise of the foreign policy of the United States as outlined by the President in his recent state of the world message. The goal of partnership is basically a hope that our allies will in the future be able to defend themselves from the advances of the world Communist movement, as we are no longer going to attempt to directly contain Communist expansion in many areas of the world. The containment policy adopted in 1947 is a recognized failure, as it logically had to be since it ceded to the enemy not only a secure rear area, the Soviet Union and its colonies, but at the same time allowed them to initiate conflicts at the time, place, and level of their own choosing.

Instead of recognizing this failure as a call to adopt a forward strategy designed to emancipate the areas under Communist totalitarian rule, we are slowly retreating and hoping to pick up and strengthen allies on the rearward march. In order to console ourselves as we retreat from greatness, new words and concepts have been developed to smooth the slide downhill. Soviet gains, like those recently made in Chile, Libya, Somalia, and so forth, are now put under the category of diversity rather than free world loss. The prevailing illusion is that a generation of peace can be evoked by something less than American superiority in all fields. The cold war era has seen America decline from a position of global spremacy to that of the other great power. The cold war is neither over, nor is this decline to be reversed. What follows is a very brief elaboration of some parts of the President's message.

SOUTHEAST ASIA

The President attempts to make a case for not seeking a military victory. He is unsuccessful. The fruits of military activity designed to eliminate the enemy's power to wage aggressive war have already been shown by the excellent and successful allied thrusts into enemy held areas of Cambodia and now into the enemy held areas of Laos. These operations have saved lives and significantly interfered with the enemy's ability to carry on the war as he wishes. The same results would be achieved on a greater scale by directing certain types of military activity against the base from which the enemy is striking. One extremely efficacious and low-cost approach which the administration is continuing to study, would be a naval blockade of Haiphong Harbor, through which flow practically all of the materials needed by the enemy to carry on the war.

NATO

Our military policy toward Western Europe is the one vaguely hopeful statement of intent in the message. Since NATO has never been able to muster more than about 26 divisions to hold an area stretching from Finland to the Caucasus border of Turkey, while the Soviets and Warsaw Pact can mobilize up to a hundred divisions and concentrate them on a small front, the President has recognized the vital need for both tactical and strategic nuclear capabilities on hand in Europe.

AFRICA

The United States will continue activities directed toward forcing the pro-Western sectors of Africa to conform with policies which are completely unacceptable to them. We will continue the embargo against Rhodesia regardless of the fact that we are becoming increasingly dependent on Soviet sources of strategic chrome ore by denying American firms access to Rhodesia's vast deposits and also regardless of the fact that since the embargo went into effect in 1967 the Soviets have doubled their prices to us. We will continue to deny arms to South Africa and discourage American investment in the South African protectorate of Southwest Africa. We will also continue to deny armaments to the Portuguese for use in defense of their African territories of Guinea, Angola, and Mozambique against Communist led and supplied insurgents.

This is all done in the name of criteria which do not seem to be applied to other sectors of the world. The President is planning to vastly increase trade, guarantee American investments, and extend credit to places like Rumania where there is no political freedom whatsoever.

LATIN AMERICA

Although the President says that he would prefer governments in this area which are based on democratic principles, when a nation like Chile goes over to the Soviet camp we do nothing about it. This is known as "accommodating diversity" in the new American foreign policy lexicon. It is said to be in the best interests of the United States. But how it can be in the best interests of the United States for the Soviets to have a nuclear submarine base in Cuba and a possible Soviet naval base in Valparaiso, Chile, which would give the Soviet subs coverage of our West Coast as the base in Cuba does our East, is not elaborated upon.

It is most unfortunate that the spirit of determination revealed in the allied thrusts into enemy-held areas of Cambodia and Laos is not reflected in most of the areas of foreign policy outlined in the State of the World message. Easing tensions and defense are not compatible concepts when there is an avowed and powerful enemy seeking to extend his dominion over the entire planet. We must not tie our star to diversity and sacrifice our essential security.

BIRMINGHAM, ALA., EARNS "ALL AMERICA CITY" TITLE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, the city of Birmingham, Ala., has long held the spotlight as one of the nation's leading centers of trucking, railroad, and industrial activity. The 38th largest metropolitan area in the country, Birmingham is also considered the fourth largest metropolitan market in the Southeast.

Often referred to as the "youngest of the world's great cities", the Birmingham area population is well over 650,000 persons.

Last week, the impressive credentials of this proud city received additional recognition when Birmingham was selected one of 11 winners of the National Municipal League and Look magazine All America City Contest.

Earning an "All America City" title was not an easy, overnight achievement for Birmingham. For years, the stigma of a city torn by racial strife hindered Birmingham's reputation as a progressive community. Concerted effort by many Birmingham citizens, however, has served to erase this obstacle with the result that people of all creeds and nationalities have closed ranks to help Birmingham to earn this national honor.

Having been born and raised in Birmingham, I feel especially proud of the fact that this vigorous, hard working Southern community has been chosen to share such a distinction along with 10 other American cities.

A NATIONWIDE EMERGENCY PHONE NUMBER: 911

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. JACOBS. Mr. Speaker, the Honorable J. EDWARD ROUSH, our colleague from the State of Indiana, is the author of legislation which if passed is destined to save lives of innocent victims of crime in this country as well as victims of accidents.

Mr. ROUSH has proposed that "911" be the emergency number for America so that wherever you might be in this Nation, dialing those three digits would connect you immediately with emergency service.

Congressman ROUSH is entitled to the gratitude of every one of us for his clear and incisive thinking with respect to this matter.

On March 7, 1971, at the fifth annual Conference of Regional Councils, Congressman ROUSH delivered the following remarks. They are indeed words of wisdom:

OUR EMERGENCIES RUNNETH OVER

(By Congressman J. EDWARD ROUSH)

It is a pleasure and an honor to be here today and to participate in this panel. I hope I can clearly indicate to you the reasons why I have supported "911" as the single, nationwide, emergency telephone number and how this came about. In the process, I also hope I can ignite a similar interest in some of you and that you will carry this back to your local communities and regions.

Three years ago, the TODAY SHOW depicted what they called a "horrible fantasy" showing what could happen in an area that had a number of emergency telephone reporting numbers when, as Joe Garagiola put it, "fate really decides to sock it to you". And it went like this:

"Suppose a madman breaks into your home and shoots you in the leg. Now this startles you and you drop your cigarette on the sofa, setting it afire. Calmly, you call an ambulance for yourself, the fire department for the burning sofa, and the police to take away the madman. But wait, in the excitement, your dog runs into the street and is killed by a car. The car goes out of control, knocks over several trash cans and a fire hydrant. The trash clogs the sewer entrance and the water begins backing up into your cellar. Groggy but game, you call the animal collection people to take away the dog, the Water Department to fix that hydrant, and the Sewer Department to unclog that sewer. Now you are undecided as to who will take care of the overturned trash cans, so to be on the safe side, you call both the trash and the garbage people and the street cleaners. And oh yes, you'd better call another ambulance for the people in that car.

"Now, things are so bad that the madman is more depressed than you are and he threatens to kill himself. So still holding on to the tourniquet on your wounded leg, you dial the emergency Mental Health Service and you ask them to come to talk him out of it. But he won't listen; he takes poison. Now you have to call the Poison Control Center. The whole thing has been just too much for your old aunt who chooses this moment to have a very bad asthma attack. That means calling the Health Emergency Information Service and maybe another ambulance because the two you already called are getting pretty crowded by this time.

"But you can now relax because you have run out of emergency numbers and nothing more can happen to you."

This account may sound like a sequence from LAUGH-IN, but I actually had a letter from constituent several years ago which described an equally harrowing experience when the lady's lawn caught on fire and she was unable to locate her bifocals. The situation from the TODAY SHOW is laughable, because it is ridiculous. However, the events described are not ridiculous in that they never happen. What is ridiculous, is the fact that the most advanced technological society in the world provides the average citizen with such an archaic, duplicated maze of telephone numbers when emergencies occur.

Those of us who support the implementation of "911" as the single, nationwide emergency number, believe that this simple, easily remembered three digit phone number, may just be the answer. And since I am not a recent convert to this belief, it gives me special pleasure to be here today and to listen to the reports of city officials whose communities are now actually functioning on "911". Four years ago when this all began, I would have said that the progress that has now been made could not be accomplished. I am glad to say that I would have been wrong.

So first, I would like to tell you a little bit about my own experiences, the genesis of my own belief in "911".

My personal interest in this issue goes back to 1967 when I was a member of the House Science and Astronautics Committee. My sub-committee assignments were Advanced Research and Technology, Science Research and Development. This Committee appointment predisposed me to take an interest in and support the application of new technology, improved technology, new scientific information to solving the everyday needs of the average American citizen. During the period of the development of the space program, I watched abstract information become concrete instruments, equipment, and vehicles for space travel. I also observed the new medical and technical inventions that resulted, which served the practical interests of earth men. And, of course, communications technology was and is an important part of the whole space program.

Also, in 1967, the crime issue was paramount, and in that year, the President's Commission on Laws Enforcement and Administration of Justice issued a multi-volume report on the nature, the incidence of crime, and crime prevention and control in America. Noting the "bewildering array of police telephone numbers", the Task Force Report on Science and Technology recommended a technological improvement:

"Wherever practical, a single number should be established, at least within a metropolitan area and preferably over the entire United States, comparable to the telephone company's long-distance information number."

The Commission on Civil Disorders and the Federal Communications Commission also expressed concern over the need for an adequate emergency reporting system.

That same Task Force Commission Report on Science and Technology discussed in some depth, the importance of "response time"; that lapse of time between the occurrence of a crime and the arrival of officers on the scene. The faster the police arrive, or the shorter the response time, the more likely an arrest will be made.

As Mr. Louis Mayo of the National Institute of Law Enforcement and Criminal Justice noted at a Conference on Law Enforcement, "We know that once the criminal leaves

the scene of the crime, the probability that he'll ever be apprehended is very small."

The indisputable conclusion is that the faster a person who sees a crime or suffers one calls the police, and gets the right precinct, the greater the possibility of arrest. This in turn acts as a preventative as well as a control on crime after it has transpired, for the offender can assume that he or she will be arrested.

Putting together my interest in the practical applications of scientific know-how with the communications need in the crime field, I began to ponder what could be done. It occurred to me that the American citizen should have access to a simple, easily remembered, short telephone number for reporting emergencies; a number to be used anytime, anywhere, by old and young; a number not just for crime, but fire, and poison, and other health emergencies. London, England has had such a number, "999", since 1937. It seemed to me that a single universal, emergency number, with no more than three digits, would take care of the special problems of travelers and children. It would resolve the problem of finding emergency numbers for those who cannot read, either because they are illiterate, blind or dependent upon glasses which are not immediately available. It would also solve the problem of uncertainty as to which agency to contact, for example, the police or ambulance in the case of a drowning? It would solve the problem of panic which results in confusion and reduces the average person's ability to handle the necessary details of summoning assistance.

I brought the problem to the attention of Bell Telephone through Indiana Bell. I asked them what could be done, could we not have a simple emergency number like the information number, 411? At first, as Mr. Shepard will relate, although he was not present at those conversations, officials at AT & T told me that dialing "O" for Operator was the fastest, surest, and most effective method for reporting emergencies. Well, if we can send men to the moon, and now they can even talk with the President from the lunar surface, it seemed and seems to me that we should be able to offer the American citizen something better than a long wait for the Operator to answer, take the information, hunt the proper agency, relay the call, or the information. I do not blame the Operator, but emergency calls constitute a minor fraction of about 1% of their work, about 40,000 out of some 14 million daily. They simply cannot be expected to move as fast as someone trained especially for emergencies.

So I persisted. Besides acting as an advocate, I also pursued this issue as a legislator. In May of 1967, I introduced legislation stating that it was the sense of Congress that the United States should have a uniform, emergency nationwide telephone number.

Meanwhile, unbeknownst to me, Commissioner Lee Loevinger, Defense Commissioner of the Federal Communications Commission, had also begun to question and to push for a solution.

Leaving out a lot of details, suffice it to say that in January of 1968, AT & T announced that they would provide a single, nationwide, emergency, 3 digit number. This could be provided as quickly as communities decided that they wished to go over to the new number, "911". AT & T would bear the main burden of the cost, estimated at some $50,000,000. After this welcome announcement, I re-introduced my bill to specify "911" as the single, nationwide, emergency number.

My home town of Huntington, Indiana, population, 18,000, was the first in the Bell System to adopt "911" and I was there to make the first call from the Indiana Bell Telephone Company to the Huntington Police Department, which received that call on a specially installed red telephone.

But that is ancient history. Today, 108 communities already have "911" and that means that about 15½ million Americans are now enjoying this emergency service. Meanwhile, we have learned a great deal about "911" from actual experience and from the symposiums and conferences that have been conducted.

The record of success is inspiring. In New York City, the Commanding Officer of the Communications Division, New York City Police Department told me recently that "'911' gives the citizen access to the police with unprecedented speed". He went on to say that in New York where it is a fire, police, and ambulance number, "it has proven to be one of the great successess in law enforcement".

The Franklin Institute Research Laboratories with the National Science Foundation undertook a study to determine if a need existed for a single emergency telephone number and if the implementation of such a system were feasible. They issued a report in March of 1970. The report noted a lengthy questionnaire that had been sent to a select group of metropolitan fire and police chiefs, sheriffs, poison control centers and small town police and fire chiefs. The results were as follows:

"A study of responses to questionnaires and discussions with persons in all phases of emergency work have led FIRL to conclude that a single emergency telephone number is feasible and should be implemented nationally."

Over the last two years, the National Service to Regional Councils has sponsored two outstanding symposiums, at Chicago and Omaha, bringing together those interested in the single, emergency number. These Emergency Telephone Communications Workshop brought out many of the problems and also a lot of the victories. The NSRC also selected 6 pilot regions to work with, and Washington, D.C. is one of these. I am anxious to see the Capitol City a "Model City" in every respect and I think the adoption of "911" would be an important step in that direction. I do know that discussions are well underway and I expect the Washington Metropolitan area to work out whatever jurisdictional problems exist in the near future.

I think the Department of Justice has indicated a real interest in "911", as would be expected after the President's Commission report. They have been willing through their National Institute of Law Enforcement and Criminal Justice to help fund those two symposiums, and another symposium in 1969, recognizing and analyzing the importance of response time.

I was especially interested in the fact that Attorney General John Mitchell in his Banquet Address at the 1970 Third National Symposium on Law Enforcement Science and Technology clearly endorsed "911" and went on to indicate another important use it serves. He said:

"One of the major problems in apprehending offenders is often the reluctance of ordinary citizens to come forward and tell what they know. The Institute is interested in investigating the barriers to citizens reporting of crime. It's interested in improving citizen-reporting systems . . . and also in implementing the nationwide emergency telephone number—911. That number is already in use in a number of places . . . There's no question that it would be of help in making it easier for citizens to report crimes to the law enforcement agency best equipped to deal with the situation."

As the Attorney General indicated, one of the problems in law enforcement is that of persuading citizens to report crimes, especially those that they simply observe; that do not happen to them. The simplicity of "911" can be expected to encourage citizen reporting of crime.

Over the last two years, I have been on what I call a "sabbatical" from the Congress, brought on by the fact that I was redistricted in the midst of my last term of office, and had to run against an incumbent Congressman. However, I was returned to the Congress in the fall elections last year. One of the very first priorities I established, was renewing my interest in the Nationwide implementation of "911". I find we have come a long way, but not far enough.

In this Congress, I have introduced a different kind of bill, reflecting the changes in the situation since 1968–9. On February 10, 1971 and again on March 4, 1971, with 40 co-sponsors, I introduced a bill that would amend the Omnibus Crime Control and Safe Streets Act of 1968.

This so-called Safe Streets Act sets up funds, primarily for the states to allocate to local communities to improve a whole range of crime prevention and control activities. Projects are first developed and prepared by the local governments and adopted by states, then included in the annual state comprehensive plan, subject to the Law Enforcement Assistance Administration review.

Under the present law, it might be possible for funds to be spent to encourage the implementation of "911", but none have been so far and so I have introduced legislation that would make that authorization explicit.

My bill amends the Safe Streets Act to provide Federal assistance to State and local governments for the purpose of developing and improving communications procedures and facilities for the prompt and efficient dispatch of emergency services. The bill calls for funding of $5,000,000 in fiscal 1972 and $7,500,000 for fiscal 1973.

The purpose in this bill is not to actually shoulder the costs of setting up "911"; providing money for additional or different or coordinating the same trunk lines; or to physically install "911" in a community. Actually, as you probably know, the costs of implementing "911" itself are very moderate. In Jackson, Mississippi, it is $100 a month; in Springfield, Massachusetts, $250 a month; and in Suffolk County, New York, there is an actual saving of $600 per month, although I am sure this is not typical. In this case, centralization eliminated duplication. However, this is not the "911" picture. In many cases, communities have antiquated communications systems or they need to better coordinate communications within agencies or among agencies. These costs run very high. Often renovation of existing communications facilities were needed before the community became interested in "911", but the desire to adopt "911" sometimes brings this need into clearer focus. The funds I would ear-mark would be for this kind of renovation, coordination of existing facilities to make the adoption of "911" possible and most effective.

Indeed, as far as crime is concerned (but the same is true of other emergencies), there is no point in speeding up the first part of "response time", namely that period of time between the incident and the citizen calling the proper agency, if then there is a long lapse of time until help arrives, the lapse resulting from poor inter or intra agency communications and dispatch.

Not only would this bill I propose provide funds, but I believe it also expresses a national concern and interest. Allocating money is one sure way of indicating priorities. And it is a way of saying that in the United States we will no longer neglect using our technology to help the average citizen in the continous fight against crime and fire and health emergencies.

Certainly, there will be problems for you people to solve, jurisdictional and telephone exchange problems. I have not emphasized these; they are too obvious to need my elaboration. But in this matter I agree with the National Service to Regional Councils' Summary Report for July, 1970:

If "911" is desirable for the community, the key responsibility of emergency agency officials should be to work together to overcome these problems. If "911" is to be a service to the citizen and not to the agency, some method or alternative must be found to achieve implementation."

Commissioner Loevinger asked whether the "burden of coping with emergencies" and the "confusing and conflicting complexity of government agencies" should be imposed upon the public or the agencies established to serve the public. I think we would all agree on the answer to that rhetorical question.

DEFENSE CHALLENGE OF THE 1970'S

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HUNT. Mr. Speaker, a few weeks ago, the Honorable DURWARD G. HALL of Missouri, addressed a meeting of the Springfield, Mo., Rotary Club.

Speaking on the subject "The Challenge of the 1970's," Congressman HALL set forth in clear language this Nation's military posture as compared to that of the Soviet Union. He also stressed the importance of continuing a strong, defense related, research and development program so as to maintain the superior technological position that the Armed Forces of the United States has always held.

At this time, I would like to offer Congressman HALL's remarks. I feel that they will make interesting reading and I commend them to your attention:

CHALLENGE OF THE 1970'S

Just a few short months ago (last September to be exact) I participated in a *little publicized*, but none-the-less highly important colloquy, with the late chairman of the House Committee on the Armed Services, L. Mendel Rivers.

The debate, which eventually included 22 Members of the House, served to lay out in the clearest, most concise terms I have as yet encountered, just where this Nation stands in relation to the other great "super-power", the Soviet Union.

To those of you who automatically evoke an "oh, no, not that again", mental attitude at the mention of the word Soviet, Russian or Communist, my answer is simply this:—the worst disservice that can be done to this Nation, at this time, is to ignore the fact that we *are* locked in a struggle with the Soviet Union, ideologically as well as physically. Unfortunately, the eventual winner, *if* it ever comes to that, will be in the position to determine whether or not the smaller nations of this world will be subjugated by outright takeover, or left to determine their own destiny. One needs but study the sorry plight of the now "captive nations."

I might selfishly add that my concern for the smaller nations is based not so much on what will happen to *them*, but rather, what effect their falling into the Communist orbit would have on the security of these United States. I've never had an answer to: if not us—whom? If not there—where? And if not now, when?!! I use as a case in point, the island of Cuba, and more recently, the nation of Chile. And yes, I am aware that the Chilean people used the ballot to accept a Communist leader. But don't you doubt for one minute that it will be Moscow, or worse, Mao, who will play the tune. And if you think this is all well and good, go back to the newspapers of a few months ago and reread the story of Czechoslovakia.

I am certain that there are those of you here today who will construe my remarks as the shrill cry of a "hawk", whose talons are curled and ready for combat. That would be a misconception. If I leave you with that impression, I will have failed in my mission. I am here, if not to sound a warning, to at least do my best to lay before you one side of the story that you'll seldom read of or hear about. It is based on the most accurate and highly distilled information—known as military intelligence!

I would remind you that although our daily news is sprinkled with references to "hawks" and "doves" there is yet another bird that deserves equal time. I refer to the eagle, that gallant and magnificent creature that symbolizes the strength and honor of this nation. He soars above the crags of world politics and has a vista of wider horizons. I am sure that you are aware that the American eagle which graces our national emblem, clutches in its left claw the arrows of war, while its right is curled around the olive branch of peace. I call your attention to the fact that the eagle's head (by executive order of President Truman), is turned toward the sign of peace, thus the premise of my remarks today: While the search for peace is a continuum, the strength to insure and preserve, must follow the same path.

The remarks that I have prepared for delivery today have emerged not only as a result of the debate that I mentioned a bit earlier, but they are also the reflections of one who has spent eleven years as a member of the committee on armed services, the overseeing by daily legislative oversight of three presidents, and the constant communications with the people who constitutionally make our defensive policy, as well as those delegated to carry it out.

When I first entered the Congress back in 1960, it was possible to make a speech with only a passing reference to Asia.

It was possible to speak of our across-the-board strategic superiority, over the Soviet Union in nuclear weapons systems.

Although tension existed in the Middle East, that area was relatively quiet.

Communist China had not yet developed a nuclear capability.

The Soviets had not attempted to establish a missile base in Cuba.

Unfortunately, the same situation does not hold true today.

About 1964, the gradual intensification of the war in Vietnam and the launching of an accelerated Soviet land, sea, and air construction program, caused the threat to peace and security to begin to mount. This is easily done in a dictatorship where a "first amendment" is unheard of, and the people are cowered in fear and devoid of individual freedom! ! !

In the five years since 1965, the Soviet Union has *surpassed* this nation in land-based intercontinental ballistic missiles. Five years ago, our ICBM's outnumbered theirs, 4 to 1. Today, we have 300 fewer than they.

Where we once maintained a 4 to 1 superiority of submarine-launched missiles in 1965, we now find our lead has shrunk to 2 to 1, and estimates for 1975 project us to trail 600 to 900.

It was only in 1964 that the Soviet Navy began continuous deployments in the Mediterranean; now, since the Arab-Israeli war of 1967, a flotilla of nuclear submarines and missile-armed surface ships has been continuously operating there.

The Russian Mediterranean presence has at times attained a strength of 65 naval vessels, including submarines and support ships.

As a consequence, today, Soviet Naval forces constitute a major political and *Military Presence* in the Mediterranean. This was the reason why President Nixon, on his recent European visit, made it a point to board the flagship of our 6th fleet, to impress on the world our intent not to be shoved out of that body of water by any show of strength. However, if we do not hasten to update and revitalize the ships of our Navy, by 1980, the Mediterranean could become a private Russian-U.A.R. Lake.

The Russian naval presence has also been extended into the Indian Ocean, and the farthest reaches of the Atlantic and Pacific. Soviet submarines and warships equipped with missiles now operate boldly off the coast of the United States and in the Gulf of Mexico, as well as in the Caribbean and the coast of Africa and Southeast Asia. Think how their deployment turn-around time has decreased and their effective patrol time has been increased by the Cuban resupply base at Cienfuegos.

The Soviet surface fleet now includes two helicopter carriers, about 24 cruisers, 35 guided missile destroyers, 50 gun-armed destroyers, more than 100 destroyer escorts, and literally thousands of smaller ships, minesweepers, coastal escorts, support craft and intelligence collectors.

In addition, the Russian nuclear submarine construction capability now is about 20 units a year based on working one work shift a day; by working three shifts a day, they have the ability to produce 35 nuclear submarines a year. Today, they are building at the rate of 10 to 14 a year. They have perfected a quiet running submarine—we have not!

By contrast, the United States today has roughly 147 operational submarines of which 88 are nuclear-powered, and of which only 47 are configured as submarines primarily designed to combat the Soviet submarine threat. The other 41 nuclears are our Polaris missile firing submarines.

A recent report from the comptroller general had this to say about our Navy: "Approximately 80% of the major ships in the Atlantic fleet are over ten years old, and 50% are over 20 years. In April, 1969, the average age of the ships of the 6th fleet (Mediterranean) was 18.3 years."

So much for the Navy.

The United States Army, now numbering 1.3 million men, will probably decline to around 750,000 by 1975. The Soviets are expected to maintain 2 million men under arms.

Although the number of battleworthy tanks is classified information, I can tell you that the over-all total has dropped by several hundred in the past five years. We know that the Soviets are increasing their tank forces and are expected to have three times as many as we do by 1975. (20,000 tanks & exercise "okeon", February, 1 year ago-snorkels, etc.)

We have something like 9,500 helicopters, 8 times the Soviet count. However, the U.S. ground forces in order to utilize that mobility, would have to have absolute air supremacy over a battle area. Theirs have greater lift capability than ours and they have enough to deploy some to North Vietnam.

The Soviets are building and testing new models of aircraft at the rate of one every eighteen months. They have in operation an advanced fighter interceptor, the MIG–23 (Foxbat), with a top speed of 2,200 mph, nearly twice as fast as any in our inventory. We are soon to "flight test" the new F–14 and F–15's, but full scale production of these planes is still a couple of years away.

Our combat aircraft now number about 8,500. The Soviets have nearly 10,000. Although the Air Force does not wish to declassify its projected capability, I can safely tell you that it will be under our present figure by 1975.

These are sobering comparisons and if any

bright spot can be found, it is in the fact that the military hardware we are able to produce is still superior to anything that the Soviets have been able to mount. The trick will be to keep it that way.

Most authorities agree that at the present time, we are two to four years ahead of the Russians in every important area of weapons technology. In strategic forces, we have better ICBM's, better ABM technology and better equipment at every level of detail that is important. The Soviets have larger missiles now because they have chosen to go that way, not because their technology is better. We still have better ships and better submarines across the board, in nearly every area. Our weapons are better simply because we developed a substantial lead in technology during World War II, and we maintained high enough levels of research and development to stay ahead ever since.

There may be another "Sputnik" now-and-then to flash into our future and scare the daylights out of us, but it will pose no danger as long as we maintain our lead in technology. If we ever lose the lead we now have in all major areas of military technology, we will face the prospect of having to accept Sputnik, not just in one or two unimportant areas now and then, but the prospect of a Sputnik in every important area of military weapons—in strategic nuclear forces, in naval forces, and in conventional ground forces. No responsible administration official, or any responsible Member of Congress can afford, in my opinion, to take that gamble with the future security of our Nation and the future safety of our people. Hence my letter to the commander in chief and the Secretary of Defense saying:

"Recent cutbacks in the Department of Defense have unfortunately caused equivalent cuts in vital research and development programs."

It is common knowledge that from World War II to 1960, our military research and development was by far the major part of the total technological effort of this nation. In 1960, for example, the Department of Defense budget for R. & D. was $5.6 billion out of a total Federal R. & D. outlay of close to $9 billion.

The space program, together with expanding defense research, brought the total U.S. Government research and development expenditures to a peak of about $13 billion in 1966 and '67; defense was about half of that.

Today, the total Federal research and development has gone down to a level of about $11 billion, with both space and defense declining rapidly and with defense still about half the total. That is one big reason why the administration is seeking more money for the Department of Defense in the latest budget. Another is the known Russian % increase in theirs!

It is important to remember that when we speak of research and development, we are not talking exclusively about nuclear bombs, SS–9 missiles, and the like.

Since the end of World War II, research and development, supported by the Department of Defense, has provided the major support for expansion of nearly *all* U.S. technology.

It, along with the will, know-how, and patriotism of the U.S. worker, has been responsible for the rapid development of radar, new communication technology and computers.

In addition, a great deal of the technical progress in civil aviation has come from the defense supported R & D. All turbojet and turbofan engines used in commercial aircraft have evolved from military programs. The Boeing 707 was derived directly from the Air Force C–135. Light observation helicopters developed for the Army have found many civil applications.

Defense has played a tremendous part in the development of new materials. *Aluminum* is found today in thousands of everyday products, but it was developed from a rare and costly metal to its widespread use today by work founded on the military need for aluminum in aircraft. Similiarly, the current titanium industry is a direct consequence of Department of Defense sponsored materials research and development. Even the new Lockheed C–5 can blame part of its cost overruns on the need to develop a new and lighter alloy for its construction.

Today, titanium and beryllium alloys are used in both military and civilian aircraft as airframe structures and in the compressor stages of the engines. Without titanium, no supersonic transport would begin to meet its operational demands. The corrosion resistance of titanium has put it into such civilian applications as food and chemical processing, and titanium uses in the near future will include desalination plants, steam power generating equipment, and equipment for the entire transportation industry.

The development of glass-reinforced plastics was the first important product in the class of materials known as "composites". Rocket cases for both stages of the Polaris missile, as well as for the third stage of the minuteman, utilize this material.

Military development of these glass-reinforced plastics has spurred the civilian use of these materials in boats, truck cabs, trailer bodies, fishing poles, shotgun barrels, pipe, battery cases, and many other items.

The use of satellites for communication, navigation, mapping and weather observation was initiated by the Department of Defense, and as usual, this technology rapidly found its way into the civilian sector, as well as overseas, where all their intelligence agent needed to do is buy the latest copy of Scientific American or Popular Mechanics where we proudly announce each breakthrough, complete with blueprints!

I give you these examples only to point up the great harm that can result, not only in the area of national security, but in the advancement of technology as well, if there is a serious cutback in research and development funding. I don't propose to reject out of hand requests by the Department of Defense purely on the "say-so" of individuals who are running for President, not on their record, but against the military. These same individuals would have you believe that a few kind words would solve all the ills of the world. I say—let them tell that to the Hungarians or the Czech's, or the Poles!

The record will show that we have been engaged, for some time now, in strategic arms limitation (SALT) talks with the Soviet Union in Helsinki and Vienna.

We are talking with the Communist Chinese in Warsaw.

We meet almost daily with the North Vietnamese and the Viet Cong in Paris.

We are at work trying to help negotiate a cease-fire and lasting peace in the Middle East. But it is important to always keep in mind, in the arena of world politics and negotiation, it's common knowledge that you can't win by negotiating something that you don't already have. A weakened nation is a "sitting-duck" for all comers.

Probably one of the most quoted phrases in the history of this Nation came out of the farewell address made by Dwight Eisenhower. It was in that speech that he coined the term, "military-industrial complex". As frequently is the case, the other things that the late President had to relate, in that very same speech, went, for the most part unnoticed. Let me refresh your memory. Ike said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction. We face a hostile ideology, global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transistory sacrifices of crisis, but rather, those which enable us to carry forward, steadily, surely, and without complaint, the burdens of a prolonged and complex struggle, with liberty at stake."

On these words, I rest my case knowing that properly informed, you and the rest of America will do your part.

TESTIMONY OF H. R. RAINWATER, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HILLIS. Mr. Speaker, on Tuesday, March 9, 1971, the House Committee on Veterans' Affairs heard Commander-in-Chief Herbert R. Rainwater of the VFW testify.

Chief Rainwater outlined the VFW's legislative program for 1971. It is my hope that every Member of Congress will take the time to read the testimony of this great leader of such a gallant organization.

The testimony follows:

STATEMENT OF H. R. RAINWATER

Mr. Chairman and members of the committee, thank you for the privilege of appearing before this great Committee to present the legislative program of the Veterans of Foreign Wars of the United States.

I note that there are some new members on the Committee—and regretfully, that some long-time members are missing. I refer to Congressmen William H. Ayres of Ohio, and E. Ross Adair, of Indiana. During their terms in Congress, these two distinguished gentlemen never failed to be present on this occasion.

The Veterans of Foreign Wars is deeply appreciative of their efforts in behalf of veterans' programs during their twenty years of service on this Committee. They will be missed by all of us.

As you know, the Veterans of Foreign Wars of the United States is the oldest major veterans' organization in America—having been initially formed by veterans of the Spanish-American War, in 1899.

From that small beginning, we have grown steadily in membership and service—until today we have over 1,600,000 members. This is 110,000 more than we had at this same time last year. We expect to close out the current year with an all-time high of 1,750,000 members. This will make the nineteenth consecutive year that we have achieved a substantial increase in our membership.

The men who are with me this morning are primarily responsible for this continued growth. Through their efforts and leadership, the great purposes and programs of the Veterans of Foreign Wars are being carried out in all the states of this great nation.

One of these is our Voice of Democracy Program. It is a scriptwriting contest, whose theme this year is: "Freedom—Our Heritage."

The winners of that great patriotic contest are the young and handsome people you see just a few rows behind me. We are extremely proud of these young Americans. Five of them will receive college scholarships, totaling $22,500, at our Congressional Banquet tonight. We will have the privilege

of hearing the first place winner deliver his or her speech. The first place prize is a $10,000 scholarship.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is determined each year by our delegates at our National Convention. Approximately three hundred separate resolutions dealing with veterans' rights and benefits; national security; and Americanism are weighed in the process.

Thereafter, our National Legislative and Security Committees meet here in Washington for the purpose of reviewing these resolutions and recommending a Priority Legislative and National Security Program.

That Priority Program for 1971 has been printed in an attractive brochure and distributed to the Congress, the Executive Branch, the news media, and to the public.

It would be deeply appreciated, Mr. Chairman, if a Digest of the Resolutions approved by the Veterans of Foreign Wars delegates attending our Miami Beach National Convention, and a copy of our Priority Legislative and Security Goals, may be made a part of my remarks at the conclusion of my statement.

When I assumed office as Commander-in-Chief of the Veterans of Foreign Wars, last August, I immediately announced operation "Prisoner of War." This was a petition-signing effort to incite and develop citizen opinion and action throughout the world, against the treatment of our men who are being held prisoners by the Communists in North Vietnam, the Viet Cong in South Vietnam and the Pathet Lao in Laos. Our members came through with flying colors. They gave me petitions carrying four million signatures. I later asked them to send 25 million letters to the North Vietnamese representatives in Paris—where I had been unable to deliver those petitions.

Immediate release of our men is our primary objective. But short of outright release of all prisoners of war, identification, adequate food and medical care, humane treatment, and the release of the sick and disabled, are obligations of the North Vietnamese Government under the terms of the Geneva Convention.

Looking optimistically toward the day when that release is effective, I have recommended to the Secretary of Defense and to the Administrator of Veterans Affairs that specific plans be developed to provide for the treatment and readjustment of these gallant men when they are returned to us. I am pleased to report that the Secretary of Defense has assured me that appropriate programs will be ready and operative when needed.

This Committee is to be commended for taking the initiative during the previous Congress in developing and gaining approval of legislation which has provided close to three-quarters of a billion dollars in additional assistance to veterans and their dependents. I refer, of course, to the general cost of living increase, and the 35 per cent increase in the GI Bill rates, and other VA educational programs.

Despite these increases, however, the inflationary costs of living continue to spiral—and it will not be long before additional increases are mandatory. VA compensation and pension checks never keep pace with the ever-mounting costs of today's economy. Certainly they have never yet anticipated the increased costs of the future. To this extent they both remain a game of "catch-up", in which the veteran is always behind on the economic ladder.

The Veterans of Foreign War has always maintained that there is a distinction between the honor of being buried in a National Cemetery, and the economic assistance provided through the veterans' burial allowance. This is the reason we have so long held to the position that there should be at least one National Cemetery in each state.

The continuation of the National Cemetery System, including Arlington National Cemetery, is a priority goal of our organization. We strongly support bills before this Committee which will carry out these purposes.

We in the Veterans of Foreign Wars are deeply disturbed at the use of drugs by many of our young servicemen. Many identified as marijuana users have been summarily discharged with undesirable discharges which bar them from VA treatment for this condition, as well as all other veterans benefits. For more than two years, the Veterans of Foreign Wars has been urging the Department of Defense to review existing policies with a view toward treatment and rehabilitation rather than punishment. We view the recently revised Defense Department policy in so far as marijuana users are concerned as a step in the right direction. At least it is an excellent first measure on the road to reform.

The establishment of the first of thirty planned drug treatment centers by the Veterans Administration is still another program which the Veterans of Foreign Wars has long advocated.

We believe the Congress of the United States has the obligation to look ahead, just as it does in matters involving National Defense, and be prepared at all times to balance the equities and inequities which repeatedly occur in the Veterans Administration Program.

Realistic compensation and pension payments for the disabled veteran and his family, or survivors; increased GI Bill assistance for returning Vietnam veterans; practical job assistance and training for those who do not use the GI Bill; preservation of veterans' preference in Federal employment, including the new Postal Corporation; and complete elimination of the pauper's oath for veterans seeking VA hospital care, are musts, in so far as the Veterans of Foreign Wars is concerned.

Important as these are, there is one veterans program which deserves even more attention. I refer to the VA hospital and medical program. During the past several years the Veterans of Foreign Wars has devoted its major effort to obtain additional badly needed funds for this program. Your distinguished Committee, Mr. Chairman, provided the leadership which added $155,000,000 to the VA hospital budget for last year.

Despite this, however, it appears that we failed to make a dent in the Office of Management and Budget. In spite of the fact that the Office of Management and Budget knows full well that the extra $155,000,000 was almost literally jammed down its throat by the Congress after overwhelming evidence indicated that much more was needed, it does not seem to have been impressed. For the VA budget for hospitals and medical care for fiscal year, 1972, is based on a substantial reduction in the medical care program for veterans. It contemplates taking care of 6,823 less veterans per day, starting next year, 79,000 patients per day, as against 85,935 on an average daily basis at the present time. Obviously this will force the VA to increase its rejection rate.

In other words, Mr. Chairman and Members of the Committee, it perpetuates a vicious circle. Each year the VA is given less money than it needs by the Office of Management and Budget. The VA is forced to reduce the number of patients on an average daily basis in order to live within this inadequate budget.

Then when the record shows that the average daily patient load is down, operating beds and other facilities are curtailed. Needed personnel are not hired. And the quality of medical care is reduced.

The next year the Office of Management and Budget forces the VA to accept a still smaller budget based upon this fictitious reduction, or perhaps I should say enforced reduction, of the daily patient load for the previous year.

It is very easy to predict the ultimate destruction of the VA hospital system if the Administration, through the Office of Management and Budget, continues this policy of starving the VA hospital and medical system.

I can assure this Committee and the Congress that the Veterans of Foreign Wars of the United States is well aware of the downward skid of VA hospitals since 1965. That was the year the then Bureau of the Budget tried to close 32 VA facilities. The Veterans of Foreign Wars stands ready to fight to the last ditch to save our VA hospitals.

Even the $155,000,000 that the Congress so wisely added to the VA hospital budget for this year was used in a manner which kept it from becoming a continuing budget item for successive years. Practically all of it was spent on equipment, maintenance, and other one-time budget items. It was not used for additional personnel and badly needed services. Yet it is the lack of sufficient personnel to provide essential services in our VA hospitals which has reduced their quality of medical care to veterans of this nation's wars.

The President, in his message to Congress on February 1, entitled, "Resubmission of Legislative Proposals", included a rehash of proposals to eliminate statutory payments for service-connected disability caused by tuberculosis, and the $250.00 burial allowance to which every veteran is now entitled. This message was obviously the creature of the Office of Management and Budget.

There are many ways in which money can be saved without saving it at the expense of veterans—especially those who were disabled while on active duty in the service of our country.

The Veterans of Foreign Wars strongly recommends that bills implementing these proposals to eliminate veterans rights be rejected by this Congress. It is our fervent hope that they will die when the 92nd Congress finally adjourns.

Mr. Chairman and Members of the Committee, there are other areas which greatly disturb the members of my organization. Two of these are the processing of veterans' claims in regional offices, and jobs for veterans. There has been a constantly rising case load of claims under the GI Bill and readjustment programs, compensation, and pensions in the VA. The Veterans of Foreign Wars commends the dedicated VA personnel who are doing a tremendous job in keeping up with this sharply rising work load during the past few years. We have sought in every way possible to call attention to the need for additional personnel. The proposed budget will add approximately 257 employees to these 57 VA regional offices. But here again, an additional 257 employees will not be be enough.

The Congress took note of the sharp increase respecting the need of veterans for information and assistance by authorizing an outreach program, which is the 1970 word for an expanded contact program. Yet last year's VA budget did not have one cent in the VA appropriation for the newly-authorized expanded outreach services as provided in PL 91–219. Nor does there appear to be any money in this year's 1972 appropriation for that program. Without additional, competent personnel to advise veterans and their families respecting their rights and the assistance to which they are entitled, this program is completely nullified. Additional outreach personnel must be provided for if veterans and their dependents are to be advised about the assistance Congress has authorized for them.

The Veterans of Foreign Wars has com-

mitted itself to lending all possible assistance to the problem of obtaining jobs and job training for all veterans, and more particularly for veterans returning from Vietnam. We are cooperating with the President's Jobs for Veterans Program, and have our own continuing program to assist veterans in obtaining jobs.

Last, but far from least, Mr. Chairman, we are concerned about the recommendation to eliminate the most successful veterans program ever established by the Congress. I refer to the direct home loan program. It is inconceivable to the Veterans of Foreign Wars that this program, which is the only veterans program which has ever made money for the Government, should be earmarked for elimination.

The need for additional housing is on everybody's tongue. We all know that in our small towns and rural areas it is next to impossible to obtain a housing loan. That is why the Congress established the direct home loan program. It has experienced few losses. It is a paying program making its own way. Yet unless the Congress acts this veterans' program will come to an end. The 1972 budget calls for the expansion of various subsidized housing programs and includes the continuation of the direct loan program, handled by the Small Business and Farmers Home Administrations—yet the veterans direct loan program will be deleted.

I have not endeavored to deal with National Health Insurance and all of its implications respecting veterans hospitals. There is no question, however, that a true National Health Insurance program, as contemplated by the bills introduced in this Congress would swallow up VA hospitals at least in part. Should such a system be established, we will need the wisdom and leadership of this great Committee if we are to continue to provide medical care and hospital treatment for veterans in separate facilities.

The Veterans of Foreign Wars will continue to oppose any attempt to eliminate these separate facilities, as we now oppose the efforts being made by the Office of Management and Budget to curtail service to America's veterans.

These, Mr. Chairman and Members of the Committee, are a few of the areas of intense concern for 1971 in the members of the Veterans of Foreign Wars of the United States.

May I again express my sincere gratitude for this opportunity to appear before this distinguished Committee. Many of us will be visiting with you individually throughout the remainder of the day.

We are hoping to return your courtesy by being your hosts tonight at our annual Congressional Banquet at the Sheraton-Park Hotel. All members of Congress have been cordially invited. The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

A RESOLUTION IN SUPPORT OF REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. KEMP. Mr. Speaker, it was recently my pleasure to meet with Erie County Education Association members and New York State legislators to discuss legislative proposals in the education field. At this legislative session the Erie County Education Association adopted a resolution in support of the administration's revenue sharing proposal to allocate $3 billion to elementary and secondary education and give States greater latitude in meeting local problems.

The text of this resolution follows:

RESOLUTION

Whereas, President Nixon has requested the Congress of the United States to approve a special revenue sharing plan in the amount of $11,000,000,000 to be distributed to each state in the nation, and

Whereas, the amount of $3,000,000,000 is specifically allocated for assistance to education throughout the nation,

Be it resolved; That the Erie County Education Association, meeting on February 17, 1971 does hereby give its wholehearted support to President Nixon's revenue sharing plan, specifically in the area of aid to education, with the following contingency, That the bulk of the $3,000,000,000 be specifically earmarked for aid to elementary and secondary education in each state.

LOS ANGELES TRADE-TECHNICAL COLLEGE LAUDED

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HAWKINS. Mr. Speaker, in the 21st District of California, which I represent, there is a unique example of close cooperation between industry, education, business, and labor. Eleven hundred advisers on 70 college advisory committees work closely with the college in initiating and maintaining quality vocational training programs at Los Angeles Trade-Technical College.

Trade-Tech is currently the largest vocational community college in the country and offers training to 5,500 full-time day students and 10,000 evening students. Even in the current economic downturn the college is able to place nearly 100 percent of the graduates. According to a recent article in the Los Angeles Times:

One graduate was recruited by a New York firm that paid him a starting salary of $12,000 a year and picked up the tab for his moving expenses.

Not only have the members of the advisory committees given counsel and advice but through their efforts nearly $2 million in equipment has been donated.

The membership of advisory committees is comprised of selected representatives from management, labor, professional organizations, technical societies, suppliers and agencies that are interested in the instructional programs.

The demands of industry determine the various phases of technical and trade training carried on by the college. Placement and successful progress of students are the measures of effectiveness of the preemployment training. Increased productivity, job satisfaction, and advancement of the employed trainee attest to the effectiveness of the trade extension program. For these reasons all training is developed and carried on with the advice and assistance of local trade advisory committees and industrial consultants who are familiar with industrial needs and practices.

These advisory committees meet on the invitation of the college administration, at least once a year and on occasions when considered necessary. They give counsel and advice in regard to evaluating training programs, approve plans to meet current training needs, review past accomplishments, and forecast trends affecting training and employment.

Members of the various advisory committees are an important part of the educational program of the college. The people who serve on the committees are selected because of their leadership in the economic life of Los Angeles. The advisers bring to the college expert advice and sound thinking on trade and technical problems. Thus the work of the classroom reflects the rapid changes in community and industry.

"U.S.A. AND U.S.S.R. SPACE PROGRAMS COMPARED"

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, Mar. 10, 1971]

RUSSIA QUIETLY PUSHES ITS SPACE TECHNOLOGY, THREATENS U.S. LEAD

(By Jonathan Spivak)

WASHINGTON.—Almost unnoticed in the excitement over American lunar exploits, the Soviet Union is making significant strides in space—and threatening to outdo the U.S. in years ahead.

Though the Russians' achievements are less dramatic than putting men on the moon, they're chalking up solid progress in the number and duration of space flights and in the development of sophisticated hardware.

"Unless we reverse the current trends in the U.S. space program, we must be prepared to give up our lead," acting space administrator George Low warns. "I wouldn't be surprised to see a whole string of (Russian) space firsts," adds a Defense Department official.

WHAT ARE RUSSIANS UP TO?

Russian intentions are difficult to divine, but U.S. space specialists speculate:

—Instruments may be landed on Mars to acquire information on the planet's chemical composition and on surface conditions that might help determine the possibilities of life there. The Russians, it's felt, might achieve this landing well in advance of U.S. efforts, which are planned for 1975. Soviet scientists predict that roving, remotely controlled surface exploration vehicles will be dispatched to Venus and Mars sometimes in the future.

Manned earth-orbital flights in the Soyuz spaceship may extend as long as 30 days, about twice the Apollo craft's current capabilities. The Russian voyages would be aimed at developing the technology for op-

erating a permanent space station, which might be formed in orbit by joining together a number of spaceships.

The Russians may achieve a manned landing on the moon within a few years, perhaps by rendezvousing lunar spacecraft components in orbit about the earth, rather than the moon as the U.S. has done. Meanwhile, Soviet exploration of the moon will be conducted by automated craft that can rove the surface and return small amounts of moon material to earth.

MILITARY VENTURES

Though Moscow's military space ventures are even more obscured from U.S. view, experts expect the Russians will continue development of an orbital bombardment system, designed to avoid U.S. radar defenses, and a spaceborne satellite-inspection system. What worries U.S. military men more is the uncertainty over what else their Soviet counterparts are up to.

The expressed concern of Washington officials, both civilian and military, about the Russian space program isn't exactly selfless. During most of the last decade the U.S. Soviet "race" to the moon sustained a high level of public interest—and heavy congressional appropriations for the National Aeronautics and Space Administration. Now NASA's dollars are dwindling, and officials hope to reverse the decline.

The Russian progress, in any case, is real enough. In 1970, the Soviets launched no less than 88 spacecraft, manned and unmanned, against 36 for this country. (Until the mid-1960s, the U.S. enjoyed a two-to-one advantage in space launchings.) The Soyuz spaceship has made the longest manned flight, 18 days in earth orbit. Lunokhod 1, an automated roving explorer now on the moon, and Luna 16, an unmanned craft that has brought back material from the moon, are more sophisticated than any probes the U.S. has developed.

"Both countries have strong programs, roughly the same, but different in detail. At this point their program is going stronger in flight hardware," sums up Charles Sheldon Jr., the Library of Congress' space specialist who closely monitors Soviet efforts.

A $7.5 BILLION PROGRAM

"The USSR has kept pace with the U.S. in the continued development and improvement of general capabilities that made possible the U.S. moon landing," Foy D. Kohler, former ambassador to Moscow, and Dodd I. Harvey of the University of Miami recently wrote in Science magazine.

While exact figures are hard to come by, the Soviet civilian space budget is believed to be $5 billion a year, compared with current NASA outlays of $3 billion. If military space activities are added, Soviet space spending probably equals the peak U.S. outlays of $7.5 billion in 1966. Total U.S. space spending now is about $4.5 billion a year, and it will probably drop further.

Soviet progress has made possible the first meaningful cooperation in space between the two nations. Besides an exchange of lunar soil samples, an agreement was recently reached to develop compatible rendezvous and docking systems for spacecraft. Both nations use a snout-like probe on one craft to fit into a receptacle on the other, but the dimensions are different.

"The docking talks seem to have indicated a new approach . . . a reasonably fundamental change in our relationship to date," says one U.S. official. The Soviets have already provided detailed engineering and design information on some of their space hardware, disclosures that they rigorously resisted in the past. In the early 1960s, when the U.S. sought space agreements with Moscow, only a modest exchange of weather pictures and other data ensued. Some experts theorize the Russians may be more cooperative now because they are increasingly confident of their space capabilities.

AMBITIOUS JOINT EFFORTS

The docking arrangements could lead toward ambitious joint efforts, like plans for space rescue operations or exploration of the moon and planets. NASA men conceive of a U.S.-Soviet space station in orbit about the moon for months at a time; it could launch missions to rescue astronauts of any nation stranded on the moon. But such initiatives are far in the future and will depend mainly on international political considerations.

Unlike NASA's well-publicized civilian operations, the Soviet space program is conducted under military supervision, and many details remain secret. "The information coming to the free world is minimal," says one U.S. analyst. The Russians don't give advance notice of specific launches or reveal their future plans except in broad outline. They tell especially little about their rockets, all of which apparently have some military application. From the Western world, only French emissaries have been allowed to visit Soviet launch sites.

Even though the U.S. has won the race, Russia is believed still interested in putting a man on the moon. Their timetable may have been slowed by the U.S. success, however. "I think it won't be too long before they go to the moon," asserts Charles Mathews, a NASA official.

But the Russians' 14,500-pound Soyuz craft lacks complex electronic navigation and guidance systems, and it isn't adequate for manned flight to the moon. More significantly, the Soviets lack a mammoth booster rocket, like the U.S. Saturn V that launched the Apollo spaceships.

The Soviets say their manned space program now is focused on orbital flight designed to develop space stations and space launching platforms. They mention a variety of objectives, including weather observations, mapping of the earth, mineral surveys, repair of other spacecraft and study of the stars and interstellar space.

"For the present time there are no rigid timetables for man's flight to the moon; our main purpose is the construction of the orbital stations," Vitali I. Sevastyanov, a member of the Soyuz 9 crew, recently told a press conference in Houston.

Indeed, the Russians now may be farther along in space-station work than the U.S., which plans to launch a three-man station called Skylab in 1973. More than two years ago, two manned Soyuz craft were linked in earth orbit, forming, in effect, a primitive space station.

Like Apollo, the Soyuz spaceship consists of three units; the crewmen live and work in two, while the third provides propulsion and supplies. Defense Department experts suspect the Soyuz spacecraft might be used to detect inter-continental-missile launches and to perform other military duties.

Many of the Russians' unmanned Cosmos flights (there have been 399 to date) are sent aloft for military purposes. The Soviets continue periodically to test a Fractional Orbital Bombardment System designed to avoid U.S. radar defenses, which are positioned to guard against missiles coming from the north. This lethal satellite would approach from the south, discharging its warhead before a full orbit was completed and thus apparently circumventing the international ban on weapons in space. Its limitations are lack of accuracy and a smaller payload capacity than missiles that take a shorter over-the-pole route.

The Russians also appear interested in developing earth satellites to detect and destroy enemy spacecraft. Six Cosmos flights have been directly devoted to testing a space inspection system. The U.S. Air Force experimented with a similar project several years ago, but canceled it for lack of money.

On the civilian side, Soviet scientists predict more sophisticated instruments, including optical telescopes, will ultimately be placed on the moon's surface, an ideal observing post free of the distortions caused by the earth's atmosphere. "Lunokhod I is the first step toward such a lunar observatory," writes a Russian academician in Soviet Life, an English-language propaganda magazine.

REPRESENTATIVE JIM ABOUREZK

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. McGOVERN. Mr. President, the Rapid City Guide, one of the finest weekly newspapers in my State, has published an excellent biography of my fellow South Dakotan, JIM ABOUREZK. The biography, written when JIM was involved in a primary election for the Democratic nomination for Congress, goes a long way toward explaining why JIM became the first Democrat in 36 years to be elected from South Dakota's Second Congressional District.

The same remarkable energy and concern for the underdog which brought JIM from a Lebanese immigrant household on the Rosebud Indian Reservation to the U.S. Congress has already marked him as one of the most promising new Representatives in the House.

I ask unanimous consent that this biographical sketch of my friend and colleague, Representative JIM ABOUREZK, be printed in the RECORD.

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

DRIVING ENERGY PROPELS SON OF LEBANESE PACK PEDDLER TOWARDS U.S. HOUSE SEAT

(By Bill Wagner)

With only a few short days left until the primary, Democratic contender for the U.S. House of Representatives Jim Abourezk should have every reason to sit back and relax a bit.

Two successive South Dakota Polls have shown him with a commanding lead over his two opponents.

A private poll showed him leading his principal opponent, Elvern Varilek, by a margin of two to one.

Besides that, his small army of door to door volunteers report a heavy outpouring of support and enthusiasm among the rank and file Democrats pointing to an Abourezk avalanche.

But at the moment as far as Jim is concerned, he leads by only one vote: his 76 year old cousin Eli Abourezk, a resident of a Rapid City nursing home, cast his vote last week via absentee ballot and the word around Abourezk headquarters is that Jim got Eli's vote.

Nothing is taken for granted.

The Abourezk strategy is not to let up, to continue with the relentless pace and boundless energy that have been the hall mark of his campaign until election day, hoping to pile up a big enough margin of victory to show that he is not only the overwhelming Democratic choice for the congressional candidacy but that he can win in November.

His tactics are simple enough: hard work and a dedicated organization.

His approach is basic: a thorough grasp of the issues and a willingness to meet them head on.

His manner is simple and straight forward as he goes about the district, making personal appearances, shaking hands and making speeches.

His budget is threadbare, which he hopes to offset by the efforts of the hundreds of high school and college volunteers who make up his campaign staff.

Although the campaign has been waged at a hectic pace with little time to rest up for the next day's foray, it's obvious to the observer that Abourezk loves every minute of it. He is one of those rare persons who relishes nothing more than to roll up his shirt sleeves and wade into the bear pit of partisan politics.

Abourezk carries with his bulky, semi-squat frame the mannerisms of a finished politician: a friendly smile here, a whispered confidence there and an intense attention to whomever happens to have his ear at the moment. In Rapid City, it's hard to say he walks down the street: rather, his ambling from here to there is a series of broad smiles, friendly waves, brief chats with passersby and longer, more intimate conversations.

But politics is more than a game with Abourezk. Like everything else he does, he works hard at it. He's deadly serious. He thinks he has some ideas and the ability to present an alternative to what he calls the "tired and trite" Republican representation of the past. Abourezk is convinced that he has something to offer, but what's more important to him is that he has always been urged to assume the mantle of leadership.

Abourezk started developing notions about the nature and role of government while growing up as a boy on the Rosebud Reservation, but he credits Adlai Stevenson with his maturation as a politically involved citizen. To this day some of his statements have a Stevensonian ring. For example, he expresses concern for the poor and disadvantaged growing out of what he calls a "deep philosophical conviction that civilization will survive when the time comes that we try to accept the implications of the Biblical reminder that not even a sparrow falls to the earth unheeded."

But over the years, he has studied and worked for other leading American political figures as well. Maybe the most telling mark of his campaign is the hundreds of young people throughout the district who are hard at work as Abourezk volunteers, a boast no other candidate for high office in either party can make this year. It is hard to explain the rapport Abourezk enjoys with the young, unless it is to say he understands their concerns and tells it like it is.

"I sit down and listen to them and talk with them a great deal," says Abourezk. "What the young people seem to be saying is that we adults are allowing our society to slip into a period of brutalization and that we are doing very little to correct it. They point to the examples of the brutalizing war in Indochina, the continued mistreatment of racial minority groups and the problems of hunger or poverty without any real concern for how to end them. They are tired of the lack of any meaningful effort to put an end to crime."

"Most college students," he continues, "are opposed to the radical minority bent on the destruction of property. They believe, as do those active in my campaign, that they've never really given the political system a chance to work with their involvement with something they believe."

Maybe the key to the Abourezk success with the younger set is that he listens to them and when he talks to them, he does just that—he doesn't speak at them. Whenever he speaks to a youthful audience he points out the folly of destructive demonstrations but calls on youth instead to give the system a chance by taking a part in it instead of standing on the sidelines. The success of his exhortations are the hundreds of young Abourezk volunteers who have taken the fight to the streets—but not for destruction. Instead, they armed with brochures and campaign literature.

Abourezk appears to be at home with his youthful army, whether it is pitching in and lending a hand in stuffing envelopes or picking out a tune on a guitar for the volunteers during a sing-a-long at his home after a wearying day on the campaign trail.

Jim has long been interested in the welfare of youth. He is one of the founders of the Great Pumpkin Ministry here which operates an ecumenical coffee house where young people may gather and enjoy themselves free from the influence of liquor and bars. The coffee house has the backing of priests, ministers and detectives from the city narcotics squad.

Aside from the bevy of high school and college students hard at work on his campaign throughout the district his wife, Mary, is in charge of hundreds of housewives who have been stuffing envelopes and preparing campaign literature for distribution. His daughter, Nikki, 16, a sophomore at St. Martin's Academy, is in charge of the local activities of the young volunteers. Jim himself personally handles their efforts in other parts of the district as he makes frequent swings across the state. His sons Charlie, 17, and Paul, 10, help out by distributing literature in nearby towns in the evenings and on weekends.

His family is working hard in the campaign not only to help to win, but to help to avoid, as Abourezk puts it, "the stress of abnormal life created by a campaign." During the last weeks of the primary fight, he has all but given up his law practice. The last several weeks he's handled his law office on a "catch as catch can" basis in the evenings and on the weekends to put enough bread on the family table.

Abourezk has been gearing his campaign to the Fall, trying to make the case with Democrats that he can win in the general election. He has made a point of speaking whenever possible, in contrast to the probable Republican nominee, Lt. Gov. Jim Abdnor who has come across as so inarticulate that his Republican mentors have had to keep him off the public podium as much as possible out of fear that he loses votes whenever he speaks. If nominated, Abourezk is expected to exploit this Achilles heel in the Republican front runner to the hilt. Many Democrats see Abourezk as the best hope for that reason.

He also looks good by contrast to his principal Democratic opponent, Elvern Varilek of Geddes. Although Varilek has been in the South Dakota House of Representatives for years, so far in the primary he has displayed a knack for losing potential votes wherever he goes. Speaking to union members in Lead, Varilek got lost in his own confusing rhetoric and told the miners right to their faces "anyone who carries a sign should be put in jail." It wasn't too long before the grizzled union leader Linus Wampler stood up and commented: "Mr. Varilek, I'd like you to elaborate on that point you just made because I've been hit on the head a couple of times while out on the picket line." It isn't expected that Varilek will fare too well among the miners.

On the other hand, Abourezk has discussed the issues with compassion and concern and an awareness of all their subtleties and nuances. He speaks from his lifetime in the district as a student, rancher, civil engineer and presently a practicing lawyer.

Jim was born 39 years ago in Wood on the Rosebud Reservation. His father had immigrated to the United States from Lebanon in 1895 and worked as a peddler in the area, tramping from house to house with a heavy laden pack on his back until he could afford to buy a horse, then a buggy and finally a store in Wood. After his father achieved some degree of prosperity, he returned to Lebanon where he married Jim's mother. He returned to South Dakota and hoped to save enough money to bring his wife and two children, Chic and Helen, to the United States but World War I intervened and their arrival was postponed until 1920. By this time the elder Abourezk was a well known and revered figure on the Rosebud Reservation by the Indians and whites alike. He was one of the few white men still remembered for not exploiting the Indians.

Jim's earliest recollections are of the drouth and the great depression, when he saw first hand the poverty and hardship the people went through. Looking back on those days, Abourezk says "we didn't have any money but we probably had more to eat than the average person because my father owned a small grocery store. I can still remember the terrible deprivation the people experienced . . . I remember watching grown men in the town of Wood walking along the railroad tracks picking up coal. My father never had much money because he never could turn down a grocery order even if he knew they couldn't pay him back . . . it was a time of terrible frustration," he sums up. To this day, many people in the Rosebud area cherish the memory of the elder Abourezk as the man who saved them from possible starvation during the depression. When he died, the Indians lined the streets in mourning.

Aside from helping around the store as a tyke, the young Abourezk learned the meaning of a hard day's work early in life. During the summers, he worked on farms for a dollar a day from 5 a.m. until 10 p.m. While working on a farm near Mission, when he was 15, as fate would have it, he met Mary Ann Houlton whom he didn't see again until he was home on leave from the Navy and was later to marry.

He didn't know it then, but he was to marry her not once, but three times. "So far as I know, I'm the only politician who has been married to the same woman three times without being divorced." The first time was in a civil ceremony in Pierre, then in a Syrian Orthodox ceremony and finally last summer in the Roman Catholic Church at the Mother Butler Center here. Abourezk laughingly recalls that at the Mother Butler ceremony Police Capt. and Mrs. Roger Theunissen stood up for him but sometime during the ceremony, Mary's purse was stolen.

After serving what he terms an uneventful hitch in the Navy in Japan during the Korean War, Abourezk tried his hand at several successful callings on the Rosebud including ranching, helping manage the family store and operating a used car operation but came to the conclusion there wasn't much of a future there. He had a chance to borrow some money to attend the School of Mines and jumped at it. So he and Mary and their two children—three by the time he graduated—hied themselves off to Rapid City where Jim earned a degree in civil engineering.

While a student at the Mines, Jim worked his way through by teaching Judo which he had learned from the world's champion while a seaman in Japan and held various other jobs during his collegiate career. He also organized a Young Democrats Club at the School of Mines. "It struck me that there was so much to be done and that people really didn't seem to care."

After his graduation from the Mines in 1961, he worked as a rough and tumble construction engineer, but his heart wasn't in it. When he got a chance to go to law school in 1963, he snapped up the chance. "It was

something I always wanted to do. I felt I could help to achieve many more improvements in our society as a member of the legal profession because it is easier to become involved in public service. Quite frankly, I thought engineering was a fine job but it was just 40 hours a week and got to the point where it got quite boring. The sawdust pit of the law profession seemed to offer a way to greater fulfillment." That was to prove true in Abourezk's case. Beside developing a highly successful law practice in his four years here since graduating from the University of South Dakota School of Law with honors, Abourezk quickly became a force to be reckoned with in the political life of the state, especially when it concerned the farmer, the consumer, the Indian and the poor and downtrodden.

Abourezk made his debut on the state political scene in 1968 when he was the Democratic nominee for attorney general. It was a campaign without precedent: heretofore in South Dakota politics, candidates for constitutional offices were considered hard campaigners if they followed the gubernatorial candidate around, sat at the head table and mouthed a few platitudes before the leading candidates spoke. Abourezk spoke on the issues and was recognized as a comer in the Democratic party and in state politics.

During that campaign he laughingly told his audiences his name wasn't a household word. Then he would pause to tell his listeners he was "considering changing it—to Spiro T. Abourezk." But like Spiro's, his name did get to become a household word that summer when he was named co-chairman of the drive to refer Gov. Farrar's Gas and Utility Consumer's Council law, which the state's rural electrics felt would destroy them, especially in view of the contents of the law and the public statement of Farrar that he was out to "get" the REA's. His drive resulted in 55,000 referral signatures with the result that the 1970 session of the legislature quickly repealed the controversial measure.

"I sincerely believed it would have choked off the rural electric cooperatives and I don't think there's on single thing that brought the farmer the degree of prosperity he has as low cost power. I believe when rural people prosper, the city prospers as well. I can still remember the day when we had to read with kerosene lamps and hand pump water. I was very happy to do battle with the governor." And to win too, he might have added.

His success in the referral of the utility measure led many to urge him to run for governor. He toyed with the idea for a while, but felt he could best serve the party, state and nation with his expertise on national issues as a candidate for the Congress.

He's always maintained what he calls a stance in "favor of the common man." He cites his efforts made against the "unscrupulous lending agencies" and his work as attorney for the South Dakota Consumers League in exposing some of the inequities of the Uniform Commercial Code which was, he says, "proposed by the lending lobby which would have doubled and tripled the interest rates." The measure was buried by the last session of the legislature because of adverse publicity.

Abourezk has always had a special rapport with the weak and downtrodden and they for him. He was elected a member of the board of the directors of the Western South Dakota Community Action Program and served on the board but was forced to turn down a second term because of the demands of the current campaign. But, he says, "one of my proudest moments was when I was elected to the board of directors of the Community Action Program by the poor people themselves."

In his tenure on the board, he developed some pretty strong notions about poverty and what can be done to combat it. "We've got an excellent program going," he says of current efforts, "but it does not go far enough in erasing poverty. Since the largest percentage of people on welfare are children and mothers, our great attack in untangling welfare is to break the cycle of welfare so that these children can breathe the fresh air of an environment without poverty. Day care centers should be expanded so that welfare mothers can be trained and permitted to work, as should Head Start so that children who know nothing but poverty can learn that another and better kind of life exists."

Throughout his public career, he has championed unpopular causes. "It raises my hackles to see someone treated unfairly," he says intensely.

"I call them slum-lords," he once publicly described property holders in Rapid City who rent blighted dwellings to the poor, mostly Indians. "How can they call this the Proud State when the only difference between the ghetto here and slums of Chicago and New York is that we don't have rats running across the floor."

From his early days, Jim had the profound conviction that the lot of the state's Indians can and should be bettered. He believes this will only come when the Indians are given full voice in the management of their own affairs. His law practice was hurt when he called for a sweeping investigation of conditions in jails here and near the reservations. Everything seemed to point to police brutality toward Indians. The charges were denied, but Jim was ready with affidavits to back up his claims. He is currently a board member of the Rosebud Reservation's Legal Aid program.

His political chances have also been hurt recently by his law practice because of some of the clients he has represented, particularly those charged with drug offenses. Jim can shrug these charges off as most lawyers do as simply a hazard of the profession. He knows he's taken an oath which requires him to give a client the best possible defense regardless of what he feels about the client. "The lawyer has the obligation to defend the man. Once he starts being the judge and jury he stops being a lawyer. I believe so much in the jury system that if an accused is really guilty and the police and prosecution do their job he'll be found guilty." However, he was disturbed recently when he was denounced in a letter to the editor because he represented someone charged with a narcotics violation which implied that somehow Abourezk was involved in his client's alleged misdeeds. It was especially hurting to Abourezk because he consistently cautioned his children, his young followers and youthful audiences about the inherent evils of drug use.

He also likes to mention two cases where it was clearly shown at preliminary hearings that his clients were innocent. One case involved a black officer at Ellsworth Air Force Base charged with unlawful possession of drugs. It came out at the preliminary hearing that a police informant had planted the drugs on the officer's car because of some grudge. The case was dismissed on the motion of the states attorney. Another case involved a man who had been extradited from the far west on a bad check charge. At the preliminary hearing, the storeowner testified the accused was not the man who wrote the check.

Abourzek has been running his campaign on a pretty tight budget. The bulk of his war chest came from a fund raising reception held early last spring. He's spent the money on buttons, but mostly on 52,000 brochures. No opportunity is missed to save money; the brochures would have cost more if they would have been folded at the printing plant, but to save money, Jim put his volunteers to work folding them. He does plan a limited amount of radio and television campaigning in these last few days before the primary.

The issue most voters express concern about to him is the war in Indochina. "Almost everyone wants out but the people are confused about how because of the conflicting arguments." Abourezk makes no bones about the fact that he believes the war is "perhaps the most serious foreign policy blunder in the history of the United States. We are fighting a land war in Asia—something that military strategists have warned us against for years—a war that has no national security interest for the United States in any regard." Part of his conviction about the Indochina involvement was picked up while he was stationed in Japan, where he learned first hand the low esteem Orientals place on human life.

He is also concerned about the economy and national priorities: "While nobody likes the regimentation of price and wage controls, as an alternative they are better than inflation and unemployment. We are facing the worst of two worlds—continuing rise in prices and at the same time a slowdown in the economy to the point where many people are being put out of work.

"The approximate $25 billion per year being spent on the war in Southeast Asia can be better put to use on domestic programs urgently needed at home. The problems of crime, poverty, hunger, lack of quality education in many areas all deserve more attention, but instead, we find ourselves halfway around the world fighting an isolated jungle war in an effort to support a government that does not have the support of its own people.

"An immediate reordering of our priorities is essential. We need to establish the basis of a common interest and goals of government in all Americans of good will rather than emphasizing their differences to drive them apart and against one another. We have to bring the country back together again. We have to reconcile the deep divisions that divide us. We can't go on hating each other because they're of a different color, age group or economic class."

Abourezk is particularly concerned about programs for South Dakota. "I love this state. I want to see it prosper" and proposes to do more than offer lip service if elected to Congress. He believes the voters are shrewd enough to elect a man with moxie who can not only hold his head above water in the topsy-turvy world of Washington but one who can impress his fellow congressmen enough to support his programs, where respect is gained by ability. It is one thing to be for the farmer, he points out, and another thing to convince an urban dominated Congress that the sound family farm is in the best interest of not only the farmer but of the nation. Abourezk backers are saying this is Jim's strongest asset: while others are saying they will do what they can for the district, Jim is the one with the ability to get the job done in the dog eat dog atmosphere of the nation's Capitol.

Like his father before him Jim Abourezk has packed a pretty heavy load on his back.

Why?

"If a person has the ability and opportunity to serve in an area of public life where he can get sound ideas across to other people there is a satisfaction there greater than any amount of money can buy," Jim says.

He believes, with the late Robert F. Kennedy, that "the future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather, it will belong to those who can blend passion, reason and courage in a personal commitment to the ideals and great enterprises of American society."

BOMBING IN THE CAPITOL—A YOUNG REACTION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SHOUP. Mr. Speaker, with last week's bombing of the Capitol Building, I am sure many citizens felt the need to pause and reflect upon the meaning of such an act against one of the great citadels of democracy. Evidence of this fact can, I am sure, be seen in the mail of any Member of Congress. I have received some thoughtful reactions from some of my younger constituents. Some youngsters in the Russell School at Conrad, Mont., felt the need to speak out against such a symbolic act against their freedom and their national history:

RUSSELL SCHOOL,
CONRAD, MONT., *March 2, 1971.*

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am sad that the Capitol was bombed. I hope the F.B.I. can track them who has been doing the damage about the Capitol. I hope the bombers can't take our freedom and government away from us. I hope the crack is not too bad. How much will it cost to fix the Capitol? What will you do about this. If you find the bombers, how long will you put them in jail?

Sincerely yours,

DALE BELL.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I think the bombers who bombed the Capitol are trying to take away our government. I hope the Capitol isn't damaged much. I wish the bombers would leave our country so we could have freedom.

Sincerely yours,

KRISTI DENZER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I don't think that bombing is right because they are taking away our freedom and trying to take away our Government. I hope the F.B.I. finds the people that are bombing the capitol. I hope that the people that did it get put in prison for a long time. Maybe that will teach them a lesson. I do think the people should be punished for the damage they did.

Sincerely yours,

RONNIE NEWMILLER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am getting upset because people are bombing the capitol and taking my freedom away to have a government. I think the police should put the people who bombed our capitol in jail for a life time.

Sincerely yours,

KATHY BARTON.

RUSSELL SCHOOL,
Conrad, Mont., March 1, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am getting upset with the people that are bombing the Capitol! They are hurting the government and we will have to pay more taxes. Some of us do not have too much money. To punish the bombers we should put them in jail for their life time.

Sincerely,

JANET RIEWER.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: I am upset the Capitol was bombed. They are taking away our freedom by bombing. I think there should be an end to this bombing. I hope you catch the bombers. When you catch them you should put them in jail for their lifetime.

Sincerely yours,

PAM BETTERMAN.

RUSSELL SCHOOL,
Conrad, Mont., March 2, 1971.

Congressman RICHARD SHOUP,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHOUP: The people that bombed the Capitol are bothering quite a lot of people that want freedom. I hope you catch the bombers that bombed the Capitol. I'm glad nobody got hurt. Maybe if the police force catches the bombers they should be put in jail for a very long time.

Sincerely yours,

HOLLI HIGGINS.

MAKING GOVERNMENT MORE RESPONSIVE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SPENCE. Mr. Speaker, in the President's state of the Union address, he outlined a truly revolutionary program for reshaping the executive branch of the Government to better serve the needs of the American people.

I heartily support such an effort and look forward to receiving his legislative proposals. I am particularly interested in finding a way to make Government more responsive. Right now our population is so large and our needs so very great that our present Government structure cannot cope with the legitimate requirements of our citizens.

The American people have a right to expect quick and effective Government responses to their needs. If a family is unemployed, it needs adequate sustenance until members of the family can receive job training, or until children are grown and educated, or until unhealthy members of the family can be adequately cared for and restored to active lives.

We all want a responsive Government. Yet, right now the maze of Federal offices defies the patience and abilities of those who most need our help. When constituents write for assistance, we now refer them to numerous offices capable of providing similar, if not identical, services.

When citizens write to one or another departmental office too often the correspondence is shuttled to a different office. Expensive long distance phone calls are transferred from one administrator to another before a question gets an answer or a need is met.

This 92d Congress can eliminate the confusion. Government can be clear and direct. It is our job to so simplify, Government functions that every American can get a direct and prompt answer to his problem.

WHEAT GROWER MATURITY

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SEBELIUS. Mr. Speaker, recently the National Association of Wheat Growers held their annual convention in Portland, Oreg. The convention's resolve once again served notice to the Nation that the Wheat Growers Association is a responsible voice for the wheat industry and agriculture. Their statesmanlike efforts regarding agricultural legislation and policy are effectively summarized in a recent editorial that appeared in the Southwestern Miller. Mr. Speaker I commend this well-written and much deserved editorial to the attention of my colleagues:

WHEAT GROWER MATURITY

The vision of the wheat producer as a man of the soil concerned only with the weather and the price at the country elevator is quickly erased by a perusal of the activities at the recent annual convention in Portland of the National Association of Wheat Growers. That convention, the 21st in the history of the organization, reflected a feverish pace that moved the producers from consideration of federal tax policies, to import-export questions, to promotion, research and education, and to the expected requests in regard to administration of the Agricultural Act of 1970. A grower group that displays the type of statesmanship that has marked N.A.W.G. deliberations in recent years has attained a level of maturity that is highly satisfying to the producers' associates throughout the entire breadstuffs industry.

While major attention centered on the wheat farmer's stand in international wheat negotiations, since that is the main question at hand in view of the current Geneva negotiations of a new pact, many other aspects of the meeting were of importance. In one area alone, that of promotion and research in behalf of wheat foods, the N.A.W.G. decided on actions that should be emulated by both millers and bakers. For example, the recommendation was made that $100,000 be allocated from the budget of the National Wheat Institute for support of Day of Bread and August Sandwich Month during the next three years. In a voice that has more legislative power than any other segment, the growers recommended enactment of legislation to establish the Wheat and Wheat Foods Foundation. Consideration was also given to legislation that would aim at making $2,000,000 available on an annual basis for spe-

cific promotion and research in support of the wheat industry.

The best sign of wheat producer maturity came in the emphasis given by the convention delegates to the importance of producing qualities of wheat needed in domestic and export markets. Frequently, the charge is heard that growers are solely interested in bushels without regard for quality. That that is not the case was made eminently clear in Portland. "The quality of the wheat produced and marketed is of vital concern to all wheat producers and this emphasis should be one of the foremost activities of the National Association of Wheat Growers," it was stated. That policy represents maturity merged with wise judgment, a combination to be envied in any organization.

OUR DETERIORATING POSITION IN OUR BALANCE OF PAYMENTS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHNEEBELI. Mr. Speaker, Mr. Gaylord A. Freeman, Jr., chairman of the First National Bank of Chicago, has been intimately engaged in international finance and trade for many years and in such capacity and experience, his advice is sought often in this important area of our economy.

A short time ago he made some remarks about our deteriorating position in our balance of payments over the past two decades, and he phrased them in language that we can all understand. I should like to share his presentation with my colleagues:

NOTABLE AND QUOTABLE

Our country's position is a little like mine would be if I invited four or five of you in to play poker and got out the cigar box full of chips and sold you each $10 worth. If I lost hand after hand for perhaps 20 hands and continually reached into the box to replenish my own pile of chips, you might begin to wonder whether I would have the cash to redeem all of the chips piling up on the table. Then, after an hour or two of this, if I said that I could no longer redeem all of the chips and asked you not to cash any in, but to just keep on playing, you, as a friend, might say, "Okay—for a while." But as the hour grew later and I continued to lose every hand and constantly put more chips on the table, the time would come when you would say, "We aren't going to play any more unless you can make those chips good—or at least begin to bring some more money into the game."

As you know, our country has (with only two exceptions) had a balance of payments deficit in every year since 1950. That is, we have lost 18 hands in the Big Game between nations and have just continued to issue more dollars. At first we were not greatly distressed. As the world's banker, our nation—perhaps like your bank—recognized that we could not escape borrowing short and lending long, thus incurring a degree of illiquidity.

But the analogy is not all that good, for our country's long-term assets are not government assets but private assets. Privately owned factories abroad are not available for the payment of foreign-held claims for which foreign central banks can ask the U.S. government to pay in gold.

As the deficit continued, the problem became more aggravated. We will have another balance of payments deficit this year—and again will finance it by issuing more dollar claims—more chips.

Since we can't redeem all of those foreign-held dollar claims, we have since early in the 1960s asked Germany and our other foreign friends not to ask for gold for their dollars but to wait a while. They have waited and waited and waited. Meanwhile, our position has deteriorated every year.

Our time is running out.

BALANCE OF PAYMENTS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. TAFT. Mr. President, the importance of a favorable balance of payments to the economic well-being of our country recently has been questioned. It has been urged that we adopt what has been called a "passive" payments policy and end our concern with the outflow of dollars.

Such suggestions are dangerous and unrealistic. There can be no doubt that continued payments deficits give rise to serious economic problems. The New York Times recently has printed two articles dealing with this subject. I ask unanimous consent that they be printed in the Extensions of Remarks.

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

PROBLEMS LOOM IN U.S. PAYMENTS—FEDERAL RESERVE BANK HERE SAYS DOLLAR MAY SUFFER IF DEFICIT IS NOT REDUCED

(By H. Erich Heinemann)

"Major problems" for the dollar could develop in world money markets unless the United States succeeds in reducing the deficit in its international balance of payments, the Federal Reserve Bank of New York warned yesterday in its annual report for 1970.

Alfred Hayes, president of the bank, said in his transmittal letter that "the easing of credit at home imposed a heavy new burden on our international payments position."

Mr. Hayes, who begins his final five-year term as president of the bank today (he will reach the normal retirement age of 65 in 1975), said that "although no serious repercussions developed during 1970, it became increasingly clear that our international payments problems will require close official attention in 1971."

NEW OUTFLOWS SEEN

Furthermore, it was understood that the New York reserve bank believes that the "exceedingly steep" drop in short-term interest rates in recent months has contributed to new outflows of dollars that "have been worrisome to our foreign friends."

For this reason, the bank believes that some slowing down, or stabilization, in short-term money costs would be useful.

The Federal Reserve Bank here believes, according to authoritative sources, that there is "always a possibility" that the Federal Reserve Board will decide to reduce the reserves that its member commercial banks must hold against their deposits.

The effect of such an action would be to supply reserves to the banking system—and thus promote further monetary expansion—without putting the sort of downward pressure on short-term interest rates that would result from the Reserve System supplying the same amount of reserves through additional purchases of Treasury bills.

A SCARCITY OF BILLS

There is a scarcity of Treasury bills in the money market at present, which the Federal Reserve Bank of New York believes has been "troublesome" in pushing short-term rates downward.

The impression gained from these viewpoints was that the Federal Reserve Bank of New York would be likely to oppose a substantial further easing of credit, on the ground that it could complicate the international problem of the dollar.

The Federal Reserve bank here would also like to see the Federal Reserve Board—which has authority over such matters—take the opportunity to suspend entirely the interest rate ceilings on bank certificates of deposit of more than $100,000. Such ceilings are already suspended for deposits maturing from 30 to 89 days, and in any event money market rates are well below the ceiling levels at present.

The Federal Reserve Bank of New York, it was understood, believes that present Federal Reserve policy is one designed to be "accommodative" of the economy's needs for funds, and geared to setting the stage for a "reasonable recovery" in gross national product this year.

The likelihood of achieving the average of $1,065-billion for the gross national product that the Nixon Administration has set for a target is "not great," the Federal Reserve bank head believes. The bank rejects the notion of a "forced draft" expansion in the money supply designed to produce such a rate of growth in the overall output of goods and services.

The chances favor a continued gradual economic improvement in the months ahead and in the opinion of the New York Reserve bank, "that kind of outcome is the most you can hope for." To try to achieve the Administration's G.N.P. target the bank believes, would involve risks of rekindling inflation that were too great.

CONTROL OF INFLATION

The Federal Reserve bank here believes that, over-all, control of domestic inflation is the key to securing the international position of the dollar. A new international money crisis of the sort that troubled the world during 1967, 1968 and 1969 is not imminent, the bank believes, and indeed there is a welcome lack of speculative activity in foreign exchanges at the moment. But, over the long run, foreign holders of dollars could get to the point where they would want to see the holdings settled "one way or another."

In its annual report, the Federal Reserve bank said that 1970 was likely to be labeled a year of "mild recession," but it said that, "sad to relate progress in slowing the rate of price increases was disappointingly modest and uncertain."

As Mr. Hayes put it, "we relearned the lesson that curing inflation becomes a progressively more painful process the longer that cure is delayed."

UNWANTED U.S. DOLLARS SHARPEN EUROPEAN MONETARY DIFFICULTIES

PARIS.—The monetary conflict between the United States and Europe is growing sharper as unwanted dollars pour into European central banks and aggravate the difficulties the European authorities are having in curbing inflation.

In the last six days, the West German central bank has absorbed $800-million. Additional funds have been moving into Britain, the Netherlands, Belgium and France.

Under the monetary rules, foreign central banks have an obligation to support the dollar. They do this by purchasing from the market dollar overflows that would drive the dollar exchange rate below 99 per cent of its official parity.

NO LIMITS ON INTERVENTION

There are no limits on these market interventions. When the rules were written a quarter of a century ago at Bretton Woods, the dollar was by far the world's strongest currency.

But nearly uninterrupted balance-of-payments deficits over the last two decades have weakened the dollar's position.

Some authorities, such as Dr. Robert Triffin, the Belgian-born Yale economics professor, believe that a negotiated ceiling on dollar balances held by foreign institutions may now be written into the rules.

The record American payments deficits last year and the disparity between American and European interest rates have aggravated the tensions on the monetary front.

While the United States has been trimming interest rates rapidly to try to stimulate economic activity, the major European central banks have refused to follow the same pattern.

Their rates have come down somewhat but are still at relatively high levels.

This is because they are still hotly engaged in the inflation battle. But in the process of acquiring dollars, the supply of the Europeans' currencies is increased, which makes the inflation battle harder to fight.

WARY OF GOLD PRESSURE

The Europeans are reluctant to demand American gold, realizing that any massive withdrawals from Fort Knox would probably be met by the formal suspension of gold convertibility.

And this in turn, as Professor Triffith observed in a recent article published by the Morgan Guaranty Trust Company, would "trigger chaos in a world monetary system now anchored on a paper dollar, already largely inconvertible de facto, even though not de jure."

The United States, under pressure from the Europeans, has quietly moved in recent weeks to try to mop up some of the excess dollars in Europe.

Measures have been taken to discourage the repayments by American banks of dollar loans from their European branches.

The money had been borrowed during the severe credit squeeze in the United States and has been repaid at a fast pace as interest rates have fallen in the United States.

Furthermore, the Export Import Bank, which helps finance American exports, has been a heavy borrower recently in the market of foreign held dollars otherwise known as the Euro-dollar market.

RATES MOVE UP SLIGHTLY

Dollar interest rates in Europe moved up slightly at the end of last week as a result of a borrowing of $500 million by this institution.

Since the start of this year, some $1.5 billion has been borrowed by the Export-Import bank in Europe.

A third method of mopping up dollars has recently come to light. While the New York Federal Reserve Bank has refused comment on the matter it is widely believed to have recently begun intervening directly to curb the build up of German dollar balances.

It has been doing this by selling marks for future delivery. This tends to make it more costly to shift dollars into marks.

ANNIVERSARY OF MIDCONTINENT FARMERS ASSOCIATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HUNGATE. Mr. Speaker, I would like to extend special congratulations to the Midcontinent Farmers Association on their 57th anniversary today, March 10.

Recognition should be given to MFA President Fred V. Heinkel, MFA Vice President Clell Carpenter, and the many others in their organization who have continually worked to assure the interests of America's farmers are heard in Washington.

The Midcontinent Farmers Association provides valuable assistance and cooperation with Members of Congress to seek the most equitable legislation for our agriculture community.

I commend their service and efforts in behalf of our Nation's farmers.

GENERAL REVENUE SHARING

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, in company with many of our colleagues I have had grave doubts that general revenue sharing is the answer to the problems of the cities. I wish to set forth three main objections to the President's program which have emerged from my own study of the proposal.

First, the proposed formula for allocating the money for general revenue sharing produces some strange and inequitable results. The allocation is based on population and the revenue raising effort of local governments. Figures from the Treasury Department have permitted me to calculate the per capita share of revenue which each of the communities in the Fourth District of New Jersey would receive. The per capita return to municipalities in my district ranges from a low of $1.10 for Lebanon Township in Hunterdon County to $16.10 for the city of Trenton in Mercer County. By itself this range is not disturbing, for no one would dispute the fact that Trenton has a greater need for tax relief than rural Lebanon. It is only when we compare the return to communities of more nearly equal population that the inequities appear. For example, both Hackettstown in Warren County and Hopatcong Borough in Sussex County have populations of slightly more than 9,000. Hackettstown would receive $2.70 per capita, while Hopatcong receives $3.30. The borough of Princeton is less than a third larger than either of these cities, but would receive more than twice as much—$6.90 per person—from Federal revenue sharing. The town of Phillipsburg in Warren County—population 18,000—would receive $11.90 per capita, while Lawrence Township in Mercer County—population 19,000—would receive only $7.20.

It is obvious from this sample that if two cities are of equal population, the one which is already wealthier and able to raise more revenue will be the one which gets more money from Federal revenue. In short, the rich get richer and the poor remain poor.

Second, I have serious questions about how the money from revenue sharing will be spent by some municipalities. For one, the only restriction on the expenditure of the money is that it cannot be spent in a racially discriminatory manner. There is no practical way this can be enforced. For another, it is likely that many local governments will spend their share for those programs which benefit the most powerful political constituency rather than for the more urgent needs of the entire community such as pollution control or aid for the poor. I believe strongly that it is the role of the Federal Government to set national priorities and to use its revenues to insure that those priorities are met.

Third, I cannot agree with the administration as to the proper means of raising the money to pay for general revenue sharing. The President maintains that a growing economy and an end to the war will produce a growth-and-peace tax dividend which will finance his revenue sharing program with no loss to any other program and no new taxes—a neat trick if he can do it.

But there is no economic growth, and there is no peace. We are faced only with a widened war in Cambodia and Laos, with inflation, with unemployment, and with no real economic growth in the last year other than inflation. Our first concern must be to reorder our economic priorities to curb inflation, lower the unemployment level, and end the war. Then, and only then, can we afford to talk about how to spend any peace and growth dividend.

These, then, are the reasons why I am opposed to general revenue sharing at this time. In the meantime, I recognize that something must be done to ease the financial stress on the overburdened State and local governments. I would advocate that this be done by a gradual Federal takeover of welfare costs. This will serve the dual purpose of relieving some of the most excessive State and local governments' costs and freeing money for revenue sharing within the States.

In addition I favor full funding of the present categorical aid programs as the best means of providing aid to the State and local governments. The President is undoubtedly correct that guidelines for these categorical programs have in some instances become too complex. However, this should not be a call for dismantling the programs, but rather a signal to rationalize their administration. At the same time, the local governments could be given more flexibility in how they are permitted to use the Federal money. These changes would provide the local governments with easy access to the wherewithal with which to satisfy local needs in accordance with national priorities.

REORGANIZATION OF THE EXECUTIVE BRANCH

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WIDNALL. Mr. Speaker, President Nixon proposed in his state of the Union address that Congress accept the very considerable task of legislating the reorganization of executive branch departments and agencies.

Reorganization of Government functions is absolutely imperative as the United States approaches its 200th birthday—a model of democracy for the entire world. This is indeed an appropriate time for analyzing and significantly improving the way we conduct the business of Government.

For Government to be effective, it must be orderly. In the next 30 years the population of this country may increase as much as 50 percent. This means the institutions of Government will be serving an additional 100 million people. We must streamline the present functions of Government. We must prepare for the influx of needs in the years ahead.

Confusion in Government offices benefits no one. Too often, neither legislator, administrator, nor citizen is able to get swift and effective action from the interlaced ambiguities of Federal offices. When the bureaucracy of Government defeats and frustrates the efforts of good people then it is time for action.

SAFE ELECTRICAL ENERGY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. METCALF. Mr. President, on February 15, the Senator from Alaska (Mr. GRAVEL) released a set of questions and answers setting forth some of his views on our energy problems, and announcing his intention to submit legislation. In particular, he described nuclear power hazards, alternative sources of energy, and some possible solutions to the so-called electricity versus environment dilemma.

I have long studied the electric utilities, and have a particular interest in the views of my colleagues on the subject. In my opinion, Mr. GRAVEL's ideas are provocative and well worth our consideration. Therefore, I am pleased to ask unanimous consent that his news release called "Nuclear Power and Alternatives," be printed in the Extensions of Remarks.

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

NUCLEAR POWER AND ALTERNATIVES

FEBRUARY 15, 1971.

Senator Mike Gravel has announced plans to introduce legislation which will remove preferential treatment for nuclear power plants, and give new attention to safer ways of making electricity.

One provision of the bill will be repeal of the Price-Anderson Act, which presently provides special liability limits in case of nuclear power-plant accidents; repeal of the Act may bring construction of nuclear plants to a halt. Gravel's bill will provide job insurance for the affected workers—both private and government—and indemnification for the affected businesses if construction of nuclear power plants stops.

"It is not fair—in the nuclear business, or in the defense, space, or aircraft businesses—to make people suffer for having done just what the government urged them to do," Gravel said. "On the other hand, it is not fair to the public to have allowed the construction of nuclear plants which are so potentially dangerous that a single accident might contaminate 150,000 square miles or fifteen states the size of Maryland."

The major substance of the bill will establish an Energy-Environment Commission instead of an Atomic Energy Commission, and will provide funds to develop safe methods of generating electricity, such as clean fossil-fuel technology, magnetohydrodynamic generators, fusion, solar, and geothermal energies. Research on nuclear fission plants would also continue as one division of the new Energy-Environment Commission.

Gravel's announcement coincided with the broadcast of the NET television program, "The Advocates" in which he argued in favor of a moratorium on the construction of nuclear power plants. His statement deals with the following questions:

1. Why is it advisable to stop building nuclear power plants?
2. What might be the consequences of a major nuclear accident?
3. Are the damage and casualty figures upper-limits on the very worst accident which could happen?
4. Some nuclear enthusiasts refer to the Brookhaven Report as a fanciful exercise; is that true?
5. Isn't the chance nearly zero of such an accident ever occurring?
6. Is the chance of an accident growing larger or smaller?
7. Why do utilities advertise nuclear power plants as safe?
8. Is a move against makers of electricity a move against progress?
9. We already have power shortages; won't the lights go out for sure if we have a nuclear moratorium?
10. Will a nuclear moratorium cause chaos and unemployment in the power industry?
11. What alternatives are there to nuclear electricity?
12. Will a nuclear moratorium increase air pollution by forcing us back into coal and dirty fossil-fuels?
13. Will a nuclear moratorium just delay the nuclear plants we'll need sooner or later anyway?
14. Is it possible to generate electricity without pollution?
15. How many years away are these alternatives to nuclear power?
16. Is the government investing equally in all the alternatives?
17. Would the cost of household electricity have to go up to pay for this energy development?
18. How long might it be before a National Energy Commission is usefully in operation?
19. Is there anything which can be done in the meantime?

1. Why is it advisable to stop building nuclear power plants?

The possibility of a major accident at one of our nuclear power plants is undeniable. One really serious accident could release as much long-lived radioactivity over the countryside as 100 Hiroshima bombs, or more. The consequences could bring this country to its knees.

2. What might be the consequences of a major nuclear accident?

If we use the AEC's own Brookhaven Report, we must figure the following possibilities:

Fifteen States the size of Maryland might be contaminated; agriculture restricted or forbidden; water supplies contaminated; other power plants contaminated.

Half a million people might need evacuation fast. These radiation refugees would have no place to go, and probably no one would want them.

Perhaps another 3½ million people might have to have their outdoor activity restricted to keep them from receiving high radiation doses.

There might be general panic, and people might demand that all the nuclear plants in the country be shut down—which would extend the economic chaos even further.

In addition, there might be 3,000 or 4,000 people dying from acute radiation overexposure.

Plus another 50,000 people dying later from radiation-induced cancer, which is a horrible way to die.

3. Are the damage and casualty figures upper-limits on the very worst accident which could happen?

No, the figures cited above could be significant *under*estimates for several reasons:

(a) Nuclear plants are now being built and planned 5 times bigger than they were when the Brookhaven Report was written in 1957; that means that they produce 5 times more radioactivity per year.

(b) Because the nuclear fuel is cleaned less often now, long-lived radioactivity is given more time to accumulate inside the reactor. Therefore, at the moment of accident, a 1000-megawatt reactor may contain *more* than 5 times as much radioactivity as the 200-megawatt reactor postulated in the Brookhaven Report.

(c) The human casualties depend, of course, on how much exposure to radiation is received; if we do not succeed in evacuating up to half a million people fast enough, the casualties will go up.

(d) The Brookhaven Report postulated an accident at a small nuclear power plant located about 30 miles from a city. Huge reactors are now being built 24 miles from New York City; 12 miles from downtown Gary, Indiana; 4 miles from New London, Conn.; 10 miles from Philadelphia; 5 miles from Trenton, New Jersey. Evacuation will be both more complex and more urgent.

(e) These figures also exclude all casualties caused by radiation exposure below 50 rads, which is a high dose (about 500 times more than our annual dose from natural radiation). Obviously, there *will* be additional cancers coming later from doses below 50 rads, but they are not even included in these figures. A dose of 1½ rads to a woman during pregnancy seems to increase the chance by 50% that her child will get cancer before the age of ten.

4. Some nuclear enthusiasts refer to the Brookhaven Report as a fanciful exercise; is that true?

The utilities take the AEC's Brookhaven Report so seriously that they have insisted on the Price-Anderson Act to limit their liability.

The AEC takes it so seriously that in 1965, the Commission admitted in writing that the consequences of accidents could be even more serious than was indicated in 1957.

If the utilities and the AEC take it seriously, we should, too.

If the utilities do *not* take the Report seriously, then of course they will have no objection to repeal of the Price-Anderson Act.

5. Isn't the chance nearly zero of such an accident ever occurring?

We are told that the chances of such an accident occurring are extremely remote or negligible. That's theory, not human experience. The chance might be one chance in ten, and we would not necessarily know it yet from our accumulated experience.

The declaration of long odds—like one chance in 300 million for such an accident—is one of the most irresponsible lines being used today on the public. That's a phony figure, both in terms of the frequency with which statistically "impossible" accidents *do* happen—like the sinking of the Titanic on its maiden voyage—and in terms of our experience so far with nuclear power plants.

We have about 100 reactor-years of experience—or some people claim 600—but we would need about 100,000 reactor-years of

experience to assess odds like *one chance in 200*, if we plan 500 reactors in operation.

What were the statistical odds that the Tacoma Narrows Bridge would fall down? Surely "extremely remote". What were the odds that two airliners would collide in mid-air over the Grand Canyon? "Negligible".

Or that a bomber would run into the Empire State Building?

So far, we've been lucky with a few reactors. It seems that the utilities are telling us, "Look, we haven't killed anyone yet, so give us a *chance.*"

The chance belongs to the American people, to decide whether or not they want this gamble taken with their lives and their country.

If a nuclear accident is *possible*, and they tell us it *is*, then the chance of its happening sooner is just as great as of its happening later.

6. Is the chance of an accident growing larger or smaller?

We've already got 20 of those radioactive power plants in operation, and any one of them *might* have an accident at any moment.

If we build more of them, the chances of accidents will increase instead of decreasing. It's not necessary to be an expert in radiation or engineering to see that humans can and do make mistakes in design, in manufacture, in construction, and in operating machines. Reactors are no exception, and we've already had some close calls with a few of them. The very act of building and operating more, allows more chances for mistakes. Especially because they are behind schedule, and rushing.

Edward Teller has warned us wisely when he said, "With the greater number of simians monkeying around with things that they do not completely understand, sooner or later a fool will prove greater than the proof even in a foolproof system."

Stopping construction will prevent the accident risk from increasing, while giving us time to consider such possibilities as building all nuclear reactors underground, or developing other kinds of power.

7. Why do utilities advertise nuclear power plants are safe?

Obviously, there is a puzzling contradiction between the utilities' advertisements which claim radioactive power plants are wonderfully safe, and the utilities' testimony to Congress that they would not build them unless Congress relieved them of almost all financial responsibility for accidents. If "nukes" are as safe as they claim, why do they worry about financial responsibility for *accidents?*

If the utilities won't even risk their *dollars* on the safety of nuclear power plants, why should the people have to risk their *lives?*

We should not wait for the Price-Anderson Act to expire in 1977. Repeal *now* is a minimum objective.

8. Is a move against nuclear electricity a move against progress?

Progress in technology might be defined as something which *enhances* human health and survival. The *one* technology which has the ability to pollute this planet permanently is hard to consider as *progress.*

We've spent billions on nuclear research, we're buying nightmares for generations to come, and for what?

We end up with *another* way to boil water. That's all that a nuclear reactor accomplishes. It boils water, which produces electricity very *inefficiently*, and it also produces radioactive garbage to the tune of about 1,000 Hiroshima bombs-worth a year.

Is that human progress?

One of the main ingredients of the nuclear power program is plutonium-239, which lingers radioactively for 240,000 years. Other kinds of radioactive waste last hundreds of years.

Who needs it?

9. We already have power shortages; won't the lights go out for sure is we have a nuclear moratorium?

The lights won't go out because of a *nuclear moratorium*, although they may go out due to *other* foul-ups.

For instance, in 1969, the utilities spent about $320 million on advertising and sales promotion to increase consumption of electricity—and only $41 million on research and development of ways to generate it. *No wonder* we have a power shortage.

Brown-outs and black-outs won't be because of a moratorium. In fact, we will hardly miss nuclear power at all, which is only 1% to 2% of our power supply now.

10. Will a nuclear moratorium cause chaos and unemployment in the power industry?

We have chaos *now*, even without a nuclear moratorium. Every analysis of the power shortage refers to bad planning and miscalculation on the part of the industry.

Of course we can expect to hear wailing and cries of "We can't deliver the power", even from the coal operators who are sitting on a 400-year supply of coal. We also hear the can-not-do cries from the automobile industry about clean cars. Do you believe them?

This country could declare a moratorium tomorrow—and we might even hear a sigh of relief from some worried people *inside* the nuclear establishment—provided we insured jobs and offered indemnification. After all, we pay landowners billions of dollars every year *not* to grow crops; we can certainly afford to pay people *not* to build radioactive machines which could contaminate an area reaching from New York City to Richmond, Virginia.

If we take care of the financial hardships of a moratorium, arguments in favor of nuclear electricity may lose some of their frenzy.

My proposal for repeal of the Price-Anderson Act is part of legislation which includes establishment of an Energy-Environment Commission. There will be *more* energy business and *more* energy employment, not less, because the total energy effort in this country needs to be far *greater* than it.

11. What alternatives are there to nuclear electricity?

In California alone, there seems to be geothermal steam in the ground equal to the power of 20 big radioactive power plants. Geothermal steam is not only perfectly clean—it's also safe. There is lots of it in the west. Enough for several hundred years.

In addition, this country has enough coal to provide electricity for the next 400 years—the present shortage is both temporary and artificial.

In August 1970, the Vice President of the National Coal Assn. testified under oath that the mine operators can go just as fast mining coal, as the power demands can grow. But it won't be sensible to open coal mines unless the utilities offer long-term contracts.

The lead story in the magazine Science News, January 30, 1971, is "Coal's Road Toward Acceptability". It makes some important points about our ability to make coal a clean fuel, and our ability to restore land ruined by strip-mining.

However, fossil-fuels should not be considered a long-term solution for generating electricity. It is short-sighted to waste the planet's exhaustible natural resources by burning them, when all we have to do is tap into the inexhaustible sources of energy like water, wind, geothermal heat, and the sun. Perhaps the sun is exhaustible, but while it's burning up, we might as well use it.

12. Will a nuclear moratorium increase air pollution by forcing us back into coal and other dirty fossil-fuels?

No. And it's dishonest to tell the public that the only choice is between clean "nukes" and dirty coal.

I favor forcing the coal-plants to clean up, and fast, because even without a nuclear moratorium, we must depend on fossil-fuels to make most of our electricity for the next 20 or 30 years. Dirty plants are an intolerable abuse of public health, so it's a necessity that we clean up the old plants, and build the new ones clean.

It can be done. In fact, equipment to do most of it is already available. We need to see that the utilities buy and use it.

Of course the equipment may not work perfectly at first. But it's far safer to take some chances with unproven fossil-fuel equipment than with unproven nuclear equipment. That's obvious.

13. Will a nuclear moratorium just delay the nuclear plants we'll need sooner or later anyway?

No, because nuclear plants are not inevitable. Perhaps some day we will find a way to make them truly accident-proof; additional safety research is urgently needed now according to the AEC's own Advisory Committee on Reactor Safeguards.

We need time to do that research before we build more plants, and also to give the country a chance to look at other new ways to make electricity—ways which are not tied to potential catastrophe.

14. Is it possible to generate electricity without pollution?

The answer is probably yes. No one knows, because we haven't begun really trying yet.

Consider some of the possibilities we are presently neglecting, even though we know they are real possibilities:

Magnetohydrodynamic generators (MHD), which would contain the fossil-fuel pollutants;

Fusion power, which could provide energy for the entire world from seawater—and lower ocean levels by far less than one-thousandth of an inch over the next million years;

Geothermal energy, which is pollution-free and accessible anywhere by drilling 5 to 10 miles down; and

Solar energy, whose energy supply both in the United States and in the world, is far greater than any possible needs; it may already be technically possible to recover about 4 trillion kilowatt-hours in electrical energy per year from Death Valley alone; the use of solar collectors in orbit is another clear possibility.

We should consider wind and tidal power too. There is such a fabulous amount of energy renewing itself naturally on earth that, if man tapped only a tiny percent of it, he could probably make all the electricity he needs without poisoning the planet or disturbing its natural rhythms.

The real question to decide during a nuclear halt is:

Do we take our chances with some of the gentle possibilities, or do we rush into a commitment to the one technology which may end up contaminating this planet permanently?

What this needs urgently is an Energy Commission, instead an Atomic Energy Commission.

15. How many years away are these alternatives to nuclear power?

Obviously, that depends on how much effort we start putting into them. Therefore, the following figures are just estimates; some of the possibilities may *never* be practical, but we need only one or two to work out.

Fossil-fuels: Removal of sulfur pollutants: now.

Removal of nitrogen, mercury, and radioactive particles: 5 years.

MHD generators: Apparently Russia already has a small pilot plant working. AVCO Everett Lab in Massachusetts, which demonstrated MHD feasibility more than 10 years ago, is now designing a 50-megawatt commercial generator with Con Ed of New York, Boston Edison, and some northeast utilities.

Fusion: Feasibility might be proven within the next five years, followed by demonstration plants in the 1980's, and commercial operation before the end of the century.

Geothermal energy: Natural geothermal steam is practical now; it's already producing electricity commercially in California, Italy, Mexico, Japan, New Zealand, and Russia. In order to make geothermal energy available just about everywhere on earth, we need to develop deep drilling techniques, which might take 10 years.

Solar energy: Land-based techniques for recovery, storage, and transmission of solar energy are theoretically possible already; engineering large-scale projects might take 10 years; techniques to collect the energy from orbiting stations are probably 25 years away.

16. Is the government investing equally in all the alternatives?

Unfortunately, for years we've been putting about 83% of the federal energy-research dollar into radioactive power plants, and almost nothing for the other possibilities.

Last year, the government spent approximately: $255,000,000 on developing radioactive nuclear power plants; $30,000,000 on developing fusion power; $300,000 on developing MHD generators; zero on developing geothermal technology; and zero on developing solar energy.

In other words, we spent less on developing non-radioactive sources of power than we spent on two 747 airlines.

In fact, when we take inflation into account, the effort in fusion will *decrease* again this year under the AEC's plans. The AEC is in charge of both fusion *and* fission (radioactive power plants).

17. Would the cost of household electricity have to go up to pay for this energy development?

No. For one thing, the $320,000,000 which is spent per year now on advertising and sales promotion of electricity could be spent on energy research instead.

Then the rate-structure could be reversed, so that the more electricity you use, the more it costs you. Right now, the more you use, the *less* it costs you per kilowatt-hour. Obviously, if we have a power problem, we should not reward people for using *more* electricity, and punish the little person because he uses *less* of it.

In addition, a federal tax on the electrical bills of the big industrial users would pay for the plan without raising household bills. This would be consistent with the long-time policy of this country to avoid regressive taxes and regressive charges, which hit people who can least afford them.

We've got to face a fact, however. Probably *no one* has been paying the true cost of electricity on his bill. We have been paying its true cost instead in pollution and in medical bills.

Nuclear power, which was supposed to be "too cheap to meter," has turned out to be the most expensive power we have, even with all the hidden government subsidies. Let's not make any more foolish predictions about the cost of electricity. Safe, clean alternatives may ultimately cost less or more. There is a good chance that they will cost less.

18. How long might it be before an Energy-Environment Commission is usefully in operation?

There will be lots of hassles over jurisdiction, over powers, over sources of revenue, over allocation of revenue, over new kinds of administrative organization designed to avoid bureaucratic inertia, and so forth. I expect controversy, and also I expect improvements to be made on my bill.

Invariably, these things take more time than necessary . . . which makes it important to start *now*.

19. Is there anything which can be done in the meantime?

Since the energy problem is so urgent, we ought to push for bills *this* session to get initial funding for solar energy and geothermal energy, plus more for fusion than is now in the AEC's budget. If we wait for a perfect new agency to come into existence, we'll lose more time. We can get started *this* year by pushing for programs under existing agencies.

Obviously, it will make a lot more sense to have an Energy-Environment Commission supervising our energy efforts, but we should not use its non-existence to postpone our efforts. Nor should we just study the problem, which is obvious. We need action toward solutions.

Do you realize what it will mean to this earth if we *don't* start action? We'll find ourselves toe-to-toe due to the population explosion, with only primitive energy systems to provide a tolerably human standard of living for billions of people. We would pollute or contaminate this planet beyond tolerance if we had to depend on today's energy technology.

Therefore, it's really a very modest proposal to start funding let's say 2,000 people—out of a labor force of about 70 million Americans—whose *job* will be to make solar energy practical. The same is true for deep geothermal wells. And the fusion budget should be tripled at least.

Some will say, "But the program can't absorb the money," but the can-not-do attitude is nothing new. Can anyone really argue that putting 2,000 new brains, with new ideas, on the problems of fusion would be a waste of money?

That's the kind of immediate effort I'm supporting. Unless we put *effort* into solving energy needs, it's insincere to say that it's electricity *vs.* the environment, or any of the other false choices offered us.

FREEDOM—OUR HERITAGE

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 10, 1971

Mr. BURDICK. Mr. President, I ask unanimous consent to have printed in the RECORD a speech entitled "Freedom—Our Heritage," written by Miss Patricia Colberg, Fargo, N. Dak., for the Veterans of Foreign Wars of the United States Voice of Democracy Contest. Miss Colberg's speech was judged fourth in the National Voice of Democracy Contest.

Her essay is both timely and thought provoking. We in North Dakota are very proud of her achievement. Miss Colberg is the daughter of Mr. and Mrs. Wayne J. Colberg of Fargo, and attends North High School. After graduation, Miss Colberg plans to enroll at North Dakota State University to study either bacteriology or medicine.

I am pleased to include in the CONGRESSIONAL RECORD this excellent speech written by one of North Dakota's promising young citizens.

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

VOICE OF DEMOCRACY

"Ask not what your country can do for you, but what you can do for your country." These familiar words of the late President John Kennedy typify what I would consider the responsibility necessary for the preservation of that one resource our country can boast is so plentiful—freedom. But before we can determine the role Young America should play in the maintenance of freedom, we must ask ourselves two questions. The first pertaining to freedom of the past: What has made Freedom our Heritage? And the second referring to freedom at present: How is freedom living in today's world? The answers to these questions concerning freedom's past and present hold the key to unlocking the door to freedom's future.

What has made Freedom our Heritage? Our nation was established on the concept of freedom for every man. Three documents virtually assure that end: the Declaration of Independence—proclaiming a free, independent nation; the United States Constitution—actually establishing our country; and the Bill of Rights—insuring Man's undeniable liberties. But there is an even richer background of freedom's actual becoming our heritage if we look only to the men who fought for freedom. For without these brave people who dedicated their very lives to gaining liberty for all men, freedom may never have become the cornerstone of America's foundation and those three documents insuring our freedoms may never have been written. Remember Thomas Paine? Paine struggled defiantly to free the colonies from Britain's tyrannical rule by publishing a newspaper critical of Mother England. Nathan Hale—a young school teacher hanged by the British as a traitor—spurred-on the freedom-fighters with his famous last words: "I only regret that I have but one life to lose for my country." And it was the oratorical stamina of Patrick Henry who laid his life on the line with his emphatic conviction: "Give me liberty or give me death!" These men—three of a list of hundreds—who substantially consecrated their lives to the establishment of a Free nation. These men made freedom our Heritage because these men struggled to establish the liberties we enjoy today which are guaranteed by the documents they wrote.

Freedom—our Heritage—established and insured by our founding fathers. But how is freedom living in today's world? Even today there are examples of young people not so unlike Patrick Henry and Nathan Hale, who are indeed fighting to live in freedom. A high school student from Kansas spends his summer in Appalachia—instead of Woodstock, New York. A young girl in Mississippi decides to stay in her integrated school, rather than following her friends who enroll in an all-white school in the suburb. A boy in California decides to attend college in his home state. He resolves to become a student leader—in the University Senate . . . not the SDS. A young man in Iowa interrupts his education to serve his country in Vietnam. Living examples, common all over America—examples of how freedom is indeed living in today's world.

Freedom—our Heritage. The future preservation of Freedom as President Kennedy indicated a decade ago is to "do for your country." This primary responsibility of "doing" for America will soon be shifting to my generation, just as my parents assumed these citizenship duties. They have paid taxes, voted at the polls, served in the armed forces. These same requirements must be fulfilled by the Youth of United States. But besides these basics of being a citizen in a free nation, my generation must do two other things. First, respect the opinions of others, and secondly, work through the System. It is important that if we want to be heard and respected that we do the same for others . . . particularly those of the "other" generation. As the writer Voltaire once said: "I disagree entirely with everything you say, but I'll defend to the death your right to say it."

The second step Young Americans must take is to work through the System, for like Kenneth Clark, author of the book *Civilization*, I believe that "order is better than chaos, creation better than destruction, and human sympathy more valuable than ideology." History is ourselves and for Americans, freedom was established as our Heritage—and freedom lives today. Freedom's future is certain if my generation continues to assume the responsibilities of being free American citizens and "do" for America.

EL PASO'S SHERIFF BEGINS PROGRAM TRAINING PRISONERS TO FILL JOBS

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WHITE. Mr. Speaker, ever since I came to Congress, this body has been endeavoring, with one piece of legislation after another, to stem the rising tide of crime. One grim factor continues to counter our best efforts: All too often, our correctional institutions do not correct. Too many of the men committed to them return again to lives of crime. Often it is because they can find nothing else to do. The opportunities for an ex-convict looking for work are limited at best.

In my home city of El Paso, Tex., our county sheriff, Mike Sullivan, with the aid of a dedicated deputy, Frank Trask, decided to do something about this problem. They did it by establishing in the jail a cooks' and bakers' school. The story is well told by Associated Press in the February 28 issue of the Dallas Morning News.

In calling the attention of my colleagues to this matter, I should like to comment that we have heard much about the failures of categorical grants and the necessity of revenue sharing in order to bring Government closer to the people. We have here an excellent project, locally conceived and administered, but federally supported under a categorical grant, properly reviewed and approved, and with local contributions.

In this case, and I am sure in many others, categorical grants for specific projects have been highly successful.

The article follows:

COOKS AND BAKERS: EL PASO'S SHERIFF BEGINS PROGRAM TRAINING PRISONERS TO FILL JOBS

EL PASO.—Sheriff Mike Sullivan of El Paso County looked at his county jail and the men in it and realized the hopelessness of the inmates. A jailbird's wife opened his eyes.

Many were there simply because they just couldn't make it in the outside world.

About 85 per cent were school dropouts. Many were so fearful of more failures they could barely function outside.

So they went and then came back, over and over. Eighty per cent of them returned. And while in jail they simply sat and brooded.

Sheriff Sullivan decided something had to be done. And from this decision has come a project—still only a pilot but guiding the way to the future.

What was started was a cooks' and bakers' school.

The situation was not like that in Dallas, for instance, where a poverty war program began turning out cleaning and pressing school graduates right into the pool of cleaning and pressing unemployed.

The sheriff's survey showed 500 openings in El Paso for cooks and bakers.

When the sheriff and associates talked of remodeling an unused portion of the jail for the school, the idea met with skepticism.

County officials consented with reluctance. Judges and prosecutors thought the plan a poor one in the first place, and jailers insisted the old way of treating prisoners was good enough.

The school's first class began last Oct. 5 with eight men screened from about 100 of the 400 to 500 average inmate population.

Deputy Sheriff Frank Trask, a former master sergeant who spent 25 years in Army food service work, became instructor.

The inmates themselves were less than enthusiastic at first, many inhibited by fear of new failure after all their other failures.

But as the first class progressed, the eight students began to shed their reservations. By the time the 12-week session ended, other inmates were clamoring for a crack at the next one. The class was increased to 15.

The program, Sullivan says, is but a drop in the bucket as far as needed rehabilitative efforts are concerned. But he hopes that it can show the way for offering convicted offenders an alternative to crime.

To get things started, El Paso County turned to Gov. Preston Smith's Criminal Justice Council, which found the project right in line with its goals for the state.

Under authority of the Omnibus Crime Act, the council and its staff are responsible for comprehensive statewide planning to improve the criminal justice system in all areas, including corrections.

It also administers funds from the Justice Department to support projects compatable with its statewide plan. The council approved a grant of $101,250 for the El Paso project for the first year. Of the total, $37,000 was for remodeling and $21,500 for equipment. The county's matching contribution for the year is $68,145.

The idea took form in Sullivan's mind when the wife of a "regular" came to the jail to see if her husband could tell her how to get money to feed the children. All the man could do was share his last dollar with her—he kept half for cigarettes.

The sheriff knew that the husband's release would scarcely improve the family's plight. Without the capability of earning a living, he would be in trouble again.

Deputy Trask planned the physical layout for the cook's and baker's school along the lines of a "Fannie Farmer's kitchen," used frequently in home economics classes and food service instruction in the military. The method was small-quantity cooking.

"If you learn to read the recipe," says Trask, "then you can progress to any amount. I teach the fundamentals; speed comes with experience." When the inmates finish the course they are qualified for employment as fry cooks or dinner cooks.

Trask's pupils range in age from 19 to 53, with the average 27.

Their offenses range from forgery and theft to felonious assault or robbery.

"That man over there got into a fight and cut another guy up with a can opener. This one over here is charged in the same case. His story is he just happened to be there, but they say he held the guy while his buddy worked him over. He has eight kids," said the sheriff.

"The old man over there is a habitual—been in and out of jails all his life." Professional burglar, actually, from New York; feeling his age and looking for respectable work. With a little luck, he'll find it as a cook, and society will have one less burglar.

The men like the program, Trask says: it gives them a way to spend their time; the food is better, and there are special visiting privileges. Friday is visitors' day for the cook's and baker's school. Each man is allowed three visitors who must not have criminal records and may not bring packages into the jail. Pies or cakes prepared by the inmates are served, and each man sits with his guests at a private table.

The students themselves eat most of their own cooking.

Prospects for the program are carefully screened. While the course is intended for those who plan to pursue food service work, Sullivan admits that some make it for other reasons.

"No matter how much of a con man a guy is," the sheriff says, "he's at least entitled to a chance."

But, he says, it's unwise to let your guard down. Two of the members of the first class demonstrated this by escaping down a plumbing duct when sent to an unused part of the jail for supplies. Both were misdemeanants, scheduled for early release, but that did not impede their flight to California.

On the brighter side, a man who finished his sentences before the course was over returned to the jail each day and, by special permission from the sheriff, put on cook's attire and continued the training until he received his certificate. He now holds a job as a cook in El Paso.

Another who completed the first class is under death sentence for a multiple murder. He presently awaits commutation on death row at Huntsville, hoping to get a chance to work in food service in the prison.

During the 12-week course, the students receive 462 hours of instruction, beginning with "orientation to the world of work as good service employes." Teaching methods include lectures, demonstrations, group discussions, individual classroom instruction and practical work.

Trask follows carefully prepared lesson plans which include such topics as sanitation and safety, maintenance and housekeeping, receiving and storing food, meat cutting, food cost and accounting and purchasing.

The day's instruction ends at 4:30 p.m. The men often are reluctant to return to their cells, preferring to stay around asking questions or doing more kitchen work. Before he leaves the school, each man submits to frisking.

The school is only one of the innovative programs being undertaken at the county jail. Soon up to 40 federal prisoners will be housed there, some in the cook's and baker's school, others in a work release program. The latter group will work at an outside job during the day, spending each night in the jail.

Few local jails in Texas have facilities for such projects, according to William H. Gaston, program director for corrections and post sentence processes on the staff of the Texas Criminal Justice Council. He believes the mode of the future will be regional detention facilities. Gaston is in a statewide study expected to result in a plan for a system of regional facilities.

He says there has been little change in the basic operation of most jails in the state during last century, and many of the older jails are unfit for human occupancy. Instead of rehabilitating offenders, they breed crime.

Gaston's proposal calls for maintaining local jails for short-term prisoners only. All those to be confined for extended periods would be sent to a regional facility, where they could be placed in rehabilitation programs designed to provide them with an alternative to crime, eventually to be placed in work release programs and phased back into society.

TWO GEORGIANS WIN "PUBLIC SERVICE IN REPORTING" AWARD FOR 1970

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, we in Georgia, as well as the entire Nation, were recently saddened by the death of our senior Senator, the Honorable Richard B. Russell.

Two outstanding Georgians, shortly before the Senator's death, produced a filmed biography and in so doing have been honored by the Dixie Business magazine as winners of the "Public Service in Reporting" Award for 1970.

Hal Suit resigned from WSB Television several months after the series was completed and won Republican nomination for Governor of Georgia in a hotly contested primary. Though unsuccessful in the general election, Hal made all Republicans proud of his leadership.

Jim Giltmier has remained in the news business and is now performing an outstanding job covering national figures in our Nation's Capital for Cox Broadcasting's chain of stations.

Hubert F. Lee, editor of Dixie Business since 1929, in announcing the presentations, said that dual awards were given for great work by these two individuals in producing, "Richard Brevard Russell—Georgia Giant."

Hal Suit, in a letter to Hubert Lee thanking the editors, wrote:

DEAR HUBERT: There are probably a hundred different ways to express appreciation, but none beats an honest and sincere, "thank you."

I am honored to be the recipient of your "Public Service in Reporting" award for the series on the late Senator Richard Russell.

Few people are aware that I first talked to the Senator about the program in late 1965.

It simply took me almost four years to persuade a humble and dedicated public servant that the people of Georgia, and especially the young ones, needed to get to know him.

He was Georgia's greatest and it's going to be many a day before we benefit from another man of his distinction and dedication.

The tribute should be to him.

Thanks for including Jim Giltmier. Without Jim the program series would not have been possible.

With warmest personal regards.

HAL SUIT.

Hubert Lee announced Hal Suit and Jim Giltmier award:

PAST WINNERS INCLUDE

Keeler McCartney, Atlanta Constitution	1952
Ralph O'Leary, Houston Post	1953
Max B. Shelton, Houston AP	1954
No Award	1955
Stephen Trumbull, Miami Herald	1956
John Pennington, now writer Atlanta Journal Magazine	1957
Ted Pearson-Ed Lee, Mobile Press-Register	1958
Jack Nelson, now Los Angeles Times	1959
Norman Shavin, now editor Atlanta magazine	1960
Martha Frances Brown, DeKalb New Era	1961
Hal Hendrix, Miami News	1962
Charles Pou, Atlanta Journal	1963
Paul Jasper, Pensacola News	1964
The American War Correspondent	1965
Ray Moore, WSB–TV, now with WAGA–TV	1966
Adolph Rosenberg, Southern Israelite	1967
Bob Harrell, Atlanta Constitution	1968
Harold E. Martin, Montgomery Advertiser, Alabama Journal	1969
Hal Suit-Jim Giltmier, WSB–TV	1970

Hubert Lee in 1923 delivered a talk over WSB radio, in the days of the old crystal sets. Here is a clipping from the Atlanta Journal dated March 8, 1923, which is of historic interest:

HUBERT LEE TALKS FOR CLEAN-UP WEEK AT WSB THURSDAY

Hubert Lee, well-known young Atlantian serving as chairman of the city's big "Clean Up and Paint Up week" this year, will tell something of the importance of the annual crusade against dirt and dilapidation in a message scheduled for WSB's twilight period Thursday evening.

The 1923 campaign is set for March 15–22 with leading civic organizations co-operating actively in pushing it through to success. Mr. Lee, prominent in numerous roles as a progressive Atlanta citizen, will briefly summarize the fundamental points that Atlanta households ought to know concerning "Clean Up and Paint Up week."

His message will be spoken through the microphone between 5:30 and 6 o'clock Thursday evening.

HAL SUIT

Hal joined the WSB–TV News Staff as associate news director in June of 1959. He was appointed news director in January, 1969.

His work in news has ranged from weekly newspapers to NBC News assignments in the Southeast. Work for WSB–TV has taken him over most of the United States, Europe and the Middle East. During the past decade, Hal has anchored most of the station's political specials. He also reported at both national political conventions for NBC News in 1964 and 1968.

He began his broadcasting career in radio in 1947 and has spent the last 15 years in television. Prior to joining WSB–TV, he was with WALB–TV in Albany, Georgia, where he served as the station's news and production manager.

On three occasions the Associated Press in Georgia has honored Hal's work. And his "Insight" series, a commentary on current events, has been honored with a Quill Award from Sigma Delta Chi and with a National Headliner Award.

JAMES W. GILTMIER

Born in 1934, Jim Giltmier grew up on Chicago's South side and graduated from South Shore High School.

He majored in both English and history at Loyola University of Chicago and Loras College in Iowa.

Giltmier began his career in news delivering the Chicago Tribune when he was 10 years old. Then he was side-tracked to jobs as a drug store soda jerk, meat packing company mail clerk, public relations writer for the American Cancer Society, pharmacist for the U.S. Air Force, insurance salesman, public relations director of the Arkansas Tuberculosis Association and executive director of the Pine Bluff, Arkansas, Community Chest.

He got back into the news business when he went to work for the Pine Bluff Commercial as police reporter. Later he became state editor and won the American Political Science Association's award for Distinguished Reporting of Public Affairs for a series of stories on voter registration gambling and state politics.

For the next 18 months he covered the Boca Raton, Florida, area for the Miami Herald.

In 1965 he became WSB–TV's investigative reporter and has covered everything from Georgia politics to poverty.

Jim and his wife, Kay, have two daughters—Kathryn and Carolyn.

THE POLITICS BEFORE US

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HARRINGTON. Mr. Speaker, we are told that the strength of the United States is in the diversity of the ideologies of her citizens; and this diversity is no more sharply demonstrated than in this country's biennial elections.

The results of the 1970 elections will be the object of discussion for many years. The analysis started before the polls closed and continues today.

One of the most perceptive discussions of these elections which I have read was presented by Tom Wicker of the New York Times. Mr. Wicker first made the comments in a speech January 12, 1971, in New York to the New Democratic Coalition. It was printed in the February 11, 1971, issue of the New York Review of Books, and I am inserting it at this point in the RECORD:

THE POLITICS BEFORE US

(By Tom Wicker)

I was asked to talk today about the results of the 1970 elections and where they may have left us. I'm going to pass over the numbers game that we've played in Washington since those elections. I'm going to pass over the question of whether or not there is an ideological majority of one kind or another in the Senate. I'm going to get right down to the literal fact and say that it seems to me that the only thing you can say about the 1970 elections is that the Democrats picked up nine seats in the House and the Republicans one and a half senators. If you wonder how there can be a half-senator, you haven't met some of those fellows.

Getting beyond the numbers game to some results of the 1970 elections that may mean something, I would say first that there was no further swing to the Republicans in the South. After at least a decade and a half of a steady Republican trend in the South, the Republicans did not make any further gains.

In fact, they lost two governorships they had held, and two more they had hoped very much to win. They won only one seat in Congress and that was from the valley of Virginia. So I would suggest that Nixon may be in a good deal more trouble in 1972 in achieving even as many electoral votes in the South as he did in '68, particularly since Governor Wallace now appears to be ready to run entirely as a Southern candidate, trying to consolidate the Southern vote as best he can. And after his four years in office, it will not be as easy for Southern voters to delude themselves that somehow the election of Richard Nixon will turn back the tide of the civil rights movement.

There are some other consequences. There is no real evidence, it seems to me, of the kind of conservative trend that had been predicted. I'm not talking necessarily about conservatism as against the old New Deal or conservatism in economics or anything of that sort. I have in mind a sort of law-and-

order conservatism, a crackdown on the dissidents. I saw no evidence of any such trend in the 1970 elections, despite the assiduous efforts of the Administration and most of the press to convince us that there was such a trend.

Another thing I didn't see in the 1970 elections was a vast, overwhelming demand for the Democratic party. People like to cite all the governorships the party won. They should look at the governorship in Nebraska, for instance, in which the man who was elected there was about as far to the right, particularly in economic matters, as you could get, even though he ran in the Democratic party. In fact, he displaced a relatively moderate, progressive Republican governor who committed the sin of raising taxes in order to try to provide services for the people. So I saw no overwhelming trend to the Democrats, particularly since so many of their victories were won out of a rather sterile dependence on the economic dislocations that the Democratic party itself had managed to produce in the 1960s.

Another result of those elections is that there seemed to me to be no vast demand for the Republican party either. As I've said, they lost nine seats in the House, despite the fact that they hadn't carried the House in '68, which meant that there was no reservoir of weak Republican seats there, ready to be taken back by the Democrats. They failed to gain much in the Senate despite the fact that in the two previous elections for this class of senators—1958 and 1964—there had been a Democratic landslide.

And finally, it seemed to me that there was no evidence that the leadership of the Republican party, the President and the Vice President—in their strategy, their personal performances, or their actual appearances in the various states—had any overwhelming effect on the electorate, except negative.

I saw no vast demand for either party in those elections and therefore the only real conclusion that I'd venture about 1970 is that President Nixon did not improve himself. He did not, as the quarterbacks say, get good field position for 1972 or for his party, except in one sense. Politics being what they are, I would suggest that his willingness to expose himself to every lost cause from Ralph Smith to George Murphy and to work as hard as he could for the party probably cemented his intraparty leadership. At the same time, the failure of Reagan to reach the majority predicted for him by such experts as Evans and Novak seems to me to have lessened the possibility of a right-wing challenge to Nixon. Now a recent column by Kevin Phillips has raised the possibility of a left-wing challenge to Nixon, if indeed there are those who can regard a challenge from Governor Rockefeller as a left-wing challenge. But I would think that President Nixon's party leadership and hold on the party probably are now a little bit stronger than one might have expected.

Another more obvious conclusion is that Senator Muskie is now the front runner for the Democratic party, and the polls seem to confirm this. But I think that that's a mixed benefit. I can recall when Governor Romney was the front runner at just about this same time in 1967. I wouldn't want to compare the two but, generally speaking, I would say that a front runner at this stage does have a number of problems to contend with.

He's everyone's target in both parties. Every time that some issue arises he's expected to comment on it. And in this case, there's another doubly difficult problem for Senator Muskie: he is in danger of becoming identified suddenly and right away as the candidate of the LBJ-Mayor Daley-John Connally wing of the Democratic party. And I don't think there's any doubt at the moment that this wing of the party, with certain reservations, is indeed in favor of Muskie because he appears to be a man who might reconcile it with other wings of the party. Finally, I think Muskie's position as front runner is endangered by the fact that he still must face what I expect to be vigorous opposition in the Democratic primaries in 1972.

A final conclusion that I would draw from the election, after these two, is that American politics are still unsettled and not moving in any clear direction. I see no evidence, for example, that there's some huge right-wing swing in the Atlantic community, heralded by the election of Edward Heath, and that Nixon and the Republicans are simply following suit along that line.

Nor is there evidence of a great left-wing swing. I think it is useful here to compare the Presidential elections of 1960 and 1968. The election of 1964 was exceptional because it followed so closely after the death of President Kennedy. In retrospect there was never any doubt that the Democratic nominee was going to be elected to complete that period as best people thought it could be. People didn't want three Presidents in the space of a little over a year. But if you look at the elections of 1960 and 1968, they were both, as we say in the South, as tight as Dick's hatband: very close elections in which very few votes either way could have changed the outcome. In fact, if you look at all the Presidential elections, excluding 1964, since 1948, and if you add up all the votes cast for Republicans and all the votes cast for Democrats they come to just about the same numerical total.

During this entire period, there hasn't been a clear trend in American politics, except toward the ultimate bankruptcy of the New Deal. Certainly there has not been a clear ideological trend and I don't think there is one now, nor that the 1970 elections suggested anything of the kind.

I would think then that this means, as we look ahead to 1972 and beyond, that we are in for a continuation of the rather turbulent and embittered politics that we have become accustomed to in recent years, a politics with a very strident base of moral enthusiasm, of ideological sentiment, of zeal on the part of partisans of both sides—a politics in sharp contrast to that of only ten or fifteen years ago, which was much more nearly compromise, coalition politics.

A more turbulent and embittered politics will mean that people like the New Democratic Coalition in New York and the ethnic groups and the blacks and the young are going to demand, or try to find, forms to make ends mean something. They will demand participation in politics, that their views be taken into account. So I think turbulence and a demand for participation can be expected to continue for many years and are not something peculiar to a particular generation in America.

I also suggest that we've probably entered an era of one-term Presidencies. This has nothing particularly to do with Mr. Nixon. President Johnson, I suggest, is the first victim of that circumstance.

Until now in the twentieth century we have, by and large, expected that our Presidents woul win two terms. The only Presidents who have sought re-election in the twentieth century and failed to win it were Taft, who went down in the Bull Moose split, and Hoover, who went down in the Depression. Just this week in a column advocating a six-year Presidency, Willian S. White stated the assumption that, generally speaking, American Presidents win two terms. I think that that assumption now ought to be changed. The assumption now ought to be, in my judgment, that a President seeking re-election probably is going to be in deep trouble. That doesn't mean that he can't get elected—the opposition party might help elect him, as could happen in '72. But he's going to be in deep trouble, rather than having an easy time.

The most obvious reason for this is that communications are beginning to work for the outs too, as we saw on election eve last year, when the President's speech was seen by Democratic politicians as helpful. While the White House is a "bully pulpit," as Theodore Roosevelt said, when the man in the White House goes on television, he's not necessarily a bully preacher.

Communications can work for the outs and after our twenty-odd years of experience with television, I am beginning to believe that television burns out politicians about the same way it does comedians. (This seems a possible explanation for the decline and fall of Spiro T. Agnew.)

The man in office appears very often on television in turbulent surroundings. He seems to be the man who is struggling with difficulties, with controversies. Whereas the fellow who is seeking his office, like Senator Muskie coming out of his den on the banks of the Allagash River in Maine, speaks very pleasantly about how things could be.

Perhaps this danger of politicians being burned out has something to do with the nature of the Presidency itself. Many profound things happened in the American soul in 1960. But in particular, I think that the monarchical sense that we once had of the Presidency—the willingness to rally 'round the Presidency, no matter who the occupant was—has been diminished by the revelations that this institution too has feet of clay, that we cannot necessarily trust what it tells us, that its wisdom is not necessarily far-reaching.

Incidentally, I think the very office itself has lost something of the magical aura that it once had. In Dean Acheson's *Present at the Creation*, for instance, that particular aura infuses every page. In Acheson's book, which is pre-eminently a book of a man of the Forties and Fifties, there is a sense that the President, no matter who he is or what he's been, somehow is all of a sudden set apart from the rest of us.

I think there are not many of us who believe that any more. And I think this has diminished the power of the politician President to use the institutional office to protect himself.

But the major reason why we may be coming into an era of one-term Presidencies is that the problems are becoming too difficult. We expect the President today to be everything from the mayor of Hoboken to the leader of the free world. We expect him to wear a Green Beret and a hard hat and to throw out the first ball for the Washington Senators.

At the same time we have had a shift in American politics from the old, relatively simplistic issue of improving the standard of living to a great many more complicated, difficult issues that don't necessarily yield to legislation. Many of us have been disillusioned since the late Fifties, when we expected the civil rights legislation to have a tremendous impact on racial amity in this country. It hasn't. If anything, this legislation had the opposite effect.

So we begin to see that passing bills and proclaiming policies don't really have the impact that we once thought they did. Presidents, therefore, it seems to me, are victims of the pace of change. I think it's a fair assessment of Mr. Nixon's first two years that he came to office having spent the preceding four years not noticing what was happening in the country while he ran for office: you can't notice what's happening in the country if you're running. So in his first two years in office he attempted to be an Eisenhower President, and also, in a way, a Kennedy President, someone who could deal with the chessboard problems of the world—

a checkmate here, a gambit to be pulled on Nasser there—without realizing that the house was coming around his ears.

And if anything is encouraging in Washington today it is that the pundits say that Mr. Nixon, in preparing to get himself re-elected in 1972, is turning to domestic affairs. It's encouraging because I think the word may have gotten through to him that his view, expressed to Theodore White before the election, that you don't really need a President for domestic affairs, you just need a Cabinet, isn't good enough any more. It isn't the era of Eisenhower.

The problems in the country are intractable. They don't necessarily respond to politics or to policy but they all have the effect of reacting against the man who's in the White House. That's why I think Presidents are going to come up every four years from now on and find themselves in deep trouble because they will not have been able to deal with the matters that people see as their real problems.

The real problem in America today, and the gut issue of our politics, does not, as I've said, have very much to do with the standard of living. We're glutted in this country with the standard of living. Nor do I think we are undergoing some kind of psychological breakdown because all of a sudden, as some have argued, we've been projected into history. We were projected into history a half-century ago. And a half-century, the way time moves nowadays, is five centuries. Nor do I think we're entering Professor Reich's Consciousness III either. I might myself welcome it if we were, but I don't think it's happening.

What has really got us in its grip today in my judgment is the general concern, a lament from the farthest right to the farest left, and from the poorest to the richest, with the breakdown of American life, because American life doesn't work any more. You can't get your garbage picked up and you can't get a quick and easy ride to work on the subway. Or if you get on the freeway with your car, the traffic doesn't move. Or if you walk you get hit over the head and somebody takes your wallet. As George Wallace says, the crook will be out of court before you're out of the hospital and that is a fact, even if George Wallace did say it.

Because every time that the publisher of *The New York Times* gives you a handsome raise, well deserved for the work that you've done so beautifully the past year, prices go up faster, and taxes go up, and in the long run your check shows you have less net money at the end of the month.

Because you can't stand to breathe the air, and if you live in Washington the Potomac River will make you sick when you drink it. And because of the lack of quality from top to bottom in American life. Because when you turn on the television you don't see anything but junk. And when you go down to the store and buy something you don't get anything but junk.

Last year at Christmas we bought my daughter a radio record player. And by God we had to take it back because it didn't work. And then the second one they gave us, we had to take that back because it didn't work. And finally we had to take the third one we got to a shop and get them to adjust the speed of the turntable.

At the same time we bought for our son one of those little mini-bikes and we had to to take that back because it didn't work, and that tells you something about materialism in Amercan life as well as the lack of quality. It sometimes seems there's not any damn thing you can buy that's worth a damn. And we all know that.

What's bothering the people today is that life has broken down in this country. In the midst of wealth, in the midst of plenty, above all, in the midst of pretensions, life has broken down. We can't hear ourselves think for the noise in the streets and most of the noise in the streets comes from where we are tearing down our heritage and everything that's worthwhile in this country, and putting up plastic and pressed concrete that twenty years from now we'll have to tear down and put up all over again.

It's not just the war in Vietnam and it's not just that we're shipping all those arms abroad. It's that we're concealing from ourselves the fact that we're doing those things, as the recent Senate hearings have just revealed.

It's the persistence of racial strife in this country, despite all the legislation that we've passed, and all that we've tried to do. What does that mean?

The persistence of racial strife in this country means that there's something wrong with us, not something wrong with the laws, and we know that. Welfare—it doesn't matter how liberal you are or how conservative you are, you know that the way we give out welfare is wrong. It's a bad system. There's something wrong with it and yet we can't change it.

So I think the general concern from the poorest black to the richest white and everybody in between is that American life has broken down. It doesn't work; in the midst of pretensions and wealth it doesn't work.

Why doesn't it work?

I don't know all the reasons why, but perhaps I can try to suggest some of them. One reason is that the pace of change has moved like a bullet. In the twenty-five years since World War II, technology has made this country move, as none of Detroit's automobiles will move. And while this has happened, all of our institutions have grown old, their arteries have hardened and they've dug in their heels and they've entrenched.

And I would say that there are really four of these institutions that matter, in the broadest sense.

There is the bureaucracy, federal, state, and local.

There are the labor unions.

There are the corporations.

And there are the political parties.

All of them are overaged and entrenched and dug in and refuse to change, and all of them are holding us back. That's what we've got to go for.

Here I get to the weakest part of my thesis, because now you say, all right, how are we going to do it? I don't know. But I know this: If we're going to do it in any way, we're not going to do it by moderation.

I want to say that, in the interests of saving America, moderation is no virtue and extremism is no vice. And I stand behind that.

We've got to have a political movement in America, a political movement that will be at least of the courage and foresightedness of the consumer movement under Ralph Nader. We've got to have something that goes beyond the embryonic lobby movement headed by John Gardner. We've got to incorporate the various environmental movements that have shown what can be done here. The SST has been beaten in the Senate. Or if it hasn't been beaten it may at least be whipped into some kind of shape that the human race can live with.

Something else we've got to do, if we're going to have a political movement that comes anywhere close to matching these other movements, and I say this with some regional pride, we've got to go back and study the George Wallace example. George Wallace is a man who stands on a side of the spectrum which I don't share, but I come from people who do share it, and those people who do share it are good people. The mere fact that they vote for George Wallace doesn't mean that they're bad people; it means that they're upset like the rest of us about things that affect their lives. George Wallace showed that you don't have to take it.

The importance of George Wallace in 1968 was not so much what we thought it was and what I thought it was, that he might throw the election into the House of Representatives or hold the balance of power in the Electoral College or something of that sort. The importance of George Wallace was the influence he had on Richard Nixon, on Richard Nixon's campaign and on his administration. It behooves not so much the Democratic party as all those who would seek faith in the Democratic party to learn that lesson. The Democratic party is not going to be moved by anything less than the same amount of power that George Wallace wields on the Republican party.

I'm not opposed to Senator Muskie. But whether it's Senator Muskie or anyone else, I dont think that a moderate, centrist candidate, nominated by the Democratic party in 1972, even though he may defeat the present incumbent in the White House, is going to make one damn bit of difference.

The question is how *do* we make a difference? And I confess I don't know how. But the best that I can say is that George Wallace made a difference in the Republican party, and a difference that we all deplore.

When the Democratic party goes into convention—no doubt in Chicago again in 1972, because of course that blot must be wiped from the escutcheon of our leading Democrat—unless it is confronted with a monumental threat that has behind it more than words, a threat that has behind it people who have said and have made their intention plain, that if necessary they're going to be on the ballot, and they're going to be on the ballot in fifty states, and they're going to advocate certain things, I make the prediction here today that the Democratic party will nominate someone who will, as they say, "pull us together." And who will then be elected—and who will not make any difference.

QUESTIONS AND ANSWERS

BLAIR CLARK. I'd like to ask Tom Wicker what he thinks the importance of the primary is going to be. As I understand it there are going to be twenty-three state primaries in 1972, as against about fourteen in 1968. And I've just learned that in the three weeks after Oregon there will be, if Illinois passes the law, primaries in Illinois, California, and New York, which is about a third of the convention. And all these primaries will take place during a three-week period.

So, do you think the ball game is going to be decided in the primary?

WICKER. Well, I don't know, but that fact alone is of interest because after the early upsurge of primaries in the first part of this century, primaries declined to the point where President Truman referred to them as eyewash, right after he'd lost one. And now obviously they're coming back in many ways. There'll be a primary in New Mexico, for instance, which I would suppose is an opening for the Spanish-speaking vote, and the same vote will come into play in New York, too.

I wouldn't want to say yet that in 1972 the primaries will decide the Democratic nominee. In the first place I would think the chances are reasonably good that the primaries will split up—they won't show one man sweeping them all.

I would just make a rough guess at this point, and it's very rough indeed. I would doubt very seriously for instance whether Senator Humphrey or Senator Kennedy would officially enter any primaries. It wouldn't seem to me the right thing for either of them to do. Hence you might have two rather symbolic figures in the party, waiting for all the other men to burn them-

selves out in the primaries, in which case you might have a convention decision between those two rather symbolic figures.

That's one possibility. Certainly it's very difficult for me to see how someone might establish a sweeping dominance of those primaries. Apart from that, I would doubt very seriously that primaries would be the final word. What I also doubt is that the Democratic party could again just nominate someone in total contempt of what the primary results had shown. But that's not quite the same thing as saying a primary winner would be the nominee.

WILFRID SHEED. The question of bad workmanship that you raise reminded me of the way Tories talked about the Labour government, in England, just after the war: you couldn't get a job of work done. And I'm wondering if this idea of a sort of disciplined working class can really fit with any kind of Reich-ian future.

WICKER. Well, as a dedicated "Con II," I'm not sure whether I can conjure up a Reich-ian future. But I am inclined to think that in the age of technology and mass production and so forth, we're not going to have very much Sheraton furniture produced again. But, at the same time isn't it true that those things that we have wished to do and to which we have really devoted ourselves in some pointed fashion—the moon shot being the classic example—have been done with meticulous efficiency and, I think, craftsmanship?

Soulless, perhaps, but meticulous. And so, I don't know that the two things are mutually exclusive. In the long view of history, which isn't terribly long any more, I can't conceive of the United States being a great society over any long period of time if it's a society that has no respect for itself.

And if you don't do your work right, if you don't try to do the best job you can, if you're not interested in the craftsmanship of what it is that you're up to, then I think you have no respect for yourself. And I think that one of the things that's really bothering the American people today is that too many of us in effect, in whatever field of work we're in, are setting bogus type.

I mean, we're making our living not doing anything that matters. You drive down the streets of Los Angeles or Phoenix or any of the new automobile cities and look at the business establishments on either side, look at them with the single criterion of how many are absolutely essential to the sustenance of life in Phoenix or Los Angeles. And they're damn few. And there are people in there who are manufacturing soft ice cream and running bowling alleys, whose livelihood is not necessary to the maintenance of the community. Now some of these things are marginal. Sometimes you can say, well, I'm advantageous to the community even if I'm not necessary to the community. But there are a hell of a lot of people who exist there, and they make relatively good livings in a material sense only because they are able to con people into thinking they need whatever it is that they're selling.

I hesitate to say what the problems of young people and black people are because I obviously don't know, in either case. But it seems to me that one of the major problems for younger people in the country today is that they don't have anything useful to do. When I grew up, not too many years ago, in the South, I had lots of useful things to do. If I didn't bring in the wood and coal at night, my family didn't keep warm. That was a useful thing to do. My children don't have anything useful to do.

And as they go into life and beyond the schools and are trying to spend their lives as citizens, people want to have something useful to do; they don't want to sell soft ice cream. The man who is convicted like a criminal to setting bogus type for the rest of his life—they may be paying him three dollars an hour but his life is as empty as a basket with all the eggs taken out of it.

RAYMOND RUBINOW. Mr. Wicker, would it be a correct inference from what you've been saying to us that you've seen no overwhelming demand for either party, that the mechanism of American life seems to have broken down; that four major institutions are fairly well dug in, and that no centrist candidate who will unite the party will make much of a difference? Is it a correct inference from what you've said that maybe none of the present known candidates will make the kind of difference you're talking about?

WICKER. You always have to put up the caveat against that: nobody thought that Roosevelt was going to make much difference, either, in 1932. But of course he was running with the country lying there in tatters, you know, which it may be today but not quite so visibly and not so demonstrably.

So I don't know, but my instinct (which as a hack journalist over the years I've found is better than my sources) tells me that what you said is right. But on the other hand that leaves such a bleak panorama out in front of us, I hesitate to say that, and you see, I want to believe in all of those people.

I *want* to believe that American political life, more or less as we know it, without really sweeping change, that it will suffice. So I'm willing to go against the evidence for a while. But no, I really think I have to say, if I'm going to be honest with you, that I don't see the man I'm talking about. It bothers me because I think that we could almost as easily have someone of a malignant nature who might capture our imagination.

I said that to Adam Walinsky and he made the significant point that he thought one bit of evidence against that was the fact that Agnew has signally failed to arouse a tremendous movement. I think that's right. Nonetheless I think it's a danger. And what does a President do, when you come down to it? Particularly if you accept what I've said, that conventional politics and policy are not necessarily the answer, what does a President do?

In the first place I think that in a very mystical way a President makes a real connection with the American people. Of course, once you say something is mystical you are avoiding defining it further; but you feel somehow that the President, he's of you and a part of you.

I honestly believe President Kennedy made that connection—strange as it may seem for a rich man, and so on. I don't think either President since has made it.

That's the first thing. The President can make a connection somehow and you feel, you trust, you believe, you know that that man's a part of you. And after he's made that connection, what else does he do? He sets a tone. Or perhaps he gives you a vision. Or he makes you believe somehow that you really are better than you have been. Or he makes you believe that if you aren't better you could have been. And he gives you something to aim for. And I believe that what we need more than anything else today is a leader of that kind.

I take issue with those who say that we've got to be "issues-oriented." What the hell, we've been issues-oriented in this country, and now we've got to go beyond issues. We've got to go somewhere into the American soul. And we need a President today that we can believe in, who will set a tone in this country, and there's only one tone that's going to work: We've got to have a President who will set a tone of generosity to the weak and justice for the disadvantaged, and of magnanimity. All this meanness and this toughness we've been hearing about—all these hard-nosed types, these people who are really going to audit the books and all that—that's not going to do it.

SEYMOUR MELMAN. From 1946 until now, the Pentagon has used up eleven hundred billion dollars of the nation's capital, and that's the value of all the structures in place in the United States. And if you allow for the implied loss of productive services for the parasitic use therein, the cost to the country has been two thousand, two hundred billions, or the total national wealth. Disallowing only the value of the land.

How in the world can you talk about saving America, improving the quality of life, materially and otherwise, in better style, without posting right up in front the proposition that to save America you must put down the Pentagon. And I didn't hear a line of reference about the Pentagon in your remarks or in any of the comments . . . and its absence is the checkmate on dealing with every one of those issues as it will be on dealing with every attempt to redo the quality of life in this society.

Or do you think that's wrong?

WICKER. I think you may be right.

POSTSCRIPT

After seeing these effusions in cold print, I am conscious of what might appear to be a contradiction. First, I called for a form of organized political action to bring certain pressure on the Democratic party. But in answering a question, I said that what we most needed was a leader to give the nation a new vision of itself. I place far more reliance on personality than on political organization and therefore I believe that if the kind of leader I talked about were available, or should make himself known, there would be little need for the organized pressure movement I described; because I think the country is literally crying out for such a man. But we do not have that leader, in my judgment, or if we do, we don't yet know it. It is that sad circumstance that leads me to believe that the most hopeful alternative lies in political organization and pressure from the outside on the Democratic party. I am well aware that this is a second choice and a poor second at that.

REPRESENTATIVE MOORHEAD INTRODUCES SOCIAL SECURITY BILL WITH 10-PERCENT INCREASE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MOORHEAD. Mr. Speaker, it is well known that the current inflationary, and at the same time recession prone, economy strikes a terrible blow at those people living on fixed incomes. This group generally is the elderly and those receiving social security or some other form of old-age retirement benefits.

Lately the elderly have been mirroring their children and lobbying for a better shake from Uncle Sam. I am one of those who believe that they deserve all that this great Nation can provide.

Therefore today, I am introducing a bill which calls for a 10-percent across-the-board social security increase with a minimum primary benefit of $100 and sets $2,400 as the amount a person receiving social security can earn without losing any of his benefits. I think this is far more realistic and fairer than the 6 percent and $2,000 which the administration is suggesting.

Since Congress last agreed to an in-

crease in social security benefits, the cost-of-living index has risen 5.5 percent. However, this same index has leaped over 15 percent for an elderly couple receiving social security.

I think we owe it to the elderly of our country to guarantee that their senior years are as comfortable as can be and I believe that this legislation will go far in realizing that end.

MILITARY MANPOWER PROCUREMENT IN THE WAR OF 1812 AND THE MEXICAN WAR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, during our consideration of the all-volunteer force, it must be remembered that military conscription has been the exception, rather than the rule in our Nation's history. When conscription has been applied, it has been selective and discriminatory rather than universal.

During the War of 1812, Secretary of War Monroe submitted a set of draft proposals to the Congress. According to Jack Rafuse of the Center for Naval Analysis:

Had one of the conscription bills been enacted during the War of 1812, it would have been closer to an all-volunteer force than to either today's draft or the French Revolutionary *levee on masse*. Classes would have born either equal shares of expense or equal responsibility for providing volunteers. Every volunteer would have been paid a fair wage.

The structure equated the monetary tax paid by those who did not serve with the tax in kind of military service. Never before nor since in American history has such total recognition of the tax aspect of the draft been coupled with so complete an attempt to tax everyone according to pay, personal inclinations, and minimal exemptions.

Even these limited measures bitterly divided the Nation, and the war ended without enactment of compulsory military service. The tradition of voluntarism would be preserved through this year, and later during the Mexican War. I commend part 2 of the paper prepared by Mr. Rafuse for the Gates Commission to your attention:

UNITED STATES' EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

PART TWO: THE WAR OF 1812 AND THE MEXICAN WAR

(By John L. Rafuse)

Proposals for conscription—the War of 1812

On June 18, 1812, though totally unprepared, the United States declared war on Great Britain. The struggle which raged in Europe between France and England had years before begun to impinge upon American interests. Years of commercial legislation against the belligerents had backfired and hurt American shipping without forcing either British or French to respect neutral rights—one violation of which was British impressment (conscription) of American seamen. The newly-elected "War Hawk" Congress, envisioning glorious war with England and the easy annexation of Canada, began to pass preparedness legislation in 1811. By April, 1812, the ban on regular enlistments had been lifted, Ranger companies authorized, the Regular Army authorization increased, money appropriated for 30,000 volunteers, and equipment and logistic provided—all on paper.

This rush of legislation did nothing to make service as a regular appealing: no increase in pay was forthcoming, no change in enlistment term was made, and no alteration of popular or individual attitudes about military service was attempted. People were expected to rush the Army when years of experience militated against such action. People were expected to enlist when nothing had changed; military compensation remained inadequate, so Congressional intent was not matched by popular enthusiasm for long-term service. This was America's first demonstration that legislation does not equate with flexibility or responsiveness in war. In April President Madison was empowered to call 100,000 militiamen for 6 months' service because regular recruitment had not worked. On June 1, 1812, President Madison gave a bellicose message to Congress, and less than three weeks later war was declared.

As in the Revolution, the enemy again was England, and many Americans did not want war. This time the division was by states. The government of Massachusetts, Rhode Island, and Connecticut refused to furnish quotas of militiamen on the grounds that the Constitutionally-required conditions for providing militia had not been met. Their refusal reduced the 100,000 men paper militia provided the President by 13,500. In addition, the authorized regular army of 35,603 actually stood at 20% of that strength, while the 30,000 Federal volunteers did not exist. Regulars, volunters, and militia totalled 166,000 on paper, but fewer than 7,000 men were in uniform. The United States could not take advantage of the fact that the British had only 4,500 troops in Canada.

The initially bad situation worsened steadily. The Navy, though spectacularly successful early, was captured ship by ship or bottled up by the British blockade during most of the war, the newly-elected governor of Vermont tried to withdraw the state militia from active duty at the Canadian border, and militiamen refused to cross the Canadian border to fight, even though comrades were engaged in battle within their sight across the border.[1]

In spite of New England's lack of cooperation, militias provided the majority of the American soldiers during the war. Militia troop failures resulted in several dangerous defeats for the United States. In other cases, militias simply refused to cross the national border on the constitutional grounds that they were not obliged to serve outside the United States. Recruiting for the Regular Army continued to be slow. Army Department historians have summed it up thusly:

"The greater attractiveness of the short-term militia tours with their high bonuses and the absence of any kind of compulsion to bring men into the service were handicaps which the Regular Army recruiting teams with small immediate $16 bonuses and nebulous future land grants could not overcome. By the emptiness of the Regular regiments, the Congress, again in session, tried to remedy this situation by such expedients as increasing the pay for all enlisted grades; exempting enlisted men from arrest for debt; making the term of enlistment the duration of the war instead of five years; advancing the enlistees $24 of their pay; and increasing the premium for enlistees from $2 to $4."[2]

Despite these and later measures which raised bounties to $124 and 320 acres of land, the monetary inducements offered by Federal recruiters could not match those of militia recruiters. Despite this, the Regular Army grew from fewer than 7,000 at the outset of the war to 38,000 by September 1814. The population of the U.S. at the time was roughly 7 million, so an equivalent number of volunteers today would be only 1,530,000 men. But there were an additional 471,000 volunteers of militia enlistments (which, as in the Revolution, include man re-enlistments), raising the 1970 equivalence total by several millions. Table 2 gives the type, numbers and terms of service of the troops in the war of 1812.

TABLE 2.—TROOPS OF THE WAR OF 1812[1]

	Number	Percent
Type of troops:		
Regulars (including 5,000 Navy and Marine)	65,032	10.6
Special Federal volunteers:		
Federal volunteers	10,110	1.9
Rangers	3,049	.6
Militia	438,463	86.9
Total	527,654	100.0
Term of service:		
12 months or more	63,179	12.0
6 to 12 months	66,325	12.6
3 to 6 months	125,643	23.8
1 to 3 months	125,307	23.8
Less than 1 month	147,200	27.9
Total	527,654	100.0

[1] Upton, op. cit., p. 137.

The war was an almost uninterrupted string of defeats for the United States. By the fall of 1814, Washington had been burned by the British, American forces had dwindled to 38,000 and would shrink by another 5,000 in February. Some 16,000 of Wellington's Invincibles, finished with Napoleon, had landed at Quebec, with more expected. In response to a request by President Madison, Secretary of War Monroe submitted a set of proposals to the Congress on October 17, 1814 to raise 40,000 men to bring the Federal forces up to their authorized strength.[3] The additional units would not be constrained by state boundaries or national boundaries, since Canada was the target. Monroe's proposals were considered in an extremely partisan atmosphere.

The debate in Congress centered about two plans involving classification and the federal government's right to raise armies independently of the states. The crux of the argument was the difference between the militia and the Army and the tradition of militia service for home defense as contrasted to military service at a distance. The New England states opposed the war for political and economic reasons, but argued against legal grounds. The tyranny of the majority and the spectre of Napoleon's absolutism were raised repeatedly. Daniel Webster led the way, arguing the conscription would force free men into an army (for war) under the guise of militia service (for home defense). He felt that this was an unconstitutional "means to extract slavery from the substance of free government."

The fiery debate ended on November 22, 1814. The Senate passed a draft bill based on a combination of Monroe's proposals. The bill provided for a population-based quota for each state, and the states' militias were to be divided into classes, the number of which would equal the total manpower requirement for a federal force. Each class would then provide a man for two years (by volunteering or internal draft), and would encourage voluntarism by offering a bounty raised by a progressive tax on class members.

At the same time, the House had been

Footnotes at end of article.

debating a bill closely aligned to another of Monroe's alternatives, by which the entire male population (18–45) of the United States would have been placed into classes of 25 men. Each class would have been a cross-section of wealth. Each would provide a soldier or help pay a soldier. The House passed its version on December 14, 1814, but before the final ironing out could take place, the war ended. One effect of the debates was to stir talk of secession by New England. Conscription was one of the issues, along with anti-war sentiment, that led to the Hartford Convention, at which some New England representatives proposed secession from the Union. The Treaty of Ghent ended the war and prevented further discussion or debate of either the Hartford resolutions or the draft. The news did not reach America, however, until after Andrew Jackson and 5,000 Americans had defeated the flower of the British army at the Battle of New Orleans (January 8, 1815). As Upton [4] puts it:

"While the nation had reason to exult over so single a victory, the battle in no sense vindicated a dependence on raw troops. It only proved, as at Bunker Hill, that with trained officers to command them, with an effective artillery and regular troops to support and encourage them—and above all, when protected by works so formidable that nothing but a regular seige should have dislodged them, advantages of position may compensate for an utter lack of instruction and discipline."

Nonetheless, the militiamen received the credit.

Had one of the conscription bills been enacted during the War of 1812, it would have been closer to an all-volunteer force than to either today's draft or the French Revolutionary *levee on masse*. Classes would have borne either equal shares of expense or equal responsibility for providing volunteers. Every volunteer would have been paid a fair wage. The government would not have collected taxes or paid wages and the lack of government involvement was vital during the controversy over states' rights. This was the point that Webster was making when he differentiated militia service from army service. The bill which passed in the House did not. In each case, however, the structure equated the monetary tax paid by those who did not serve with the tax in kind of military service. Never before nor since in American history has such total recognition of the tax aspect of the draft been coupled with so complete an attempt to tax everyone according to ability to pay, personal inclinations, and minimal exemptions. Monroe [5] discussed possible objections, stating:

"Nor does there appear to be any well-founded objection to the right in Congress to adopt this plan, or to its equality in its application to our fellow-citizens individually. Congress has a right, by the Constitution, to raise regular armies, and no restraint is imposed on the exercise of it except in the provisions which are intended to guard generally against the abuse of power, with none of which does this plan interfere. It is proposed that it shall operate on all alike; that none shall be exempted from it except the Chief Magistrate of the United States and the Governors of the several states."

Further, after stating that the Congress had the power to raise armies by other than strictly voluntary means, Monroe went on:

"The idea that the United States cannot raise a regular army in any other mode than by accepting the voluntary service of individuals, is believed to be repugnant to the uniform construction of all grants of power, and equally so to the first principles and leading objects of the federal compact. An unqualified grant of power gives the means necessary to carry it into effect. This is an universal maxim, which admits no exception. Equally true is it, that all its citizens; or rather, the citizens composing the commonwealth have a right collectively and individually to the service of each other, to repel any danger which may be menaced. The manner in which the service is to be apportioned among the citizens and rendered by them, are objects of legislation. All that is to be dreaded in such case, is the abuse of power; and happily our constitution has provided ample security against that evil."

In speaking of the duty and right of all citizens "collectively and individually, to the service of each other" and of the power of legislation, Monroe was primarily concerned with equity and the abuse of power. His clarification—"or rather, the citizens . . .", demonstrates his concern that the people come before the state, and the entire tone of his plan demonstrates his further concern for equity before law and his recognition of the draft as a tax to be equally paid.

From every point of view, then, the Monroe proposals of 1814 sought the equitable distribution of both the duty and of the right to serve. The proposals would have provided true voluntarism and would have provided compensation so that the forces would be all-volunteer.

After the War of 1812, the militia units were never used to the same extent. The U.S. kept a standing army after the War of 1812, whose numbers varied with Congressional mood. The militia, on the other hand, declined after 1815 with the relative security and economic growth of the nation. Training and discipline fell off in the compulsory militia units, and volunteer units, made up of men who enjoy military exercise, grew.

The shrinking regular army authorizations after 1815 forced Jackson to fight the Seminoles (1817), and Scott the Indian Wars of the 1830's, with the traditional dual army of militia units and regulars. By the end of the Indian Wars of the 1830's, Congress was enlisting regulars for five years and maintaining only a small total force.

THE MEXICAN WAR

In 1844, James K. Polk was elected on a platform of territorial annexation and expansionism. The annexation of Texas and the avowed interest of Polk and the American people in California increased the tension between the United States and Mexico. Pressure increased steadily until May 11, 1846 when Polk laid his war message before Congress.

Despite the long sequence of events before war was declared, the United States was not adequately prepared. Zachary Taylor's (1845) "Army of Observation" in Louisiana numbered approximately 1500 men at a time when the Regular Army totalled only about 6000. The Commanding General of the Army, Winfield Scott, recommended in November 1845 a prompt increase in the size of the army, but no action was taken. By the end of the year, the President and his Cabinet had agreed that defense preparations should be made, and messages were sent to the Military Committees of both Houses of Congress. A central point of the messages was that the President should be empowered to call for volunteers rather than militia. The messages evoked no response, nor did Polk's special message to Congress on March 24, 1846; but the concentration of troops in Texas continued until approximately 3500 regulars were massed there despite Government statements that there was no danger of war.[6]

On April 24, 1846, open hostilities broke out along the Rio Grande, which both nations had begun to claim, though it had never been the border of Texas. In reaction General Taylor wrote to Washington requesting 12 month volunteers. This period of service, which seems short today, was definitely long-term in the view of those concerned in 1846. Compared to the periods of militia or even Regular enlistment in the Revolution and the War of 1812, one year was indeed long-term for volunteers. On May 13th the United States declared war on Mexico, and an act was passed authorizing the President to call 50,000 volunteers for twelve months or until the end of the war. The United States armed forces grew from 7000 at the outset of the war to a total of 103,000 in the army alone during the war—all of the growth was attributable to volunteers. There were also approximately 7,500 men in the Navy during the war. The Mexican War began in May, 1846, at which time the Regular Army consisted of 637 officers and 5,925 men. By July 5, 1848, when the war ended, the Army had grown to 42,374. In addition, 60,931 officers and men had enlisted in the 12-month volunteers. At the outbreak of the war, the male population of the United States between the ages of 18–45 was approximately 4,260,000. Today that group numbers 31,736,000, so the equivalent armed force today would be about 7.45 times as great, or 769,522 men. If the 18–38 age group (24,904,000 men) were asked to supply a proportionate number of men today, the resultant army would be about 5.84 times as large or 603,301. These numbers seem small, but they were deemed adequate at the time, and proved to be so.

At first volunteer units were easier to fill—they were paid the same as regulars, their enlistment term was shorter by four years, and their discipline was more relaxed. In addition they received an extra $3.50 per month to furnish their own clothing, since the Army was unable to do so. The situation was changed, however, by a law passed January 12, 1847, which provided regulars an enlistment bounty of $12 and changed the enlistment term to five years or the duration of the war, at the soldier's option. The following month bounties of land were added, varying with length of service. The 1847 enactments made the term of service the duration of the war. The casualties during the war are shown in table 3 below:

TABLE 3.—MEXICAN WAR CASUALTIES

	Regulars			Volunteers			Total in full
	Officers	Enlisted	Total	Officers	Enlisted	Total	
Killed in battle	59	526	585	50	557	607	1,192
Died:							
Wounds	23	402	425	12	92	104	529
Disease	88	4,811	4,899	112	6,144	6,256	11,155
Accident	5	164	169		192	192	361
Total	175	5,903	6,078	174	6,985	7,159	13,237
Deserted	0	5,331	5,331	0	3,876	3,876	9,207

The table provides one more indication of the lack of preparation for the war: for every man killed in battle, another eleven died and another eight deserted. Much of the fault was with bad sanitation, supply, transport, and training, so most of the losses were needless. Much of the desertion [7] has been blamed on the attraction of gold discoveries in nearby California. Despite the waste of life, voluntarism provided all the manpower

for a foreign war of more than two years duration. Militia troops were not used, and the country had not been prepared for war, yet the response and flexibility proved adequate. The war was the most uniformly successful in American history to that time, and conscription was never considered.

FOOTNOTES

[1] Kreidberg and Henry, *op. cit.*, 42f, and Emory Upton, *Military Policy of the United States*. Washington, Government Printing Office, 1911, 95f, give the figures and discuss the war in considerably greater detail.

[2] Kreidberg, *op. cit.*, p. 47.

[3] Monroe's proposals are contained in their entirety in *American State Papers, 1814 Military Affairs*, pp. 514–517.

[4] Upton, *op. cit.*, p. 135. One thing which must be considered in using Upton is his extremely anti-militia bent. In this case, as his statistics, his appraisal seems accurate.

[5] *American State Papers, 1814 Military Affairs*, 514f.

[6] Upton, *op cit.*, 195f, traces the military aspects of the Mexican War from the early stages, and does not go into the political aspects at all. For a sketch and interpretation of the reasoning and machinations behind the war see S. C. Morrison, *The Oxford History of the American People*, New York Oxford University Press, 1965, 550f. He is quite hard on Polk.

[7] *A Study of Desertion*, unpublished paper covering the years 1831–1920. No author or date is given in this paper, which is in the Army Library in the Pentagon. The catalog number is: UB .789.S33.

REVENUE-SHARING MEASURES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROBISON of New York. Mr. Speaker, two editorials in the March 6, 1971, New York Times deserve special thought and attention as we discuss the many aspects of President Nixon's bold and innovative revenue-sharing measures. As the first article, entitled, "Needed Federal Tax Lifeline" indicates, America's States and cities are facing an increasing financial crisis which can no longer be ignored; and which the traditional pattern of providing Federal categorical grants is not solving. The second article, entitled, "Sound Start by the President," rightfully congratulates the President on recognizing some of the difficulties inherent in any such shift in Federal programing. By providing the funds for planning and management assistance to cities and States as they adopt to the new revenue-sharing approach of Federal funding, the President's total package becomes as practical as it is exciting. The full text of both editorials follow:

NEEDED FEDERAL TAX LIFELINE

The enormous new city and state taxes confronting New Yorkers drive home the necessity for a massive program of Federal revenue sharing. Whatever the argument over the size and thrust of President Nixon's tax-sharing plan, one point is undebatable: the Federal Government alone can raise funds in a manner that will enable New York and other metropolitan centers to meet their huge needs without drying up industry and driving away their most productive citizens.

The big cities have become the repository of the social anguish generated by the technological revolution in agriculture and other long-term upheavals that have concentrated 80 per cent of the country's population in urban areas. Yet, as New York's plight demonstrates, the more energetically each community draws on its own resources to grapple with the consequences of this national dislocation, the harder it becomes to hold on to the business enterprises and the creative people needed for viability.

America's cities and states are in frenzied competition to attract and retain industries that will provide stable jobs and function as responsible corporate citizens. The level of local taxes is a major element in that competition.

It becomes particularly decisive when a city depends as heavily as does New York on its appeal as a headquarters for industry, finance, communications and other white-collar activities. Attractiveness to middle management tends to be controlling in company thinking on whether to come or to stay.

When New York City projects a 6 per cent local payroll tax at the same time that state income taxes are due to rise and the combined level of city and state sales taxes goes to 7 per cent, it is nonsense to suggest that these imposts will not operate as a powerful deterrent to many employers—to say nothing of their effect on middle-class and well-to-do families.

The whole national tax pattern is becoming a crazy quilt in which the cities and states that are most responsible in meeting social needs are at a crushing competitive disadvantage. The Federal Government could best rationalize the structure by functioning as central collector of individual and corporate income taxes, then making disbursements to the localities under equitable standards established by Congress. That is the direction in which revenue sharing points.

As it is, the Federal Government last year collected $90 billion in individual income taxes and $33 billion more in corporate taxes. For state and local governments, according to the Tax Foundation, collections came to $11 billion in individual income taxes and another $4 billion in corporate payments. Pennsylvania and Rhode Island have just joined the club, but eleven states still collect no income taxes.

It is perfectly plain that neither New York City nor New York State can avoid the painful necessity of doing much more on their own, no matter how generously Washington responds this year. But the economy-chilling potentialities of the specific programs now under consideration at City Hall and in Albany are so drastic that the patient may well die if the White House and Congress bog down in endless debate over the right cure.

SOUND START BY THE PRESIDENT

The messages President Nixon has sent to Congress on the manpower and urban development parts of his revenue-sharing plan reflect an admirable willingness to adapt his program to make it more responsive to valid criticisms.

He has recognized the incapacity of many local governments to measure up to the heavy responsibilities the Administration plan would thrust on them by recommending a $100-million program of planning and management assistance to states, cities, and area-wide agencies. Such a program could do more than raise the deplorably low level of professional competence now so widespread in local government. It could contribute to regionalization and other movements toward more rational organization of local services.

Similarly, in the manpower field, Mr. Nixon has recognized that the ultra-purist view of job training he took in vetoing the bill passed by Congress last year would work to deprive hard-pressed cities of the opportunity to create public service jobs that would benefit the unemployed as much as the community.

On urban development he has provided maximum latitude to the cities in applying funds that up to now have been smothered in red tape to the vast detriment of progress. He rules out none of the programs now under way, from Model Cities to sewer construction; but the absence of any apparent standards or review power on the part of the Federal Government may prove a death knell for many undertakings vital to the poor.

Over-all, the central criticism remains the small size of the special sharing programs. When allowance is made for normal growth of programs launched in recent years, it is not enough to provide assurance that no city will lose funds. The needs are staggering. Standstill grants are not remotely adequate.

SUPPORT FOR EMERGENCY URBAN LOAN PROPOSAL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BADILLO. Mr. Speaker, last Thursday, I took the floor of the House to outline a proposal I feel is urgently needed if the fiscal crisis of our cities and States is to be resolved. The initial reaction has been very encouraging.

My proposal—that the Federal Government issue 50-year bonds to finance $20 billion in loans to the States and the cities in the next 2 fiscal years according to the formula in the administration's general revenue-sharing plan—has already been endorsed by the Citizens Budget Commission of New York. Favorable editorial comment has been forthcoming from the New York Post, the New York News, and El Tiempo.

I present herewith for inclusion in the RECORD a news article on the proposal, the aforementioned editorials, and the statement of the Citizens Budget Commission.

[From the New York Daily News, March 5, 1971]

LOAN FOR CITY URGED IN FOREIGN AID STYLE

(By Frank Van Riper)

WASHINGTON, MARCH 4.—Rep. Herman Badillo, declaring that cities like New York are as much in need as underdeveloped countries, called today for a foreign-aid style self-help, emergency loan program in the form of a bond issue that would provide $20 billion in interest-free loans to urban areas over the next two years.

Before unveiling the proposal in his maiden speech in the House, the New York City Democrat said in an interview, "If we lend money to foreign countries, why not do it for our own cities and states?"

LOAN WOULD BE REPAID

Badillo said his proposal could be used as a test run of President Nixon's proposed revenue-sharing plan to see how states and cities would use no-strings federal money. The only difference—and Badillo termed this a safeguard against fiscal misuse—would be that localities would be required to repay the loan over a period of 50 years.

The New Yorker also said the loan plan could be put into operation quickly, to help strapped cities now, while Congress debates more permanent financial aid programs.

MILLS IN FAVOR

Badillo said he discussed his plan yesterday with Chairman Wilbur D. Mills (D-Ark.) of the influential House Ways and Means Committee. Mills, a strong foe of revenue sharing, was described by Badillo as preferring the loan approach to the Nixon plan for no-string grants. Mills reportedly thought the loans should be a 3% interest charge, however.

Badillo said the distribution formula for the loans would be identical to that of the administration's revenue sharing, with n state receiving more than 10% of the total money available. Thus, New York State would receive about $1 billion a year for two years with $700 million of the $2 billion total going to New York City, Badillo said.

He said that because his proposal would provide money "in the form of a loan rather than a grant, I believe we can avoid a long, drawn-out debate over restrictions, the earmarking of funds, etc."

"Perhaps the strongest safeguard against abuse of these funds is the cities' and the states' awareness that Congress will be watching how the money is spent, and weighing this experience in development of a long-range approach," Badillo said.

BUDGET UNIT BACKS BADILLO LOAN BID

The Citizens Budget Commission endorsed yesterday the proposal of Rep. Herman Badillo (D-Bronx) that the federal government lend $20 billion to cities and states over the next two years.

This program would keep localities solvent until "disputes between those who advocate revenue sharing and those who prefer a federal takeover of welfare" are ironed out, said John W. Larsen, president of the commission.

REPRESENTATIVE BADILLO SUGGESTS

It seems highly unlikely that Congress will do anything definite this year about President Richard M. Nixon's plans for sharing federal revenues with states and cities.

So Rep. Herman Badillo (D-N.Y.), in his first speech in the House since his election to Congress, proposed yesterday that the government come up with $20 billion worth of interest-free stop-gap loans to states and cities over the next two years. The money would be raised by a federal 50-year bond issue; the state and city borrowers would have 50 years to repay. New York City's share in the loans would be about $760 million.

Without going overboard editorially for the Badillo plan, we'll observe that it least it doesn't call for flat giveaways to governors and mayors with palms outstretched, and that we believe Congress ought to give it respectful consideration.

[From the New York Post, Mar. 5, 1971]

A SENSE OF URGENCY

A new kind of U.S. savings bond has just been recommended to Congress; the purpose of the bond would be to help save the cities.

The proposed securities were recommended by Rep. Badillo (D-N.Y.). A federal government issue, at the going market interest rate, would be floated to raise $20 billion; the revenue would then be used to provide interest-free loans of $10 billion this year and next to states and cities, and repayments would be made over 50 years.

In the Congressman's view, based on inquiries among informed brokers and investment specialists, the bonds would find a ready market.

If that forecast is sustained by Congressional committee study, the issue would produce ready money at a time of critical need.

This is not a program that can be substituted for orthodox revenue raising and sharing. But it could be an interim source of funds in view of long legislative and budgetary "lead time" on authorizations and appropriations. It reflects a true sense of urgency. And it could help reduce some of the most pressing national debts—to the cities.

[From the El Tiempo Nueva York, Domingo 7 De Marzo Dj, 1971]

CHARITY BEGINS AT HOME

In his first speech in the House since his election to Congress, Herman Badillo proposed that the government make available $20 billion in no-interest loans, over a two-year period, to the financially strapped urban areas of the country.

As it seems likely that President Nixon's plan for sharing revenue with states and cities is a couple of years away, Congressman Badillo's suggestion makes a lot of sense.

Mr. Badillo was quick to point out that "if we lend money to foreign countries, then why not to our own cities and states." Certainly, cities like New York are as much in need as underdeveloped countries. It just does not make sense that this government should play a perpetual Santa Claus to foreign nations, while letting its own people go begging for food, education, medical care, housing and the like.

Wilbur D. Mills, Chairman of the powerful House Ways and Means Committee was described by Mr. Badillo as preferring his approach to that of Nixon's "Give away" program.

John W. Larsen, Chairman of the Citizen's Budget Commission, said in support of Mr. Badillo's proposal, "This program would help keep localities solvent until disputes between those who advocate revenue-sharing and those who prefer a federal take over of Welfare are ironed out."

El Tiempo heartily endorses Congressman Badillo's timely proposal and urges the Congress to give it immediate consideration.

ON PROPOSED FEDERAL REVENUE SHARING

STATEMENT OF JOHN W. LARSEN, PRESIDENT OF THE CITIZENS BUDGET COMMISSION

There is general agreement that additional federal funds should be made available to the States and local units of government. In terms of actual cash flow, Congress would have to deal with three separate issues:

How much shall be granted?

When shall the funds be made available?

How shall the aid be distributed?

On the issue of *How much*, the President's proposal called for an annual rate of about $5–$6 billion. New York State and New York City officials have asked for an initial national annual rate of $10 billion. Others have gone even further. While few would doubt that the States and localities could use $10 billion or more, there appears to be no room in the proposed 1971–72 federal budget for more than the amount proposed by the President unless (a) the federal budget total were increased or (b) federal budgetary priorities were drastically changed. To do either would be both controversial and time-consuming, thus gravely increasing the risk to the States and localities that additional aid would not be made available in time.

On the issue of *When*, there is little disagreement about the need for the earliest possible initiation of any new aid program. Specifically, both the State and the City of New York need large amounts of additional revenue almost immediately and similar reports have come from other States and localities.

On the issue of *How* additional federal funds should be distributed that there is no consensus at all. If anything, the divisions of opinion are steadily becoming more pronounced. Inasmuch as there can be no aid program without an agreed-upon allocation formula, there now exists a clear and present danger that there will not be any new aid program until the disputes over allocation are settled in the Congress. On the basis of past experience, this agreement on allocation may take years during which the fiscal situation of some States and many localities may become catastrophic.

The dispute over allocation formulas pits the proponents of revenue sharing against the proponents of a federal take-over of programs, particularly welfare, now partially financed from Washington. Proponents of revenue sharing claim that only unrestricted federal grants would enable States and localities to render the services which the people need. In reply, it is said that many State and local governments lack the administrative skill or other qualities needed to handle large amounts of no-strings-attached federal funds and that, in any event, there should not be a separation between the level of government that raises the taxes and the one that spends them, lest fiscal irresponsibility becomes the order of the day. Proponents of a federal take-over of welfare programs claim that this is the only way by which Congress can be sure that the money is spent in line with Congressional intent. In reply, it is said that governmental wisdom—and propriety—is not exclusively the province of the federal bureaucracy.

These arguments are of a fundamental constitutional and philosophical nature. There are, however, other arguments of a more mundane nature. Whatever nationwide total amount in aid to be granted by the Congress may be determined, different allocation formulas would result in different distribution patterns among the States and localities. It is obvious that a federal take-over of welfare would be especially attractive to the handful of large States that are responsible for better than half of all welfare expenditures—the one category of expenditure that is now rising at a rapid and quite unexpected rate.

There are other possible sources of controversy. For example, assuming Congress dedicated that the federal government should take over all welfare expenditures, the question would then arise as to what is to be taken over. Would it be the present overly-costly, socially-destructive and generally discredited welfare system or some version of a Family Assistance Plan? It is unlikely that welfare reform can be staved off any longer regardless of how the costs are to be shared. This too is a matter of controversy the solution of which will take time—and probably more time than is warranted by the urgent needs of the States and localities.

If the States and the localities are to receive substantial amounts of new federal funds (in whatever form) within the next few months, a way will have to be found to by-pass the allocation disputes between those who advocate revenue sharing and those who prefer a federal take-over of welfare. What is needed is an interim solution to bridge, say, the next two federal fiscal years—to allow time for working out a permanent consensus without impeding the needed flow of federal aid to the States and the localities.

One interim solution—proposed by Congressman Herman Badillo—appears to be based on a realistic evaluation of what can and should be done. This proposal would—for the next two years—substitute federal interest-free loans for federal grants. The use of such loan funds would be basically unrestricted and their allocation would be primarily on a population basis. By clearly labelling such funds as "interim," this solution would allow Congress time to deal in depth with the numerous constitutional and philosophical facets of a permanent allocation formula. In the meantime, it would make federal money available almost immediately. Of course, no State or local government would have to apply for such interest-free loans unless it wanted to. But if it

did, it would receive federal funds—something which might not otherwise happen within the reasonable future were the flow of such funds dependent on Congressional approval of a final allocation formula.

Based on fiscal and political considerations, the proposal by Congressman Badillo deserves support as a stopgap measure.

REPRESENTATIVE ARENDS MERITS HONORS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SPRINGER. Mr. Speaker, the following article which appeared recently in the Danville, Ill., Commercial News, enumerates the political accomplishments of our colleague and Republican Whip, LES ARENDS. To the deserving praise in this editorial should be added that LES has served his constituents, his district and his country with selflessness, integrity, and courage. I know my colleagues in the Congress have the same great affection for LES ARENDS as the people in Illinois and will be interested in reading the editorial which follows:

REPRESENTATIVE ARENDS MERITS HONORS

Rep. Leslie C. Arends of Melvin, congressman from this 17th Illinois District, has served his country so long and faithfully that new honors seem almost routine.

He was elected to the House of Representatives in 1934, took his seat in that body in 1935. His ability quickly came to the attention of his party's leaders and in 1943, he was elected whip—an almost unprecedented honor for a comparative newcomer.

Since 1934—and since 1943—he has been re-elected by his constituents and his colleagues. He has not set a record for longevity of service in the House but he has as his party's whip. In fact, no man in U.S. history, of any party, has held this position so long.

Congressman Arends is an active whip, otherwise he would not be named to the job year after year. He knows how to get things done, both on his side of the aisle and on the more populous side where the Democrats sit. It would be impossible to enumerate here the beneficial measures which Rep. Arends helped guide through the House on their way to becoming the laws of the land. And on the reverse side of the coin, he has used his superb talents as persuader par excellence to block unwise legislation that might have done this country great harm.

Small wonder, then, that his party wants him to continue in the job.

But he is more than a salesman of GOP wares. He is the ranking minority member of the powerful House Armed Services Committee and is a perennial congressional delegate to NATO conferences in Europe.

Small wonder, too, that the Veterans of Foreign Wars has selected him to receive the VFW's eighth annual Congressional Award for Outstanding Service. Herbert R. Rainwater of San Bernardino, Calif., who is commander-in-chief of the veterans organization, commented that "I can think of no one who is more deserving." High praise—in view of the previous winners: Sens. Henry Jackson, Carl Hayden, Everett M. Dirksen and Richard Russell, and Reps. John McCormack, Olin Teague and Wilbur Mills.

Since Les Arends never forgets that he has a local, as well as a national, constituency, we can say conscientiously that the recognition couldn't have been accorded a better man.

CATERPILLAR TRACTOR CO.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MICHEL. Mr. Speaker, the 1970 annual report of the Caterpillar Tractor Co., included a letter to the shareholders from Mr. William Blackie, chairman of the board and Mr. W. H. Franklin, president of the company.

For the first time in the company's history the volume of sales outside the United States exceeded that within and this letter to the stockholders outlines the problems and challenges confronting the company as it continues to make progress in the highly competitive international market.

I include the reprint from the company's 1970 annual report in the RECORD at this point:

TO THE SHAREHOLDERS

Just as its three-year agreement with the United Automobile Workers was about to expire on October 1, 1970, the Company was confronted by the union's central negotiating body (representing eleven U.S. plants and 30,500 employees) with a choice between two alternatives: (a) be struck—for an indeterminate period of time, or (b) accede to one of the union's most pressing "demands"—a provision for unlimited open-end revision of wage rates based on changes in the cost-of-living index.

The Company chose the latter course, and a strike was thereby averted at least until such time as the terms of a more general "pattern" should be established as a result of bargaining between the UAW and the major constituency of its membership, the automobile industry.

In due course an agreement was, accordingly, reached. Its principal terms call for substantial increases in wage rates and retirement pensions, for greater employment-related benefits, and for the aforementioned unlimited cost-of-living wage increases based on the Consumers Price Index.

The general economic effect of the agreement will be to increase all employment costs substantially in excess of any present or prospective gains in output per man-hour of paid time. The general result, as in the past, can only be further deterioration of the purchasing power of the U.S. dollar as prices are increased in an effort to preserve worthwhile profits and thereby justify the continuation of manufacture of the more marginal products.

This erosion of the value of the currency is naturally a cause of concern among those having national responsibilities in fiscal or monetary affairs, and efforts were made by them to contain the inflationary consequences. The main thrust of such efforts was, however, based on a classical assumption that (1) wage settlements would decline soon after unemployment rose and (2) prices would increase more slowly after capacity utilization declined. As shown by the actual settlements in 1970, this did not occur. Neither wage settlements nor prices have moderated, and it should be understood that most of the contracts involving the large industrial unions call for further wage increases in the second and third years of the commitment—entirely without regard to the state of the general economy or of the particular business, to the degree of capacity utilization or to the volume of unemployment.

In such circumstances, prudent business managers must consider whatever courses of action may be available to ameliorate the adverse effects of the rising costs. One is simply to abandon the production of goods which can no longer be made at prices which customers will pay for them. Where the market conditions will permit, another is to raise prices—to recover the higher costs and thereby reflect in new cost-price relationships the decline in the value of the currency.

Manufacturers competing wholly within the United States have fairly equal freedom to adapt between these two unattractive alternatives. The U.S. manufacturer who exports but does not produce abroad is less fortunate. In competition with manufacturers in overseas markets, he may not be able to raise his prices sufficiently to recover the increase in domestic costs.

But those concerns operating on an international scale and having production sources outside the United States do have one other alternative: to do abroad what they cannot do successfully at home.

Wages rates and man-hour production costs vary country by country and, in an important number of instances, those prevailing outside the United States are substantially lower than those within it. For companies attempting to compete effectively worldwide, this may leave little alternative but to undertake production in some country where lower costs would allow competitive international prices and, therefore, sales at a worthwhile margin of profit.

If, however, manufacturing survival based on least-cost source were to be carried to an extreme, there would be a generally unacceptable relocation of production, investment, employment, profit, and taxes based on income. It is not, therefore, likely that any nation able to protect itself against such an occurrence would refrain from taking whatever restraining measures might be available. These could include, for example import restrictions, export incentives, and investment controls.

But such devices, while they may sometimes provide an expedient short-term palliative, do not provide a sound long-term solution. That is surely to be found only in a scheme of things whereby competition is stimulated, not thwarted, and the worldwide exchange of goods and services is expanded, not contracted.

For the successful achievement of such an objective, it is our opinion—supported by our experience and observation—that the solution lies in the combination of multilateral reciprocal trade agreement with an international monetary system whereby, in an orderly process of readjustment, exchange rates are related more closely to the changing real market values among countries.

As was stated in our annual report for 1968, the end purpose of the monetary system is not and should not be made money itself or the preservation of historical parities which become outmoded in the changing times. Rather, it should be the preservation of real *values;* and these involve people and their needs or desires for employment, for goods and services, and for a sense of security, which at times seems to be more threatened than strengthened by efforts to overcome international monetary instability.

In trade—with other things being equal—the desideratum should be the greatest practical freedom for the exchange of goods between sellers and buyers. But "other things" are seldom equal, and among the most disturbingly unequal in *international* trade are the differing wage-cost levels among different countries and the differing prices derived from these levels when translated into other currencies.

Therein lies the source of and the remedy for the major obstacle to the further development of international trade. Foreign exchange parities established in earlier times and under the different conditions then prevailing could not possibly be appropriate for the present times and conditions. If they are

to serve the purposes for which they were established, parities must surely be modified from time to time as the conditions affecting these purposes change.

On an informal country-by-country basis, there have been over the years a substantial number of unilateral modifications in foreign exchange parities. In number, these have been greatest among the less-developed countries which had their currencies seriously eroded by internal inflation. Of greater importance for purposes of international business were, however, the actions taken by major trading nations. Thus in November, 1967, Great Britain devalued the pound sterling; in August, 1969, France established a new parity for the franc; while in October, 1969, West Germany revalued the deutschemark. More recently Canada allowed the exchange value of its dollar to "float"—presumably until and as long as it stabilizes at a rate which will best serve Canada's purposes.

Some of these and certain other countries may be obliged to consider still further adjustments in exchange rates. But among those countries which have made no adjustment in modern times, none could now do so to greater international advantage than Japan. Since parity for the yen was established at 360 to the U.S. dollar in May, 1953, Japan has become one of the world's most highly developed industrial and commercial nations—trading aggressively and freely wherever its goods can penetrate foreign markets. This it has usually been able to do on the basis of prices lower than those of competitive indigenous alternatives. And insofar as such lower prices may be the result of higher work productivity, superior management, or more effective industrial discipline, the Japanese should be entitled to earn the benefits. It can hardly be claimed, however, that they are also entitled to obtain extraordinary competitive advantage on the basis of outmoded foreign exchange rates.

The disparity that exists today is significant, and present indications are that it will increase still further. In that event the need for exchange rate readjustment will become all the more pressing, and the stresses among the trading nations will be accentuated. Within the United States, evidence of this was given by the proposed Trade Act of 1970. It would have placed quotas on the imports of certain goods and provided means whereby the imposition of quotas on other goods could be facilitated. To some extent, it reflected a form of retaliation against the aggressive success of Japan's industry; and yet, if passed, the law would have operated to incite foreign retaliation against U.S. exports. Such retaliation would be taken against goods and commodities not involved in the import restrictions, and the harm would fall unfairly on those who had no part in bringing about the "trade war."

The last thing this weary world needs—especially at this time—is a trade war. Were one to break out, it would be inexcusable because it is avoidable. Surely the time has come when the conditions of multilateral reciprocal trade established under the terms of the GATT should and can be complemented by a multilateral reciprocal system for establishing and adjusting monetary exchange *values*.

Such a system should permit exchange rates to move in relation to each other timeously and, therefore, *gradually*—in a rational, interpretable manner. It should recognize that there is no such thing as "stability" unless it is to be found in an orderly system of continuous revision. Too often in the past, needed adjustments have been too late and, therefore, too drastic—undertaken only under the compulsive threat of monetary or political crisis. Within the tolerances of international economics, the business community is reasonably capable of making its own prognostications and adapting accordingly. It has much less capacity to foretell the actions of either political bodies or monetary authorities—which, preferably, should be kept independent of each other.

If some such system were established, the coordinate to which other currencies should relate would—under present conditions—have to be the U.S. dollar. In spite of criticism sometimes directed against those who have responsibilities for its health, it is, in free international exchanges, the most generally acceptable reserve currency medium. This does not refute the fact that the value of the dollar has eroded—both internally and externally. It would mean that, in making adjustments, appropriate recognition should be given to the other fact that the basis for the determination of relationships is itself a variable.

If the effective utilization of such a system could be brought about, it would serve to alleviate some of the conditions which are creating present and recurring stresses among the trading nations—stresses which, unfortunately and unnecessarily, could go beyond matters of trade or investment and place undesirable strains upon diplomatic relations.

This, at the moment, is a threat in the case of U.S.-Japanese relations. Vis-a-vis each other, the yen is undervalued and the dollar is overvalued. Correction could be obtained by appropriate revaluation of the yen or by devaluation of the dollar. With so many other international currency relationships based on the dollar, any such devaluation would, however, be extremely and unnecessarily disturbing; and unless other countries, such as Japan, allowed the devaluation to modify the preceding relationships, the effect would be diluted or defeated.

Despite these rather general comments about some of the problems of international trade, it should not be assumed that Caterpillar has been merely waiting for actions by governments or others—at home or abroad—to foster its international business. On the contrary, it has over the years established and now has in being a strategic deployment of resources outside the United States.

Apart from its strong independent dealer organization, the Company has substantial manufacturing subsidiaries operating in Scotland, England, France, and Belgium, while somewhat smaller units are producing parts, components, or assemblies in Australia, Brazil, Canada, Mexico, and South Africa. Parts warehouses are based in England, Belgium, and Singapore as well as at certain manufacturing plants, while commercial subsidiaries are headquartered in Geneva, Switzerland, and Hong Kong.

In Japan, Caterpillar Mitsubishi operates under the joint ownership of Caterpillar and one of that country's most illustrious business organizations. The results of the operations of that affiliate are not incorporated in the reported consolidated figures, but the venture is now maturing into a successful enterprise from which there can be expected worthwhile contributions to Caterpillar's future earning power.

Another, and much smaller, affiliate operates in India in equity partnership with Larsen & Toubro, Bombay.

From the aforementioned description of resources and their locations, it will be apparent that Caterpillar is well situated to participate effectively in worldwide developments and to capitalize on expanding overseas markets. In particular, it is prepared to be a contributing part of the industry of the European Community, especially if that were to be expanded to include Great Britain and several other countries. It also has in the Far East a deployment of resources which is unequaled in the industry—already in position to take appropriate advantage of the growth and progress getting under way there even now.

When undertaking the establishment of its overseas facilities and investments, it was Caterpillar's primary purpose to protect and expand markets which it, for the most part, had opened up. These were exposed to serious threats of competition or displacement which could be met only from bases of operation closer to the important markets in which competition or restrictive government actions might have had adverse effects upon Caterpillar business. This purpose is, on the whole, being achieved—with the understanding, of course, that there will always be need for aggressive venture or defensive response as time and change go on.

While it had been expected that, in addition to serving its primary purpose, overseas production would prove to be stimulating to *exports from* the United States factories, the results have exceeded expectations. In each case where Caterpillar has established overseas production in a selected country, the volume of sales has increased within that country for *both* the particular Caterpillar products made in it and those exported to it from the United States. To some extent, these exports include parts and components to be incorporated in the machines produced overseas; but, to date, the major portion of such exports is comprised of those whole machines *not* produced by the related subsidiary.

Of perhaps more potential long-term significance is, however, the increasing extent to which the controlled overseas subsidiaries of U.S. corporations are becoming capable of producing abroad the equivalent of American-made goods on a cost-price basis which permits imports into the United States in full and successful competition with the indigenous products. This suggests that the time and the conditions are approaching when greater consideration will have to be given to the selection and use of sources of supply on a least-cost basis—worldwide. Multi-national concerns which seek to be competitive in world markets are increasingly obliged to recognize that if their products are to be sold at competitive prices they will have to be made or procured at competitive costs—and from whichever sources, at home or abroad, are most competitive. The essential point is that, in free competitive markets, prices and costs must be related on approximately the same bases—otherwise there is either no effective competition or no business at all.

These opinions suggest another, viz., that international business cannot be considered only in terms of trade. Parallel consideration must be given to foreign investment. The two go hand in hand—with each complementing and supplementing the other.

Appropriate recognition of this would suggest greater caution in the continuance of the so-called "temporary" controls now in effect for U.S. direct foreign investment. Whether they have been helpful or harmful is now beside the point. The time has come when they should be removed—if for no other reason—because the United States can no longer count with assurance on its ability to generate a surplus on its balance of *trade*. If there is to be a favorable balance of *payments*, there should, accordingly, be more adequate recognition of the need for and the long-term advantages of a substantial incoming flow from the return on foreign investments.

The general purport of these remarks has been to inform investors of some of the problems of the times and to indicate that while broad general solutions are beyond the control of the Company it is not deprived of opportunity to work out its own particular pursuit of progress.

Some evidence of this is contained in the following report, and it seems worthy of note here that, for the first time in the Company's history, the volume of its sales outside the United States exceeded that within. Al-

though the manufacturing output of consolidated overseas subsidiaries continued to increase during the year, so also did exports *from* the United States. As a result, Caterpillar was able to increase its net contribution to the U.S. balance of payments to a record-breaking $791 million.

While not entirely satisfactory, the results of operations for 1970 were somewhat better than had been earlier expected. This is a tribute to the men and women who contributed their part during the year and who also earned for their company the accolade of those independent U.S. business managers who voted Caterpillar first among major industrial concerns for its image of quality. Comment on this is made later in the report, and we would only point out here that a reputation for quality is not earned from product alone. The quality of product is a result; the creative cause of it lies in those thousands of people who, throughout the worldwide Caterpillar organization, its independent dealers and its suppliers, have been putting their own *personal* qualities into their work.

A COMPREHENSIVE REPORT ON THE IMPLEMENTATION OF PRESIDENT NIXON'S STRATEGY FOR PEACE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GERALD R. FORD. Mr. Speaker, yesterday our distinguished former colleague, Secretary of Defense Melvin R. Laird, presented to the House Armed Services Committee a most candid and comprehensive report on the implementation of President Nixon's strategy for peace. I commend this document to a careful study by all Members of Congress, and indeed by all Americans. Certainly this is clear and credible language even in such a complex area as defense for anybody who really wants to understand what the Nixon administration has done and is attempting to do to bring about a generation of peace.

I was particularly impressed, Mr. Speaker, with the point made by Secretary Laird that the Vietnamization program for reducing the American involvement in Southeast Asia is important not only for the obvious purpose of winding down the long and tragic present war, but also as the foundation for the prevention of future Vietnams. As a former ranking minority member of the Defense Subcommittee of the Committee on Appropriations, I am impressed by the breadth and scope of current planning and insert at this point in the RECORD the section of yesterday's Defense report entitled "Concepts for Defense Planning."

I include the material as follows:

II. CONCEPTS FOR DEFENSE PLANNING

Planning in the revised and revitalized National Security Council context now takes into account all assets available for achieving foreign policy objectives. The goals we seek for the enhancement of American and world interests—peace, freedom, social, economic and political development, broadening opportunities—obviously cannot be achieved by means of direct military power alone.

The basic objective of our Strategy of Realistic Deterrence is to prevent armed conflict and ultimately to eliminate its use as a means by which one nation tries to impose its will upon another. But so long as the threat persists that other nations may use force, adequate military power must remain an essential element of Free World strategy.

In defense planning, the Strategy of Realistic Deterrence emphasizes our need to plan for optimum use of all military and related resources available to meet the requirements of Free World security. These Free World military and related resources—which we call "Total Force"—include both active and reserve components of the U.S., those of our allies, and the additional military capabilities of our allies and friends that will be made available through local efforts, or through provision of appropriate security assistance programs.

A. THE TOTAL FORCE APPROACH

"It needs to be understood with total clarity . . . that defense programs are not infinitely adjustable . . . there is an absolute point below which our security forces must never be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect national security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no purpose in conflicts between nations to have been almost strong enough."

Elsewhere in this Defense Report, I present a summary of the several existing threats to Free World security. In planning to meet these threats, we intend to use the Total Force approach. We will plan to use all appropriate resources for deterrence—U.S. and Free World—to capitalize on the potential of available assets.

In considering the spectrum of potential conflict, we will be guided by the following principles in our defense planning:

In deterring strategic nuclear war, primary reliance will continue to be placed on U.S. strategic deterrent forces.

In deterring theater nuclear war, the U.S. also has primary responsibility, but certain of our allies are able to share this responsibility by virtue of their own nuclear capabilities.

In deterring theater conventional warfare—for example, a major war in Europe—U.S. and allied forces share the responsibility.

In deterring subtheater or localized warfare, the country or ally which is threatened bears the primary burden, particularly for providing manpower; but when U.S. interests or obligations are at stake, we must be prepared to provide help as appropriate through military and economic assistance to those nations willing to assume their share of responsibility for their own defense. When required and appropriate, this help would consist essentially of backup logistical support and sea and air combat support. In some special cases, it could include ground combat support as well.

Moreover, U.S. involvement in world affairs is not based exclusively on our alliances, but rather, our formal and informal obligations derive from and are shaped by own own national interests. To protect our interests, we must insure free use of international air space and free access to the world's oceans. Thus, our future defense planning must also insure a U.S. capability to prevent an effective challenge to free use of international air space and the oceans of the world.

The significance of Total Force planning perhaps is best illustrated by examining its military application to NATO.

As has been stated, the U.S. bears primary responsibility in the field of strategic and theater nuclear weapons, although in the latter case certain of our allies also contribute significant forces. Our strategic forces must be sufficient now and in the future, since they are a cornerstone of the Free World's deterrent. By providing strong, effective and survivable strategic forces, reliable and effective inteligence and command and control, and other necessary capabilities in our strategic posture, we seek to convince potential opponents that recourse to the holocaust of general nuclear war will continue to be an irrational and unsucessful option.

U.S. strategic forces relate primarily to the deterrence of a strategic nuclear attack. They also serve an important role, together with theater and tactical nuclear capabilities, in deterring conflict below the level of general nuclear war.

However, as the last two decades have demonstrated, reliance on a nuclear capability alone is by no means sufficient to inhibit or deter aggression. A sufficient nuclear capability must be coupled with a sufficient conventional capability in both our own forces and in those of our allies. This conventional capability must be adequate to meet aggression in the sophisticated environment which would be expected in a conflict with the Warsaw Pact. If these NATO forces are to deter this type of aggression, they must be capable of confronting it with such capabilities as strong armor and antitank forces, appropriate air power for air superiority and ground combat support, strong naval forces to support NATO's flanks, and other combat and support forces.

In addition, such a conflict would require reinforcement and augmentation from the U.S. and would undoubtedly involve conflict at sea. Therefore, we and our allies must be able to control wherever necessary the air and sea lanes needed to support U.S. and allied forces abroad.

Finally, because some of our NATO allies—for example, Greece and Turkey—do not have and cannot afford needed modern equipment, it is in our interest to help them modernize their forces, and to rely on them to man and operate those forces. Conversely, we must and do expect that those NATO allies who are able to do so will improve their contributions to the common defense through appropriate programs, financial participation, and force modernization.

In summary, through application of all resources across 1, the full spectrum of possible conflict and 2, the full spectrum of capabilities, we intend to maintain sufficient U.S. strength and to mesh this strength with that of other nations in a new order of partnership. If we are to achieve a lasting peace, we must work together to deter aggression, to prevent war.

We will apply the Total Force Concept in non-NATO areas as well. The President stated in his Foreign Policy Report to Congress last year, in a passage with particular application to Asia, that our friends and allies must bear an increasing responsibility for their own defense.

In his second annual Foreign Policy Report to Congress last month, he said:

"We will continue to provide elements of military strength and economic resources appropriate to our size and our interests. But it is no longer natural or possible in this age to argue that security or development around the globe is primarily America's concern. The defense and progress of other countries must be first their responsibility and second, a regional responsibility. Without the foundations of self-help and regional help, American help will not succeed. The United States can and will participate, where our interests dictate, but as a weight—not the weight—in the scale."

When the Nixon Administration assumed office in January, 1969, just the opposite was the case in Southeast Asia. U.S. forces were carrying the major part of the burden. Our first challenge under President Nixon's Strategy for Peace was to reverse the trend toward greater and greater involvement of Americans in ground combat. We set out to end

American military involvement in the Indochina fighting.

A key element for the success of our new strategy is the need for Total Force planning in an even wider context than defense planning alone. This wider context embraces all Free World assets—military and non-military—which can help prevent the outbreak or continuation of conflict, while fostering freedom, peace, self-determination and cooperation among nations.

B. VIETNAMIZATION AND TOTAL FORCE PLANNING: THE NIXON DOCTRINE IN ACTION

Vietnamization represents the clearest example, in its broader terms, of the Total Force Concept in action. It takes both military and non-military resources into account. It reflects integrated, coordinated and systematic planning by the United States and our allies. It utilizes all available means to bring down pressure to bear on the level and intensity of conflict while seeking to end that conflict—hopefully through successful negotiations. Vietnamization helps mobilize diplomatic and political action for a peaceful settlement, and economic and security assistance for long-term economic stability. Its objective is self-reliant South Vietnamese defense forces, and it encourages increasing cooperation among free Asian nations to aid in restoring and maintaining peace in Indochina.

In my Defense Report last year, Vietnamization was characterized as the first crucial step in implementing the Nixon Doctrine. I said then:

"Vietnamization is both a means to an end and a beginning: a means to end the American involvement in Vietnam and to make a credible beginning on our new policy for peace and increased self-reliance in Asia. This first step in implementing the Nixon Doctrine is of critical importance in ending the war. Moreover, success of the Nixon Doctrine can help remove the need for similar American ground combat involvement in future Asian wars, an important objective of our new strategy."

Our single objective in South Vietnam has been and remains to help that country ensure self-determination and become capable of maintaining security and insuring its own future. At the same time, we seek methodically to terminate American combat involvement in Indochina in such a way that the prospects for effective self-defense—and, more hopefully, the prospects for lasting peace in the area—will be enhanced by the orderly way in which we leave.

Our activities in Indochina during the past year and in the forthcoming year should be measured and evaluated in relation to goals which have guided this Administration since the beginning of Vietnamization:

Maintaining our obligations and interests in Asia as we move toward a generation of peace;

Reducing American casualties;

Continuing the reduction of Americans from all of Southeast Asia;

Turning over military responsibility to the South Vietnamese in a way that provides South Vietnam with its own defense against aggression;

Implementing the Nixon Doctrine effectively.

The start of Vietnamization was based on several critical assumptions:

If the Paris negotiations were not successful, conflict in South Vietnam would continue.

The process of winding down and ending American combat involvement had to begin in 1969 and go forward steadily.

As long as the conflict continued, Free World assistance to South Vietnam would be required.

But with appropriate Free World assistance, the Republic of Vietnam and its people could in a relatively short period of time cope effectively with threats to their security from both the Viet Cong and the North Vietnamese.

The Concept of Vietnamization. In October of 1969, I outlined to the National Convention of the AFL–CIO in Atlantic City the basic concept of Vietnamization. That concept has not changed. As I told the AFL–CIO:

"In January (1969), the U.S. Government had no alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

"Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for all aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

"The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain after all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris."

Since assuming office as Secretary of Defense, I have made three trips to Vietnam. In that time, all aspects of Total Force planning in its broader context have been addressed and, in my view, have contributed to the President's program for peace.

Integrated Force Planning. In early 1969, my initial trip to South Vietnam as Secretary of Defense concentrated on the military situation, the status of U.S. forces, and the effectiveness of the Republic of Vietnam Armed Forces (RVNAF). I found that our fighting men in Southeast Asia, under the superb leadership of General Abrams, had the resources to accomplish their assigned tasks, but those tasks, as of that time, were not consistent with the expressed goal of South Vietnamese self-determination. The U.S. forces were carrying the main part of the military burden. There were no indications of a program adequate to bring about self-reliance of the RVNAF, to develop South Vietnamese forces which could handle the prospective long-term internal and external military threat, or to bring about significant and orderly reductions or changes in the U.S. military presence in South Vietnam.

After that trip, we proposed policies to improve the RVNAF's capabilities consistent with new U. S. objectives. President Nixon announced the concept of Vietnamization. We then immediately initiated planning for the redeployment of U. S. forces. Despite a continuing substantial enemy military threat, Vietnamization looked promising enough in the early stages to permit the historic Midway decision and announcement by the President in June 1969. U. S. troop redeployments started shortly thereafter, and have continued through six major increments, as of today. There will be further and continuing withdrawals of U. S. forces.

Within the Total Force concept, there are three distinct phases to Vietnamization:

The first phase consists of turning over to South Vietnam the ground combat responsibility against VC/NVA forces. As I have said many times before, we expect to complete Phase I by this summer, although American ground combat forces will remain in a security role to protect U. S. forces as Phase II progresses.

The second phase consists of developing within South Vietnam the air, naval, artillery, logistics and other support capabilities necessary to maintain effective independent security. Phase II has been in process concurrently with Phase I, but it will take longer to complete because of the complex training involved.

The third phase will consist of reducing the American presence to a military advisory mission, together with whatever small security forces are needed to protect this mission. Further reductions of our assistance and advisory presence will then continue, under the Nixon Doctrine, as South Vietnam continues to grow in national strength and self-reliance, until no more U. S. military presence is required.

DOWNWARD PRESSURE ON CONFLICT

The Strategy of Realistic Deterrence seeks systematically to diminish the likelihood of outbreak or continuation of conflict. Faced with an intense ongoing and seemingly endless conflict when we assumed office, we had first to establish conditions conducive to lowering the intensity of the conflict while ending direct American involvement.

By any measurement of our overall activities in Southeast Asia since the start of Vietnamization, the thrust of American activity has been downward. For example:

American combat deaths are down from peaks as high as five hundred a week to an average below fifty a week. I want to stress that we will not be satisfied, of course, until there are no U.S. combat deaths.

By May 1971, American troop strength in Vietnam will have been reduced to almost half the authorized ceiling of 549,500 when I became Secretary of Defense.

American air attack sorties in Indochina during 1970 were down more than 50% from peak 1968 levels.

American war costs for Southeast Asia have been cut approximately in half from the peak level of 1968, and are continuing to decline.

In short, American involvement by any measure—casualties, operations, manpower levels, incremental war costs—is significantly down. At the same time, security inside South Vietnam is markedly improved, and Vietnam's neighbors, notably Cambodia, are making new and determined efforts to defend themselves.

To insure the further downward trend in the level of conflict, particularly in the absence of successful negotiations, requires a continued and carefully programmed increase in the ability of the South Vietnamese to assume more and more of the burden of conflict themselves, and then to preserve the peace once hostilities have ended.

The buildup of South Vietnamese forces to permit them to defend themselves, against not only the Viet Cong but also the North Vietnamese, has been essential to the success of Vietnamization. Improvements in fire power and mobility have been the primary need, requiring extensive materiel transfers and training programs to develop naval, helicopter, tactical air, artillery, and logistic support capabilities. These improvements are progressing on or ahead of schedule. More heartening even than the statistical milestones of Vietnamization has been the actual field performance of Vietnamese forces, particularly since the conduct of the highly successful Cambodian sanctuary operation last spring. Vietnamese forces have demonstrated professional skill, valor, and combined arms effectiveness in their operations to date. Particularly noteworthy has been the Vietnamese ability to operate removed from their permanent bases against enemy-

occupied areas. The current operations in both Cambodia and Laos are providing a further test of their increasing abilities.

As I have advised the Congress and the American people many times, we cannot expect the South Vietnamese to win every battle. We must anticipate some temporary tactical setbacks as they gain increased confidence and strength.

I am confident that the Vietnamization program is succeeding and that more Americans will be coming home.

ECONOMIC ASPECTS

During my second trip to Vietnam in early 1970, it was possible to broaden the scope and perspective of that visit in comparison to the first, because of the impressive gains which had been achieved in the military aspects of Vietnamization. The result was an emphasis during the 1970 trip on the South Vietnamese economic situation.

The economic implications of Vietnamization are complex. In terms of availability of goods and services, the economy will continue to be under inflationary pressures resulting from wartime inflation. Actions undertaken and contemplated in connection with military Vietnamization will require increased spending by the Government of the Republic of Vietnam (GVN). At the same time, recent and proposed measures to increase domestic taxes can yield additional revenues only slowly over time, and the GVN is facing a decline in revenues from U.S. military purchases as U.S. forces redeploy. However, the overall level of U.S. economic aid is expected to remain constant, as U.S. programs are reoriented to aim at developing the economy. In addition, the foreign exchange rate, together with import duties, if adjusted frequently to reflect inflation, can yield increased revenues in the near future.

The Vietnamese are expected to be able to maintain economic and financial stability, even during the height of their military efforts, provided they continue to expand the capacity of their domestic revenue system, undertake further reforms to contain inflation, and receive adequate external assistance, such as the aid we provided Korea at the end of that conflict.

President Thieu began in October 1970 to carry out economic reform measures, among them a partial devalaution of the piaster. Detailed studies undertaken concurrently in Saigon focused on present and future needs with respect to exchange rate structures, interest rates, wage policies, tax reform, and GVN expenditure levels.

While all of the desirable changes obviously cannot be hastily implemented in the immediate future, a start has been made on programs with long-lead times. The U.S. and the GVN have jointly undertaken some preliminary measures to help strengthen the institutional foundations necessary for increased economic development even while hostilities continue.

During the past year, it has been gratifying to witness the salutary effects of the initial steps taken to improve RVN economic prospects, as well as the continued RVNAF military progress. The economic development process that lies ahead, though, will require further fundamental reforms and may prove to be one of the most demanding challenges of Vietnamization.

DIPLOMATIC AND POLITICAL ASPECTS

Vietnamization was conceived as both a complement to and an alternative for a negotiated settlement. President Nixon had earlier made explicit the U.S. interest in pursuing the route of negotiations.

Therefore, Paris was the first stop on my third trip to Vietnam in early January 1971. Representatives of our government and of the Republic of Vietnam have now held more than 100 weekly meetings with representatives of the other side in an effort to end the war by negotiation. However unpromising the Paris talks have been so far, we shall continue to pursue a diplomatic settlement of the conflict.

We have been, are, and shall continue to be ready at any time to make peace at Paris—on reasonable and generous terms. The President in October, 1970, presented an unprecedented five-point peace proposal for ending the war through negotiation. The enemy has refused to discuss these proposals. Nevertheless, our side will not abandon the search for a negotiated peace. This is the way we prefer to settle the war, because this is the way we could end it immediately.

The plight of prisoners of war throughout Indochina has been and continues to be one of the subjects most frequently raised by our negotiating team in Paris. Despite our persistent efforts, the other side has obstinately refused to provide complete and official lists of all prisoners or known dead; to permit impartial inspections of its camps; to release all seriously sick and wounded prisoners; and to accord the minimum mail privileges specified by the Geneva Prisoner of War Convention.

Through diplomatic channels, we have tried to bring the other side to improve the treatment of our men held prisoners and to undertake negotiation of their release. We have asked other governments to bring their influence to bear, and we have raised the issue in the U.N. At the same time, we have called repeatedly in the Paris Talks for humanitarian treatment of captured Americans, pointing out that this is a humanitarian matter.

I believe that because of the growing American and world public opinion pressure on the other side, some limited progress was realized during 1970. Two hundred and twenty prisoners of war, all but one of them in North Vietnam, were allowed to write to their families for the first time. Partial lists of prisoners were released by Hanoi sources.

The President's unprecedented peace proposal of October 7, 1970, called for both sides to release all prisoners of war immediately and unconditionally. This is an offer to exchange some ten prisoners held by the South Vietnamese for every one prisoner held by the other side. Despite the problems such a massive release would raise for the GVN, President Thieu gave his full support to this proposal. The inhumane reaction from the other side has been totally negative thus far.

Our goal, of course, remains the return as soon as possible of all of our men held captive and the fullest possible accounting for those missing. Some men now have been held for almost seven years, many for almost six. The families of over 1,100 men bear daily the anguish of not knowing whether their loved one is dead or alive.

Neither President Nixon nor I will consider Vietnamization to be completed until the Prisoner of War issue has been resolved.

As to general prospects for negotiations, I must reiterate that the information I received in Paris during my recent trip gave me no substantive reason to expect an early negotiated peace settlement. Nevertheless, our efforts to achieve peace through negotiations are continuing, since this is the quickest way to end the killing and to restore peace to that troubled area of the world.

As conceived from the beginning, Vietnamization is not just an alternative to negotiated settlement but also is a complement to and incentive for ongoing negotiations. We should not lose sight of the potential impact of Vietnamization on the negotiations. It may well be that the North Vietnamese have persisted in military action rather than negotiation because they believed that a war-weary U.S. would pull out in a disorderly manner. Therefore, they were determined to stay in the fight, preserve their infrastructure, avoid political compromise, and wait us out, hoping they could then prevail. The best chance to lead them to abandon hope of a military victory and to prefer negotiation is, therefore, to make it clear to the enemy that, even after the U.S. has left, they cannot prevail militarily because the South Vietnamese have the military ability and will to resist aggression.

PROSPECTS FOR THE FUTURE

We have come a long way in the less than two years since President Nixon's watershed decision to begin Vietnamization. My recent trip confirmed for me that we are pursuing the proper objective in supporting the goal of self-determination in South Vietnam. In less than two years the Nixon Doctrine has taken form. Major progress has been made in strengthening the RVNAF. The non-military dimensions of RVN self-determination are being addressed in a progressive and productive way.

While the bonds of partnership among the Free World Southeast Asia nations are growing stronger, the direct U.S. involvement, especially in the form of manpower, is diminishing—exactly as planned.

But we should not delude ourselves. There is still much to be done. The job ahead for full success of the military aspects of Vietnamization remains a difficult one. The same is true for the economic facets of Vietnamization. The ties of partnership in the security field among Southeast Asian nations need to be strengthened to make optimum use of available resources. We must continue to focus on the intimate relationships among the military, economic, political and diplomatic facets of the Indochina situation as we press ceaselessly toward an end of American involvement in the war.

In summary, as I told the Senate Armed Services Committee on 27 January 1971, in reporting on my recent trip:

"Our objective for the future is that the United States will not need to rely on its own manpower to achieve the objective of self-determination for our friends and allies in Asia, and to thwart Communist aggression in that part of the world. Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

". . . most of the leaders of Asian nations with whom I and members of my group talked, share this determination. They told us that with U.S. material assistance, such as that recently voted overwhelmingly by Congress for Cambodia, they want to do the defense job themselves to the maximum extent possible. I was heartened by their enthusiastic acceptance of the Nixon Doctrine in action, and I would simply say at this time that it is this spirit and determination on the part of our friends and allies that will form a crucial foundation of our Strategy of Realistic Deterrence for the 1970's."

C. TOTAL FORCE PLANNING AND INTERNATIONAL SECURITY ASSISTANCE

The challenging objectives of the Nixon Doctrine can be achieved as I reported to the Congress last year, only if we and our allies both contribute to their achievement.

Each nation must do its share to contribute what it can appropriately provide: manpower from many of our allies; technology, material, specialized skills from the United States. By furnishing the materiel and related training support essential to develop and maintain such forces, the International Security Assistance Program serves as a key instrument of the Nixon Doctrine. It is for these reasons that security assistance assumes new importance for initiatives in the

area of national security and foreign policy, through which the Administration seeks to reduce both the total cost of an adequate defense posture and our overseas involvement.

Many willing and potentially helpful friends and allies simply do not have the resources or technical capabilities to assume greater responsibility for their own defense. Unless we help them, the basic policy of diminishing the need for direct U.S. military involvement, without impairing Free World security, cannot be successful.

The better equipped our friends and allies are to provide for their own security, the more firm will be our own security. This is so because the probability of war and of U.S. involvement in war will be lowered.

An effective security assistance program can allow an increasing replacement of U.S. forces—particularly ground combat forces—with local forces. A vigorous and successful security assistance program can also help achieve a period of more meaningful negotiations and a less dangerous world environment as part of the program to attain our objectives: lasting peace and expanding freedom—that is our hope and that is our goal.

D. NEW INITIATIVES TO SUPPORT A STRATEGY OF REALISTIC DETERRENCE

The Strategy of Realistic Deterrence calls for new initiatives and new concepts to complement Total Force planning. Some of these initiatives will fall in areas where the U.S. bears the primary responsibility, while others will stem from closer integration of our planning with that of our friends and allies. Some may more properly be called new directions or redirections of effort, rather than initiatives. Regardless of what they may be called, we believe they are necessary—to modernize our forces, reshape them to future environments, and to provide for our security.

U.S. Force Planning Initiatives

The Free World relies on U.S. strategic forces as the cornerstone of its deterrent. As President Nixon has stated, our strategic force policy is one of sufficiency. In addition to our diplomatic initiative in SALT, we believe that it is appropriate to explore a range of new concepts for future strategic force planning. Depending on progress in SALT or the growth in the military threat, particularly from the Soviet Union, we may or may not need to implement some of these concepts. But I believe it is only prudent that they be examined now. I will discuss key examples of force planning in Chapter IV of this section of the Defense Report.

Another difficult area in planning our forces for the future is the range of potential crisis situations which may require positioning of general purpose forces. In the past, these forces have been designed primarily for sophisticated conventional theater warfare, although provisions were included for minor contingency and limited war conflict situations. We are investigating possible modifications to selected portions of our existing forces, both to enhance overall capabilities and to improve the responsiveness of our forces.

One major step we have taken is our new policy with respect to Reserve Forces. Members of the National Guard and Reserve, instead of draftees, will be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

Lower sustaining costs of non-active duty forces, as compared to the cost of maintaining large active duty forces, make possible a greater flexibility in planning the Total Force structure. This lower cost of non-active forces allows more force units to be provided for the same cost as an all-active force structure, or the same number of force units to be maintained for lesser cost. However, it also requires that the capability and mobilization readiness of Guard and Reserve units be promptly and effectively enhanced. We are taking steps to do so as I will elaborate later in this report.

Other instances of more efficient use of existing forces are being pursued by the Services. For example, the Army is planning to form and test a tri-capability (TRICAP) division at Fort Hood, Texas, with an armor, an airmobile, and an air cavalry combat brigade—to facilitate incorporation of these separate capabilities into one division. The Navy intends this year to test a "CV concept" for a dual ASW and attack aircraft capability aboard our carriers, while retaining the ability to operate either in a full ASW or a full strike mode as appropriate to the circumstances. This concept could increase significantly carrier-operating flexibility. The Air Force is proceeding with procurement of air-transportable "bare base" support sets to enhance their capability for rapid deployment of tactical air forces to austere bases.

These are a few examples of modifications to existing U.S. forces we are considering or implementing. Others are discussed in later sections, and will be amplified by the Services in their reports to Congress. We intend to continue examining and evaluating such programs, and the associated organizational structure for our military forces, with an objective of improving force capabilities, readiness, and responsiveness for the future. At the same time, we intend to pursue other new initiatives, both in the area of technology, and in planning with our allies.

U.S. Technology Base and Technological Initiatives

An adequate research and development, or technological effort remains a most crucial element of our overall defense program. In addressing technological requirements, it is important to distinguish between force levels, which basically establish the overall size of the annual defense budget, and the character and quality of the force, which is decided for future years by current RDT&E expenditures.

If it becomes necessary, we can mobilize the manpower and production potential of this country in a relatively short period of time. Everyone must understand that we cannot similarly improve overnight our technological base. This technological capability will only be available when needed if it is maintained, encouraged, and appreciated now as an essential national asset. Recent reductions in technological areas already have seriously affected our ability to sustain essential technological leadership.

It is not possible for the Department of Defense to provide for our security with a constant or falling level of U.S. R&D effort in the face of the expanding military research and development effort being pursued by the Soviet Union, an effort I will discuss in the next section. I do not know at this time what levels of research we will require by 1975 or by 1980; they will depend on what course the Soviets choose to follow. But I do know that for FY 1972 we must increase our technological effort, particularly as we reduce the size of our active military force.

More specifically, there are a number of areas in which we feel we must now move more rapidly than in the past. In each of these areas we are requesting increases in funding for FY 1972, and in several cases we are already requesting the use of emergency funds and reprogramming authority to accelerate effort in the remaining months of FY 1971.

Before highlighting these requests for an extra technological effort in FY 1972, it would be useful to examine why it is that with our current lower force and equipment levels we have chosen to increase our R&D effort in FY 1972 by some 12% over FY 1971. There are six major reasons for this increase:

1. To avoid the loss of technical superiority to the Soviet Union.

2. To reduce the number of instances—such as SPUTNIK in 1957—that we could expect to be surprised technologically by the Soviet Union in the next few years.

3. To create and maintain additional flexibility in our strategic deterrent forces.

4. To evolve the concepts and weapons necessary to preserve and enhance our ability to control the seas.

5. To improve the ability of our land and air forces to cope with rapidly improving Soviet forces.

6. To develop simpler and less expensive weapons to assist our allies and increase the efficiency of our own capabilities.

Maintaining technological leadership is also important because it will enable us to anticipate an opponent's developments from fragmentary intelligence and may help to design a prompt counter to these developments. And, of course, technological leadership is essential for a rapid response to unexpected operational requirements.

We recognize that these factors, even when considered together cannot enable us to determine the precise size of the R&D program required or this country's defense needs. But without a strong technology base, we would not be able to recognize or take advantage of new developments. Clearly, the objective of maintaining our technological leadership requires more than a minimum sustaining effort. Such an effort would, in fact, guarantee a loss of technological leadership.

Last fall, we conducted an intensive review of existing programs, management, and potential developments which might be pursued in the area of technology. From this review, we concluded that besides shifting emphasis on certain ongoing programs, we needed to embark on a path that would provide an array of new initiatives in our development efforts which could lead to new capabilities in our military programs.

I will mention some of the programs which we have developed or are developing. They will be discussed in greater detail by the Director of Defense Research and Engineering, Dr. John S. Foster, Jr., and other witnesses when they appear before the Committee. Programs contained in the FY 1972 Defense Budget include initiatives in all major mission categories. We have identified and are requesting approximately $300 million in the FY 1972 Budget for research and development to pursue these other "initiative" programs which could provide us with improved capabilities in the future. I wish to emphasize that we have made no commitment to production of specific systems, but we feel it is essential to expand our on-going research and development effort in this way to preserve and expand our flexibility for future production should such systems be needed.

In the strategic area, we are exploring several concepts which will be discussed in a later chapter.

In our ability to control the seas and project our forces abroad, we are:

Pursuing a broad program in the area of ocean surveillance using manned aircraft, and surface and underwater sensor systems.

Improving the communication capability of our fleet by means of satellites and underwater sound communication systems.

Accelerating the development of surface to surface missile capability for our ships.

Investigating possible V/STOL aircraft configurations and missions applicable to the air capable ship (ACS) now in the conceptual stage of planning.

Accelerating development of very high speed ship capabilities by proceeding with

hydrofoil craft of increased size and speed for use as missile attack ships, and by commencing model testing and design competition for a multi-ton experimental R&D Surface Effect Ship.

In the area of land warfare, we are: Increasing our attention to the problems of the individual soldier in an effort to make him more effective, more mobile, and less vulnerable to both ground and air attack when operating in varied environments.

Developing more accurate missiles and artillery to support our tactical forces.

Proceeding to develop less vulnerable helicopters with better surveillance capability.

Increasing our efforts in the area of suppression of anti-aircraft fire and surface to air missile defenses.

Improving the accuracy and stand-off capability of aerial delivered munitions.

Increasing our efforts to provide our forces with the capability to locate and identify a wide range of hostile radar targets with sufficient confidence to attack and destroy them without subjecting our aircraft to the dangers inherent in visual target identification.

Force Planning With Our Allies

The concept of force planning with our allies is not new; it is our objective to revitalize and improve this important military contribution to Free World security.

In NATO planning the United States must fully and effectively pursue detailed and integrated long-range planning and actions—including research and development, procurement, training and operations—that are appropriate for a total-NATO force. Our recent efforts represent major steps in the direction of making sure that NATO forces indeed do constitute a realistic deterrent to Warsaw Pact aggression.

The NATO Ministerial meetings in Brussels last December were the most meaningful NATO conferences that I have attended, either as a Congressman or as Secretary of Defense. They evidenced a new spirit in NATO—one in which our Allies fully recognized the existing realities and resolved on their own to take more of the defense burden upon their own shoulders.

I believe that three items of particular significance emerged from these meetings. First, the Ministers approved the NATO AD–70 Study accomplished over the preceding six months. It highlighted the need for more conventional deterrence and pointed out specific inadequacies in existing NATO capabilities. There was a unanimous feeling that more must be done in the conventional field and that modern and sufficient NATO tactical and strategic capabilities must be maintained.

A second important area was that of detente. While my fellow Ministers reaffirmed the importance they attached to Mutual and Balanced Force Reductions, they noted that Warsaw Pact countries have not directly responded to past evidence of NATO interest for such reductions. Consequently, my colleagues understandably did not go beyond the previous Rome communique in their treatment of Mutual and Balanced Force Reductions.

A third important area, that of burden sharing, set precedents which constitute a significant first step toward more equitable sharing of the NATO defense burden. Ten European nations agreed among themselves to provide almost a billion dollars of additional expenditures over the next five years, divided about equally between improvements to their own forces and contributions to an additional infrastructure program for better communications and aircraft shelters. This is the most tangible evidence yet of European recognition that Europe must do more in its own behalf, and is also the first purely European endeavor of such importance in which the U.S. has played no direct role. It is the first important common move toward force improvement in the last 10–12 years. This demonstration of European awareness of the strategic, fiscal, manpower, and political realities and their determination to face them is good for both Europe and ourselves.

We are continuing our studies and planning to integrate more closely all the resources available within NATO, to improve our procedures for management and mobilization, and thereby enhance NATO's capabilities.

Other examples of closer cooperation include the modernization program for Korean armed forces, and of course, the entire Vietnamization program.

But there are additional steps we are taking or planning to improve both our own and allied capabilities. One area involves a more cooperative R&D effort. The Services have a number of bilateral and NATO cooperative R&D programs underway with our allies, although the amount of funds is small. We are planning to test and evaluate some foreign weapon systems for possible adoption during this fiscal year, and plan to do even more in this area in FY 1972. In taking these steps, we desire to eliminate any unnecessary duplication in weapons systems research and development activity. To the degree that such duplication can be reduced, our overall force capabilities can be improved at lower cost.

Although this plan is not without disadvantages, it has been carefully weighed. We believe that it is in our mutual interest to proceed along these lines with our allies.

Similarly, we believe that our R&D program has a definite role to play in implementing the Nixon Doctrine. Suitable military assistance to our allies is frequently limited both by the items in the U.S. inventory, which may not necessarily be appropriate to the situation at hand and, in some cases, by a lack of knowledge of the technical and economic problems facing these countries. There are several areas where appropriate effort can help insure that suitable equipment or assistance commensurate with allied capabilities is provided.

At the present time, the International Fighter, for which we have included $128 million in the FY 1972 budget, is the only major development project specifically oriented toward support of the Nixon Doctrine. However, there are several smaller R&D efforts underway. One is the Advanced Research Projects Agency (ARPA) program of "tailored equipment" for less developed allies. This program will develop and/or test and evaluate a broad variety of more simple, less expensive and more maintainable equipments to meet the needs of these allies. Examples being considered are light attack aircraft, fast patrol boats, ambush protection for vehicles and low maintenance small arms.

Since these types of problems often fall outside normal Service responsibilities, we plan to have ARPA task the Services to perform specific, pertinent tasks using ARPA funds. In certain instances, the Services would be free to undertake projects on their own initiative. It is expected that this arrangement will remove such efforts from funding competition with regular Service programs, yet retain Service flexibility to support important programs which might have multiple applications. We intend to start this effort on a modest basis in FY 1972.

This new program will consolidate and expand on current projects to include those supporting our most important allies. Our goal is to provide equipment to reduce dependence upon U.S. forces, select equipment which offers an optimized military capability for the funds available, and provide options for more sophisticated U.S. general purpose equipment as appropriate and commensurate with the capabilities of a friend or ally.

HIGH UNEMPLOYMENT HAS NOT DETERRED JOBS FOR BRECKINRIDGE JOB CORPS CENTER TRAINEES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HORTON. Mr. Speaker, today's tight economic conditions and high unemployment rates affect us all, but they seem to place additional hardships upon the Nation's disadvantaged. Often unskilled and untrained for employment, they are pushed further and further down the economic ladder.

Their economic burdens are great, but often the psychological pressures are greater, especially for the young among the poor.

Without a job—or a chance to be trained for one—these young people look to a bleak tomorrow.

Fortunately, business and industry have begun to recognize the needs of the poor for training and jobs. One company which has been a leader in this area is Graflex, a division of Singer Co., located in Rochester, N.Y.

Graflex is the contractor of the Breckinridge Job Corps Center in Breckinridge, Ky. The center was established in 1965. Since Graflex assumed the contractorship in 1966, more than 4,000 disadvantaged youths have completed the training program.

In graduation ceremonies at the center recently, Hobard Butler, Job Corps official cited the Breckinridge center as an example of what such training programs can do. He said that Job Corps graduates are better qualified to hold jobs than ordinary high school graduates because of specialized training given to them in how to obtain and hold jobs.

During the ceremonies, 90 trainees were graduated. About 40 percent also obtained a general education diploma, equivalent to a high school diploma.

The cost of training one of these graduates during the average 9.4-month period was approximately $3,700 and the cost and effort appear to be paying off. Many past graduates hold well-paying jobs. Almost 100 percent of the 90 trainees in last month's graduating class have been placed in jobs—this despite the economic conditions which prevail today.

The inspiration for Graflex, Singer, to assume the contractorship of Breckinridge came from Gaylord C. Whitaker, chairman of the board, of Graflex. His enthusiasm, interest and dedication and that of his staff have helped to make the Job Corps center the success it is.

A recognition of the Breckinridge Job Corps center appeared in the article, "Panel Discusses Industry's Hiring of

Disadvantaged Youth," in the Evansville, Ind., Courier, November 13, 1970.

I would like to share this article with my colleagues in the House, not only because it cites the outstanding work being done at the center but also because it discusses the roles of management and union in hiring as well as training the disadvantaged.

We turn to such forward-looking companies as Grafiex, which, working with Federal agencies, help alleviate the job plight—so closely tied to the economic plight—of the disadvantaged.

The Courier article follows:

PANEL DISCUSSES INDUSTRY'S HIRING OF DISADVANTAGED YOUTH

MORGANFIELD, KY.—A firm's commitment to hire disadvantaged youths for industrial jobs has to be an all or nothing decision, Wayne Collins, an equal opportunity specialist for Bucyrus-Erie, said here Thursday.

Collins, speaking as a member of the three-man panel during Business and Industry Days at the Breckinridge Job Corps Center, emphasized that concept, "Management must take steps to hire disadvantaged workers only after everyone in the firm from president to co-workers are sold on the idea. Halfway measures in approaching the problem can only lead to failure."

Collins, co-ordinator for the affirmative action program for equal employment opportunity for the Evansville firm, presented in detail some of the special requirements that must be extended to the disadvantaged by employers, ranging from a "willingness to make salary advances so he can afford to eat and get to work before the first pay check is due" to "monthly orientation sessions to acquaint him with company rules and his place in the mainstream of the company's operations.

EMPHASIZE POTENTIAL

"Emphasize whenever possible his potential for progressing within the company as he merits it," said Collins.

Joseph Powell, fieldman for the Appalachian Council Job Corps project of the AFL–CIO, Huntington, W. Va., stressed the increasing role of unions in the recruitment and placement of disadvantaged persons in industry.

He described the union interest in Appalachia as "formed originally to push programs to move the area in a new direction"—a direction he described as from an impoverished existence toward a more viable community.

"Out of this activity, there has grown the AFL–CIO involvement in recruiting and placement of disadvantaged workers," he said.

Powell said in a three-year period the union has provided 11,000 job slots for the disadvantaged of Appalachia and has filled more than 3,000 of those jobs themselves.

He mentioned that the labor movement is becoming increasingly involved in plans for employing the disadvantaged, stressing union involvement in the social and political aspects of employment programs.

TRAINING PROGRAMS

Hobard Butler, Washington, D.C., an official of the Job Corps placement division, emphasized the training programs the trainees are exposed to at centers such as Breckinridge.

He asserted that Job Corps graduates are better qualified to hold jobs than the ordinary high school graduate because of specialized training given to them in how to obtain and to hold jobs. He challenged industrial leaders to rely less on diplomas and to lean toward giving the disadvantaged the opportunity to prove themselves capable of holding jobs.

90 TRAINEES GRADUATE

In graduation ceremonies following the panel discussion, 90 trainees were graduated in ceremonies at the center. About 40 per cent of them had also obtained a General Education Diploma, equivalent to a high school diploma.

Center Director James Fornear estimated the cost of training the graduates during an average 9.4 month period at $3,750 each.

A SOBERING REMINDER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. NELSEN. Mr. Speaker, the migration of farm families away from the countryside continues to be a very serious matter, as Ray Stougaard recently reminded his editorial readers in the Fairmont Sentinel, Fairmont, Minn. His sobering reminder is one that needs constantly to be borne in mind here in the Congress as we struggle to find the proper ways to bring new industry to rural America and as we attempt to reverse the population tide flowing to overcrowded cities. I included the entire editorial at this point in my remarks:

ANOTHER REMINDER

(By Ray Stougaard)

Abandoned farmhouses, groves without any buildings, or perhaps just a hand water pump sticking up in the middle of a plowed field . . . they are the visible signs of what is happening in The Sentinel area.

Exactly what is happening was spelled out in a state report on the loss of farms in five Minnesota counties in this area over the past 10 years.

Some 2,100 farms are no more. The land has been absorbed by other farms and the families who once made their livelihood in farming are gone.

It's interesting to note that the loss of farms and their families (at 3 plus per family) account for more than two-thirds of the total population lost (9,600) in the area since 1960.

The rate of farms lost is three times greater than the state average which is understandable because farming is our business. In other parts of the state, such as in the north woods country, it is not.

The sobering aspect of all this is that the loss of farms continues at the same rate as it has in the past 10 years.

This again re-enforces the necessity of creating more jobs in town for our farming people as they leave the land.

Nothing new about that but we must never let ourselves forget that our future lies in industrial development if we are to survive.

A GOOD PLACE TO BE "EXPECTING"

Of all the many reasons why rural living is tops, John Weber, editor-publisher of the Murray County Herald, Slayton, Minn., has added yet another: It is a good place to be "expecting." I include his entire editorial at this point in my remarks:

A GOOD PLACE TO BE "EXPECTING"—

Rural Minnesota in general and Murray county in particular seems to be a good place to live if you are expecting an addition to the family and don't particularly desire going broke financially in the process. This is the conclusion one would reach after reading a feature story on the cost of a baby in Sunday's Minneapolis Tribune.

Total costs to the parents of a newborn child, of course, are very difficult to compute. The Tribune, however, did an excellent job and also took a lot of intangibles, such as gifts, into consideration. But no matter how you cut it, the expense of parenthood in the metropolitan area is astronomical in comparison to what it is today at, for example, Murray County Memorial Hospital while using local physicians.

As close as we could figure it, hospitalization charges in our area are about half of what it would cost in the metropolitan area. Physicians charges, judging from the figures we were able to compile, are even lower on a percentage basis. According to the breakdown in the Tribune, the basic fee for delivery of a baby in the city hits $225.00. Here, the delivery charge is about $60.00. Prenatal care here hits an estimated $30.00, bringing the total charge for the physician to about $90.00.

A circumcision, in the Tribune's example case, ran $25.00 with an added set-up charge of $22.50. Here the whole procedure would go about $15.00-$10.00 medical and $5.00 set-up. Clothing, bedding and other miscellaneous expenses we assume would be only slightly higher in the metro area.

The study seemed to indicate that medical expenses in the metropolitan areas are increasing at a faster rate than any other segment of our cost of living. Undoubtedly they are also up in the country—but not at a rate that even compares with the city. Doctors in the metropolitan area, in our judgment, are in the process of asking for further inroads by proponents of socialized medicine. In the countryside, rates are substantially lower and the medics still manage to live quite comfortably.

We aren't as well acquainted in the rural communities of the state, but it appears that expectant parents can get the job done much more economically here—and still get the same fine, professional attention that they would expect in the highly populated areas.

MINNESOTA EDITOR PLUGS REVENUE-SHARING

Mr. Speaker, Thomas Kuechenmeister, publisher of the Wells Mirror, Wells, Minn., has written a strong editorial endorsing President Nixon's revenue-sharing proposal. It reflects the views of a number of citizens in our State, and I insert Mr. Kuechenmeister's editorial at this point in my remarks for the benefit of our congressional colleagues:

FEDERAL REVENUE SHARING

One of the major issues confronting the 92nd Congress is federal revenue sharing—and, hopefully, this might be the year when such a program becomes a reality.

President Nixon, in his State of the Union address, proposed a federal revenue sharing plan calling for $5 billion in new and unrestricted funds to be used by state and local governments with no strings attached, and $11 billion more (almost all of it coming from existing categorical aid programs) to be used for six broad purposes—urban development, rural development, education, transportation, job training and law enforcement. Within these six categories, the states and local governments would have free rein to spend the money as they see fit.

Many other federal revenue sharing plans have been proposed. Most call for a sharing of the revenue from federal income taxes with state and local governments, permitting those governments to decide how the money will be spent, without interference from the federal government. But until the last year

or so, the idea has never received really serious consideration.

Now revenue sharing is an idea whose time has come. State and local governments must find new sources of fiscal assistance to alleviate their financial distress. Property taxes have increased out of all proportion; along with state sales and income taxes, they can no longer produce the revenues needed to meet the expanded costs of state and local government. The federal income tax—with its efficiency of collection, its broad base covering all those receiving income, and its automatic increase with the growth of the economy—is the greatest source of revenue in the nation. Some of that revenue must directly be returned to the state and local governments which shoulder almost all the responsibility for the domestic affairs of this country.

Because of its revenue superiority and its doling of money to states, cities, counties and school districts through categorical grants, the federal government has become steadily more powerful. A program of federal revenue sharing will return some of that power to the states and local government. By bringing these funds closer to home the taxpayers will have a greater voice in determining how their money will be spent.

In the last Congress, some 59 federal revenue sharing bills were introduced, but no committee hearings were held by the House Ways and Means Committee or the Senate Finance Committee on any of them. This congressional reluctance to consider a federal revenue sharing bill may very well carry over to our present group of lawmakers, even though a recent Gallup Poll indicates 77 percent of the people favor such a program. Relinquishing of some federal power to the states and local governments is implicit in federal revenue sharing, and this does not easily meet with congressional approval. The absence of a budgetary surplus is another reason why economy-minded congressmen may oppose the program, as well as a strong politically motivated hesitance to increase income taxes, if necessary.

But common sense tells us that "no tax increase" is not one of the alternatives presented to lawmakers this year either at the federal level or in the state as Governor Anderson made clear in his budget message last week. Whether at the state or federal level, more fiscal resources must be found. And it would seem that federal revenue sharing, is the most just and favorable choice to be made.

RUSSELL FOUGHT FOR HIS IDEA OF VILIFICATION OF SOUTHERN LIFE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. HAGAN. Mr. Speaker, we are all aware of the outstanding character and natural leadership of the late Senator Richard Brevard Russell, of Georgia.

However, I believe that the First District newspaper, the Darien News, recently expressed so well a commentary on Senator Russell's personal and great defense of the South and I commend it to your attention:

RUSSELL FOUGHT FOR HIS IDEA OF VILIFICATION OF SOUTHERN LIFE

(By Edward H. Sims)

The recent death of Richard Russell of Georgia, dean of the Senate, should not pass without a commentary on his effort in the Senate for so many years—to defend the South and its way of life, a South which he believed too often vilified by a prejudiced nation. He once said: "The feeling against the South has become a national disgrace."

What the Senator meant was not that racial conditions in the South were perfect, but that they were as good as in other sections of the country and that the South was being used by politicians of all sections as a whipping boy, for votes, while much of the same way of life was hypocritically carried on outside the South.

That vilification might have been justified in a way by various events, but not more so than for other sections, which received no such political abuse. The Senator also resented that no Senator or statesman from the South had a chance to be President. As he saw it, prejudice against the South was the main reason—prejudice on the racial issue, much of which he found hypocritical.

He believed the two major races got on well in the South, generally speaking, and that there was more genuine friendship and love between them in the South than anywhere else in the nation, that the two races had learned to live together.

He acknowledged that change was due, that every American is due the same opportunity, education and rights of every other. But he fought all his life against measures aimed only at the South, and those which he considered unconstitutional, some of which he considered political pitches for votes. But when a law was passed he asked all to obey it.

If indeed Senator Russell was not completely right in his assessment, it must nevertheless be said that all of the Senate's recent members, including Harry Truman, Lyndon Johnson, John Kennedy, and Mike Mansfield, etc. acknowledged that he was better informed on the major issues of the day, and on the rules of the Senate, than any other man. They conceded he would have been President had he come from a state outside the South. All described him as a giant among giants in the Senate.

This being true, it's impossible to dismiss his defense of the South and its way of life as having no merit and no truth.

Far from being a reactionary, Russell was liberal in many fields. He said once he was a liberal in bad times and a conservative in good years and his voting record substantiated that statement.

This writer years ago visited Russell's office almost daily, as a young Washington correspondent. While he was far more important in the Senate than some of the other Senators on the daily call list, he would almost invariably make himself available for questioning if in. Others were often hard to corner, and if cornered would avoid answers to delicate questions. But Russell was a simple and open man, as his modest biography showed, which only mentioned that he was a Democrat from Winder, Georgia.

STOPPING TERRORIST BOMBINGS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PRICE of Texas. Mr. Speaker, twice already in the month of March, powerful explosions have been set off by certain unknown individuals or organizations. On March 1, the west wing of the Capitol was rocked by an explosion causing an estimated $300,000 worth of damage. Luckily, however, no one was injured.

That was not the case yesterday though in St. Louis, when two bombs exploded within 15 minutes of each other in an ROTC building. The second explosion injured 14 policemen and firemen who had come to the scene to investigate the first explosion. St. Louis police officials suspect that the 15 minute interval was timed to catch firemen and law enforcement officials investigating the first explosion with a lethal blast.

Mr. Speaker, these kinds of incidents are deplorable; they strike at the very heart of our free society. Criminal bombings must be stopped and must be stopped soon before more Americans become unwitting victims.

In the last Congress, I introduced legislation greatly strengthening existing Federal laws for the illegal use of explosives. In addition to strengthening existing penalties I also proposed invoking the death penalty for illegal bombings resulting in innocent deaths. I was most gratified that this proposal, in substantial measure, is now public law. And I urge officials in the Justice Department to use their new tools unhesitantly.

Mr. Speaker, perpetrators of criminal bombings must not be coddled. Those who commit senseless acts of wanton destruction under the guise of political idealism must be dealt with and punished for the common criminals they are.

VIETNAM WAR

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. GRASSO. Mr. Speaker, the war in Vietnam has shaken our institutions, clouded our national goals, and divided our people.

However, concerning one tragic consequence of this war there seems to be little disagreement. The grief and sadness that draws a family together which has one of its members held as a prisoner of war in Vietnam has also drawn this Nation together in outrage and determination to seek their release.

I am proud and honored to bring to the attention of my colleagues the commendable efforts of over 1,000 students at Farmington High School who, at the urging of their student council, have been drafting letters to be forwarded later this month with letters written by other Connecticut teenagers to Xuan Thy Thuy, the North Vietnam Delegate at the Paris Peace Talks.

The following is an article which appeared in the Hartford Courant about the good works these young people are performing in behalf of those unfortunate Americans held prisoner in Vietnam:

TEENAGERS ASK RELEASE OF POW'S

(By Anne Demeusy)

FARMINGTON.—1,500 men do count.

This is the opening line of a letter to Xuan Thuy, the North Vietnam delegate of the Paris Peace Talks, referring to the estimated number of American Prisoners of War in Vietnam.

It is written by a Farmington High School student, Elaine Buchardt, and is typical of letters being drafted this week by the school's more than 1,000 students.

The letters will be bundled up later this month and sent to a central mailing point in Connecticut to be forwarded with letters written by other Connecticut teenagers.

Elaine's letter tells Thuy that "even one man counts." "This is my plea, and I'm sure our whole country's plea, to your country, to release all the sick and wounded prisoners. You seem not to care that each prisoner is a person. You only care about numbers. It's just another little game of war. If you refuse to release the sick and wounded, you can at least send us all the names of all the prisoners so their families will know they are alive.

* * * * *

The letter-writing drive was launched by the school's Student Council after a visit from a former student attending a naval academy, who urged the students to write.

Students are gathering in groups in the cafeteria to hand write the letters, and many have written up to a half-dozen.

The letter drive will close Friday.

THE MOVE TOWARD METROPOLITAN GOVERNMENT IN MINNESOTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. FRASER. Mr. Speaker, the Minneapolis-St. Paul area is making major progress in the coordination of social, physical, and economic growth on an areawide basis.

A unique agency, known as the Metropolitan Council, has been created to help guide the development of this seven-county metropolitan region.

The following article from the New York Times reports on the development of the Metro Council since its establishment by the Minnesota Legislature in 1967:

MINNEAPOLIS AREA COUNCIL IS EMERGING AS A PIONEER IN STRONG REGIONAL GOVERNMENT

(By John Herbers)

ST. PAUL, February 6.—Jet planes and wild ducks have been competing for landing space at a lake near here, and the ducks have been winning.

The Metropolitan Council of the Minneapolis-St. Paul area has twice blocked plans of the area's Airport Commission to build a major new jetport at Ham Lake, 20 miles north of the Minneapolis business district. One of the reasons was testimony that the construction would do ecological damage to the area, including the disruption of a flyway for ducks.

This victory for conservationists is the work of a new level of government that has important authority over the vast proliferation of local governments in the seven-country area of almost 2 million people.

The Metro Council, as it is called, was created by the Minnesota Legislature to plan and oversee the orderly growth of the area, which contains 320 separate but overlapping governmental units, each with taxing jurisdiction.

COORDINATING POWER

This Balkanization of government is typical of metropolitan areas across the country and has contributed greatly to the urban chaos and paralysis that characterizes most of them.

The council, however, is unique in that it has taxing authority and the power to coordinate the over-all social, physical and economic development in the 3,000-square-mile area. When it put bonds up for sale recently, the bond buyers, accustomed to county and municipal governments, were somewhat startled to be dealing with a new government entity.

Nevertheless, the council is at the forefront of a national movement to form councils that sit over metropolitan areas on growth, planning and coordination. Most of these have very little power. They are generally voluntary organizations composed of elected members of the local governments covered by the council.

In some cities, such as Indianapolis, Nashville and Jacksonville, Fla., there has been consolidation of county and municipal governments, but this has occurred rarely and in comparatively uncomplicated geographical situations. Such mergers are expected to become increasingly difficult as metropolitan areas grow.

The Minneapolis-St. Paul initiative was intended to do what was politically feasible: Give the council authority over functions that affect the entire area—sewage disposal and highways, for example—and leave to the local governments those functions that could better be fragmented—such as schools and police.

In 1960, most of the population in this metropolitan area, as defined by the Census Bureau, lived in the cities of Minneapolis and St. Paul. But by 1970, Minneapolis has declined by 10 percent, to 432,000; St. Paul had declined by 1.5 percent, to 309,000, but the area outside the central cities had increased 55 percent, to 1,064,423.

FRAGMENTED AUTHORITY

Most of the population, then, fell under the jurisdiction of 26 incorporated cities, 105 incorporated villages, 77 independent school districts, 19 special service districts and the county governments.

During the decade of the sixties, a number of problems became acute. Deterioration of the central cities worsened as tax revenues declined; uncontrolled sewage and solid waste disposal began to pollute the waters; the public transportation system was inadequate, and land use for both parks and industry was chaotic.

The municipalities, which were particularly hard hit by the crisis, joined civic and business interests in pressing for a governmental instrument that could deal effectively with the most pressing of the area-wide problems.

In 1967, the Legislature created the council and two years later, after it had geared up for action, gave it additional powers. It is now engaged in several controversial endeavors designed to bring order and rational growth to the area.

The council is composed of 15 members appointed by the Governor. The chairman is James L. Hetland Jr., a 44-year-old law professor at the University of Minnesota. Mr. Hetland, a liberal Republican, presides over sessions in a low-keyed, scholarly manner and presents himself more as a manager than a political leader.

Other members, who represent districts based on population, are a cross-section of the area's civic and business leadership. Theirs is a part-time office, but some of them spend full time at it, roaming their districts to talk with constituents.

One of the powers of the council is to review the plans of independent, single-service agencies in the area and suspend them if it finds them inconsistent with its plan for orderly, controlled growth. This is what happened with the plan for the airport, which the Metropolitan Airport Commission was determined to establish at Ham Lake.

Efforts are now under way to find a new site for the airport, and the council will have the authority to prescribe the conditions under which it is to be built.

The council has independent taxing authority and is now levying seven-tenths of a mill tax on all real property in the area. This produces more than $1-million a year, which, along with Federal funds, pays staff and other expenses.

SEWAGE CONTROL

It has taken on several new area-wide functions. For example, it builds and controls, through subordinate organizations, sewage treatment plants in the metropolitan area. Its bonds finance construction.

"We don't try to operate the system ourselves," said Mr. Hetland, "because we don't want to get bogged down in operating detail. But we keep budgetary and planning control."

The council also has broad authority in solid waste disposal, highway location and regulations, creation of parks, transit and air pollution. It handles Federal anticrime funds going to the police and other agencies and reviews all other Federal funds for the area to see if the expenditure fits the council's over-all plan.

All zoning changes and comprehensive plans of towns and municipalities are reviewed by the council, which has the power to stop them for 60 days and hold hearings on them. At the end of 60 days, the city involved may put the plan into effect if public pressure has not resulted in a change.

The council is seeking through the Legislature to set up an area-wide housing board to provide more housing for low and moderate income families. It is seeking a method to equalize the crazy-quilt pattern of taxes in the area.

The council was created with the consent of most of the local governments under its jurisdiction. Because of this, its future and ability to acquire the full powers its sponsors feel it needs is uncertain. No one expected it to replace the multiplicity of local governments.

But what seems to be evolving here is a two-level form of government recently recommended by the Committee on Economic Development, with the Metro Council in charge of such things as the environment and growth patterns, and the towns and neighborhoods running such institutions as the schools and social services that profit by decentralization.

MY GOD, THEY BOMBED MY CAPITOL

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WYATT. Mr. Speaker, the Arlington, Va., News on its front page took a personal view of the bombing of the Capitol. The writer was Ed Alley, a former UPI reporter who covered the Hill for a number of years. I think his reaction—"My God, They Bombed My Capitol"—says it very well indeed. I commend the article to my colleagues:

MY GOD, THEY BOMBED MY CAPITOL

(By Ed Alley)

I'm just plain mad. No, maybe hurt is a better word. They—somebody—something—bombed MY Capitol. Not only as an American do I have a special fondness—an unexplainable feeling for—My Capitol. It is, also because of my closeness there over a span of

many years that makes it a real symbol. I must confess that I have never ceased to get a tingle as I ride into Washington and My building looms in view. I don't ever want to lose that tingle. It is something that's between the Capitol and yours truly. It's special. I cried—long and hard—when they told me I had to retire from it. I've never gotten over that void the doctor's decision caused. I really don't want to, though. It's just between us—the Capitol and me—yes—something special. And then somebody—something comes along and tried to hurt my friend—and they hurt me too.

Perhaps President Nixon said it best when he called the bombing "a shocking act of violence." Or Senator Mike Mansfield referring to the disgrace as a "sacrilege." I agree, too, with President Nixon's simple but ever-so-true statement that "the Capitol is a building that belongs to all Americans and symbolizes a form of government that has provided a means of peaceful change."

I'm happy to share MY building with all Americans—as long as they feel like I do about her. I've seen them come, too, from all stages of our life here in these United States over the years—proud to see her—to share with her that special meaning you can only know when you are part of her. I know that feeling and I'm only sorry it didn't rub off on the parties who tried to hurt her. Had they known the Capitol like I know her, nobody would ever bomb her. They couldn't—for they'd be hurting themselves. Just like I was hurt when I heard about it in the wee hours. Truly those stark words on the radio lost me a piece of my heart. I just couldn't help it. I hope, you, too, as Americans will understand.

BAN STRIP MINING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SEIBERLING. Mr. Speaker, last week, the West Virginia State Senate voted to ban all strip mining in 36 of the State's 55 counties for the next year. The bill now goes to the West Virginia House of Delegates where its chances of passage are considered to be good.

As one who supports a Federal ban on strip mining, I find West Virginia's action heartening and most welcome.

West Virginia's efforts to ban strip mining have had the solid support of their Secretary of State, John D. Rockefeller IV. In a speech last December, Mr. Rockefeller explained the classic dilemma facing his State:

West Virginia needs both its job opportunities and its natural beauty. State policy should try to preserve both. In this case, however, I see no way to do that. I am convinced—reluctantly but strongly—that strip mining of coal in West Virginia must be prohibited by law, completely and forever.

In that statement, and a later address before the Charleston Chamber of Commerce, Mr. Rockefeller talks frankly about the pros and cons of strip mining, and the effects a total ban would have on the State.

West Virginia has taken a courageous first step in moving toward a partial ban on the strip mining of coal. But she needs the support of the Federal Government. And Congress can now provide that by enacting a bill, introduced by Congressman KEN HECHLER of West Virginia to ban the strip mining of coal throughout the country.

I commend Mr. Rockefeller's speeches to my colleagues, and that they be printed at this point in the RECORD:

STATEMENT BY JOHN D. ROCKEFELLER, IV

In late summer I set out to assess as thoroughly and reasonably as possible the effects of continued strip mining of coal in West Virginia. My purpose was to develop a position on strip mining for this session of the Legislature.

I spent hundreds of hours making a variety of field trips—by car, on foot, and by helicopter. I went to strip mining operations both north and south of the Kanawha River. I listened to the views of operators, conservation groups, unions, state government officials, Federal and State reclamation people, Corps of Engineer experts, water experts, and soil experts. I read the literature, studied our laws and other states' laws, did research on the economic and job significance of the industry. I saw the new and the old—the bad and the better.

I considered the difference between the northern coal industry and the southern; the possibilities of reclamation research; the consequences of tightening the laws or of leaving the laws alone, of reducing the slope levels to 25 or 20 degrees, and of abolishing strip mining altogether.

I saw the reclamation of operators who care, and the work of those who don't.

The dilemma is a classic one: West Virginia needs both its job opportunities and its natural beauty. State policy should try to preserve both. In this case, however, I see no way to do that. I am convinced—reluctantly but strongly—that strip mining of coal in West Virginia must be prohibited by law, completely and forever. And I will work for that statutory prohibition in the coming session of the Legislature.

Clearly, the industry has tried to do a better job since the 1967 strip-mining law They have worked on seeding spoil banks, sloping benches, planting, water impoundments, and covering toxic materials. I saw a few operators who had been conscientious and somewhat successful. I saw many more operations that were neither conscientious nor successful.

Even the best efforts fell short of preventing slides, acid drainage and other stream pollution. And I saw no solution to the most glaring problem of all—the highwall. This is the fatal flaw of reclamation. The highwall is the signature of the strip miner. Wherever he goes, he leaves it there. Bleak rock circles, often two or three tiered and semi-permanent, shatters the contoured beauty of our hills. The effect is devastating and humiliating.

Frankly, I think of those highways as a cancer—spreading out from hill to hill, and on and on, into more and more areas. Why should Grant, Raleigh and Upshur Counties, for example, all with ample strip coal reserves and quiet scenic landscapes, fall prey to this cancer?

Our state's natural beauty is a great resource now, and will become more so. But it is a fragile beauty, highly personal, easily destroyed, and a beauty that depends on space and isolation and mood. In other words, a frontier beauty.

We still have it, but we are losing it. The highwall is like a knife slash through a painting—you can patch it up, but somehow it is always there, and the beauty and mood, the closeness, are never the same again.

The industry says it needs time to research. I say it is too late for that. The damage to large sections of our state is already beyond repair. Research, and the time for the results of research to become clear, would take four or five years.

There is a special urgency to act now. The energy crisis has made the demand for coal so great that the next few years will see a fury of stripping. Huge new equipment has been developed to speeed the job.

Too much of West Virginia is already a tangle of ugly highwalls and eroded spoilbanks. The damage is grotesque.

Despite the efforts of the Reclamation Division, I am convinced stronger enforcement is not the answer.

Our enforcement history in West Virginia has not been a distinguished one, and there is no reason to rely on an adequate change of pattern and budgeting now. In any event, the Reclamation Division will be needed to work on the tens of thousands of acres of presently unreclaimed strip-mined land.

I am deeply concerned about the number of jobs—both direct and indirect—involved in prohibiting strip mining. But I might note that one reason stripping is so profitable is that it has a low employment factor relative to deep mining. One man stripping can do what two or three men can do deep mining. Therefore, if strip mining is abolished, thus forcing an even greater investment of capital and men into deep mining, the employment picture in West Virginia will soon improve.

Even the immediate labor impact should not be insuperable. Only one-half of one percent of the work force in West Virginia is engaged in stripping. The bulk of these men are highly skilled electricians, mechanics, and heavy equipment operators whose services are definitely marketable. Nearly all of these men will be able to find good work. Services and businesses dependent on strip mining may not be able to adjust as well and as quickly: Nevertheless, the public interest must assert itself at some point. It rarely has in West Virginia.

It is argued that America faces an energy crisis and that strip mining is part of West Virginia's obligation toward meeting the national demand for coal. In the first place, stripped coal is only about 14% of our coal production. Secondly, it is coal mined at too great a cost to West Virginia.

Neither America nor West Virginia will always be able to have it both ways—all the energy they want and all the beauty and tranquility they want. It isn't often, particularly in West Virginia, that anything as intangible and basic as beauty and the quality of life can stand their ground against economic and political interests. But in this case, the political process must function in behalf of this and future generations, in order that they may have beauty and tranquility. And, in the process, we may give encouragement to other states, such as Kentucky, Ohio and Wyoming.

One of the fallacies of our state's environmental efforts became clear to me as I studied the strip mining problem—that oil and was well sites and deep-mining sites, as well as our own state highway building efforts, show a basic disregard for the responsibility of reclamation. Some of the worst highwalls and spoilbanks in the state are direct results of our road-building program.

Strip mining, however, is the problem with first priority. The constitutionality of a statute prohibiting strip mining may be questioned, either in its general scope or as it applies to a particular landowner or operator. The constitutional issues ultimately may may have to be decided by the courts. I'm not a lawyer, but to me this is obvious: Each citizen loses each time any of our hills is permanently scarred and disfigured by strip mining. The loss diminishes the state as a whole; stream pollution and sedimentation are specific losses.

Most important, such damage limits future alternatives for our state. We become

less attractive to industry, to tourists, to retaining our own citizens.

For all these reasons, I will strongly support legislation at this upcoming session to end strip mining.

I would like to see such legislation take effect upon passage, but a certain winding-down period—perhaps six months—is probably necessary. Displaced workers must have time to find new jobs. Operators have major capital investments in equipment and heavy machinery. Power plants utilizing strip coal must find other fuel supplies.

In closing, I feel it is fitting, and a matter of pride, that West Virginia, a state most richly blessed by natural beauty, and a state most cruelly devastated by strip mining operations, take the lead in historic environmental legislation.

I sincerely believe the most responsible, the most significant, and the most generous contribution this 60th Legislature can make to all our people is to abolish strip mining.

STATEMENT BY JAY ROCKEFELLER FOR PUBLIC MEETING ON SURFACE MINING

I want to thank the Committee of 100 and the Chamber for providing this forum today.

Both the Chamber and the Committee have a common purpose: to help our region and our state to grow and to prosper. And that is why you are such an appropriate audience for this discussion.

Three weeks ago, I said at a press conference that I had come to a reluctant decision—that I feel that strip mining in West Virginia must end if we are to maintain and develop both the environment and the economy to grow and prosper in the future.

My position disappointed some people, and it angered some. No one wants to propose legislation that might cut down on some jobs, particularly in West Virginia.

I have often said, and I sincerely mean, that if there is any one contribution I could make to West Virginia, it would be to make our state more attractive to industry. To create jobs.

That remains my goal and my commitment.

My aim this afternoon is to convince you that my position on surface mining is not paradoxical to that commitment—indeed that abolition is necessary to that growth and full-range development.

When I made my statement three weeks ago, I dwelled at some length on my anguish at what strip mining does to the beauty of our state. The aesthetic and ecological theme is not central to what I will concentrate on here today, but it is a basic theme. Our mountains and valleys, our forests and streams, are extraordinary. No state is as richly blessed in scenic splendor as West Virginia.

In years to come, as the *shortage* of open land grows more and more serious, all this tranquil beauty, if we can preserve it, will have even greater value than today.

But I'm not here to make that case today. There's another question many of you have told me you are concerned about. And that is the impact abolition will have on jobs and economy.

That is my concern, too, and has been from the beginning. It may surprise you to know that the deeper one delves into the implications of this, the greater the case is made for abolition.

So even though my private office looks like the M–G–M studios, with hundreds of slides and films showing the destructive effect of strip mining since the '67 law, and while I have letters from citizens around our state whose homes and water supplies have been endangered by strip operations since the '67 law, I'll spare you slide shows, movies and letters—and outline as quietly and logically as I can the economics of this prohibition, and what I am convinced it will mean to West Virginia in the way of jobs, present and future.

Let's talk first about the economy, then get specific about jobs.

The economy of West Virginia rests on three major industries: coal, chemicals, and steel.

The most important human characteristic about the economy is that for the first time in 30 years personal income in West Virginia is going up faster than the national rate.

Now, what does that mean?

To get an answer to that question, we are all fortunate that we can turn to a man who is one of the outstanding economists in this country, a West Virginian, who in 1970 published the most thorough analysis of the state's economy that has ever been done. He's internationally regarded. As a matter of fact, when I tried to reach him about this he was in Geneva—he had been invited there by the United Nations to participate in a confernce on economic development. I'm speaking of Dr. William H. Miernyk of West Virginia University.

Dr. Miernyk's evaluation of our economy and the impact of strip mining, begins with that interesting note I just mentioned:

That for the first time in 30 years personal income is going up in West Virginia faster than the national rate.

And this is due to the boom in the coal industry. *But*: in spite of its present health, the one unstable segment of that coal economy is strip mining. In the long run, it is counter-productive to West Virginia's growth and development.

Strip mining, according to Dr. Miernyk, is not a part of the industry that contributes to long-range stability and growth.

It is an industry flourishing now because deep mining has only in the last two years been really gearing up for the growing demand for coal. In these next several years the price of stripped coal is going to be increasingly vulnerable on the market—in fact, the prices have softened in the past several weeks. As deep mined coal gears up production, the market for stripped coal will be less energetic and the industry will grow increasingly vulnerable and unstable. Many of the operators are newly in the field, have no long-term commitment or investment—or even interest—in coal mining, except as a short-term way to make a good profit now. Furthermore, in my judgment, strip mining has a naturally limited future in parts of the state. Operators have told me that in the north, all the reserves will be stripped away in another five to ten years. There will be a natural death there. In Harrison County, the stripped coal is about depleted. But if you have flown over the county, you know how that county has been slashed to ribbons by highwalls. It is not a pretty sight, and I dare say it never will be.

Strip operators are now moving east, into Barbour County, Preston County, Grant County, Upshur County, and Tucker County—all counties where there is much beauty and recreational and development future. Stripping will, in my view, radically and detrimentally alter the growth and recreational potential of those counties. And I think that you men who know that part of the state basically agree with that.

In the south, where the steeper slopes are, it is my judgment that no matter what happens to the abolition bill, the industry will be regulated in such a way that stripping to any great degree on those slopes will be impossible. As a matter of fact, the Department of Natural Resources has proposed that no stripping be permitted on any slopes steeper than 25 degrees. That in itself would eliminate 75% of strip mining in southern West Virginia. The Department—hence, the reclamation people—is clearly saying that it does not believe that reclamation is possible on those slopes, and they, of all, should know that. So, severe regulation is the least you can expect from this legislative session.

Therefore, from the viewpoint of its future on the competitive coal market, from the viewpoint of its natural deposit life, and from the viewpoint of limitation on its activities, I feel strongly that strip mining is indeed an unstable and unreliable component of our future growth. Its contribution to our economy is a *temporary* one—while the devastation it brings is permanent!

In fact, I don't think anyone will argue that *eventually* strip mining must stop. We have only so much land in West Virginia.

You gentlemen well know that at *some* point, before *every* mountain and hillside has been gouged and ripped and ravaged, before all of West Virginia looks like parts of it look now, at *some* point, the public is going to demand it be stopped. We know that. Even now, that outcry is growing, as the strippers' highway spreads like an ugly, malignant cancer across the countryside, infecting lush new areas. In 1969, it was 27 counties, in 1970, it was 29. The pace of the strippers is truly awesome. Permits were granted in 1970 for *double* the acreage of the year before . . . from 15,710 acres in 1969, to 31,802 in 1970. What will it be two years from now—or five years—or ten? What will be left?

So, really—and this is to me a crucial point—our debate is not if strip mining should be stopped, but *when?*

And according to every economic indicator we can measure, there never was a better time than now.

For instance, Dr. Miernyk points out that in our economy jobs are lost in many ways: through technology, changing markets, changing demands, changing tastes, or a public policy decision.

When this happens, remedies are attempted.

But usually, the change and the remedies are forced to take place in response to alarm—in times of decline, when the economy cannot by itself absorb the impact of change.

If you have a choice then, as to when to make a change that will affect jobs, the time is when there is growth in areas that may provide substitute jobs.

Secondly, advises Dr. Miernyk, make your choice at a time when personal income is rising, to minimize or offset the indirect effects.

And third, do it at a time when much of the land remains unspoiled, while it is still possible to retain a high quality of the land as an asset to diversity, and attract other less destructive industries. Continued stripping eventually will close off opportunities for other major and minor economic development.

For example, while new industries can be persuaded to move to major urban centers with good transportation, they are always more reluctant to do so in rural areas. And if the land in a rural county is ripped and scarred, it almost guarantees a severe limit to new industries in the future.

Timing, then, according to Dr. Miernyk, is the *key* factor in the decision we must make. *And the time, it seems to me, is now.*

Let's examine each of those timing factors favorable to this decision.

First, that if an economic adjustment must be made that will eliminate jobs, do it at a time when there is growth potential in substitute jobs.

The substitute activity is picking up in a number of areas.

Governor Moore, in his State of the State speech a week ago, called for a stepped-up highway construction program. In 1970, the state awarded $266 million in new highway contracts, a record high, and the Governor said that pace is not going to slacken.

Some of the skills employed in strip mining are needed in highway construction.

Some training may be needed. The state perhaps can help in this by giving preferential hiring to strip mine employees who qualify, and to help train those who do not.

Deep mining is undergoing a powerful expansion. The West Virginia Coal Association has said the industry here will need 10,000 new employees over the next five years. Certainly the decline in deep mining employment which has worried many people for more than a decade has now been reversed. Employment promises to be strong in deep mining—both underground, and, for that purpose of this discussion, above ground—for many years to come because of long-term contracts and growing demand. This places an obligation on the industry and the state to help train West Virginians for those jobs.

Permit me to digress for a minute and speak of another obligation—a most serious one—that I feel very strongly about when the coal industry makes its plea for 10,000 workers. It is not enough to say wages are good in deep mines. In most instances, the quality of life is inadequate, inside and outside the deep mines.

Miners don't want their sons going into the mines because they want them to enjoy a safer life, a better life than what has traditionally been the life of a coal miner. They would rather their sons move out of the state, if no other job is available. The industry must push for safer mines, even *without* increased demand by inspectors, the public, the lawmakers. It is *their* economic self-interest to make mining a good, decent occupation. This can happen, and it must happen, if the deep mining industry wants to attract some of the high-skill labor from strip mining that might well be available, particularly at the mouth of the mine. Readily transferrable skills include truck drivers, tipple operators and maintenance mechanics, as well as clerical and management personnel.

One of the things the state can help with is decent housing as stimulated through the Housing Development Fund. The Fund is a resource for helping finance low and middle-income housing in our growing mining communities. Just as some strip mine employees might move into deep mining, many others with directly applicable construction skills might have employment opportunities in an accelerated housing program. In fact, the Housing Fund has set as a goal within the next two years to stimulate 5,000 new homes a year. And there is no business the lower interest rates has stimulated more than the housing industry. The coming years will be good ones. Housing starts are up, industrial construction is expanding, as is road building. These trends offer opportunities and needs for bulldozer operators, truck drivers, mechanics, front-end loader operators, oilers and greasers, welders, and other heavy equipment operators.

Second, if you are to phase out an industry that has destructive social costs, according to Dr. Miernyk, do it at a time when personal income is rising.

In West Virginia, as I have said, personal income is rising faster than in the rest of the country. This helps offset the "multiplier effect," and perhaps this is a good time to talk about that.

There has been much discussion of the number of people who are employed in surface and auger mining directly, and the others whose jobs in one way or another depend on surface mining. Most of the talk has been of quantity, and to date there is little agreement on that—and almost none on the quality of jobs. Apologists for strip mining are saying that twenty to twenty-five thousand jobs are involved by an abolition of strip mining. That is a powerful, but totally wrong argument.

Let's clarify the record. The total number of people employed in surface and auger mining in West Virginia in *1969*, according to the records of the Department of Mines, was 3651.

Again, according to the Department of Mines, a field check was made on January 1, 1971—just three weeks ago—and the total number of people employed *directly* by surface and auger mines was 4,102. That number does not indicate full or part time—only that they were working that day.

The Department keeps records of the number of days worked—full time work for most occupations means five days a week, 50 weeks a year, or 250 days per year. In 1969, surface and auger miners worked, on the average, 143 days. There was a full 66 days less than the average employment in deep mining in 1969. And, while there has been an upward change in these figures in the first ten months of 1970, the meaning is still clear—*simply* that employment in surface mining in many places is seasonal, and subject to irregular hours and other vagaries and uncertainties.

When a coal company establishes a new deep mine, the very nature of the heavy capital investment represents a long-term commitment to employees and community alike. Surface mining, that hits, boosts the economy briefly, and moves on, offers no such stability, either to the employees or the community. Incidentally, it is interesting to note that of the 29 counties that now have surface mining, 25 of them also have deep mining, so there is certainly the potential for some job absorption on an area basis.

So we look to the experts to help us understand what impact abolition will have on direct employment, and indirectly on other jobs and other people throughout the economy.

In the study published in 1970 by Dr. Miernyk and his associates, he was able to point us to the evaluation of surface and auger mining and 47 other industries in the state.

Dr. Miernyk explains that for every full time basic job, there is a multiplier. He cautions that the multiplier is widely and popularly used but quite often misunderstood and misapplied.

He has used the multiplier to discover the full employment impact of the end of surface mining, and that the maximum number of jobs which will be lost by this change will be 4,000 to 8,000. But he immediately cautions that these jobs will not be lost all at once. And that if adjustments can be made in West Virginia's economy during the time the change is underway, there may well be considerably fewer jobs lost. And if the economy experiences substantial growth, it may well fully absorb the loss.

On the other hand, the 4,000 to 8,000 job loss would take effect only if the abolition took effect today, or two months from now, or six months from now. I am now strongly in favor of a 21-month to two-year period for a phase down. Only at the end of that period would the abolition apply. Up until then, stripping would continue, under regulation, to allow the employees the chance to earn their living while they deal with adjustment, and it would also allow the operators substantial time to handle their financial adjustment. As you know, 6-month leasing arrangements for equipment are not uncommon, and two or three year terms for financing are rather common. Several operators would go into road building, as much of the equipment and personnel are largely interchangeable. The largest dollar services that strip mining purchases are legal and accounting and clerical. Certainly, the two years would take care of all of them.

To summarize, then: If coal wasn't booming, if highway construction or housing construction weren't potentially viable job substitute, if personal income were not rising, and the general economic picture were not improving, if absolutely *nothing* developed in the economy to take up the slack, abolition of surface mining would result in the loss of 4,000 to 8,000 jobs direct and indirect. That is a far cry from the 20–25,000 figure that is being used. The figures I use are accurate.

On the other hand, if we provided a two-year phase out for surface mining, giving every opportunity for the economy to develop as it is predicted, we are left with this statement by Dr. Miernyk: "It is quite possible there will be no multiplier effect at all."

I'm not here to pretend some people will not be hurt. Abolition will work hardship on some, and uncertainties for many—if they do not have alternatives. All of us will share the responsibility to minimize that hurt.

But after the adjustment has been made, we come out far ahead of where we are today, because growth will take place—real growth, stable, non-harmful to our state's future.

So, it seems to me that we simply cannot afford to sit back and watch strip-mining chew up our hills. West Virginia will have to learn to live without strip mining. And the time to begin that adjustment is upon us.

THE MIDDLESEX PLAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. O'NEILL. Mr. Speaker, every one of us has been affected and disheartened by the perplexing problems that have been brought about by the abuse of narcotics in this country. Many of our communities have expressed a deep desire to help, but often their ambitions have been thwarted because of a lack of knowledge and understanding. Most have become bewildered and confused.

In the February 7, 1971, edition of the Boston Herald an article was written by the Honorable Foster Furcolo, a close personal friend of mine and a man for whom I have the highest regard. As a former Congressman and Governor, Mr. Furcolo has served his State of Massachusetts and its people with distinction, and most recently he has brought his knowledge and expertise to aid Middlesex County in the establishment of a new drug program. In this well-done article Mr. Furcolo delineates the scope of the drug program and points out the four major areas of concern: prevention, rehabilitation, education, and prosecution:

THE MIDDLESEX PLAN

(By Foster Furcolo)

Massachusetts, like every other state, has a drug abuse problem. What to do about it concerns every community in the state. How do you prevent it from spreading? How do you educate people to deal with it? How do you rehabilitate the addicted? What do law enforcement authorities do to prosecute those responsible?

What has been called "The Middlesex plan to prevent drug abuse" is a many-pronged educational endeavor with the ambitious goal of reaching every person in the most populous county of the Bay State. Middlesex County, sprawling through northeast Massachusetts from the New Hampshire border to the edge of Boston, has one million inhabitants—one-

fifth of the state's entire population. Within its borders is a melting pot of people of Polish, French and Greek origin from cities like Lowell; Yankee farmers in towns with names like Chelmsford, Tyngsboro, Dracut, Concord and Lexington; Italian and Irish descendants in Somerville, Malden and Medford; and the Cantabrigians around Harvard University. It has the problems of every urban and rural county in the nation—and perhaps more cases of drug abuse than any place outside of New York City itself.

That was the situation when State Senator Dennis McKenna prevailed upon the Massachusetts legislature to put $50,000 in the county budget for a drug program to be conducted by the district attorney's office in Middlesex county. County Treasurer, Tom Brennan helped us set up our budget and asked for county-wide cooperation in the effort.

Within hours after the program was authorized, Dist. Atty. John J. Droney went into action. As an assistant district attorney, I was placed in charge with this directive: "Use the money to help the kids who are victims, and put away the professional pushers. I'll back you up all the way."

Droney's first step was to call a meeting with the Middlesex County Commissioners, who supervise expenditures of county money. "We have a program without any personnel or offices," he ponted out. "Will you help us?"

The county fathers authorized us to hire qualified personnel and provided us with offices in the Middlesex County Hospital. The hospital's director agreed to furnish the offices with equipment already available in the hospital's storeroom. Unfortunately, the already over-burdened hospital switchboard could not physically handle even one more telephone line—and how could we operate without a telephone? An emergency call to William Hogan, vice president of the New England Telephone Company, produced immediate cooperation in the form of a special cable run in from the street direct to our offices in the hospital basement.

It was only when the installation man asked its listing name that we realized everything had moved so quickly that we didn't even have a name for our project.

"Well," said Droney, "we're going to try to prevent drug abuse . . . rehabilitate those who've been victimized by it . . . educate the public so we can cope with the problem . . . and," he banged the desk, "prosecute drug traffic profiteers." He looked around at us. "Prevent . . . rehabilitate . . . educate . . . prosecute. That basically is what our project is so why not take the first four letters—PREP—and call it Project PREP."

We decided it would be a crash program. Marijuana smokers were increasing; the habit had drifted down from high school to the junior high and even into some grade schools. Pill popping was on the increase everywhere . . . the use of speed was becoming more prevalent . . . and deadly heroin was being introduced to more sophisticated users.

Our first task was to assemble a staff with expertise. The first members selected were Thomas McCarthy and Philip Nyman, two young, bright, able and dedicated attorneys. As a former assistant district attorney, Phil Nyman had had experience in trial work and was familiar with cases involving drug abuse. Tom McCarthy had been on the other side of the fence as a trial lawyer in the Massachusetts Defenders Committee. In addition, he was the chairman of the drug committee of the Town of Arlington and was particularly knowledgeable of the suburban drug scene.

Next came two recently retired State Troopers, Pompei Valenti and Al Whitney, who had been the top State Police narcotics experts for many years. They were joined by Joan Fuld, a Brandeis graduate who also holds a master's degree in social work from Boston University. She had worked with Head Start and with children's and parents' groups in the greater Boston area.

June Swartz, Linda Feig and Sharon Glendon were the next three additions. June, a Phi Beta Kappa, had taught sociology and psychology in Michigan. Linda had graduated from McGill, then earned a master's degree in counselling and psychology at B.U. before going into teaching and guidance work. Sharon, who had taken various educational courses at Sonoma State and San Mateo colleges, then done secretarial work at Harvard, is a former drug addict who lost four years of her life in California's drug world before fighting her way back.

Three other staff members are Bill Kickham, Jack Farrell and Bud Robaitelle. The first are two former FBI agents, while Bud had been a federal narcotics agent.

From Project Place, a drug rehabilitation center, we obtained Mike Elkin and Larry Birnbach, both of whom have had extensive experience with youngsters caught up in the drug culture. Mike who has a master's degree in psychology is professionally a teacher of emotionally disturbed children. Larry, a Boston College graduate, is now in the Boston University Graduate School working on his master's degree.

Two other drug rehabilitation centers—Marathon House and Project Turnabout—are also cooperating with us through two of their top men, Bill McCue of Turnabout and Richard Rode of Marathon.

Stody Ward, former member of the Youth Service Board, also joined us. Massachusetts' teacher of the year Bob Anastas was another addition. An experienced guidance counsellor, he set up a drug program that is followed in many schools.

Rounding out our team is pharmacologist Ben Hershenson, a professor in the Massachusetts College of Pharmacy and the guiding hand of that institution's excellent program of sending its pharmacology seniors into Massachusetts schoolrooms. The teacher leaves the classroom and the seniors then rap with the students about drugs—what they consist of, what they do to the body and mind, why they are used, and so on. Experience has shown that students talk frankly under such conditions.

We have also obtained the assistance of a panel of doctors and phychiatrists and other experts who have volunteered their services in an advisory capacity.

Lastly—and important cogs in the project—are Joan Booth, Eleanor Ryan and Marie Reid. They actually run the whole program. Various citizens' committees are being set up throughout Middlesex County by Joan. Eleanor Ryan for ten years had been secure in the high-paying lifetime position of secretary of the Massachusetts Government Center Authority. She sacrificed all to become executive secretary for Project PREP, with no pension, insurance, or fringe benefits—and in a temporary job dependent on legislative approval. Marie Reid, housewife and mother of two teenagers, originally came in on a volunteer basis that now stretches to eight hours a day every week. A graduate of Portia Law School, she also attended and was elected student secretary of the attorney general's school on drugs and was instrumental in establishing a drug control program in Acton.

In Project PREP we wanted ultimately to reach the kids—and we have programs for just that purpose too—but we decided to start with someone other than the youngsters themselves. We would begin with adults. We determined to try to "educate" everyone who has anything at all to do with kids we are trying to help.

We would take the first step with teachers, the second with parents, the third with police and religious advisers—then the fourth, fifth and fiftieth steps until we had reached everyone in Middlesex County who wanted to listen, who wanted to learn, and would invite the kids to listen too, if they wanted. We would constantly tell the kids: "We'd like to make Project PREP available to you, too, whenever you want it. We are ready and willing to bring it to you at your convenience, and we hope you'll want to listen."

We began our program by telephoning and writing to every school in the county—grade schools, junior and senior high schools, parochial schools, public, private, everything. We told them of our program, what was being offered and why, that we would bring it right to their teachers in their own school at whatever times were convenient for them, and that there was no cost or obligation of any kind. We pointed out that our program was purposely flexible in the number, length, and content of sessions—again, for their convenience and needs. In short, we made it clear that each school could spell out its own terms and conditions for the convenience of the teachers.

We suggested the ideal program was four sessions of two hours apiece, at the conclusion of which the teachers would have had the benefit of the knowledge and experience of a lawyer, a sociologist, a pharmacologist, a psychiatrist, the director of a drug rehabilitation center, a narcotics expert, and an FBI man. Three seminars would have two speakers each and the concluding one would have a panel of four or five. Each seminar would consist of lecture, discussion and questions, with the exception that the PREP speakers themselves would not only be teaching but also learning from the teachers. After all, the teachers would probably know a good deal about conditions in their own schools and their own communities.

In the usual program, the first session might be addressed by the lawyer and the narcotics specialist. The lawyer would discuss matters of concern personally to the teachers, such as, "Do I have a legal duty to take any kind of action if Mrs. Jones complains to me that Johnny Smith sold pot to her son? If I do report it, do I incur any civil liability? Can student lockers be checked?" The lawyer also discusses the various criminal penalties for violation of drug laws, what an arrest or a record means to the youthful offender, and other questions that students have asked their teachers. One major aim of PREP is to make certain that the teachers can answer students' questions truthfully and not fall into a credibility gap.

The narcotics expert, describing each drug and the symptoms it produces, shows a display panel of drugs. He gives their nicknames and characteristics, e.g., with marijuana, by burning a synthetic substance that has its distinctive odor.

The purpose of the lawyer and narcotics expert is not to make the teachers a legal expert or a narcotics expert; it is merely to increase the teacher's knowledge to the point where drugs and their symptoms are readily recognized. The possible "danger signals" are listed: Any radical change of clothing, companions, habits, personality, conduct, wearing dark glasses; unusual amounts of money; lethargy or inattention; excessive talking or groping for words; unusual yawning or sneezing; and other signs obvious to anyone who knows the youngster.

The sociologist and pharmacologist handle another seminar. There is no special need for teachers to know the chemical components of any drug, but these particular pharmacologists have had extensive experience in matters pertaining to drug abuse.

The sociologist discusses environmental factors that affect the drug problem: what drug facilities the community has and what it needs, what other communities have done to attack drug abuse, what makes youngsters turn to drugs, and the facilities available to be helpful to a youngster who has a drug

problem (the average teacher has some vague knowledge of one or two of the more publicized drug services; the sociologist gives specific names of hospitals, drug rehabilitation centers, "hot lines," clinics, and other kinds of drug abuse treatments and services available at scores of places in or within reach of most communities). Another indirect benefit to society is that the sociologist also gets helpful information from the teachers that he in turn may relay to local and state agencies dealing with the drug abuse problem.

The Drug Rehabilitation Center Director describes actual experiences with youngsters who have become addicts or were threatened with addiction. "This is where and how teacher A failed this boy." "This is where and how teacher B helped that girl." "This is how and why Johnny started taking drugs; this is how and why Mary was saved from starting." He also may indicate the type of drug facility or assistance he believes the particular community should have.

We usually schedule an FBI man to be in the same seminar with the Drug Rehabilitation Center director. We theorize that their attitudes are sufficiently far apart so that if by chance an audience has a preconceived belief that either one is "far out" it probably still would be impressed by the other. The FBI man discusses drug abuse from the federal point of view: penalties, facilities, and programs. He also gives illustrations of customs and immigration security that should dispel any student thoughts of easy riches by sneaking in a suitcase of drugs from Europe or Mexico.

In the final seminar, the panel may include a psychiatrist who answers some of the "why's," a sociologist who outlines programs which should be helpful in eliminating some of the causes of drug abuse, and other participants who not only add to the teacher's store of knowledge, but also suggest constructive steps that may be taken by an informed community.

PREP's aim is to make the teacher better informed and more knowledgeable—not only to be able to be of more help to the student, but also to the community as a whole. It is also believed that the communications gap (if any) between student and teacher is lessened not only by that increased knowledge but also by the mere fact that the student knows the teacher is sufficiently interested to take the time and trouble to participate in seminars intended to aid the student.

As of mid-January the program had been brought to 118 schools and more than 4,000 teachers. Principal Henry Blake of Woburn High School said, "We have had many programs on current drug problems, but none has been as clear cut and helpful as Project PREP" Principal James Lazenby of North Reading High School said PREP had brought his teachers "much new information" that would "help us handle problems." And Rose Picone, director of drug education for the Arlington public schools, told me that "constructive things have happened as a result of the PREP program."

Paralleling the PREP program for teachers is the law enforcement phase that is intended to improve the policeman's knowledge of the drug abuse problem. In Massachusetts, as in most states, the average police department has a few officers who are narcotics experts. The great bulk of the police force in any community is about as ignorant of drugs as the average layman. The PREP program for police officers is offered to every police department on the same terms as the program for teachers—at the policeman's convenience so far as time and place are concerned, and at no cost or obligation. Bentley College allowed us to use an auditorium as our workshop for policemen.

Some of the police seminars are similar to those presented to the schools while others emphasize legal and technical points of concern primarily to law enforcement officials: Search warrants, admissibility of evidence, modus operandi of drug peddlers. However, one session is conducted by a sociologist and a director of a drug rehabilitation center to make certain that the policeman has more understanding and compassion for the victims.

More than 100 police officers have now received law training certificates from PREP.

Another phase of the "prosecution of drug traffic profiteers" has been the organization of a county association of narcotic enforcement officers, and the establishment of a central information bureau in the district attorney's office. All these officers already have attended the Attorney General's Narcotics Training program and all are skilled in investigation and prosecution of drug peddlers. However, all too frequently they have worked on their own and cooperation among communities and coordination of effort have sometimes been sadly lacking.

An innovation in the Middlesex District Attorney's office is the establishment of a filing system, accessible to every local narcotics man, containing a card on every person associated in any way with the drug traffic. The card contains the subject's name, address, photo, description and car registration, together with a description of his habits, associates, method of operation, and other pertinent data. Professional drug peddlers tend to move from one community to another, banking on "hitting and running" before the local authorities get too much of a line on them. The central filing system practically guarantees that the professional drug pusher will be spotted in a town as soon as he arrives.

Another advantage of the association will probably be the interchange of undercover agents, who are essential to drug law enforcement, but become "visible" (and therefore useless to a small town) in short order.

That is a costly waste to the town—but the new association is remedying that loss. Recognizing that a well-trained agent can be equally valuable to another town through coordinated efforts of the association, the various communities in Middlesex are now planning cooperative exchanges of undercover agents. The association also sponsors legislation that probably will find readier acceptance by legislators because it comes from an organized group.

In addition to the teachers and police, Project PREP is also bringing its program to parents, service clubs, fraternal organizations, and any and all groups that want to improve their knowledge of drug abuse.

Project PREP may or may not be the answer to drug abuse, but we have examined programs in England, Israel, Sweden and other countries with similar cultures. Of all the programs, Project PREP seems to offer the most hope. It is easy, relatively inexpensive and constructive.

TRIBUTE TO WHS CLASS OF 1970

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WHALLEY. Mr. Speaker, in the course of history, I believe that graduating classes tend to become like the proverbial childhood snowfall—always much more devastating than any in recent history.

The high school in my hometown of Windber, Pa.—population approximately 6,000—has, in my opinion, always been outstanding. But talking with not-so-recent graduates—like myself—one would think that all the accomplishments, all the awards, all the accolades took place before the present student body was even born.

Not so. Mr. Austin M. Greenland, public relations coordinator of the Windber Area School District, recently wrote to me and included a list of awards and accomplishments of the class of 1970. Even with the memory of those great classes of yesteryear clearly in mind, I have to admit that the record of the class of 1970 is most outstanding. And the class consisted of just over 200 students.

Mr. Speaker, as a tribute to this great class of 1970 of Windber Area High School, and to the students who made up this class, I include Mr. Greenland's letter in the RECORD for all to see.

WINDBER AREA SCHOOL DISTRICT,
Windber, Pa., February 2, 1971.

Hon. J. IRVING WHALLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHALLEY: Windber Area School District, in Windber, Pennsylvania, has enjoyed a very rewarding 1970. The following is a list of the awards and accomplishments of the Windber Area High School:

ACTIVITIES

Band

The Senior High School Band won the first prize trophy in Class A Competition at the National Dogwood Festival in Statesville, North Carolina.

Cheerleaders

First place, 15th Annual Somerset County Cheerleading Contest.

First place, 11th Annual Windber Rotary Tournament Cheerleading Contest.

First place, 27th Annual Cambria County War Memorial Cheerleading Contest.

First place, 5th Annual Jaffa Shrine Cheerleading Contest.

ATHLETICS

Football

The 1970 Varsity Team won the Mountain Conference Football Championship.

The 1970 Junior High Team won the Western Division Championship of Inter-County Junior High School Football Leagues.

Basketball

First place, 11th Annual Windber Rotary Tournament.

First place, Greater Johnstown Hi-Y Basketball League.

First place, PIAA District 6 Class B.

Also participated in the State Play-Offs and were eliminated in the semi-finals.

INDIVIDUAL ACCOMPLISHMENTS

Tim Berkey, senior, is on the first team of the 1970 Greater Johnstown All Scholastic Basketball Team. Tim also received a letter of commendation from the National Merit Scholarship Quality Test. He finished in the top two per cent out of 30,000 applicants.

Curt Miller, senior, is on the second team of the 1970 Greater Johnstown All Scholastic Basketball Team.

Kathleen Felix, senior, received the Good Citizen Award, presented by the Quemahoning Chapter of the Daughters of the American Revolution.

Carol Batiste, senior, was chosen to participate in the Pennsylvania Music Educators All State Chorus in Harrisburg, Pennsylvania. She will also participate in the MENC Chorus in Atlantic City, New Jersey. Carol, and Eileen Rairigh, a 1970 graduate, represented WAHS at the All State Chorus at Warren, Pennsylvania.

Rick Holtzman, senior, was selected to attend the American Legion's Keystone Boys State at Pennsylvania State University.

Tony Slatcoff, senior, was selected to attend Youth Week at the State Police Academy in Hershey, Pennsylvania. This is sponsored by the Windber American Legion Post.

Kathleen Felix, Deborah Swetz, Matthew Petrilla, and Tim Berkey were chosen as the outstanding teenagers of the Windber Area School District for 1970. They are all seniors.

Darlene Melnkovic, 1970 graduate, was the winner of the 1970 Somerset County Bar Association Essay Contest, captured third place in State competition.

Deborah Ross, 1970 graduate, received the State Homemaker Degree from Future Homemakers of America at the Farm Show in Harrisburg, Pennsylvania.

Colleen Hannakan, 1970 graduate, was selected to receive the Most Valuable Staffer Award in recognition of outstanding contributions to her high school newspaper. This award is sponsored by the Johnstown *Tribune-Democrat*.

Jim Lashinsky, 1970 graduate, was presented the Nunzio Marino Award, in recognition of his fine performance and sportsmanship in football.

Linda Dill and Ronald Pekela, 1970 graduates, were selected as the outstanding girl and boy by the Windmer Lions Club. This award is presented to seniors each year.

Mr. Joe Fiori, basketball coach, was named "Coach of the Year" by the Windber Rotary Club.

The above named awards and championships have honored the community, as well as the Windber Area School District. As an elected official, I feel that you should be made aware of such accomplishments.

Thank you for your time and consideration.

Respectfully yours,

AUSTIN M. GREENLAND,
Public Relations Coordinator.

CANCER—NATION'S NO. 2 KILLER

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the terrible disease of cancer is one of the most terrifying problems facing our country today. On the list of this Nation's greatest killers, cancer ranks second.

An article which appeared recently in Newsweek magazine points out that to many people the word "cancer" has become synonymous with death—with good reason, I am afraid. The American Cancer Society reports that in 1971, alone, approximately 975,000 Americans will require medical care for this disease and 330,000 will die.

Of the 200 million Americans now alive and healthy, it is estimated that 34 million will eventually lose their lives to cancer; and millions more will be disfigured. Perhaps one of the cruelest traits of cancer is that is attacks children as viciously as adults. Of the 330,000 Americans who will die of cancer in 1971, 4,000 of them will be children.

Because cancer ranks as one of the greatest and most frightening problems in all our minds, it is time that we meet the challenge of conquering it. We have now reached the point where a cure is within grasp. Just 30 years ago, only one cancer patient in five had a chance to survive. Today the figure stands at 40 percent. Nevertheless, despite the fact that methods of detection and treatment have improved, the annual number of deaths from cancer continues to rise at a rate faster than our population growth.

Mr. Speaker, it is time for the people of the United States to make the commitment to cure cancer once and for all. Our history of the last decade proves that when this Nation really commits itself to a goal, we can achieve it. We need only to recall President Kennedys pledge at the beginning of the 1960's to land a man on the moon before 1970 and remember the culmination of this pledge in 1969.

Last year, 600 of the leading physicians and scientists in the field of medical research expressed their conviction that cancer could be cured if only there were sufficient funds to support cancer research. The current level of funding is far below what is necessary to accelerate the search for a cure. In fact, many research programs have been unable to progress due to lack of money.

A national commitment to wipe out cancer is a challenge that cannot be ignored. While this is one of the most important problems we face, it should give us great hope and encouragement in knowing that it is one of the serious problems that can be overcome if only we provide the commitment and the funds.

By supporting the following bills, we are making the pledge and taking up the commitment.

I include the material as follows:

H.R. 3656

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 "Conquest of Cancer Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) In order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has been qualified.

CONCURRENT RESOLUTION

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the best interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas the Nation's success in space was largely due to centralized direction of expenditures under the National Aeronautics and Space Administration; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research program;

(2) no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations; and

(3) the funds thus appropriated be controlled and directed by a National Cancer Authority which would have the same absolute direction of the cure and control of cancer that the National Aeronautics and Space Administration has over our conquest of space.

SAVE YOUR VISION WEEK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MYERS. Mr. Speaker, one of nature's most precious gifts to an individual is functional eyesight. Yet, like many other things we experience in our day-to-day lives, we tend to take this valuable possession for granted.

The President has proclaimed this week as Save Your Vision Week, and has called upon Americans to learn how visual disabilities can be prevented.

There is no doubt about the important role vision plays in our society. It has been estimated that up to 80 percent of our knowledge is acquired through the medium of vision. Accordingly, we should place special emphasis on the eye care need of our young.

The President has said that more than 10 million children in the United States

need eye care. Further, a report from a member of the U.S. Health, Education, and Welfare Advisory Committee on Dyslexia and Related Reading Disorders estimated that one out of seven children is handicapped in his ability to acquire essential reading skills. These figures would seem to create a special need to alert parents and teachers to the existence of this problem.

But the need for regular eye care is certainly not limited to our young. Some type of vision disorder affects over one hundred million Americans, many of whom are not aware of their problem. Some of these individuals with undetected problems will suffer no major difficulties or physical pain, although they certainly will not get full enjoyment out of life. Others who are less fortunate, however, will lose their vision entirely due to lack of prompt and proper treatment. This is tragic because almost all of the consequences of eye disorders—whether major or minor—can be avoided if the problem is detected and corrected. During this week we should determine when our last eye examination took place, and if it was over a year ago, we should make an appointment to have one.

I have a special interest here because Indiana University's Division of Optometry is located in Bloomington, which is part of my district. This school is one of 12 such schools in the country which has been involved in meeting the pressing eye care needs of the Nation.

Ever since the American Optometric Association observed the first Save Your Vision Week 44 years ago, we have learned a great deal about the eye and its proper care. There is little reason for any of us to neglect our eyesight. We should also concern ourselves with the need for safety in all walks of life to avoid eye damage due to carelessness. This week affords us an excellent opportunity to focus our attention on the need for good eye care.

NAVY AS CONSERVATIONIST: CULEBRA'S FUTURE IS NOT TOO BLEAK

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BENNETT. Mr. Speaker, the Washington Post of March 9 carried an interesting column by Irwin Goodwin entitled "Navy as Conservationist: Culebra's Future Is Not Too Bleak." Goodwin indicates that the Navy has, through the years, helped Culebra in this role of a conservationist of the natural environment, as well as in other ways. This is in strong refutation of the hysterical, adverse comments made by some when the Navy sought patiently, through Secretary of the Navy John Chafee, Assistant Secretary of the Navy Joseph Grimes, and Adm. Means Johnston, to reorganize its targets and safety lanes last year. I include the article hereunder:

NAVY AS CONSERVATIONIST: CULEBRA'S FUTURE IS NOT TOO BLEAK

(By Irwin Goodwin)

SAN JUAN, P.R.—By its very presence in the past 35 years, the Navy has performed an unexpected role as conservationist of the natural environment of Culebra. This is the startling theme running through a 104-page report: "Culebra 1970: An Island in Transition," prepared for Puerto Rico's Gov. Luis A. Ferre by 17 scientists from commonwealth and federal agencies.

Ferre gave the study to Russell Train, chairman of the Council on Environmental Quality in Washington recently.

"Without a doubt," states the report, "Culebra and its surrounding keys and rocks" probably constitutes one of the very few areas in Puerto Rico where human activities have not yet altered natural conditions to a significant extent.

"Earnest efforts must be made to maintain the diverse ecosystems in the area in present conditions or, better yet, reduce the present human activities so that the natural state can be preserved."

SINCE 1936, when the Navy began using Culebra's northwest peninsula for ship-to-shore target practice, the island has not developed significantly. As a result, its present population of 726 is little more than the 704 residents of 1899, the first year after the Spanish-American War, when Puerto Rico and Culebra were ceded to the United States.

The report indicates that Culebra, with no minerals worth mining, little land usable for farming, frequent droughts and salty well-water, is clearly one of the Caribbean's lesser jewels.

It has no industries other than ocean fishing and cattle grazing, each conducted on a small scale; limited the costly transportation by airplane and ferryboats to the main island, 19 miles west; inadequate schools and services. Per capita income is $551—about $1,000 less than on Puerto Rico.

The island, however, as the report points out, "is best suited for wildlife and esthetic appreciation." It possesses 33 rare or unique species of plants, including wild orchids and tall palms, battalions of birds such as the endangered Bahama pintailed duck, brown pelican and varieties of heron, and swarms of sealife life—lobsters, grouper, starfish and sharks. These, as well as its abundant coral, clear water and mangrove swamps "in more or less natural state," the report notes, make Culebra "of great interest to marine biologists, geologists and oceanographers."

The Puerto Rican government's new report finds that decades of target practice apparently have not damaged the island. It criticizes the Navy for one incident: The underwater demolition of unexploded shells on a coral reef off the northwest peninsula target on Dec. 2. Upon investigation the next day, a diving scientist found a hole about 50 feet in diameter in a rich coral reef and partial destruction of another 200 feet.

Ironically the Navy exploded its misfired old ordnance only after the islanders insisted that the shells were a peril to swimmers and boaters. The study concludes that the "dangers of these disposal activities might be minimized if all ordnance deemed safe to remove was transferred to bare sandy bottoms devoid of coral." The Navy has agreed to do this.

In a socio-economic section of the study, the team reported wide disagreement among Culebrans about the island's future. "Some feel the solution to all problems lies in the complete withdrawal of the Navy," it states. "For others such a withdrawal would be a catastrophe."

An opinion poll of one-third of the households taken last December showed that 54 per cent felt the absence of fresh water and sewage disposal were the greatest deterrents to Culebra's future. One-third thought the Navy's presence hampered their well-being, while a similar proportion attributed their problems to inaccessibility for trade or tourism.

"The critical condition of Culebra at present is blamed on the government of Puerto Rico by 54 per cent, on the Navy by 7 per cent," says the study.

Because Culebrans now insist on a share of Puerto Rico's economic prosperity, tourism is considered a panacea. Recognizing this, the study group calls for a master plan of development, with a moratorium on building while measures are taken to protect the environment.

Even before the Navy agreed on Jan. 11 to curtail its training maneuvers and limit its activities to the northwest peninsula and several distant keys after Jan. 1, 1972, there were "new forces," says the report, altering and detracting from the island's environment.

Oil from pleasure boats is contaminating beaches, sand stealthily removed from the beaches, houses built illegally along the shoreline, raw wastes dumped into the bays. "As human use of the island increases," notes the study, "these destructive forces will become stronger unless specific measures are adopted to reduce them."

In presenting the report to Train, Governor Ferre proposed that Culebra become a national park. As it happens, President Theodore Roosevelt declared the keys and islets around Culebra a wildlife refuge back in 1909. But some observers question whether Culebrans will want to limit their economic and social development with such a designation.

Train, who has indicated to Ferre that he will consider the request, was designated in December by President Nixon to take a major part in the Pentagon study of the embattled 11-square mile island. The study is due next April 1.

REMARKS OF THE HONORABLE THOMAS N. DOWNING TO THE WORLD AFFAIRS FORUM, RIVERDALE THEATER, HAMPTON, VA.

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. KARTH. Mr. Speaker, we have gone beyond an unusual point in our development as a free Nation—that point in history where a man's honest and lawful dissent with his government's policy was somehow used as a barometer of his patriotism. That point where the flag became a symbol not for the people of the United States, but a symbol for a specific foreign policy. It was a point where a hope for peace was somehow equated with wanting to weaken the defensive posture of our Nation. What brought us to that point was the tragic war in Indochina.

That period could not survive the test of time. We are now striving to reach a new and free atmosphere where debate and learned disagreement with our Government's policy can take place without acrimony, and where a man's patriotism

is not called to question because he disagrees.

I say this by way of introducing and inserting into the RECORD a speech delivered by my esteemed colleague, the Honorable THOMAS N. DOWNING, at Hampton, Va., on March 8. Congressman DOWNING's devotion to this country is beyond question, and his record shows he stands steadfastly for a firm U.S. defense policy. In his speech he asks the President immediately to withdraw our troops from South Vietnam following the completion of the Laos campaign. I believe that speech speaks eloquently for itself:

REMARKS OF THE HONORABLE THOMAS N. DOWNING TO THE WORLD AFFAIRS FORUM

This is a remarkable country in which we live, and this is a wonderful place where we can get together, with each other, for a free exchange of ideas.

There are seven of these national security seminars being held throughout the United States today, and I feel that we are most fortunate indeed to host one of them in our area.

It goes without saying, but I will say it anyway, that the selection of the Hampton Roads area of Virginia was the most appropriate that could be made. This is a great bastion in our democracy. Right here on this peninsula within sight and sound of Jamestown, Williamsburg and Yorktown stands the palladium of our liberty.

We stand together here—civilian and military, government and private industry—in a strong posture of national defense and in a great cooperative military-industrial complex which helps to keep the breath of life in our liberty.

Needless to say, my friends, I am proud to have you here and I am honored to be here with you. I salute not only you but all of those who have worked to make this "world affairs" forum a reality. Their success and our success will be measured not by what we learn here but by what we do with it when we leave here.

My remarks to you this morning will be brief; my speech will be short; you may be the judges of how sweet it is.

These are "truly times that try men's souls." Do you know where that thought came from? It came from the great essayist, Thomas Paine, who said: "These are the times that try men's souls." Hardly anyone, however, remembers the lines which immediately follow.

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country.

We do not need the "sunshine patriot" at this time in our Nation's history. We need honest God-fearing Americans who are willing to stick by their country in these times of crisis.

For over 17 years we have been involved, directly or indirectly, in a war nobody wanted and few could understand. This war had no "Lusitania" or "Pearl Harbor" to instantly mold public unity and provoke outrage.

The provocation for this involvement is hard to describe. Primarily it was the simple defense of a philosophy.

The free world—the United States—abhors the ideology of communism—as well it must. To contain communism, this country and others have entered into a number of international treaties designed to protect free nations from the clutches of communism. These were solemn agreements of national honor at the time of their signing. Later on, some signatory nations became "summer soldiers and sunshine patriots" in the words of Thomas Paine.

Each of these nations had a strong parochial interest—including the United States. We understandably wanted to stop communism before it reached our own shores. With over two-thirds of the earth's surface under some form of Communist domination, the line had to be drawn somewhere.

Someone, somewhere, in our hierarchy of government decided the place to draw the line consistent with our treaties was in Southeast Asia. It was considered that South Vietnam was the "domino" which, if pushed over, could topple Southeast Asia in its entirety. This was the prevailing thought at the time.

So, we decided to defend South Vietnam against this aggression. Our mission was not to invade, not to attack—but to defend a weak nation against its more powerful Communist aggressor.

Noble in theory, the concept was difficult to explain, difficult to justify and—as the years passed by—almost impossible to achieve. And there was no "Pearl Harbor."

Truman initiated it; Eisenhower supported it; Kennedy activated it; Johnson continued it and, I hope to God, Nixon ends it.

As a member of Congress, I have supported the last four presidents in their foreign policy because I considered myself a loyal American, duty-bound to support my commander-in-chief, as most Americans have. And should!

I supported the President's move into Cambodia because he assured me—and I believed—that it would minimize the attacks on American troops from those sanctuaries and reduce American casualties. Hindsight and statistics have proven this to be true.

I approved the decision to allow South Vietnamese troops—and South Vietnamese troops only—to cross the Laotian border and cut the Ho Chi Minh supply trail. With the old port of Sihanoukville closed, these complex trails were the enemy's main pipeline of troops and weapons from north to south. If the ARVN can accomplish this mission—and I pray they can—and hold until the rainy season closes the paths to everybody, we should be free to bring our men home, post haste.

I am sending the President of the United States this speech for whatever good it may do, to tell him this.

We have been in South Vietnam for seventeen long, painful years. We have paid the price in lives and money to enable these people to defend themselves, if they have the will to defend themselves. They have the resources. If they lack the determination to defend their borders with their own people, our withdrawal should not blemish our conscience or abrogate our treaties.

Today the Vietnamese have a sturdy regular army of over 1.2 million men. In addition. They have over 500,000 irregulars who can be called upon. They are armed with the finest weapons or war that this country can produce. They have received every technical and military advice that they can absorb. President Thieu, himself, has said they are willing and ready to defend themselves. Much of the civilian population has denounced our presence. Clearly, the time has come to leave that country.

Therefore, Mr. President, as soon as the Laotian campaign has been successfully terminated. I urge you immediately to pull our people out of South Vietnam. If we can believe what you tell us, no enemy supplies, no substantial personnel, could filter through to attack our forces. Vietnamization would be complete. We can leave with honor—and we should!

I am convinced that this is what the world would expect us to do. What our people want us to do, and what we must do.

And—I believe that history will prove us right.

SUPPORT FOR THE COURAGEOUS JEWS OF THE SOVIET UNION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. SCHEUER. Mr. Speaker, today a group of 100 Jews has begun a sit-in and fast in the very heart of the Kremlin. They have vowed to continue this demonstration every day until they are granted permission to emigrate to Israel.

A demonstration of this kind within the Soviet Union is unprecedented. At least, previous reports of such activities have not appeared in the Western press.

It is obvious that these people are taking a great risk. Indeed, the risks are so great, that their demonstration is clearly an act of desperation.

Many of these people have been deprived of their jobs because of their previously expressed desire to emigrate. Many of them have been harassed, some have been beaten, and others have been arrested.

The Jews in the Soviet Union are denied the rights guaranteed to them by both the Soviet Constitution and the United Nations Universal Declaration on Human Rights, assuring the right to emigrate, to which the Soviet Government is a signatory. Soviet Jews are denied the right to worship in their own way, to study Yiddish or Hebrew, to have their own schools, to maintain healthy Jewish cultural activities, such as the Yiddish theater and press.

Mr. Speaker, I have conferred at length with two Jews who have recently left the Soviet Union, Leonid Rigerman and Luba Bershadskaja. Both of these individuals have firmly expressed the opinion that the Soviet Union is sensitive to world public opinion and that lawful, peaceful expressions of concern can have a cumulative effect.

I am today introducing a joint resolution calling upon the President to firmly express our country's commitment to cultural diversity, freedom of worship, and the right of emigration, and to persuade the Soviet Government to grant these same freedoms to its Jewish minority.

I sincerely hope that my colleagues will give this resolution every consideration and that it will be adopted with the urgency the situation demands.

Mr. Speaker, at this time I insert the text of the resolution to be printed at the conclusion of my remarks:

H. CON. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshiping freely and in accordance with the traditions of their age-old faith; and

Whereas, the Soviet Union has consistently denied the right of Jewish people freely to emigrate from that country to Israel or to any country of their choosing;

Resolved, that the Congress of the United States respectfully requests the President of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking appropriate affirmative action to persuade the Soviet Union to revise its official policies in the following manner:

(a) to terminate its practice of depriving Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions; and

(b) to grant to the Jewish minority the same rights of preserving its cultural identity as the government grants to other Soviet minority groups; and

(c) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation.

WISCONSIN CHEESE AND THE SST

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ASPIN. Mr. Speaker, the following editorial appeared in the Janesville Gazette on February 15, 1971. It makes its points so well any introduction on my part would simply be redundant. It follows:

WISCONSIN CHEESE VERSUS THE SST

A group of businessmen, union officials and aerospace subcontratcors in Seattle is threatening to boycott Wisconsin cheese and other Wisconsin-made products because of Sen. William Proxmire's role in leading the Senate opposition to the Supersonic Transport (SST).

This tiny group's childish, petulant tactic has created alarm far out of proportion to its probable impact, since the market for Wisconsin cheese is considerably broader than the City of Seattle.

Most people will recognize this for what it is—an attempt to bring a national environmental issue down to the level of provincial economics. It's like urging people not to buy textiles made in South Carolina because of Sen. Thurmond's views on the war in Vietnam, and it makes about as much sense.

The people of Wisconsin did not elect Sen. William Proxmire to the U.S. Senate because they expected him to yield to this kind of blackmail—not from a few disgruntled souls in Seattle, and not from anybody else.

Since the issue has been joined on this level, however, let's make it a test of public opinion on the national level.

Those Americans who favor the SST can demonstrate this by not eating Wisconsin cheese. Those who are against the SST can do likewise by eating twice as much Wisconsin cheese as they normally do.

We have confidence in the outcome because we think the overwhelming majority of the American people are opposed to spending millions on this environmental monster. Besides that, Wisconsin cheese is excellent. Unlike the SST, it can stand on its own merits.

AUTHORITATIVE AND VALUABLE STATEMENT BY HEW PANEL ON BEHAVIORAL MODIFICATION DRUGS TO GRAMMAR SCHOOL-CHILDREN

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. GALLAGHER. Mr. Speaker, today a blue-ribbon panel issued its statement on the problems connected with giving behavioral modification drugs to grammar school children, an issue with which our Privacy Subcommittee has been concerned for almost a year.

This report addresses itself to virtually every one of the concerns which were raised in my hearing on September 29, 1970. I consider it to be a model of its kind; concise, comprehensive, and remarkably free of the specialized jargon which so often mars Federal prose.

The panel has found, as have I during my investigation, that the causes of minimal brain dysfunction may be as deeply embedded in modern society as they are in the brain of most of the afflicted children. I was struck by the sentence:

It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers and parents.

The insight in that sentence is exactly what I was trying to convince the experts of during my investigation and I believe this sober and responsible statement will slow down the widely predicted zoom in the seventies. I was also pleased that the panel focused on informed parental consent. If the teachers, school administrators, and doctors follow the recommended procedures, I think much of the current agony of some parents who have communicated with me will be relieved.

The report also contains evidence for raising amphetamines to schedule II of the Drug Abuse Act of 1970. The violations of proper procedure, against which the report warns, could be detected by the prescription reporting process mandated under schedule II.

I agree completely with the statement:

These medicines should be promoted ethically and *only* through medical channels. (Emphasis in original.)

We have received disturbing examples of drug company salesmen attending local PTA meetings, for example, and I read the report's statement as saying that such promotion activities must stop.

I was also impressed by the sentence:

Variations in different socioeconomic and ethnic groups must be considered in order to arrive at better definitions of behavior properly regarded as pathological.

I recall that during the Privacy Subcommittee investigation of psychological testing in 1965, we learned that the tests were devised by men who, however dedicated they were, mirrored their own preconceptions in the tests. This warning in the panel's report is especially relevant.

Further, I praise the panel for effectively demolishing what was described as the "paradoxical effect"; that is, that drugs work entirely differently in children by calming them down, instead of being "speed." The drugs focus attention in children the same as they do in adults.

I believe the report merits the widest possible distribution and acceptance. It is obvious that these drugs do work in carefully diagnosed and controlled situations and it was never my intention to try to intefere with the doctor-patient relationship. I feel that the Privacy Subcommittee has isolated another area of genuine concern and I commend the panel and its chairman, Dr. Donald X. Freedman, for confronting the hard issues we raised.

That being said, however, a significant weakness does exist and it relates to the place where the problem originally surfaced: Omaha, Nebr. The panel did no original research into specific cases; they were solely concerned with the general medical and academic ramifications for the populace at large. The report states that sensationalism and half truths are to be avoided, but by not dealing with the Omaha charges, they have produced what may be described as only half a report. I attempted to anticipate this eventuality when I wrote to HEW Secretary Richardson on October 12, 1970. I recommended as follows:

Control over these grants and followup studies should be centralized in one office so that should a situation like that in Omaha again arise, responsibility for an adequate in-depth investigation would be firmly fixed.

Secretary Richardson replied that the liaison between the National Institute of Mental Health and the Food and Drug Administration was sufficient.

I was impressed with the report prepared under the auspices of the Office of Child Development and I feel that it should take a more central role. I say this for two reasons:

First, as admirable as the recommendations in the report are, they will be nothing but high-sounding platitudes unless supervision of local schools can assure that they are being given the attention I think they deserve; and

Second, an issue of contention still exists over behavioral modification drugs in Omaha, and, perhaps more important for our society, the suspicion still exists that these programs will be used to modify the behavior of black children to have them conform with white society's norms. I repeat my contention that someone in the Government must have the responsibility, and I now feel that the Office of Child Development is the logical place.

Mr. Speaker, I insert the HEW news release, the report, and a list of the panel's members:

HEW NEWS RELEASE

Diagnosis by a doctor, close supervision of treatment and parental understanding and

cooperation are keys to the proper administration of amphetamine drugs to school children with hyperkinetic behavioral disturbance problems, a panel of experts called together by the Department of Health, Education, and Welfare reported today.

The behavioral problem, which affects about three of every 100 elementary school children, is characterized by poor attention in class, disordered behavior and intense physical and mental overactivity.

The panel of experts, chaired by Dr. Daniel X. Freedman, Professor and Chairman of the Department of Psychiatry at the University of Chicago, was called together by HEW's Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, to discuss the use and misuse of such medications in treating school children with behavior problems.

The panel met in Washington, January 11 and 12.

The panel's report issued today is a 17 page statement on the conditions under which amphetamines should, and should not be, administered to children. Highlights of the panel's findings are:

(1) Under the conditions specified, strong evidence indicates that use of such medication in treating hyperkinetic behavior disturbance improves the child's attention, learning and social abilities. There is no evidence to show that the proper use of amphetamines in treating this age group leads to subsequent addiction in later life.

(2) Diagnosis should take into account the child's environment and family relationships, as well as other physical and psychological factors. Many children suffer from problems with behavior control primarily attributable to hunger, emotional stress, poor teaching and overcrowded classrooms. The use of amphetamines clearly is not called for in these cases.

(3) No stigma should be attached to a child who has been prescribed medication for behavior disorders. His situation is no different from that of the child who benefits from wearing eyeglasses.

(4) While it is entirely proper for school personnel to draw parents' attention to an individual child's behavior problems in school, teachers and school administrators should scrupulously avoid any attempt to force parents to accept any particular treatment. With parental permission, they should collaborate with the physician in the total program for the child.

(5) Manufacturers of stimulant medications should promote their products solely through the appropriate medical channels and should not seek the endorsement of such products from school personnel.

(6) No child should be given the responsibility for taking his own medication. In most cases, it is not even necessary to bring the drug to school. The same household precautions should be taken against the misuse of amphetamines as with any other medication.

(7) While there is no need for sensational alarm about the health or safety of the individual child under carefully supervised treatment with amphetamines, abuses and misuses must promptly be called to the attention of the proper authorities. Physicians, educators, parents and the news media share this responsibility.

The report also emphasizes the need for further research into causes, prevention and treatment of all behavior disorders in children. It points out that, even when medication has improved a condition, a child will often require special educational attention and opportunities to reinforce the treatment.

The panel cautioned the public not to regard the use of amphetamines among school children as replacing the need for improved school systems, nor should negative public attitudes toward the use of appropriate drugs deprive any child of possible benefit from such medication.

Dr. Edward Zigler, Director of the Office of Child Development, complimented the panel on its efforts in addressing a complex subject. "Every member of the panel was carefully selected to represent a wide range of scientific interests. The statement is the product of some of the finest expertise in the country, and I am confident that it will clarify issues which have been of concern to the public."

REPORT OF THE CONFERENCE ON THE USE OF STIMULANT DRUGS IN THE TREATMENT OF BEHAVIORALLY DISTURBED YOUNG SCHOOL-CHILDREN

(Sponsored by the Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, Washington, D.C., January 11–12, 1971)

INTRODUCTION

On January 11–12, 1971, the Office of Child Development and the Office of the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, called a conference to discuss the use of stimulant medications in the treatment of elementary school-age children with certain behavioral disturbances. In convening the conference, the Office of Child Development was aware of public concern about the increasing use of stimulant medications (such as dextroamphetamine and methylphenidate) in treating so-called hyperkinetic behavior disorders. Were these drugs—so widely misused or abused by adolescents and adults—truly safe for children? Were they properly prescribed, or were they used for youngsters who, in fact, need other types of treatment? Is emphasis on medications for behavior disorders misleading? Might this approach tempt many to oversimplify a complex problem, leading to neglect of remedial social, educational or psychological efforts on the part of professionals, parents, schools and public agencies?

In order to clarify the conditions in which these medications are beneficial or harmful to children, to assess the status of current knowledge, and to determine the best auspices for administering these drugs to children, a panel of fifteen specialists was invited to meet in Washington. The panelists were from the fields of education, psychology, special education, pediatrics, adult and child psychiatry, psychoanalysis, basic and clinical pharmacology, internal medicine, drug abuse and social work. The panel's task was to review the evidence of research and experience and to prepare an advisory report for professionals and the public.

This report briefly outlines the general nature of behavioral disorders in children and then focuses on those disorders that are being treated with stimulant medications. It discusses appropriate treatment and the concerns voiced by the public and media. Finally, the report examines the role of the pharmaceutical industry, professionals, and the news media in publicizing stimulant drugs for children and outlines the glaring gaps in needed research, training and facilities.

BEHAVIOR DISORDERS OF CHILDHOOD

A wide range of conditions and disabilities can interfere with a child's learning at home and in school, his socialization with peers, and his capacity to reach his maximum development. Social deprivations and stress at home or school may retard optimal development. Mental retardation, the more rarely occurring childhood autism and psychosis, and other such disabilities may cause serious problems. Some difficulties arise because of clearly definable medical conditions such as blindness, deafness or obvious brain dysfunction. Some are associated with specific reading or perceptual defects, and others with severe personality or emotional disturbance.

Such dysfunctions are known to require careful evaluation, thoughtfully planned treatment employing a variety of methods on the child's behalf, and conscientious monitoring of remedial treatments. Individualized evaluation and treatment is important for any childhood behavior disorder. There are appropriate occasions for use of medications such as tranquilizers and antidepressants in some children with these disorders. For over three decades, stimulant medications have been selectively used for children under medical supervision. We now focus upon issues related to the current use of these drugs.

HYPERKINETIC DISORDERS

The type of disturbance which has evoked misunderstanding and concern has many names. The two most familiar—neither entirely satisfactory—are "minimal brain dysfunction" or, more commonly, "hyperkinetic behavioral disturbance." There is no known single cause or simple answer for such problems. The major symptoms are an increase of purposeless physical activity and a significantly impaired span of focused attention. The inability to control physical motion and attention may generate other consequences, such as disturbed mood and behavior within the home, at play with peers, and in the schoolroom.

In its clear-cut form, the overt hyperactivity is not simply a matter of degree but of quality. The physical activity appears driven—as if there were an "inner tornado"—so that the activity is beyond the child's control, as compared to other children. The child is distracted, racing from one idea and interest to another, but unable to focus attention.

INCIDENCE OF HYPERKINETIC DISORDERS

This syndrome is found in children of all socioeconomic groups and in countries throughout the world. A conservative estimate would be that moderate and severe disorders are found in about 3 out of 100 elementary school children—an estimate that would vary somewhat in different communities. More males than females are affected, as is true in a number of childhood ailments. Children so afflicted are generally of normal or superior intelligence. A significant number so diagnosed have special learning or reading disabilities, in addition to the major symptoms. A near majority are reported to have had behavioral problems since infancy. There is a small group of more severely afflicted children upon whom most studies have focused; they may show increased clumsiness and a variety of physical symptoms. Thus, some of the children show hyperactivity and reduced attention which ranges in degree from mild to severe, with or without associated physical signs or special learning impairments; some have complex behavioral and personality problems, as well as special learning and reading difficulties, along with the major hyperkinetic symptoms.

CAUSES OF HYPERKINETIC DISORDERS

We know little about definitive causes. The disorder has been ascribed to biological, psychological, social or environmental factors, or a combination of these. There is speculation that the core set of symptoms—those affecting control of attention and motor activity—may have their origin in events taking place before the child is born, or during the birth process, or they may be related to some infection or injury in early life. The neurological and psychological control of at-

tention is an important but incompletely researched topic, as are the nutritional, perinatal and developmental factors. Thus, in many instances, it is not yet possible even to speculate as to original causes.

THE COURSE OF HYPERKINETIC DISORDERS

Usually, the excessive activity and attentional disturbances are less apparent after puberty. Specialists citing experience and some fragmentary research data believe that treatment enables many to lead productive lives as adults, while severely afflicted children who remain untreated may be significantly at risk for adult disorders. Extensive research is still required on these points. Because the ages of 5 to 12 are crucial to the child's development and self-image, treatments which permit the child to be more accessible to environmental resources are warranted and useful.

DIAGNOSIS OF HYPERKINETIC DISORDERS

In diagnosing hyperkinetic behavioral disturbance, it is important to note that similar behavioral symptoms may be due to other illness or to relatively simple causes. Essentially healthy children may have difficulty maintaining attention and motor control because of a period of stress in school or at home. It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers or parents. Frustrated adults reacting to a child who does not meet their standards can exaggerate the significance of occasional inattention or restlessness. Above all, the normal ebullience of childhood should not be confused with the very special problems of the child with hyperkinetic behavioral disorders.

The diagnosis is clearly best made by a skilled observer. There unfortunately is no single diagnostic test. Accordingly, the specialist must comprehensively evaluate the child and assess the significance of a variety of symptoms. He considers causal and contributory factors—both permanent and temporary—such as environmental stress. He distinguishes special dysfunctions such as certain epilepsies, schizophrenia, depression or anxiety, mental retardation or perceptual deficiencies. The less severe and dramatic forms of hyperkinetic disorders also require careful evaluation. Adequate diagnosis may require the use not only of medical, but of special psychological, educational and social resources.

TREATMENT PROGRAMS

The fact that these dysfunctions range from mild to severe and have ill-understood causes and outcomes should *not* obscure the necessity for skilled and special interventions. The majority of the better known diseases—from cancer and diabetes to hypertension—similarly have unknown or multiple causes and consequences. Their early manifestations are often not readily recognizable. Yet useful treatment programs have been developed to alleviate these conditions. Uncertainty as to cause has not prevented tests of the effectiveness of available treatments, while the search for clearer definitions and more effective kinds of therapy continues. The same principles should clearly apply to the hyperkinetic behavior disorders.

Several approaches now appear to be helpful. Special classes and teachers can be directed to specific learning disabilities and thus restore the confidence of the child who experiences chronic failure. Modification of behavoir by systematic rewarding of desired actions has been reported to be useful in some children. Elimination of disturbing influences in the family or classroom through counseling may often tip the balance, and a happier child may show improved control and function.

There will be children for whom such efforts are not sufficient. Their history and their examination reveal symptoms of such a driven nature that skilled clinicians undertake a trial of medical treatment. *Medicine does not "cure" the condition, but the child may become more accessible to educational and counseling efforts.* Over the short term and at a critical age, this can provide the help needed for the child's development.

Stimulant medications are beneficial in only about one-half to two-thirds of the cases in which trials of the drugs are warranted. The stimulant drugs are considered to be the first and least complicated of the medicines to be tried. Other medications—the so-called tranquilizers and anti-depressants—are generally reserved for a smaller group of patients. Without specialized medical therapy, the consequences for these children of their failure to manage—even in an optimal environment—are clearly very severe. In such cases, the aim is not to "solve problems with drugs," but to put the severely handicapped child in a position to interact with his environment to the extent that his condition permits.

Response to stimulant medication cannot be predicted in advance. Fortunately, the issue can be resolved quickly. When stimulants are given in adequate doses, a favorable response—when it occurs—is fairly rapidly obtained and is unmistakably the consequence of the drug. Thus, if an adequate test of pharmacotherapy (a few days or weeks) produces only doubtful benefits or none at all, treatment can be promptly terminated. The physician will, of course, adjust dosage carefully to assure an adequate therapeutic trial. It would be tragic to deprive a child of a potentially beneficial treatment by inattention to dose. Thus, it is clear that not all affected children require medication and that of those who do, not all respond.

When the medication is effective, the child can modulate and organize his activities in the direction he wishes. The stimulant does not slow down or suppress the hyperkinetic child in the exercise of his initiative. Nor does it "pep him up," make him feel high, overstimulated, or out of touch with his environment. Much has been made of the "paradoxical sedative" effect of stimulants in such children. The term is inappropriate. Although their exact mechanism of action is not known, stimulants do not provide a chemical straitjacket. They do not act as a sedative. Rather, they appear to mobilize and to increase the child's abilities to focus on meaningful stimuli and to organize his bodily movements more purposefully.

The hoped-for secondary consequences are better peer relationships, improved self-image, and pleasure in acquiring competencies. Any coexisting dysfunctions—such as special perceptual and learning handicaps—must not be left unattended, simply because pharmacotherapy is available and sometimes helpful. Similarly, personality and psychological problems, social and family problems, may require continued attention.

During drug treatment, the dosage may require shifting to minimize unwanted effects, of which the major ones are loss of appetite and insomnia. Drug treatment should not and need not be indefinite, and usually is stopped after the age of 11 or 12. Frequently, following a sustained improvement over several months or a year or so, drugs may be discontinued, as during a vacation period. Drug-free intervals can be prolonged as observers assess the child's condition.

The decision to use drug treatment thus depends on the commitment to diagnose and to monitor the response to treatment in the best traditions of medical practice. When there is informed parental consent, parents, teachers and professionals can collaborate in organizing and monitoring treatment programs.

CONCERNS RAISED BY THE PUBLIC AND THE NEWS MEDIA

We will now turn to various concerns about hazards and abuses when stimulant medications are used for children. For example, concern has been expressed that the medical use of stimulants could create drug dependence in later years or induce toxicity. This subject touches on the rights of the child to needed treatment, as well as risks to both the child and the public, and requires continued intensive scrutiny.

1. Does the medication produce toxicity?

One should not confuse the effects of intravenous stimulants and the high dosages used by drug abusers with the effects or the risks of the low dosages used in medical therapy. In the dosage used for children, the questions of acute or chronic toxicity noted in the stimulant abuser are simply not a critical issue. Unwanted mental or physical effects do rarely appear in children; cessation of therapy or adjustment of dosage quite readily solves the problem.

2. Is there a risk of drug dependency in later years?

Thirty years of clinical experience and several scientific studies have failed to reveal an association between the medical use of stimulants in the pre-adolescent child and later drug abuse. Physicians who care for children treated with stimulants have noted that the children do not experience the pleasurable, subjective effects that would encourage misuse. They observe that most often the child is willing to stop the therapy, which he views as "medicine." Thus, the young child's experience of drug effects under medical management does not seem to induce misuse. The medical supervision may "train" him in the appropriate use of medicines. When adults are given stimulants—or even opiates—for time-limited periods under appropriate supervision and for justifiable reasons, there is relatively little misuse. Similarly, in treating epilepsy, barbiturates have been given from infancy to adulthood without creating problems of dependency or abuse.

It is not ordinarily the drug which constitutes abuse but the way in which a drug and its effects are used and exploited by an individual. There are indeed adolescents who, in varying degrees and for varying periods of time, either misuse or dangerously abuse stimulants. They experiment with the effects of excessive dosages to create excitement, to avoid sleep, to defy constraints, and to combat fatigue and gloom. It should be noted that these drugs are not commonly prescribed to children after the age of 11 or 12, when the actual risks of such experimentation or misuse might possibly become more significant.

Alert monitoring of drug use at any age is a part of sensible medical practice. With such precaution and with the available evidence, we find minimal cause for concern that treatment will induce dangerous drug misuse. To the contrary, there are very good reasons to expect that help, rather than harm, will be the result of appropriate treatment.

3. Are there safeguards against misuse?

There are some sensible steps, in addition to medical control, that guard against possible misuse. The child should not be given sole responsibility for taking the medication. He usually need not bring the drug to school. The precautions that surround the medicine cabinet—whether antibiotics, aspirins, sedatives or other medications are present—should be applied. Many such medicines, when misused, can be more dangerous to health and life than even the stimulant drugs. No child in the family should have access to medications not prescribed for him. These are general precautions comprising a

part of the child's education in the "etiquette of the medicine cabinet."

4. Do stimulants for children create a risk for others?

The panel agrees that stimulant drug abuse is seriously undesirable and frequently dangerous, although views vary on the scope of the problem and the number of actual casualties. Experts also agree that far more stimulants are prescribed for adults than are medically needed and far more are manufactured than prescribed.

Overprescription of any medication is deplored, whether or not it is liable to abuse. The question is whether the availability of stimulants for a very few of the childhood behavior disorders threatens the public health.

The prescribed dosage for an individual child constitutes an insufficient quantity to supply the confirmed abuser of stimulants with the amounts he requires. It is also true that illicitly manufactured stimulants are quite readily available and abused in this country. We must weigh the advantages of having appropriate medication available against the dangers of withholding treatment from a child who can clearly benefit from it. We doubt that prescriptions for the children who benefit from stimulants will require the manufacture of excessive and dangerously divertible supplies. With sensible precautions, there is at present no evidence justifying sensational alarm, either about the safety of the individual child who can benefit from therapy or about the safety of the general public.

5. Does medication handicap the child emotionally?

It is sometimes suggested that treated children may not be able to learn normal responses and master adjustments to the stresses of everyday life. These fears are understandable but are not confirmed by specialists who have experience with the conditions and the situations in which medications are properly used. For the correctly diagnosed child, these medications—if they work at all—facilitate the development of the ability to focus attention and to make judgments in directing behavior. Such children can acquire the capacity to tolerate and master stress by creating stress. The medications, in these circumstances, help "set the stage" for satisfactory psychological development.

The hyperkinetic behavioral disturbance is a form of disorganization that creates great stress in the afflicted child. The use of therapeutic stimulants for this disturbance should not be equated with the misuse of medication aimed at allowing a normal child or adult to avoid or escape the ordinary stresses of life.

6. What are the rights of the parents?

Under no circumstances should any attempt be made to coerce parents to accept any particular treatment. As with any illness, the child's confidence must be respected. The consent of the patient and his parents or guardian must be obtained for treatment. It is proper for school personnel to inform parents of a child's behavior problems, but members of the school staff should not directly diagnose the hyperkinetic disturbance or prescribe treatment. The school should initiate contact with a physician only with the parents' consent. When the parents do give their approval, cooperation by teachers, social workers, special education and medical personnel can provide valuable help in treating the child's problem.

STIGMATIZING THE MEDICINES AND CHILDREN, AND THE ROLE OF PUBLIC EDUCATION

A child who benefits from stimulants or other psychotropic medications should not be stigmatized; his situation is no different from that of the child who benefits from eyeglasses. It is unjust to stigmatize a child in later life, when competing in various situations (applying for college, employment or organization memberships), by labeling him early in life as "stupid," and "emotional cripple," a "drug-taker," or by any other kind of unjustified and unfortunate stereotype.

Nor should the medicine be stigmatized. Where bad practices prevail—and a number of complaints have been called to our attention—these practices should be squarely dealt with. This is not only a responsibility of physicians and educators, but also of the news media. Yet indignation must be tempered with perspective and scrupulous respect for the facts. An informed and understanding public can foster the growth and development of children, and these public attitudes may lead to the development of more refined and better-delivered health services. Either bad practices or exaggerated alarm can threaten the availability of medical resources for those who critically need it. This has happened before in the history of valuable medicines, and it can take years to repair the damage.

THE PROMOTION OF DRUGS BY INDUSTRY AND THE MEDIA

Pharmaceutical companies producing stimulants or new medications which may become useful for hyperkinetic disorders have a serious obligation to the public. These medicines should be promoted ethically and *only* through medical channels. Manufacturers should not seek endorsement of their products by school personnel. In the current climate, society can best be served if industry refrains from any implicit urging that nonspecialists deal with disorders and medications with which they are unfamiliar. Professionals and the news media can play useful roles by not pressing for treatments in advance of their practical availability.

THE DELIVERY OF SPECIAL HEALTH CARE: A DILEMMA

Our society has not as yet found complete solutions to the problem of the delivery of special health care. When available treatments cannot be confidently and appropriately delivered by physicians, they are perhaps best withheld until such treatments can be provided—especially with milder dysfunctions. This is not to say that severely afflicted hyperkinetic children should not or cannot receive available medical treatment. But until systems of continuing professional education and ready access to consultants are financed and perfected, some judgment about the pace at which unfamiliar treatments can be widely fostered is required. Finally, we must recognize that it is not only the scarcity of trained personnel, but factors such as poverty and inadequate educational facilities which prevent accessibility to individualized treatment.

THE NEED FOR SKILLS AND KNOWLEDGE

In preparing this report, the Committee was repeatedly struck by our lack of information in many crucial areas. The facts are that children constitute well over half our population, but receive a disproportionately low share of skilled research attention. We have noted the difficulties in arriving at accurate methods of diagnosis and the importance of launching careful longitudinal and follow-up studies. The investigation of causal factors lags. Such factors as perinatal injury, environmental stress or the development of the neurological and psychological controls of attention require study. Variations in different socioeconomic and ethnic groups must be considered in order to arrive at better definitions of behavior properly regarded as pathological. All such research efforts would have aided us in assessing the numbers of affected children and in recommending designs for more effective treatment programs.

Clinical pharmacologists have repeatedly found that drugs may act differently in children than in adults. To use medicines of all kinds effectively in children, more specialists must be trained in drug investigation—pharmacologists who can develop basic knowledge about the action of drugs in the developing organism. There is the obvious need for better and more precisely targeted drugs for the whole range of severe childhood behavior disorders. This requires intense research and training efforts. Such efforts provide the means for developing, testing and delivering better treatment programs. There is a similar need for research in the techniques of special education and also a need to make these techniques available to children who can benefit. It would appear to be a sound Federal investment to conduct such research and training.

In summary, there is a place for stimulant medications in the treatment of the hyperkinetic behavioral disturbance, but these medications are not the only form of effective treatment. We recommend a code of ethical practices in the promotion of medicines, and candor, meticulous care and restraint on the part of the media, professionals and the public. Expanded programs of continuing education for those concerned with the health care of the young, and also sustained research into their problems, are urgently needed.

Our society is facing a crisis in its competence and willingness to develop and deliver authentic knowledge about complex problems. Without such knowledge, the public cannot be protected against half-truths and sensationalism, nor can the public advance its concern for the health of children.

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U.S.-SOVIET POLICY IN SOUTHEAST ASIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RARICK. Mr. Speaker, millions of Americans continue to question why our present policy in Southeast Asia precludes ending the war by a military victory over the aggressor nation—North Vietnam—as a means of achieving a truly lasting peace in that part of the world. North Vietnamese forces have not only invaded South Vietnam, Laos, and Cambodia, but have trained local insurgents for guerrilla operations in Thailand as well.

It is well established, I think, that our policy in Southeast Asia has been based on containing Red Chinese expansionism. The doctrine of containment has been advanced time and time again by policymakers in the Johnson administration, by international affairs analysts, by members of the intellectual community, and by Richard Nixon himself in justifying U.S. military presence in Southeast Asia.

Dean Rusk, who was Secretary of State under Presidents Kennedy and Johnson, in reviewing U.S. foreign policy in 1966 stated:

. . . We must remain firm in our determination to help those allied nations which seek our help to resist the direct and indirect use of threat of force against their territory by Peiping.[1]

The seriousness of our determination to stand firm and oppose Red China's expansion efforts was brought to light in testimony by Secretary of Defense Robert S. McNamara before the Senate Foreign Relations Committee on March 3, 1966 in which he hinted that war with Red China was possible:

Given this history of militant aggressive actions by Communist China, it would be irresponsible for me to say that we run no risk of war with China arising from our efforts to defend South Vietnam from aggression.[2]

Again in July of 1966, McNamara said:

China is building more military power than she needs to protect herself against her neighbors—there is at least the presumption, if not the certainty, that she may use that military power to try to advance beyond her borders, probing and taking advantage of weakness on her periphery . . . and therefore, . . . I think it is important that the weak nations of the periphery of Red China be assisted to grow economically, to grow politically and to receive military assistance when required to throw back potential aggression *from Red China*.[3]

McNamara held to his view that Red Chinese supported aggression dictated U.S. military presence in South Vietnam. On January 22, 1968, at the height of the war in Vietnam, McNamara in a prepared statement before the Senate Armed Services Committee stated:

We can assume that Red China will continue to support North Vietnam's aggression against South Vietnam and Laos as well as the present low keyed but continuing insurrections against Thailand and Burma . . . In its dealings with the Peking regime, the United States will be concerned to stress the common interest we share in avoiding war, . . . while we continue to try to deter direct or indirect Chinese aggressions against her neighbors.[4]

Walt Whitman Rostow, a National Security Advisor to both Presidents Kennedy and Johnson, has defended U.S. involvement in Vietnam inasmuch as it prevented Communist China from dominating Asia.[5]

This same position was taken by Johnson's Under Secretary of State for Political Affairs, Eugene Rostow, in an interview with William Whitworth of the New Yorker magazine which appeared in the New Yorker of July 4, 1970 in a lengthy article entitled "A Reporter at Large, Some Questions About the War."[6]

The containment doctrine has also been expounded by Mr. Nixon. In a speech to the Executives Club of New York on January 26, 1965 wherein he called for stepped-up military activities by the United States in Vietnam, Nixon stated:

It is dangerous and foolhardy to try to gloss over the truth as to what the war in Vietnam really involves:

First, the war in Vietnam is not about Vietnam but about Southeast Asia.

Second, the confrontation in Vietnam is, in the final analysis, not between the Vietnamese and the Viet Cong nor between the United States and the Viet Cong, *but between the United States and communist China. If communist China were not instigating and supporting the Viet Cong, there would be no war in Vietnam today.* (Italic for emphasis)

Third, *a U.S. defeat in Vietnam means a Chinese communist victory which could decide the fate of Asia for generations to come.*[7]

William P. Bundy, presently visiting professor, Center of International Studies, MIT; former Assistant Secretary of State for Far Eastern Affairs, 1964–69 and Assistant Secretary of Defense for International Security Affairs, 1963–64, wrote in Foreign Affairs for January 1971:

The picture [in Southeast Asia] is wholly different from what it was in the spring and summer of 1965, when the culminating series of major American decisions in Vietnam was taken.

Then, the great power forces within the area were seen in starkly bipolar terms: the "East Wind" of China was blowing strongly and thrustingly versus a "West Wind" which was pretty much American alone. . . . Then, if ever, a Hanoi takeover of South Vietnam seemed likely, in conjunction with other trends, *to make probable not only North Vietnamese domination in the Indochina area but a wave of Chinese expansion into the rest of Southeast Asia.*

The United States, with these wider stakes much in mind, decided, with the support of others, to stand in defense of South Vietnam.[8]

In an article appearing in the October 1967 issue of Foreign Affairs entitled "Asia After Viet Nam" Nixon, justifying U.S. involvement in Vietnam, said:

The U.S. presence has provided . . . a shield behind which the anti-communist forces found the courage and the capacity to stage their counter-coup and, at the final moment, to rescue their country *from the Chinese orbit*.[9]

Another member of the Johnson cabinet, John Gardner, warned in an interview published in the Christian Science Monitor of June 8, 1970 that:

The withdrawal of American commitment from Southeast Asia would change the terms of the debate going forward within mainland China. Powerful forces are at work there to move post-Mao China toward a long delayed concentration of its energies and talents on the modernization of its life. *American withdrawal would, in my view, inevitably lead Peking to exploit its new opportunities to the south.*[10]

One of France's top economists and political scientists, Prof. Raymond Aron, has maintained that the United States involved itself in Vietnam under the containment doctrine. In an interview with U.S. News & World Report in 1969, Aron stated that:

The U.S. intervened in South Vietnam—rightly or wrongly—in the name of a policy of containment, which was perhaps meaningless but it was the official policy. It was not done in order to establish any sovereignty in South Vietnam.[11]

If containment of Communist China is our present policy vis-a-vis Southeast Asia, the question naturally arises: "How is military victory over North Vietnam—a policy which three administrations have refused to pursue—incompatible with our overall policy of containing Chinese communist expansion?"

A review of other statements by persons who make or influence U.S. foreign policy might be helpful in providing some of the answer.

Henry Kissinger, who formulates foreign policy for Nixon, and is the President's Assistant for National Security Affairs, discussed the Soviet's stake in Vietnam:

The same is true of the Soviet Union, whose large-scale aid to Hanoi makes it a semi-participant in the war. Moscow must be torn by contradictory inclinations. A complete victory for Hanoi would tend to benefit Peking in the struggle for influence among the communist parties of the world; it would support the Chinese argument that intransigence toward the United States is, if not without risk, at least relatively manageable. But a defeat of Hanoi would demonstrate Soviet inability to protect "fraternal" communist countries against the United States. *It would also weaken a potential barrier to Chinese influence in Southeast Asia and enable Peking to turn its full fury on Moscow.*[12]

Kissinger apparently believes that the Soviets are caught in a dilemma in Vietnam whereby they stand to lose a great deal if Hanoi should either win or lose the war. They would wish neither.

Nixon said in 1964 that Russia and Red China were:

Bitter enemies.[13]

And that:

Moscow does not want to see Peking grow strong and *expand in Southeast Asia.*[14]

He also stated in 1965 that:

The Soviet Union is not now interested in the *Chinese gaining success in Asia,* or any place else.[15]

This same view of wanting to "contain" Red China as a policy of the Soviet Union has been expressed by others. Nationally syndicated columnist David Lawrence in

Footnotes at end of article.

an editorial wrote about Soviet intentions in Vietnam in this way:

It is acknowledged that the Soviet Union has spent an average of a billion dollars a year on the Vietnam war. *The objective has been to gain friends in Southeast Asia and also to prevent Red China from acquiring a dominant position on the continent* by setting up its own puppet states.[16]

Bundy has had this to say about the Soviet interests in Southeast Asia:

As for the Soviet Union's own behavior, there has been a slowly emerging trend to treat Southeast Asia in the same manner as it deals with India and Pakistan and with the same *basic fear of Chinese expansion as a major factor*. In addition to their need for rubber, the Soviets have a natural interest in the free movement of their commercial shipping through the southern seas, and as time goes on this interest is bound to be reflected in some naval activity.[17]

According to Bundy, the Soviet Union not only fears the political implications of Chinese expansion in Southeast Asia, it is also concerned that it might lose a potential source of raw materials and endanger its commercial trade in that area.

President Nixon has also recognized the Soviets' concern about Red China as related to the problem of Vietnam. When asked at a news conference on March 4, 1969, about whether he had been able to enlist the Soviet Union's help in getting out of Vietnam, a position he had taken during his candidacy for the Presidency, Nixon replied:

As you know, the Soviet Union is in a very delicate and sensitive position as far as Vietnam is concerned. I do not divulge any confidence from the Soviet Ambassador in indicating that is the case . . . here you have Communist China aiding North Vietnam. You also have the Soviet Union aiding North Vietnam. Each is vying for power in the Communist world and, therefore what the Soviet Union does in the Vietnamese conflict is a very difficult decision for them as related to that objective—the objective of leadership in the Communist world.[18]

Apparently our appreciation for the Soviet Union's difficult situation in Vietnam goes further than one would think at first glance. Eugene Rostow has provided us with an interesting insight into the thinking of U.S. policymakers on the subject of Vietnam as related to Soviet objectives there:

When I came into the State Department, in 1966, Rusk asked me to try to think of alternatives in Vietnam, and I thought of the way the Korean war was unwound. And I told the Russians, with full backing from my bosses, that this was the best way to solve the Vietnam problem—the way the Korean problem was solved. Namely, by Russian-American collaboration. They said, "That's very interesting, and it hasn't been rejected, but it's very difficult for us." And I said, "Yes, we understand, *we're not trying to push you out of there and turn it over to the Chinese at all. Quite the contrary.*" And they said, "We never reject this approach." But they didn't act on it, either . . . They are very much concerned about leadership of the world Communist movement, or movements, and their rivalry with China in that regard. They really seem to care quite a lot about that.[19]

While Moscow is not anxious to accept the American presence in Asia, it is more afraid that Asia will be dominated by Red China.

Although a united Vietnam under Communist leadership would seem to be theoretically desirable from the Soviet point of view, an ominous background presence of Red China would almost suggest in practice that a divided Vietnam may not [thwart] the long-range policy planners of the USSR.[20]

The Soviets share with the United States and local nations in Asia—including North Vietnam—an interest in preventing Red China's domination of the Asiatic mainland. This provides the main basis for Soviet-North Vietnamese relations in Southeast Asia vis-a-vis Red China. Although the Soviets are equally concerned with United States policy and actions in the area, their immediate concern is centered more on the short-run threat that the United States poses to the survival of a Communist state—North Vietnam—which the Soviets are committed to defend against her overthrow by the United States. The Soviets are concerned less that in the long run the United States will be able to dominate the Asian mainland than that Red China may . . . in this context . . . Soviet interests would be best served by a stalemate in Vietnam. . . .[21]

Although the Soviet Union dismisses it as propaganda, the Red Chinese talk of United States-Soviet collusion on Vietnam. In an interview with Simon Malley of the Washington Evening Star in 1967, Red Chinese Foreign Minister, Chen Yi said that Khrushchev and Eisenhower had made a deal at their 1959 meetings at Camp David, Md., wherein he said:

They agreed to work together to maintain a political status quo in the world. By the terms of the deal, the Soviet Union was committed to discourage wars of national liberation directed against governments friendly to the United States.[22]

Premier Chou En-lai added further:

What the Russian revisionists aimed at was to develop further the recognition by the U.S.A. and Russia of areas of vital interest, which they divided between themselves.[23]

One would be willing to agree with the Soviets that this is nothing but mainland China propaganda if it were not for the persistence with which the leaders in the United States adhere to our all-out no-win policy in Vietnam.

Three administrations have agreed that we should commit the lives of American men to the Asian continent to fight a war of attrition to contain communism, yet for some mysterious reason the question of military victory cannot even be considered. McNamara had said that:

U.S. policy in Vietnam is bottomed upon a disavowal of any intention to destroy the Hanoi regime, to seize its territory.[24]

And in the first official statement on Vietnam from the Nixon administration, Secretary of State William P. Rogers told the Senate Foreign Relations Committee that:

We are not seeking a military victory nor do we want military escalation [25] in Vietnam.

Why not an end to the war by victory in Southeast Asia? It is certainly not because victory is not possible. Gen. William Westmoreland, Army Chief of Staff and former commander of U.S. Armed Forces in Southeast Asia said in 1969 that the United States could win a military victory in Vietnam:

Absolutely, if it were the policy of this country to seek one, and if we were given the resources.[26]

The late Senator Richard B. Russell who was privy to much inside information on Vietnam as chairman of the Senate Armed Services and Appropriations Committees and as a close personal friend of President Johnson, said in 1969 that:

We could've brought the war to a conclusion in three months, up to two years ago.[27]

Criticizing Johnson for his handling of the war, Russell said in January of 1970:

My complaint with him [Johnson] was not for sending others in, but because we didn't go on and win the day by closing up the ports of North Vietnam. He let the timid souls in the State Department talk him out of that. He could have ended that war in six months any time.[28]

Even Kissinger admits that victory is now possible but he is apparently concerned, for some undetermined reason, that the South Vietnamese might carry the war to the north in an attempt to achieve that objective. Peregrine Worsthorne, a political columnist for the London Sunday Telegraph, who interviewed both Nixon and Kissinger on the subject of Vietnam, had this to say about Kissinger's views on Vietnam:

Henry Kissinger is engagingly frank on this point. He admits that on first coming into the White House his assumption was that the Nixon policy of combining American withdrawal with rapid Vietnamization was in effect little more than a face-saving formula. The Vietnamization program was seen as a bluff designed to build up a slightly more favorable negotiating position from which to reach a settlement that would in effect be a North Vietnamese victory, only delayed long enough to save America's face. The last two years, however, have drastically altered his judgment. Vietnamization has succeeded beyond his wildest expectations.

. . . Kissinger believes it to be the task of the realist today to prick the defeatist bubble. He is no longer worried by the possibility of the North Vietnamese pulling off some catastrophic surprise. *Much more dangerous and possible in the long run, in his view, is the possibility of the South Vietnamese doing something untoward. One almost got the impression from Kissinger that he is more worried today that the South Vietnamese will invade the North than vice versa.*[29]

Since victory over the enemy in Southeast Asia is possible, why will not this administration, as the two that passed before, allow it? A victory now, over communism, would do more to benefit the United States and the rest of the free world, particularly the free Asian world, than any other present course of action. It would bind up the internal wounds of divisiveness here in the United States caused by our present no-win policy; it would give hope to those millions of people now enslaved under Communist regimes elsewhere; and it would show those millions of people in the free world, some of whom face the threat of communism daily, that Communist totalitarianism is a thing of the past. What could be more in the American interest than ending the war through victory?

Could it be, as has been suggested by Nixon, Kissinger, Rostow and others, that our overriding consideration in

Footnotes at end of article.

Vietnam is the present Soviet policy there? Or is it that the United States does in fact share with the Soviet Union a common economic interest in that area? But, even so, it is only the Soviet Union who benefits by the continued stalemate. In the short run it keeps Asia out of the hands of the Soviet's Communist enemy, Red China, and in the long run weakens internally by divisiveness among its people caused by a no-win policy its only real barrier to world domination, the United States, who is also forced to furnish the arms, money, and support troops with which to fight the war.

If our involvement in Indochina is to help keep this area out of the hands of the Chinese Communists for later exploitation by the Russian Communists, or if U.S. policy is tailored so as not to embarrass the Soviet Union, we should withdraw our forces from Vietnam forthwith.

Kissinger said in a background briefing on U.S. foreign policy at San Clemente, Calif., June 26, 1970, that:

> It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.[30]

If what Kissinger says is true, either the Soviet Union is not as interested in Southeast Asia as has been noted, or the Soviets have been assured in advance that what we do in Vietnam will not be damaging to them. Based on the information available, I would tend to think the latter is the case. For a U.S. victory in Vietnam would be a catastrophe to the Soviet Union.

It is high time the United States began thinking about its own interests and those of the free world, and went about the task of eliminating communist totalitarianism wherever it threatens. A good start would be Vietnam—ending the war by winning it.

FOOTNOTES

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[2] Robert S. McNamara, Testimony before the Senate Foreign Relations Committee, March 3, 1966.

[3] McNamara, from an interview by Professor Kei Wakaizumi, July 15, 1966. See *Selected Statement By DoD And Other Administration Officials*, July 1–December 31, 1966, Office of the Secretary of Defense.

[4] McNamara, Statement before the Senate Armed Services Committee on the FY 1969–73 Defense Program and 1969 Defense Budget, Jan. 2, 1968.

[5] See "Historians Rebuke Rostow For Role in Vietnam Policy," *The Washington Post*, Dec. 30, 1969, p. A3.

[6] See "A Reporter at Large, Some Questions About the War," *New Yorker Magazine*, July 4, 1970, pp. 30–56.

[7] Richard M. Nixon, "Facing the Facts in Vietnam." *Vital Speeches*, March 15, 1965, p. 339.

[8] William P. Bundy, "New Tides in Southeast Asia," *Foreign Affairs*, January 1971, p. 187.

[9] Nixon, "Asia After Viet Nam," *Foreign Affairs*, October 1967, p. 111.

[10] Walt W. Rostow, "Why We Should Not Abandon Our Role in Asia," *The Sunday Star*, Washington, D. C., June 28, 1970, p. B–2.

[11] "If American Will Crumbles—," *U. S. News & World Report*, December 1, 1969, p. 43.

[12] Henry A. Kissinger, "The Vietnam Negotiations," *Foreign Affairs*, January 1969, p. 219.

[13] Nixon, "Needed In Vietnam: The Will To Win," *The Reader's Digest*, August 1964, p. 41.

[14] *ibid.*

[15] Nixon, *op. cit.*, March 15, 1965, p. 339.

[16] David Lawrence, "Key To Viet Peace In Moscow," *Congressional Record*, December 20, 1969, P. E. 10962.

[17] Bundy, *op. cit.*, January 1971, p. 195.

[18] "Nixon: 'Tour Was a Condition Precedent to an East-West Summit,'" *The Washington Post*, March 5, 1969, p. A10.

[19] See "A Reporter at Large, Some Questions About the War," *New Yorker Magazine*, July 4, 1970, p. 40.

[20] Kurt L. London, Director, Institute for Sino-Soviet Studies, The George Washington University, "Vietnam: A Sino-Soviet Dilemma," *The Russian Review*, Vol. XVI, No. 1 (January, 1967), 26 ff.

[21] John R. Thomas, Research Associate, Research Analysis Corporation, "Soviet Russia and Southeast Asia," *The Reprint Series of the Institute for Sino-Soviet Studies*, George Washington University, No. 24, January, 1969, p. 277.

[22] Simon Malley, "Sino-Soviet Border Conflict 'Possible . . . Even Probable,' *The Evening Star*, Washington, D.C., May 17, 1967, p. A–8.

[23] *ibid.*

[24] McNamara, *op. cit.*, March 3, 1966.

[25] George Sherman, "Rogers . . . Says President Does Not Seek Military Win," *The Evening Star*, March 27, 1969, p. 1.

[26] Gen. William Westmoreland, Testimony before the House Committee on Appropriations, *Department of Defense Appropriations For 1970*, Part 7, p. 165.

[27] "Russell—War Can Be Won In 6 Months," *The Washington Post*, April 8, 1969.

[28] Don Oberdorfer, "Russell Says He Never Believed Oswald Alone Planned Killing," *The Washington Post*, Jan. 19, 1970, p. A3.

[29] Peregrine Worsthorne, "Mr. Nixon Is Playing to Win in Asia," *The Washington Post*, February 28, 1971, p. B1.

[30] *Background Briefing United States Foreign Policy*, June 26, 1970, p. 20.

CLOTHING UNION LEADER WARNS OF JAPANESE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PUCINSKI. Mr. Speaker, at a meeting of the AFL–CIO unions in Miami Beach, Mr. Jacob S. Potofsky, president of the Amalgamated Clothing Workers, warned that the U.S. textile and clothing industry is rapidly being threatened with a depression worse than the 1930's due to cheap imports from Japan.

"The Japanese are hell-bent on taking over our jobs," said Mr. Potofsky, in an understatement of the situation. They are hell-bent on taking over American jobs in all major sectors of the economy, and have made tremendous inroads in the electronic, computer and other fields.

The Japanese have made a modest proposal in "voluntarily" cutting back on their textile and clothing imports to the United States, which is ludicrous.

To protect our industry and jobs, I have introduced H.R. 1073, which would curb the flood of cheap imports into the United States. It is my sincere hope that the Ways and Means Committee will consider this legislation as soon as possible.

Following is a dispatch out of Miami Beach concerning Mr. Potofsky's grave concern over the future of the textile and clothing industry.

I include the article as follows:

CLOTHING UNION LEADER WARNS OF JAPANESE

MIAMI BEACH.—The Japanese are trying to take over the U.S. textile and clothing industry, threatening this nation's largest manufacturing employer with economic disaster from a flood of imports, a labor leader said Saturday.

"The Japanese are hell-bent on taking over our jobs," said Jacob S. Potofsky, president of the Amalgamated Clothing Workers, one of several major AFL–CIO unions leading a drive to curb foreign imports.

PICKETING PLANS

The problem of imports was tops on the agenda of the unions' meeting here, including demands for action from Congress and plans for mass picketing against U.S. stores that sell foreign-made clothing.

Potofsky said clothing and textile imports from Asia and Europe, particularly from Japan, wiped out 70,000 American jobs last year alone, half of them in his union's shirt and suit-making jurisdiction.

The job loss, totaling 250,000 over the last 15 years, is rapidly increasing and threatening the industry with a depression worse than the 1930s, he said.

$1 BILLION DEFICIT

Potofsky's chief aide, Howard D. Samuel, said this country is running a $1-billion trade deficit from imported textiles and "the Japanese are dumping heavily on us" while barring U.S.-made clothing from Japan.

The union is planning a new round of mass protest picketing in Boston, New York, Chicago, Philadelphia, and Los Angeles.

TRIBUTE TO MISS DORCIA PATCHETT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, at a recent dinner in Santa Rosa, Calif., the Exchange Club of that city honored a distinguished lady who has served her community and mankind for over 50 years.

Miss Dorcia Patchett, for 39 years a public school teacher in the area, was honored for not only her efforts with the young people of the community through the school system, but has donated willingly of her time and abundant talents to assist young people who came to "Miss Docia" for help.

President Josephine Nattkemper, of the local branch of the American Association of University Women stated:

> She has exemplified and epitomized the ideals of our organization, by her service to young girls who have, by her help and example, gone on into higher education and from there to greater service to mankind.

Mr. Speaker, it is obvious that the world is a better place because of the efforts of this wonderful woman. She continually inspired those with whom

she came in contact, by creating an awareness of nature and its beauties. A long time member of many leading conservation organizations, Miss Patchett is currently program chairman of the Madrone Audubon Society and is active as the curator of the Santa Rosa Junior College Museum, in which post she has served since her retirement from active teaching in 1957.

She was honored at the time of her retirement by her colleagues as the "Teacher of the Century," in commemoration of the centennial year of the National Education Association.

While still teaching, Miss Patchett provided room in her home for several foreign students who were attending Santa Rosa Junior College and financially assisted several other young people, one of whom is now a teacher in his native Kenya.

Although she never married, upon the death of her beloved sister, Miss Patchett legally adopted her two youngest nieces and raised them as her own.

It would be impossible to list here all of the many awards, honors and accomplishments of this devoted teacher and conservationist; suffice it to say that they are many and varied.

I join with the hundreds who have honored "Miss Docia" and congratulate her on her very positive contributions to making our world a better place in which to live.

SECRETARIES WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. WOLFF. Mr. Speaker, next month, we will all be given an opportunity to pay tribute to the ladies who play a major role in our lives—our secretaries. During Secretaries Week, April 18 to 24, and on Secretaries Day, April 21, I hope that all my colleagues will take time to recognize the vital role which secretaries play in business, industry, education, government, and the professions.

The last full week in April has been celebrated as Secretaries Week since 1952. All secretaries participate in observance of this week, and thus reemphasize the importance of their continued loyalty to their employers and their responsibility to their profession.

In addition, in keeping with the professional objective of the National Secretaries Association, chapters of NSA sponsor special educational activities such as seminars, workshops, and educational forums which are available to all secretaries. NSA members make public appearances at meetings of civic, educational, and professional groups.

I hope that all my colleagues will join next month in observance of Secretaries Week and its theme, "Better Secretaries Mean Better Business." As those entrusted with the handling of the Nation's business, we all recognize the truth of this theme and the vital role played by secretaries all over this country.

LITHUANIAN BARRED BY UNITED STATES IS NOW REPORTED JAILED WHILE SOVIET STUDIES TREASON CHARGE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. PUCINSKI. Mr. Speaker, the New York Times and the Chicago Tribune carried dispatches in their editions today which again focus attention on Simas Kudirka.

I am placing both articles in the CONGRESSIONAL RECORD and renewing my appeal to the Committee on Merchant Marine and Fisheries for early consideration of House Joint Resolution 271 sponsored by a number of our colleagues urging that the Coast Guard cutter *Vigilant* be renamed the *Simas Kudirka*.

At the time that Soviet propaganda was trying to create the impression that Simas Kudirka was alive and well in Lithuania, I denounced the reports as false and still say they are false.

I hope that Congress will be given the opportunity to vote on House Joint Resolution 271 without too much delay.

I include the articles as follows:

LITHUANIA BARRED BY U.S. IS NOW REPORTED JAILED WHILE SOVIET STUDIES TREASON CHARGE

(By Bernard Gwertzman)

Moscow, March 9—Simas Kudirka, the Lithuanian sailor who was refused political sanctuary in the United States after jumping from his fishing ship to a Coast Guard cutter last November, is reported to be in a Vilna prison undergoing investigation of treason charges.

Usually reliable sources said today that Mr. Kudirka had been confined since December, when his ship returned to Lithuania after the incident off of Martha's Vineyard.

His wife reportedly told friends that she was able to visit him once around New Year's Day and had no word about him since then.

According to these sources, Mr. Kudirka, who is 32 years old, went on a hunger strike when first imprisoned, but it was not known what his present condition was. They also said that the apartments of about 50 of his friends and relatives in the Lithuanian port city of Klaipeda had been searched in connection with the case.

The sources said information, made available last month and distributed by some press agencies, that Mr. Kudirka was well and at liberty was inaccurate. There was no way of explaining the discrepancy between the two versions.

Lithuanian emigre organizations in the West contend that Mr. Kudirka is dead, but the sources here said that as of about two weeks ago, at least, he apparently was alive.

Mr. Kudirka's effort to seek refuge in the United States took place Nov. 23 when his ship, the Sovetskaya Litva, was tied to the Coast Guard cutter Vigilant while Soviet and American officials were discussing a fisheries accord.

Coast Guard officials decided to return Mr. Kudirka to his ship. The incident angered President Nixon. Two Coast Guard officers were retired as a result of the act.

The sources said that Mr. Kudirka was being held under the Lithuanian equivalent of the Russian Republic's Article 64–A, which makes it treason and a capital crime to seek to leave the Soviet Union without permission.

In January, another Lithuanian, Vitautas Simokaitis, who had tried to hijack a Soviet plane from Lithuania to Sweden with his wife, was sentenced to death for the attempt. But his sentence was commuted to 15 years in a prison camp.

In addition, two other Lithuanians, Pranas Brazinskas-Koreivo and his son, Algirdas, succeeded in October in hijacking a Soviet plane to Turkey. In that hijacking a Soviet stewardess was killed. A Turkish appeals court said yesterday the two men could be extradited, but the authorities have not made a final ruling.

These acts have focused attention on discontent said to exist in Lithuania under Soviet rule. Apparently alluding to the acts, Antanas Y. Snechkus, the head of the Lithuanian party, said at a recent Lithuanian party congress:

"Recently we have had taken place acts of treason against the motherland, or attempts to commit such crimes by politically and morally depraved people, in the main, coming from criminal elements.

"Leaders of the Lithuanian reactionary emigres played a shameful role in this business, defending the criminals, portraying them as heroes in the fight against Communism."

REPORT SOVIETS JAIL SAILOR U.S. REJECTED

MOSCOW, MARCH 9 [REUTHERS]—A Lithuanian sailor who unsuccessfully sought asylum on a United States coast guard cutter in November was arrested by Soviet secret police late last year, unofficial sources said today.

The sources quoted a friend of the sailor, Simas Kudirka, as saying Kudirka's wife visited him in prison in Vilnius, the Lithuanian capital. He was said to look pale and thin and to have told her he had been forcibly fed while staging a hunger strike.

NOT REPORTED IN PRESS

The Soviet press has not reported the incident.

Other unofficial information last month had said Kudirka was still at liberty in his home town of Klapeda and had recently moved into a new apartment.

The latest account took two weeks to reach Moscow. Klajpeda, a naval port, is closed to foreigners.

Kudirka boarded the U.S. coast guard cutter Vigilant off Martha's Vineyard No. 23 while it was within a few feet of the Soviet ship Sovietskaya Litva during a talk on fishing rights. The cutter's captain, comdr. Ralph E. Eustis, was ordered by coast guard officials in Boston to return him. The decision brought a public outcry in the U.S. and a Congressional reprimand for Coast Guard authorities.

TELL OF AFRICAN SAILOR

The soviet press in a report reaching here today reported a case of a portuguese african sailor who jumped overboard from his ship in the English Channel after alleged persecution by fellow crewmen.

The Estonian daily Sovetskaya Estoniya said the African sailor, Antos Dias, refused to return to his ship, the Greek vessel Peramatarisa, when his captain sent a boat to bring him back.

The Soviet ship, the Ludze, handed over Dias to West German marine agents two days later on Feb. 28. The agents said they would help him return home to the Cape Verde Islands, it said.

AN OUTSTANDING ACHIEVEMENT, AN HONORABLE GOAL

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to call the attention of my colleagues to a recent announcement that will be of interest to every Member of this distinguished body.

In the February 17, 1971, edition of the Davie County, N.C., Enterprise Record, there appeared a story announcing that Mr. John Avery Foster had been named Davie County's Most Outstanding Law Enforcement Officer.

This commendation would represent an outstanding achievement and an honorable goal for any man, but it especially meaningful in this case.

Mr. Foster is 76 years old, and he is a black man. For much of his life, he has dedicated himself to the maintenance of law and order, and the pursuit of justice, in his community.

That dedication led him to become the first Negro deputy sheriff in the history of North Carolina and also the first Negro constable in the State.

Still an active member of the Mocksville Police Department, Mr. Foster has won the respect and the admiration of every citizen in that community.

In honoring Mr. Foster at a recent banquet, one of the speakers said:

It is hard to evaluate Avery Foster's service to this community, but in large measure the credit is his for the harmonious race relations that we have enjoyed through the years.

This is indeed a fitting tribute to an outstanding public servant, and I am sure all my colleagues in the House join me in extending congratulations to Mr. Foster for his long career of selfless service.

I insert in the RECORD two articles appearing in the aforementioned Davie County Enterprise Record of February 17, regarding Mr. Foster:

AVERY FOSTER CITED FOR LAW ENFORCEMENT WORK

John Avery Foster, 76, was honored last Thursday night as Davie County's "Most Outstanding Law Enforcement Officer" by the Mocksville Jaycees. Mr. Foster was presented with a $200 U.S. Savings Bond by the Jaycees.

Davie law enforcement officers were special guests of the Jaycees for a buffet dinner and special program at the Rotary Hut. This is the second annual banquet of the local club that pays honor and tribute to the local law enforcement officers.

The featured speaker was Eugene Hafer, Assistant Attorney General in charge of the consumer protection division.

Mr. Hafer praised the Mocksville Jaycees as an outstanding "Gold Chip" club and for recognizing and paying tribute to the services being rendered by law enforcement officers.

Discussing his work in the attorney general's office, Mr. Hafer said the primary purpose of the consumer protection division was to "make the consumer wishes felt" . . . and to remove false practices, deception and fraud that may exist in some business fields.

Mr. Hafer discussed the misrepresentations that often occur in purchases from door-to-door salesmen.

"Contracts dealing with home improvement often results in exorbitant prices . . . with the work being done poorly or not even finished," said Mr. Hafer.

The speaker also revealed that his division had sent out letters warning automobile dealers about altering speedometer readings on vehicles.

"We have the cooperation of most ethical businesses because they are desirous of the best possible business climate in the state," said Mr. Hafer.

Certificates of appreciation for outstanding law enforcement were presented to the following:

Chief Joe Foster of the Mocksville Police Department, 13 years in law enforcement.

J. Avery Foster of the Mocksville Police Department, 25 years in law enforcement.

Sheriff Joe Smith, beginning his first term in the capacity as sheriff but with previous experience in law enforcement.

Sgt. Bill Wooten of the State Highway Patrol, 22 years in law enforcement.

Leonard K. Howard, Special Deputy, 21 years in law enforcement.

The presentation of the certificates were made by Rocky Johnson.

Vernon Thompson, President of the local Jaycee Club, made the presentation of the Savings Bond to Avery Foster.

Bob Knight was in charge of the program. Tom Drillette introduced Mr. Hafer.

AVERY FOSTER

John Avery Foster has been a part of Davie County since his birth on April 27, 1895 in the Farmington Township. He was the son of Robert Foster and Anna Cuthrell Foster.

Shortly after the birth of Avery, his parents moved to Mocksville. His father worked for O. L. Williams Veneer Plant and his mother became a cook for Mr. and Mrs. Williams.

Around 1910, Avery's mother went to work for C. C. Sanford and around that time Avery went to work for the same family. He remained with the Sanford family, in one capacity or another, serving three generations of Sanfords.

In 1946 Avery Foster was employed as a policeman by the Town of Mocksville.

In 1952 he was named deputy sheriff by Sheriff Ben Boyles and became the first Negro deputy ever to serve in North Carolina. He served in this capacity for eight years.

In 1965 he again broke the color barrier when he ran and was elected constable of the Mocksville Township. He was re-elected to his post in 1967.

Rejoining the Mocksville Police Department in 1960, Mr. Foster served in this post even during the same years he was serving as constable.

Today, at the age of 76, Mr. Foster still is an active member of the Mocksville Police Department and still maintains a keen interest in the affairs of this community.

One of his contemporaries made this apt observation about the services of Avery Foster to his community:

"It is hard to evaluate Avery Foster's service to this community but in large measure the credit is his for the harmonious race relations that we have enjoyed through the years."

Having worn the lawman's badge for 25 years without complaining about long hours and little compensation . . . always displaying understanding combined with just a firm policy . . . Avery Foster is most deserving of the award as "Davie County's Outstanding Law Enforcement Officer." He has proven himself to be a great humanitarian, respected by both races.

HERMAN ROBINSON, A FRIEND OF THE HANDICAPPED

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. QUILLEN. Mr. Speaker, the handicapped and other citizens throughout Tennessee and the Nation lost a great friend and statesman in the death of Herman Robinson on Thursday, February 26, 1971. He certainly was a close friend of mine and I am going to miss him.

All of his life Herman had been close to the cause of the handicapped. He was chairman of the Tennessee Governor's Committee on Employment of the Handicapped, cochairman of the International Committee of the President's Committee on Employment of the Handicapped, a member of the executive committee of the President's Committee on Employment of the Handicapped, and chairman of the Tennessee State Executive Committee on Employment of the Handicapped.

In all of these many activities he was a real champion of the handicapped. Their well-being came first above everything else.

Herman traveled extensively to promote the cause of the handicapped. His determination to help others was matched by few. He had a great heart full of compassion and love; he had a noble vision; and, above all, he had a consuming love of his State and country.

I feel fortunate in the fact that I served in the State legislature for many years in the house of representatives while Herman served in the State senate. He was a good legislator and he always did an excellent job of representing the people who elected him.

Herman Robinson was an exceptional man in every respect—as a legislator, newspaperman, politician, and political analyst.

Three articles which truly tell the story of Herman appeared in three different newspapers. One was a very poignant editorial written by his son, Robert H. Robinson, Jr., in the Elizabethton, Tenn., Star on Sunday, February 28. This paper is published by Herman's brother, Frank Robinson.

A MAN WHO STUMBLED TO GREATNESS

Most everyone strives to live a useful life. Herman Robinson did more than that.

His hometown community, which he cherished, others in the State of Tennessee, the Nation, and those who knew him throughout the World, have lost a man whom they all admired. He would not give up. From birth, he fought to do the things other healthy children do and which are taken for granted by their parents.

His mother, Mrs. E. E. Robinson of Elizabethton, did not keep a protective shield surrounding him, even though he was a victim of cerebral palsy and could not walk until age 10. Words did not come from his open mouth . . . just guttual sounds.

Herman Robinson was a guiding example of how one could overcome such great obstacles. He finished high school, several years

behind others of his age, went on to East Tennessee State University and received his degree. He served diligently, too, in the Tennessee Legislature for many years.

His love for others and his devotion to help the forgotten was carried out through his newspaper profession. He also, with Allen Taylor, organized the first baseball team in Elizabethton in his teenage days.

Herman Robinson would not be stopped. At the age of 58 when he finished his journey for his fellowman, Herman made sure before he left this World that everything, as much as possible, would be readily accessible to those who attempt to follow his footsteps and carry on his work.

His devotion to help the handicapped was felt by everyone who knew him. His service as chairman of the Governor's Committee on Employment of the Handicapped is an example. During the administration of two governors, the late Frank G. Clement and Buford G. Ellington, he gave of his time and his body to promote the handicapped.

Gov. Winfield Dunn re-appointed Herman chairman last Thursday in a State Capitol press conference. This was the final time all of his immediate family would be together with him before death took its toll. He wanted others to know that the handicapped could live a "productive and useful" life at work and at home.

He traveled extensively throughout the state and nation, and also abroad while in this capacity, a shining example of what mankind can do to overcome affliction. He did this without being paid for his work as chairman of the Governor's Committee . . . only receiving travel allowances.

In 1965 Herman Robinson celebrated his birthday in the Soviet Union, while on a People to People sponsored tour promoting the United States. Everyone with him watched as he sliced the first piece of a Russian birthday cake. On top, in lieu of candles were the American Flag and the flag of the U.S.S.R.

Herman Robinson was attempting to bridge the gap between men of the World, through his work for the handicapped. He was a member of the President's Committee on Employment of the Handicapped.

His day was long. But he did his other job as Elizabethton bureau chief of the Johnson City Press Chronicle too. He shouldered awesome responsibilities without hesitancy. He loved what he was doing and the pace he had set for himself seemed to make him work harder.

He know how to get to the right person in the state government in order to help those who sought his help. He was respected by those he worked with.

He was a Christian who rededicated his life at First Baptist Church along side his son, Robert H. Robinson Jr., who came forward to follow Christ.

Herman Robinson loved his children. He looked forward to seeing his daughter, Jacquelyn Robinson, graduate from Carson-Newman College in June. Everywhere he went he talked about his grandchildren, Robert III and Susan.

Those who visited his office would see a variety of family pictures of these grandchildren, his children and his wife, Marjorie. Marjorie helped Herman mount the insurmountable.

The void of his passing will be felt by many. But he was happy to the very end, a fallen servant the victim of a heart attack. His "big" heart to help everyone, his parental guidance as a father, and his love for the job he was doing was above reproach.

As all of us who pickup pieces of the heart will not forget this great man. He somehow knew that "his" work was coming to an end.

After summoning help from his wife via telephone to take him to the hospital after suffering pains in his right shoulder, among other things, he removed a biographical sketch on himself from his office desk and placed it by his telephone.

He finished his report for travel allowance reimbursement too. And then after lying on his hospital bed, gave instructions to his wife to complete other unfinished details. After Marjorie returned to his bedside and reported these details were complete, Herman Robinson rested his mind. He died three hours later.

His typewriter is silent. His office and home telephone is not ringing for the purposes of others seeking help. Others are now showing their appreciation for what he did.

His pipe rests in his ashtray. His paper work is neatly piled on his desk.

He would want the tears spared from mourners.

His work will continue, but a man of his stature and caliber will be difficult to find. The echo of his footsteps will linger in the halls of the Tennessee Capitol and other state government buildings.

His family will sorely miss him too. Their suffering was already shared by Herman Robinson even before he died. He was so strong that this made him stand above others in a crowd. But you would never hear him say this.

I know that Herman Robinson was all of this and more. I am glad his family shared the generosity of his heart with others. This is the way he wanted it. I know. I am his son, Robert H. Robinson, Jr.

Another article was written by Tom Hodge and appeared in the Johnson City, Tenn., Press-Chronicle on Sunday, February 28. It reads as follows:

ROBINSON COMBINED SERVICE, POLITICS

(By Tom Hodge)

He loved Carter County and he loved politics.

The two tied together very naturally in the life of Herman Robinson.

Robinson, bureau chief in Elizabethton for the Johnson City Press-Chronicle, died Thursday night after suffering a heart attack.

He has been state senator four times—but his political interests went back to the 1930s when he had appointive positions with the houses of the legislature.

But almost all of his political efforts were directed at gaining something for Carter County—or the other Upper East Tennessee counties he served as state senator.

Even after he had left office after his defeat in 1964 at the hands of Marshall T. Nave, he was a frequent visitor to Nashville, usually at the request of some Elizabethton or Carter County group who needed his knowledge of state government and the people in it.

DIPLOMACY

Although he was a lifelong Republican, he had the knack for working with Democratic governors—that's all Tennessee had had for 50 years until Gov. Winfield Dunn's election in November—in order to gain things for Upper East Tennessee.

Both former governors Frank G. Clement and Buford Ellington named Robinson as chairman of the Governor's Committee on Employing the Handicapped. And Gov. Dunn followed suit earlier this month.

Perhaps it was his determination to overcome his own handicap that made Robinson so effective. He was born with cerebral palsy; his parents were told that he would never walk or talk—much less become a state senator.

But he did. And his fellow legislators respected him for the obstacles he had overcome.

WORKING NEWSMAN

As a newspaperman from the old school, he was fond of recalling past stories he had covered, such as the Hampton dynamiting murder trials of the late 1930s.

He was adamant about such things as public access to public records, of the people's right to know. And that sometimes brought him into conflict with officials and others.

All things concerning employment of the handicapped and rehabilitation were of prime interest to Robinson.

But he had other interests, too. In his first years in the legislature, he also had a consuming interest in industrial development.

SOUGHT INDUSTRY

Although he first had in mind attracting industry to Carter, Washington, Unicoi and Johnson counties, he originated legislation in cooperation with the governor's office which really put Tennessee into the industrial development business.

Out of this interest came the cabinet-level post of industrial commissioner.

And in the past dozen years, Tennessee has gained hundreds of thousands of new jobs from the new industries which have come to the state.

In recent weeks, he had expressed concern about the Dunn administration settling down in Nashville. "Why, they don't have anybody helping them," he said, "who really know their way around Capitol Hill."

He watched from afar—and sent along some suggestions.

He was newspaperman, politician, statesman, political analyst. His type comes along very seldom.

The Bristol, Tenn., Herald Courier carried an editorial on Sunday, February 28, concerning Herman:

AN EXCEPTIONAL MAN

It was not without good reason that Gov. Winfield Dunn termed the death of Herman Robinson a loss "not only to his family and thousands of friends, but to all the people of Tennessee."

Mr. Robinson, a former state senator, was a man of remarkable personal accomplishment. But, even more, he was a man of great inspiration to others who, like himself, came into this world with a handicap.

A victim of cerebral palsy, Mr. Robinson chose to fight, and win, rather than surrender, and lose. He served in the State Senate from 1957 through 1964; he had been a member of the President's Committee on Employment of the Handicapped for six years; he was only recently named chairman of the Tennessee Governor's Committee on Employment of the Handicapped.

Through all these years of doing for others, Mr. Robinson also pursued his profession as a newspaperman. He was once editor of the Elizabethton Star and, in more recent years, was chief of the Elizabethton bureau of the Johnson City Press-Chronicle.

It is with considerable pride, of course, that we counted him among our colleagues. But he was more than that. He was a friend, a man of exceptional courage, an example of what all of us can do, with or without a handicap, to lead a good life and help others do the same.

His loss is great, for us and for Tennessee.

Herman Robinson will long be remembered as a champion for the cause of the handicapped and an inspiration to us all.

RESHAPING THE FEDERAL GOVERNMENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. RHODES. Mr. Speaker, in recent years many of us have found our congressional duties hampered by a bur-

geoning executive branch. Cabinet offices have been added one after another with competing power groups developing within each of the 12 Federal departments.

As carefully as we perform our tasks, too often we are unable to check or direct specific activities, because they are conducted by numerous offices reporting to different congressional committees.

Now President Nixon has recommended that we join with him in reshaping the functions and responsibilities of the Federal Government. Our reorganization of the executive branch will allow us to pinpoint Government expenditures, activities, and program results. In this way, Congress can evaluate the executive branch. It can make the executive branch responsive to congressional direction and specific program guidance.

I am sure my colleagues join me in an eagerness to begin this task of reform. Congress must be restored to its role of directing Government on behalf of the American people. One way is by making the executive branch more accountable.

ALPHA AND OMEGA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. LUJAN. Mr. Speaker, I have recently received a copy of a poem "Alpha and Omega" written by one of the citizens of my district in New Mexico, Dick Barber of Bernalillo. I think it is an excellent commentary on our world today, and Dick's ability to demonstrate the relevance of the Bible in today's life is most thought provoking.

The following is the text:

ALPHA AND OMEGA

(By Dick Barber)

God in the beginning
Created heavens, earth; (Genesis)
Without form and void,
As if in awful dearth.

And so there was darkness
Upon the face of deep (1: 1, 2)
And then God's Spirit moved,
No longer did earth sleep.

Upon the face of waters,
God spoke and there was light. (1: 4, 5)
He said 'tis good and called it day,
The darkness He called night.

To let dry land appear,
The waters gathered He. (1: 9, 10)
He then called dry land earth,
The waters He called sea.

Let waters bring forth life,
God said and it was good, (1: 20)
The fowl shall fly above the earth,
They shall not want for food.

God said let earth bring grass,
The herb its seeds to yield,
The fruit tree bearing fruit,
And flowers of the field.

Creeping things and cattle,
The beast each of his kind. (1:11, 24)
This God said and it was so,
'Twas what He had in mind.

The land was green and pleasant
With peace and plenty filled.
There was no man upon the earth,
The ground had not been tilled. (2: 5)

In God's own image then,
Created man and said
Replenish earth, subdue it (1: 27, 28)
And from its fruits be fed.

To man and woman freely
All living things I give; (1: 29, 30)
Each beast, each seed and green herb,
All things on earth that live.

To every beast on earth
The green herb did He give. (Genesis 1: 30)
God looked and said 'tis very good,
Let my creation live.

A garden then He planted,
In Eden put the man
To dress and keep the garden (2: 8, 15)
As part of His great plan.

The earth brought forth her fruit, (James 5: 8)
As heaven gave the rain,
But man was ignorant and sinned,
His punishment was pain.

Ye husbandmen, be ye ashamed
To desolate my land, (Jer. 12: 10)
All good trees ye have felled, (2 Kg. 3: 25)
Created by my hand.

The rivers have been spoiled (Is. 18: 1, 2)
The land they overflow (Jer. 47: 2)
The waters wear away the stones,
And wash the things that grow. (Job. 14: 19)

Drought and heat consume the snow, (Job 14:19)
The rivers all are dry, (Is. 19: 5)
The corn is withered in the field, (Joel 1: 17)
The cattle groan and cry. (Joel 1: 18)

Good pastures have been eaten,
And drunk the waters deep, (Ez. 34: 18)
Even residues were trodden;
The land shall mourn and weep. (Hosea 4: 3)

The land shall then be emptied, (Is. 24: 3)
A wilderness forlorn. (Jer. 12: 10)
The mirth of land is gone, (Is. 24: 11)
Spoiled with briers, thorn. (Is. 7: 24)

What then shall be the fate
Of husbandmen like this?
When the Lord of vineyards cometh, (Matt. 21: 40, 43)
They're sure the mark to miss.

The earth can bring forth fruit again,
And blossom as a rose;
God's love, man's work together,
Can solve the nation's woes.

A sower sows good seed, (Matt. 13: 24)
The Lord his work will bless, (Deut. 33: 11)
Will make bright clouds and showers (Zach. 10: 1)

The earth shall yield increase. (Psa. 67: 6)
Plant vines upon the mountain, (Jer. 31: 5)
In desert plant the fir,
In wilderness, the cedar, (Is. 41: 19)
Their merry branches stir. (Is. 55: 12)

God makes the grasses grow
Upon the mountain too, (Psa. 147: 5, 8)
The valley's covered o'er with corn (Psa. 65: 13)
Earth's fullness to renew.

He that tilleth shall have plenty; (Prov. 28: 19)
Clods of the valley shall be sweet, (Job. 21: 33)
Earth's profit is for all,

The King himself shall eat. (Eccl. 5: 9)

Fear not Oh land, rejoice, (Joel 2: 18, 21)
Delightful you shall be, (Mal. 2: 18, 21)
A land for which God careth, (Deut. 11: 12)
A lovely land to see.

While the earth remaineth,
Seed time and harvest, cold and heat,
Summer, winter, day and night
Shall not cease, the Lord repeat. (Genesis 8: 21, 22)

The conclusion of the matter;
God's commandments we must keep, (Eccl. 12: 13)
This, man's duty here on earth
If its fruits we'd reap.

Teach us, Oh Lord, this land is ours,
To care for as a gift from Thee,
To treat it as a source of life,
To treasure its vitality.

So future generations
May also benefit,
Respect and honor providence,
And keep your good earth fit.

MAYBE THEY COVER A WAR THE SAME WAY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. MINSHALL. Mr. Speaker, the following column by Washington Post staff writer Jim Mann speaks for itself:

AP AGAINST UPI: HEAVYWEIGHT FIGHT IN THE WIRE ROOM

(By Jim Mann)

It started out as Frazier against Ali, but gradually, after the fight began, it became AP against UPI. Or so it seemed to the 20-odd people in the wire room Monday night.

Never was there a better example that heavyweight fights—like wars and funerals and coronations and the other drums-and-trumpets stuff—are more comforting with one version than with two or more. Two different accounts may more closely approximate the truth, but they are also more unsettling.

We all wandered into the wire room promptly at fight time, many of us muttering at Jack Kent Cooke, the man who had denied us even the right to listen to the fight. Would the wire service transmit the Gillette commercials? How would they simulate Howard Cosell in six-word lines?

No matter. Each of us settled down in clusters in front of the various wires and prepared to make do. Before it all started, we had to read one more insult: "Editors," said UP, "The following round-by-round account of the Ali-Frazier heavyweight championship fight is intended for newspaper publication and may not be used by radio in any attempt to do a 'recreation' or simulated live broadcast of the fight . . ."

Round one. UPI came first with its decision. "Ali took the first round as he outboxed Frazier and landed most of the punches." AP plodded along with a blow-by-blow description. Finally, it tossed off the kicker: "The AP gave Frazier the round by a shade."

That pronouncement brought a roar of laughter from those who had already read the UPI wire. It also produced, for several rounds, a steady stream of traffic from AP machines to UPI machines and then back.

It was uncanny. Of the first seven rounds, the wire services differed on four. "It was a big round for Frazier," trumpeted AP in the sixth. "Ali, using his left jab like a long spear, had the edge in the sixth," countered UPI.

UPI was pro-Ali and AP was pro-Frazier. There was no denying it. UPI had the first, sixth and seventh for Ali, while AP had the

first and sixth for Frazier, the seventh even. After seven, UPI had Ali 5–2, while AP had Frazier 4–2 with one round even.

Noticing this, we began to read the wire services in the fashion that foreign correspondents read Pravda—with the hope of gleaning the reality from what we knew were obviously biased accounts.

What was one to make, for example, of round nine? UPI said Ali landed "eight straight solid shots." AP told us Ali had landed "a series of light jabs, half of which Frazier blocked." Each wire service sounded as certain as Tokyo Rose. Yet AP acknowledged at the beginning of the next round that Frazier came out with his face puffed. Was that a clue?

Meanwhile, the whole process had become rhythmical. UPI would hold off until the end of the round, then would announce who had won the round and give a short description. AP—obviously anxious to satisfy the radio stations that were broadcasting round-by-round versions—provided lengthy detail, then ended (long after UPI) with its verdict for the round.

We were just not used to it. All of us—reporters, copyboys, editors, wire room employees—were working for a newspaper. We liked print. And yet, for an American extravaganza . . . never in recent years had a world series or super bowl or heavyweight championship fight or political convention been kept off both the television and the radio. It was depriving us of our secondary entertainment, the media men. We couldn't talk about Brinkley and Mudd and Schenckel. We were hanging over the wires in the way that crowds had gathered around the copy when H. L. Mencken cabled in his dispatches from the conventions or the Scopes trial.

And who were the anonymous people behind these wires? There were no bylines. (Only later, after the fight, did we find bylines, and they appeared over stories that told us Frazier "left Clay sobbing with remorse . . . It was a vicious test of manhood.")

Lacking the normal media entertainment, we were relegated to laughing at the misprints and contradictions. In round five, AP opened with, "Frazier was off the stole first." As the round wore on, it told us, "Ali had a worried look on his face." But after reconsidering a sentence or two, it decided, "Ali, however, was doing the scoring."

Before we knew it, the fight was over. The wire services had suddenly, miraculously, begun to agree in the last five rounds: in eleven, AP said Ali's "knees buckled," while UPI said Ali "almost went down."

When it ended, UPI had the fight even on rounds, 7–7, with one round even. AP gave it to Frazier, 9–5, with one even. In case you haven't seen a sports page, the referee had the fight 8–6–1 Frazier, while the two judges had it 9–6 and 11–4 Frazier. Score one big one for the AP.

But then again, after the fight ended, UPI reported by bulletin several seconds before AP that Frazier had won the decision.

Maybe they cover a war the same way.

EXECUTIVE REORGANIZATION

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. McCOLLISTER. Mr. Speaker, President Nixon is to be congratulated for grappling with the tremendous problems involved in executive reorganization. For years the executive branch has assumed responsibilities in departments and offices which were already heavily overworked.

Dedicated professionals now sort through piles of bureaucratic paperwork to move a problem towards solution. With the growth in population, Government has grown larger, but no more efficient.

As we approach the year 2000, it is entirely appropriate that Congress set about revising the executive branch of Government. This is our opportunity to remove overlapping responsibilities, cut redtape, eliminate the causes of interoffice rivalry and conflicting authorities.

I feel certain that my colleagues share my enthusiasm for taking a close look at executive reorganization. Undoubtedly numerous ways can be found for conducting the Federal business with greater efficiency. The President's proposals will provide a basis for investigating reorganization problems and acting to resolve them.

Good government, responsive government must be clear and orderly. To bring government functions in line with modern thinking, we must clarify its purpose.

RECYCLING SUCCESS STORY: NEW PAPER MADE FROM OLD

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. McFALL. Mr. Speaker, I am glad to report a major breakthrough in the field of conservation of natural resources and elimination of wastes has occurred, with a manufacturing plant in my congressional district playing a leading role.

The Simpson Lee Paper Co. has started regular production of 100 percent recycled book paper at its plant in Ripon, Calif.

After repeated tests by the firm's technical staff, processes have been evolved which now make it possible to recycle paper into high quality book printing paper.

The Ripon plant was erected in the 1960's to introduce modern manufacturing techniques and now employs 150 persons. Simpson Lee Paper Co., a subsidiary of the Simpson Timber Co., combines two of the oldest major paper manufacturing firms in the West and Midwest. The Simpson Lee plant at Everett, Wash., was founded in 1891, and its operation at Vicksburg, Mich., dates from 1905.

In addition to perfecting a process for making new paper out of old or used paper products, thus reducing the amount of timber for paper manufacture, all plants today are operating in compliance with State and Federal regulations applying to their respective areas.

The following news release was prepared by the firm and appeared in numerous newspapers on March 3. The article follows:

RECYCLING SUCCESS STORY: NEW PAPER MADE FROM OLD

This year's annual report may be printed on the paper you threw in the wastebasket this morning. At least, that's the aim of Simpson Lee Paper Company, a San Francisco based manufacturer of high-grade printing and specialty papers.

Regular production of 100 percent recycled book paper is scheduled to begin tomorrow morning, March 4, at Simpson Lee's plant in Ripon near Modesto, California.

Simpson Lee is believed to be the first manufacturer in the nation to salvage discarded paper and manufacture it into fine quality printing paper.

The company began experimenting with the process about four months ago at its Ripon plant. The plant itself is considered a model of up-to-date, ecologically-sound facilities. There is no smokestack pouring out pulp fumes.

The machinery that had been installed when the plant was erected in 1961 was capable of being adapted to handle the recycling process.

Just what is involved? First, of course, Simpson Lee had to round up as much waste paper as it could. It contracted with waste paper brokers in California to supply discarded office paper, like letters, envelopes, memorandum slips, adding machine tapes and used data processing forms.

Once the waste paper gets to Ripon, it is carefully sorted, then shredded into thin strips and packed into bales. Next, it is dumped into a large mixing beater, treated to remove whatever was printed on it previously and then fed onto the paper machine to become a quality printing paper.

It is finally ready to be shipped from Ripon as customers of Simpson Lee call for it.

The first major customer for this new product was Bank America Corporation, which printed over 250,000 copies of its 1970 annual report on Simpson Lee's 100 percent recycled paper.

Furman C. Moseley, 36-year-old chairman of the company, says Simpson Lee was "intrigued" with the idea of developing a quality book paper from recycled waste.

"Of course, for years we've used scraps, side rolls and similar waste paper from our own plant," Moseley points out. "But we gradually became interested in recycling waste paper into a high quality printing paper. After all, our entire business is based on the efficient use of wood fibers. We figured a project like that made good ecological sense. We think it not only contributes to the growing movement to better utilize the country's total resources, but makes good business sense too. It also complements the broad range of fine printing and writing papers that we manufacture in the West."

Simpson Lee employs 150 people at its Ripon plant.

TRACKED AIR-CUSHIONED VEHICLE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a careful evaluation of Transportation Secretary John A. Volpe's proposal to build a tracked air cushion vehicle along the access highway to Dulles International Airport has convinced me that this experimental toy will serve no useful purpose and will endanger if not permanently destroy the prospect of promoting greater utilization of the Dulles Airport so eagerly sought by those of us who look forward to completion of our subway, rapid rail system for bringing all parts of the metropolitan area into a smoothly operated, conges-

tion, and pollution free, balanced transportation system.

I have today directed a letter to Secretary Volpe urging him to abandon plans for the so-called TACV, and, if he declines to do so, at least to wait until the feasibility study his Department was directed to conduct on the possible extension of our 97-mile system to Dulles has been completed and reported to Congress as provided in Public Law 91–154.

Mr. Speaker, as I believe many of our colleagues may be interested in the Secretary's proposal and its possible effect on transportation in the Washington area, I insert it at this point in the RECORD.

MARCH 8, 1971.

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

DEAR MR. SECRETARY: May I urge that you abandon your recently announced plan to build a tracked air-cushion vehicle (TACV) along the Dulles Access Highway, to be opened during the U.S. International Transportation Exposition at the Dulles airport on May 27, 1972. While such an experimental toy might be of some interest to Exposition visitors, it would be virtually useless in terms of transportation value, and the $20 million price-tag would inevitably lead to charges of wasteful Federal spending and ridicule.

As you know, Congress enacted Public Law 91–143 in 1969 to finance building of a rapid-rail, subway system (METRO) for the Washington Metropolitan Area. A section of this bill directed your Department to study the feasibility of extending the system to Dulles. Your Department assigned this study to the Washington Metropolitan Area Transportation Authority, and a report is due in six weeks to three months. The intent of Congress was: first, to study feasibility of making Dulles easily available to air passengers along the entire METRO system; second, to provide a system to permit transfer of air passengers between Dulles and National Airports, compatible with but not duplicating lines to be constructed in the 97-mile METRO system; and third, to open availability of transportation to patrons from Reston and other stations along the extended route into Loudoun County. If such an extension is determined to be feasible, Dulles Airport can be made available to passengers from any point along the METRO line without ever leaving the same form of transportation.

Your February 16 announcement that you plan to sponsor construction of a TACV system indicated it would be 13.5 miles long. But since the announcement a representative of the Rohr Corporation has been visiting Capitol Hill to provide details on the vehicle and offer Members of Congress VIP tours of a system they built in Paris, as though they have been secretly informed they will be awarded the contract to build it. He said that the vehicle takes 1½ miles to speed up and a similar distance to slow down, so it obviously cannot serve commuters between Dulles and D.C. He also said that while the original TACV would travel only a short distance you hope the community will open its heart to the project and provide a right of way into the District of Columbia so it can serve some useful purpose. Let me assure you right now that the citizens of Northern Virginia, who have already suffered so much to make way for the Beltway, Route 66 and METRO, will never offer to tear down any more homes to make way for a non-stop vehicle to race at 150 miles-per-hour through their neighborhood. On the contrary, the track for the TACV will forever end at the Beltway to become a sterile appendage to the airport, providing nothing more than a carnival-type amusement ride for fidgety children whose parents are waiting for a plane at Dulles, and referred to disparagingly as something like "Volpe's Ventilated Vehicle."

Those of us who have fought for years to get the METRO system built are concerned that by using the airport access road median strip you will permanently deny METRO the only available right of way for an extension to Dulles if one is recommended by the WMATA study. It seems contradictory that you would recognize the need for access to the roadway of Reston residents' automobiles while ignoring their need for rapid rail transportation along the same route.

If your Department has $20 million-plus to spare to help with Washington area transportation problems, I know I speak for all residents in urging that you let us spend it where it will do the most good for the most people. I therefore urge you to scrap the TACV and apply its price toward helping us with the Metro $40 to $50 million extension to Dulles. Regardless of your decision in this regard, however, I urge you to at least hold up further development of the TACV until the WMATA study is complete, evaluated by your Department, and presented to Congress as set forth in Public Law 91–143.

Thanking you, and with best wishes, I am

Sincerely,

JOEL T. BROYHILL,
Member of Congress.

IN SUPPORT OF A VOLUNTEER ARMY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. MINK. Mr. Speaker, I intend to vote for the earliest expiration date of the draft and for the substitution of a voluntary army in place of the draft. The issue of the draft is a matter of paramount importance as it becomes increasingly evident that we cannot bring to an end our involvement in undeclared wars.

In their wisdom the Founding Fathers of this Nation gave to the Congress, and only to the Congress, power to declare wars. Somewhere in the gray area of the classic separation of powers, the Office of the President has usurped this power. We are supposed to believe that there is a difference between declaring war against an enemy and waging a war against him.

The Congress has one clear course of action to reestablish its constitutional powers to declare war. It would be by refusing to extend the draft, and failing that, to prohibit the use of all draftees in combat areas except when the Congress shall have declared war.

There are few indeed who today defend our intrusion in the internal affairs of the people of Indochina. Whatever their position might be with regard to our invasion of Cambodia and Laos to save American lives, almost none will disagree that our entry into this conflict was a serious mistake.

Since this admission of grave error is voiced even by those who are continuing our military presence in Indochina, it is extremely difficult for me to accept the notion that either patriotism or Americanism justifies our sending our sons barely 18 years of age to prove their courage or faith in freedom without being given a choice. It is impossible logic that requires only these young men to fight and die for a policy which has not met the Constitutional test of an act of Congress legalizing the warfare. Yet this is precisely what the draft now does and requires.

Even beyond that, the draft, in and of itself, is not fair and equitable. There is no justice to the involuntary call of a single individual, if not all persons similarly situated are not likewise summoned to serve his country.

I have joined many of my colleagues in sponsoring the voluntary military manpower procurement bill, H.R. 4452. I endorse this bill because it is a viable alternative to the draft and because it can be immediately implemented.

I view this bill, however, only as a temporary expedient until the large manpower needs caused by the Indochina war are reduced.

Although a voluntary army could engage as many as 3 million persons, it would be my belief that efforts should be made continuously to reduce these numbers to approximately the level of pre-World War II forces.

In view of the realistic difficulty in reducing manpower through absolute numerical limits, we must, therefore, not raise the postwar service incentives to a point where we will have a large number of surplus personnel. Instead, the higher pay and incentives of H.R. 4452, if adopted, should be utilized only during this wartime period as a means of ending the inequities of the draft. Our needs after the war can be met without either the draft or the unusually high incentives provided by this bill. It would be unwise to approve permanent incentives sufficient to induce a military manpower level of 3 million soldiers. Postwar manpower limits must be carefully and systematically reviewed and effective steps taken to seek reduction of the total authorizations.

In enacting a volunteer approach during the interim wartime period, the first question concerns whether such a step is possible at all.

Our current system of induction, based upon compulsion, further exploits our youth by paying them only token wages. This only adds the inequity of economic servitude to the adversity of conscription. I realize it will be costly to pay military salaries comparable to those in civilian life, but the constant training and turnover resulting from the existing system is also expensive and more inefficient.

The next issue is whether such a professional service is advisable. I feel that the civilizing benefits of conscription on the services are overstressed. Most draftees enter for their 2 years, serve in nondecisionmaking positions, and then depart. Even those who enlist as officers in one of the services only to meet their military obligations usually are unable to achieve a policy-influencing level before discharge.

The real decisions in the military are now made by a professional group of officers, along with their civilian superiors. It seems to me that the only impact inductees have on their thinking is to provide a ready supply of manpower enabling wholesale combat commitments. In fact, if conscription were abolished,

our military leaders would have to face the reality of depending on volunteer participation in their future combat exploits. This might indeed have a salutary civilizing effect.

Further, I have heard it argued that having draftees in the Army will focus public attention on the uses to which this drafted army is being put, and thereby maintain control of the military in the hands of an interested and alert public. Given these circumstances these past 7 years, with a drafted army largely being utilized in Vietnam, and with active public opposition to the war, it still has had little or no effect on the policies which have continued this conflict.

The charge has been made that a volunteer army would consist largely of underprivileged persons, hired with the inducement of good pay to fight rich men's wars. It goes without saying that our existing draft system favors the wealthy. Those who can afford college have a 4-year deferment advantage over those who cannot. I do not think it is more unfair to allow all persons to freely enter military service than it is to allow them to freely enter whatever other occupation or undertaking they may choose to pursue. Volunteer military service would not be a penalty but a right of citizenship bestowing benefits as well as responsibilities. Various economic classes might see opportunities is this field of endeavor, especially in the benefits such as free education and early retirement which should be provided.

It has also been suggested that public service jobs of certain categories might be required as an alternative to military service. I do not feel that the answer to compulsion is more compulsion. Why should some be required to serve in the military while others escape to Government jobs? Who is to choose which young men will be allowed to enter public service, and on what basis? Again, will the college degree or IQ be the determining factor? I feel that a draft, military or civilian, is an unwanted national policy.

Finally, there is the matter of reforming the draft. Admittedly, our hodgepodge of community-by-community selective service boards, presided over by State officials operating largely independently of each other, have created a wide disparity of policy across the Nation. The percentage of some young men rejected for medical or mental reasons is far higher in some States than in others. Because of this and other differences, a person's relative vulnerability to the draft still depends largely on where he lives. This should not be true in an ostensibly national system.

Much can and should be done to improve the draft, and I have sponsored legislation to achieve such objectives. This, however, must be judged in the context of the overall justification for the draft itself. I feel that elimination of the draft is our first objective. If that cannot be accomplished, then sweeping reforms are in order to guarantee total equality in the selection of those who serve when not all serve.

I realize that the military wants to be assured of an abundant supply of our youth, and is not concerned with method or manner. Yet we in the Congress have an obligation to consider the total needs of our country, including those of the young men affected, and their families. I hope and urge that we will meet that responsibility by limiting our military manpower requirements, and to seek its recruitment by voluntary means in keeping with our Nation's tradition of individual freedom and liberty.

TAPS FOR THE DRAFT?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROUSSELOT. Mr. Speaker, President Nixon has made it clear that all U.S. ground combat responsibilities will be virtually completed sometime this summer, and Secretary of Defense Melvin Laird has reaffirmed this objective before hearings in Congress. It is, therefore, my firm conviction that we should move more aggressively toward the concept of an all-voluntary military and away from a compulsory draft.

An article which appeared in the recent issue of Barron's national business and financial weekly, dated March 8, 1971, presents very strong arguments why this should come about at the earliest possible date. I submit this article for the consideration of my fellow colleagues, and especialy for the attention of the members of our Armed Services Committee in both Houses who are now seriously considering all aspects of this concept:

TAPS FOR THE DRAFT? A FREE SOCIETY SHOULD OPT FOR A VOLUNTEER ARMY

"They have set up separate companies for men who have refused to go out into the field. It is no big thing here anymore to refuse to go. If a man is ordered to go such and such place he no longer goes through the hassle of refusing: he just packs his shirt and goes visit some buddies at another base camp. Operations have become incredibly rag-tag . . . Many guys don't even put on their uniforms any more. . . . The American garrisons on the larger bases are virtually unarmed. The lifers have taken our weapons from us and put them under lock and key. . . . One black locked and loaded on the battalion CO recently because they were trying to send him into the field. About 10 others backed him up. . . . There have also been quite a few frag incidents in the battalion."

The foregoing is part of a letter from an American soldier stationed in Cu Chi, as quoted recently in The New York Times; more powerfully than the front-line dispatches, it underscores the breakdown of disciplines in Vietnam. It also suggests that something must be done, and quickly, if the U.S. Armed Forces are to retain the capability of defending the nation. There is no dearth of proposals. When the Senate Armed Services Committee resumes debate this week on extending the draft, it will have before it several alternatives. One, introduced by Senator Edward Kennedy, would give the draft a new lease on life but limit inductions to 150,000 men per year. It stands virtually no chance of adoption. Neither does a proposal to repeal the Selective Service Act outright. Rated as having an outside chance, however, is the Hatfield-Goldwater Bill; it follows the recommendations of the Gates Commission, set up in 1969 to study the matter, which came out four-square for an all-volunteer armed service. Essentially, the bill calls for expenditure of about $3 billion to boost soldiers' pay to a level thought likely to attract the necessary volunteers. That would mean $300 a month for raw recruits, compared to the $134 offered now. It would keep the structure of Selective Service intact. Men still would register, and draft boards would stay on the job; if enough volunteers failed to respond, conscription could quickly fill the gap.

Until the war in Vietnam finally ends, some such standby authority is doubtless needed. Nevertheless, the Hatfield-Goldwater bill would be a long step in the right direction—toward an all-volunteer military establishment. Contrary to the objections voiced by Senator Kennedy and other critics, it would not place the burden of fighting U.S. wars on "the poor and the black," surely no more than is now the case, nor would it create a new military elite. It would be a great reaffirmation of individual rights. That argument was set forth in these columns in 1965, when Barron's first advocated an all-volunteer army. "The strongest objection to the draft," we said then, "is philosophic: for the sake of the majority, it imposes a heavy sacrifice upon what might almost be called an oppressed minority. In the process, it cannot fail to stamp on the minds of young adults a vivid impression of the power of the state, a totalitarian image which those who argue for a free society may spend a lifetime trying to erase."

Prior to November 1968, Richard Nixon took a similar stand: "Today, all across our country, we face a crisis of confidence," he declared. "Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men." Now, however, the President insists the time is not yet ripe. He has asked Congress to extend the draft another two years beyond June 30, when it is due to expire. During that time, the Pentagon will try to make military service more palatable to the nation's youth—eliminating useless work details, putting up curtains in the barracks—and soldiers' pay is to be raised again. A saturation campaign of TV commercials, costing $30 million, will sell young men on the idea that army life is fun. By such means, plus the constant threat that if they don't join up they will be drafted anyway, the President hopes to get enough volunteers to make zero draft calls feasible, at least by next election time.

Clearly, that's not good enough. A zero draft call is not the same thing as no draft. The element of compulsion remains; it's like the sergeant barking, "I want three volunteers—you, you and you." For evidence that an all-volunteer army can meet the requirements of national defense, the U.S. need look no farther than across its northern border. True, Canada's armed forces number a scant 90,000 men, but they are under no compulsion; volunteers from the start, they can quit the service at will. A recent television documentary by ABC found that the Canadian Army turns away three would-be soldiers for every one it accepts. The strategic ingredient, of course, is money: raw recruits earn $250 a month, and a corporal starting his second five-year hitch can make up to $698 a month. Similarly, the British army has been a volunteer force since 1957, with 400,000 men under arms. Whitehall says the system is working well.

Opponents of an all-volunteer military service in Congress make some specious claims. Senator Kennedy, as noted, objects

that under such a system the defense burden would fall disproportionately upon the poor and the black, who would constitute the bulk of the recruits. Since most well-to-do youths now avoid the draft by staying in college, that wouldn't change anything. Under the pay scales contemplated for the volunteer army, the poor who enlisted at least would be on the road to affluence. Another argument is that a volunteer force would be made up of "mercenaries" ready to follow any would-be dictator on the General Staff. Yet, fully half the men in the armed forces now are "true" volunteers, including all the officers. So far, the "lifers" have resisted any temptation to overthrow the government.

Currently, all the services are on a volunteer basis except the army, which also has a high proportion of enlistees. Only 4% of army volunteers, however, sign up for infantry, artillery or tanker outfits; hence, the Pentagon says it still needs the draft to fill their ranks, even though bonuses of up to $3,000 will be paid for such service. Conceivably, what is needed is a change in tactics, particularly to eliminate what GIs call "chicken"—the whole fabric of regulations that demean the common soldier. Military service also could be made infinitely more attractive if educational opportunities were broadened. There is no dearth of applicants for the service academies, even though cadets are well aware that, on graduation, they will quickly be shipped off to front-line duty in Vietnam. Last year, for example, over 6,000 young men took the exams at West Point—to fill 1,375 openings. For less than the government has budgeted for aid to higher education and vocational training next year, it could give every GI the equivalent of a college education or teach him a trade.

Whatever the inducements offered enlistees, there should be no delay in tooling up for volunteers. The annual cost, says the Gates Commission, would run to less than $3 billion; for halfway measures which, critics claim, are really designed to perpetuate the draft, the Administration is budgeting $1.5 billion. Wouldn't it be better to go all out? As the commission report says, "A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity."

HEALTH SECURITY ACT, H.R. 22

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mrs. GRIFFITHS. Mr. Speaker, on January 21, along with 76 cosponsors, I introduced a bill, H.R. 22, to establish a national health insurance program under the social security system, and to give to middle-class Americans those health and medical benefits presently being developed for the poor and aged, and which the wealthy already have simply because they can afford to pay for them. I first introduced this bill in February of last year. Several improvements have been made since that time.

This bill would relieve State and local governments of $2.5 billion a year in expenditures for health care. In addition, since this bill would eliminate medicare and medicaid, the $10 billion supporting these programs would become available for the comprehensive national health program.

My bill also would preserve free choice of physicians; preserve traditional professional freedom of practice and methods of payment; and maintain, indeed, utilize the authority of local medical and dental associations and societies.

At the same time, my bill would make it possible for doctors and dentists to bypass time-consuming business administration and bookkeeping functions and permit them to concentrate on the practice of medicine and dentistry. It recognizes that the business of doctors is administering health and medical care. They should not have to be bookkeepers or credit collection agencies.

Mr. Speaker, the soaring inflation of health care prices has literally priced the average wage and salary earner out of the health care market. It is estimated that 9 out of 10 Americans are medically indigent in the sense that they face financial ruin should they contract a serious or extended illness. During the last decade, health care prices have increased twice as fast as the cost of living. Hospital daily charges have shot up 150 percent in the last 10 years, and in a short time the $100 per day hospital room will be commonplace. In some metropolitan areas, of course, hospital room charges already have reached that level and more.

Total health care expenditures are absorbing an increasing amount of our gross national product. In 1950, total health expenditures of $12.1 billion represented 4.6 percent of the gross national product. In fiscal year 1970, we spent approximately $67 billion on health or 7 percent of gross national product. If health costs are permitted to continue increasing at the present rate, in 30 years we will be spending twice as great a portion of our gross national product on health as we do now.

In spite of our lavish expenditures on health care, however, we are getting inadequate results and inferior services. According to an official United Nations report: There are 35 other nations where 10-year-old boys can expect to live longer; in 10 other nations, 10-year-old girls have a longer life expectancy; and in 13 other nations newborn babies have a better chance of survival. Although our medical technology is the most sophisticated in the world by many standards, neither the benefits of this technology nor even necessary health care services are readily obtainable by vast numbers of our citizens.

Unless soaring health care costs are placed under some form of rational budgetary control, there is no relief in sight for the majority of our population from the crushing financial burden of spiraling health prices, and the longer we delay in implementing a comprehensive program to meet the present crisis, the more costly will be the remedy necessary to revive our ailing system of health care delivery. The national health insurance bill I have introduced would place health care expenditures under firm budgetary control, while providing practitioners with genuine financial incentives to improve the quality of care and the efficiency with which it is delivered. This would be accomplished by stimulating the development of time-tested prepaid group practice plans to provide health care services on the basis of approved prospective budgets.

Comprehensive group practice plans are rapidly gaining popularity for their superiority in terms of quality of care provided and efficiency, over the fragmented methods of solo physicians and specialists working independently. Administrators within the Department of Health, Education, and Welfare already have designed programs to encourage group practice plans. Last September, the president of the American Medical Association, Dr. Walter C. Bornemeier, acting on his own, recommended that the Federal Government provide money for doctors to build group practice clinics in areas where there are shortages of physicians.

The improvements in quality of care and efficiency accomplished by group practice prepayment plans are matters of statistical fact. The President's Commission on Health Manpower, in studying the group practice prepayment plan of the Kaiser Foundation, concluded that the Kaiser plan provided as good or better care than was available in the general community at from 20 to 30 percent less cost. In addition to Kaiser, other group practice plans have demonstrated the capability of reducing hospitalization and the number of surgical procedures. A recent study of the Federal employees health benefits program showed the group practice plans had only one-half the number of nonmaternity hospital days per 1,000 subscribers, as the alternate coverage. Federal employees have a choice between five different types of coverage, including an indemnity plan and Blue Cross-Blue Shield. Also, the group practice prepayment plans had 42 percent fewer surgical precedures than Blue Cross.

Under the program I have proposed, State or county medical societies, or any qualified group of practitioners could enter into contracts with the Government to provide comprehensive health care services to their respective patient populations. An individual practitioner could enter the program on his own, but the financial incentives provided under the plan make it more profitable for him to become part of a group practice plan. Hospitals, as well, could contract with the Government to serve the beneficiaries of national health insurance.

Hospitals could also build outpatient centers and elect to provide comprehensive outpatient and inpatient services to a defined population thereby becoming prepaid group practice plans. Moreover, the program would provide financial assistance to hospitals which elect this option. The American Hospital Association has called for the development of health care corporations to provide comprehensive health services on a capitation basis. H.R. 22 will stimulate this development. Hospitals, under this program, could also contract with the health security board to provide acute care,

skilled nursing care, and home health care, and be reimbursed under a consolidated budget for all these services. If a medical society, group practice plan or hospital elect to contract to deliver health services on a capitation basis, the medical staffs can pay individual physicians in any way they choose, either on a fee-for-service, capitation or salary basis.

The budget of a group practice plan or hospital will be a liberal one, but it will place a ceiling on yearly expenditures. If by improving the quality of health care and the efficiency with which it is delivered, a group or hospital has budget money left over at the end of the year, they will be permitted to retain this amount as a reward for efficiency. Prepaid group practice plans and medical foundation plans also will be able to retain 75 percent of the savings they accomplish by reducing hospital utilization. The general idea is to make it more profitable for doctors to keep people well than let them get sick enough to require hospitalization. The Government would be required to pay the total cost of hospitalization without limit, but the more money spent on hospital services, the less doctors would have for themselves.

In addition, the national health insurance program I have proposed would move toward restoring the balance between rural and urban areas in the availability of doctor care. In the countryside, over 412,000 people in 115 counties, scattered through 23 States do not have access to a physician at all. One out of 50 Americans cannot get a doctor under any circumstance. Also, there is a doctor imbalance inside our large cities. New York City, for example, has an overall physician-population ratio of 278 doctors per 100,000 residents. Yet the ratio is only 13 doctors per 100,000 residents in poor areas and ghettos.

If my bill should become law, we would witness, I trust, a migration of doctors from the overdoctored areas of the United States to the underdoctored areas of our country, since the money will be there whether or not the area is rural, poor, or affluent. Under this program, doctors would be motivated to serve not on the basis of a community's wealth, but on the basis of the people's need for health care in the area, and the physician's own personal inclination as to living arrangements.

My bill also provides financial incentives for physicians to practice in underdoctored areas, by making them eligible for supplemental stipends and by reimbursing the practitioner for special costs of continuing professional education and maintaining linkages with other providers of services.

Benefits provided under the program consist of virtually every kind of medical service for the diagnosis and treatment of disease, including: physical examinations; physician visits to the home, office, and hospital; specialist services, including surgery and psychotherapy; eye care, including eyeglasses and frames; prescription drugs; physical therapy, and rehabilitation. Institutional benefits include hospitalization without limit and home health services. Ambulance services are covered by the plan. Children under the age of 15 on the effective date of health benefits will be entitled to comprehensive dental services under the program, and will remain so entitled throughout their lives. Within 5 years after the program becomes operative, persons up to age 25 will receive full dental coverage. All citizens of the United States will be eligible beneficiaries of national health insurance. Aliens admitted as permanent residents and living within the United States, or aliens admitted for employment and employed within the United States also are eligible for benefits under the program.

The program would be financed within a predetermined budget defined by the revenue raised under the payroll tax provisions of the bill. Employees would pay 1 percent into the health fund on wages up to $15,000, self-employed persons would pay 2.5 percent of income up to $15,000, employers would contribute 3.5 percent of total payroll, and the Government would match the employee and employer contribution out of general revenues. It is estimated that, if this program had been fully implemented in fiscal year 1970, the total cost would have been $41 billion, or 70 percent of the total personal health care expenses in the United States.

It is obvious, however, that the promise of comprehensive health benefits will be an empty one, unless we create a rational, efficient system of health care delivery, which is readily accessible to each beneficiary.

Two years before benefits begin under national health insurance, a resources development fund will be established to strengthen our resources of health personnel and facilities and restructure our health care delivery system to meet the increased demand for comprehensive medical services; $200 million will be appropriated to the fund in its first year of operation, and the following year $400 million will be devoted to the fund. Once benefits begin, up to 5 percent of the trust fund, nearly $2 billion a year, will be set aside for resources development.

A fundamental aspect of the problem of rationalizing the delivery of health care in America can be dealt with by the option I have mentioned of contracting in advance for the services of health care practitioners. As opposed to our current practice of rewarding practitioners in proportion to the seriousness of a patient's malady, the method of paying for services in advance results, in fact, in paying physicians to keep us healthy. In this way, physicians are financially rewarded for implementing techniques which reduce the cost and improve the efficiency of their services, since they are permitted to retain, as a bonus, 75 percent of their hospital utilization savings. By the same token, they are financially penalized for inefficient or unnecessary practices. The resources development fund will stimulate the development of such contractual arrangements.

There are many provisions of the bill that would improve the quality of care. Practitioners would be required to participate in programs of continuing education. Surgeons and other designated specialists would be required to hold a certificate from the appropriate national specialty board or possess the qualifications requisite to such certification. Except in emergencies, a consultation with an appropriately qualified specialist will be required prior to surgery. Medical foundations sponsored by medical societies would be required to establish peer review procedures acceptable to the health security board, which is responsible for administering the health security program. Prepaid group practice plans would be required to have a committee of physicians promulgate medical standards, oversee the professional aspects of the delivery of care, and monitor the quality of all health services provided by the plan.

Under the program, grant-in-aid amounts would be provided for the planning and development of comprehensive health delivery systems, and subsidized loans would be made available for the initial staffing of these systems. Under Kennedy and Johnson, the Federal Housing Act was amended to provide health facilities for doctors engaged in group practice. I understand, however, that this provision has not been taken advantage of, chiefly because neither the Federal Housing Administration nor the doctors knew how to put it to use.

Unless we move to construct a national plan, 50 individual State plans will be created under medicaid in an attempt to fill the need for national health insurance. The State of New York, as you may be aware, has extended medicaid benefits to persons in a family of four with $5,400 income, exclusive of the cost of getting to work. Since approximately 50 percent of medicaid's financing comes from Federal revenues, you are purchasing health care benefits for New Yorkers that are not available to persons, with comparable incomes, in your own States. We must have a national plan that can be administered fairly to all persons.

CAN MARTIAL LAW AID EDUCATION?

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. YATRON. Mr. Speaker, like many of my colleagues in the House of Representatives I am deeply concerned about the crisis facing our Nation's educational system.

Our public and private schools are experiencing a period of unprecedented turmoil, as well as a breakdown in the all-important relationship between students and administrators. It is no exaggeration to say that at least some of our schools are in a virtual state of anarchy.

In my judgment, the learning process simply cannot take place without the proper degree of discipline and mutual respect. In this connection, the efforts of the Reverend Charles Gallen, principal of Roman Catholic High School in Philadelphia, deserve special commendation.

Mr. Speaker, I respectfully include a Philadelphia Inquirer article on Father Gallen, written by columnist Sandy Padwe, in the RECORD at this point:

CAN MARTIAL LAW AID EDUCATION?

(By Sandy Padwe)

The Rev. Charles Gallen opened the green cardboard box on his desk. It was filled with mail.

"There are about 200 letters here," Father Gallen said, "along with some more in another office. Only a few could be considered of a crank variety."

The Rev. Charles Gallen is the principal at Roman Catholic High School, Broad and Vine sts. But by now, many people know that. Father Gallen is becoming a very popular figure in this town.

Last week he declared that educational program at Roman would be the equivalent of "martial law." He added that when students were told to jump, they would do so and ask "how far" on the way up.

Father Gallen is a tall, powerful man who looks more like an aging athlete than a high school principal. He says he is 50, but if you had to guess you might say 40.

Last week his tough disciplinary policies meant, among other things, a frisking of students as they entered the school. The atmosphere was, indeed, one of martial law, and those who did not agree with the stern measures wondered if Father Gallen's crackdown actually helped or hindered learning. Martial law, they reasoned, was no more conducive to learning than an atmosphere where discipline was non-existent.

"What I said doesn't carry the same implications to students as to some outsiders," Father Gallen said. "My kids aren't afraid of me or my staff."

Discipline in the schools is becoming a big issue in the city. The opponents of public school superintendent, Dr. Mark Shedd, label him—and his system—too permissive. Many of these people applaud Father Gallen, a complex man of many philosophies.

TEMPERED WITH CHRISTIAN CONCEPTS

"When I say 'martial law,'" Father Gallen said, "I'm not talking about an atmosphere like the military where you have this business of hatred of the sergeant. Our discipline has to be tempered with Christian concepts. I'm only an adult Christian trying to help others. Knowledge and will power have to be trained."

Racial turmoil is at the root of the trouble which led to last week's crackdown at Roman.

"The students," Father Gallen said, "were bringing the prejudices, hatreds and fears of their communities with them . . . This is not a place to do politicking or whatever. . . ."

Father Gallen grew up in Clifton Heights, Delaware County. His father was a mechanic. There is a strong dedication and feeling for the old, established virtues in Father Gallen's philosophy. He believes, simply, that the most important consideration in a man's makeup is his feeling for others.

He said he feels this is being lost in modern society.

"What worries me," Father Gallen said, "has been this tremendous amount of time and effort that goes into quality education, almost to the neglect of the production of the true man.

"All emphasis seems to be placed on intellectual attainment. Teachers are being hired not because they are men, but because they have so many degrees.

"If we face facts," he continued, "our nation was built by mechanics. They've always worked hard, eaten well and slept long because they were tired from their work. Generally they were better men than and—I don't like to use the word that much 'eggheads,' or those who went totally for education, and excluded other parts of learning.

"I despise the person today who says this is the way I FEEL about things. It is more important to say this is the way I THINK about things. We need will power to go along with intellect.

ECONOMIC, INTELLECTUAL ATTAINMENTS

"We have put so much emphasis on economic and intellectual attainments that the real qualities are sometimes lost . . . My father was one of the smartest men I knew . . . the plumber who put water on top of the Empire State Building was no dummy either."

Father Gallen says he is interested in graduating his concept of "the total man" from Roman.

But he admits that other programs with less structured discipline—such as the city's Parkway Program where students do not attend any particular school—have a function in society.

* * * iron hand," Father Gallen said, "The Parkway Program wouldn't be good. The student wouldn't get much out of it. But for a sensitive student it would be a tremendous thing."

Meanwhile, it will be Father Gallen's version of "martial law" at Roman.

YOUNG CITIZENS ARE ALSO CONCERNED

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. ROUSH. Mr. Speaker, how many times has each of us urged our constituents, both young and old and in between, to learn about the issues to write us their opinions? I know that I for one do this all the time. This is a sure way of learning about the matters of special local interest—even local issues—and of seeing in another focus national problems and concerns.

So I was especially pleased to receive a number of letters from a very active and alert fourth grade at Carlin Park School in Angola, Ind.

In all the arguments for and against concerning funding of the supersonic transport prototype, I think the questions and conclusions of these students are timely and telling.

It is indeed interesting to me to note how very concerned the future generation's leaders are about the environment in a total sense. They are concerned that we preserve what nature offers us and this includes human lives and hopes and values.

It is refreshing to me to receive letters such as these and I include these particular letters from the Carlin Park Fourth Grade in the RECORD. My congratulations to their teacher, Linda Jennings, and to each of these young concerned citizens:

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: What is your opinion on the SST? My opinion is that if it does damage why start it? Did you know how much damage the SST would do before you started? How much money has already been spent on the project? How much more is needed to finish? Write and answer my letter.

Your friend,

JAN BLEDSAE.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I hope you vote against the SST project because it makes too much noise and too much pollution. It will make too much damage.

Sincerely,

STUART REESE.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I am against the SST because I think it will pollute the air and the air has enough pollution already. Please send me a reply and your opinion.

Your friend,

MARK LINSBERG.

CARLIN PARK SCHOOL,
Angola, Ind., January 21, 1971.

DEAR MR. ROUSH: My opinion is that you should stop the SST project. We should use the money to stop pollution.

Sincerely,

CINDY HESS.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: What is the plans for the SST? When will the SST be done? How much money has already been spent in the SST? How much more money will be spent on the SST?

Mr. Roush, could the U.S. go back to horse and buggy and bicycle so the U.S. would quit polluting the air? Please send me a reply.

Your friend,

PHILLIP MEANS.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I'm against the SST because it makes too much noise and is poluting the air. It disturbs the animals and it could kill them. I wish you would do something about it.

Your friend,

BETSY GAFFIN.

CARLIN PARK SCHOOL,
Angola, Ind., January 15, 1971.

DEAR MR. ROUSH: I'm against the SST because I don't think it will stop pollution. It will make too much noise. What is your opinion? Can you give me some additional information?

Your friend,

DONNA O. QUINN.

SUPREME COURT'S RECENT DECISION ON PRAYER PRAISED

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, with all the turmoil and dissent we read about in the world today, it is always refreshing for me to hear about something which has been accomplished in the name of God and country.

The action I am referring to occurred yesterday when the U.S. Supreme Court announced it was letting stand a lower court ruling dismissing a suit by Madalyn Murray O'Hair, the atheist, who sought to bar Apollo astronauts from praying and reading from the Bible while being televised on the way to the moon.

If ever there was a time for this Nation and the world to turn its attention to an Almighty Being for guidance and help, that time is now. What better time for man to express his solidarity and belief in God than during the astronaut's trip to the moon.

It is a comfort and inspiration for all of us on earth to know that there are those among us, including the members of the U.S. Supreme Court, who agree that the pursuit of expressing faith in God and his guidance is both a personal as well as constitutional privilege.