eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida (for himself, Mr. FRENZEL, Mr. ARCHER, Mr. ASPIN, Mrs. CHISHOLM, Mr. DEVINE, Mr. EDWARDS of California, Mr. ESCH, Mr. FORSYTHE, Mrs. GRASSO, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HILLIS, Mr. HOGAN, Mr. KEATING, Mr. KEMP, Mr. LEGGETT, Mr. MCKEVITT, Mr. METCALFE, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. RYAN, and Mr. VEYSEY):

H.R. 6808. A bill to require the Secretary of Transportation to prescribe regulation 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. CEDERBERG:

H.J. Res. 507. Joint resolution; designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 508. Joint resolution increasing the authorizations for comprehensive planning grants and open-space-land grants; to the Committee on Banking and Currency.

By Mr. GARMATZ:

H.J. Res. 509. Joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day"; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 510. 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. HORTON:

H.J. Res. 511. Joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 512. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. WOLFF:

H.J. Res. 513. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. BADILLO:

H. Con. Res. 238. Concurrent resolution relative to San Juan's 450th anniversary; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 239. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. BRADEMAS (for himself, Mr. KYROS, Mr. GALIFIANAKIS, Mr. YATRON, and Mr. SARBANES):

H. Res. 346. Resolution relative the 150th anniversary of independence for Greece; to the Committee on Foreign Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. LONG of Maryland, and Mr. BYRNE of Pennsylvania):

H. Res. 347. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WOLFF:

H. Res. 348. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 6809. A bill for the relief of Gioacchino, Giovanna, and Antonio Giuseppe Gancitano; to the Committee on the Judiciary.

H.R. 6810. A bill for the relief of Graziano Randazzo; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6811. A bill for the relief of Salvatore Orlando; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 6812. A bill for the relief of Mani Hashem, his wife, Malihe Hashem, and their minor daughter, Ariela Hashem; to the Committee on the Judiciary.

H.R. 6813. A bill for the relief of Mario Michele Zito; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 6814: A bill for the relief of Anna Anzalone; to the Committee on the Judiciary.

H.R. 6815. A bill for the relief of Ann Attanasio; to the Committee on the Judiciary.

H.R. 6816. A bill for the relief Democrate and Giuseppina Gabaldi; to the Committee on the Judiciary.

H.R. 6817. A bill for the relief of Enrique and Maria Pombal; to the Committee on the Judiciary.

H.R. 6818. A bill for the relief of Michele Salerno; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 6819. A bill for the relief of Antonio Inzillo; to the Committee on the Judiciary.

By Mr. KING:

H.R. 6820. A bill for the relief of John W. Shafer, Jr.; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 6821. A bill for the relief of Theodore Barr; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 6822. A bill for the relief of Vito Vavallo; to the Committee on the Judiciary.

SENATE—*Thursday, March 25, 1971*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God, holy and just, who exaltest a nation that follows the way of righteousness, we pray for our leaders and our people that this Nation may become worthy of Thy gracious favor. Deliver us from pride and greed, from avarice and prejudice, from ill will and discord. Inspire in us such a love of our neighbor and concern for one another's welfare that we shall work together with one heart and will to secure a just reward and the opportunity for the good life for all.

Teach us to serve Thee as we ought, to give rather than to get, to minister and not be ministered unto, to spend our lives for others, and in everything to know and to do Thy will.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 24, 1971, be dispensed with.

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 may be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, and that it consider Calendar Nos. 46, 47, and 48.

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

WAGNER-O'DAY ACT AMENDMENTS OF 1971

The bill (S. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a Committee on Purchase of Blind-Made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46–48), is amended by striking out all after the enacting clause and inserting in lieu of the matter stricken the following: "That there is hereby created a committee to be known as the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter referred to as the 'Committee') to be composed of two private citizens conversant with the problems incident to the employment of blind and other severely handicapped individuals and a representative of each of the following Government departments or agencies: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of the Interior, the Department of Justice, the Department of Labor, and the General Services Administration. The members of the Committee shall be ap-

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pointed by the President, shall serve without additional compensation, and shall designate one of their number to be Chairman. The private citizen members of the Committee shall each be appointed for a term of five years; and such members shall be eligible for reappointment.

"SEC. 2. (a) It shall be the duty of the Committee to determine the fair market price of all suitable commodities produced and offered for sale by, and suitable services offered by, blind or other severely handicapped individuals to the Federal Government from time to time by any qualified nonprofit agency for the blind or qualified nonprofit agency for the other severely handicapped, organized under the laws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency or agencies to facilitate the distribution of orders (by direct allocation, subcontract, or other means) among the qualified agencies for the blind or the qualified agencies for the other severely handicapped, and other relevant matters as shall be necessary to carry out the purposes of this Act.

"(b) Rules nad regulations of the Committee shall provide that, in the purchase by the Government of commodities produced and offered for sale by nonprofit agencies for the blind or other severely handicapped, priority shall be accorded to such commodities produced and offered for sale by nonprofit agencies for the blind, and that, in the purchase by the Government of services offered by nonprofit agencies for the blind or other severely handicapped, priority shall, until the close of June 30, 1977, be accorded to services offered by nonprofit agencies for the blind.

"SEC. 3. All suitable commodities and suitable services hereafter procured in accordance with applicable specifications by or for any Federal department or agency shall be procured from such qualified nonprofit agencies for the blind or qualified nonprofit agencies for the other severely handicapped in all cases where such commodities or services are available within the period specified at the price determined by the Committee to be the fair market price for the commodity or commodities or services so procured: *Provided*, That this Act shall not apply in any cases where suitable commodities or suitable services are available for procurement from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this Act.

"SEC. 4. For purposes of this Act—

"(a) the term 'blind' refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees;

"(b) the term 'other severely handicapped' means an individual or class of individuals who is under a physical or mental disability other than blindness, which (according to criteria established by the Committee after consultation with appropriate agencies of the Government and taking into account the views of non-Federal agencies representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment;

"(c) the term 'qualified' when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped means such an agency which complies with such occupational health and safety standards as are specified by the Secretary of Labor. The term 'qualified' when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped also means such an agency organized under the laws of the United States or of any State, operated in the interest of the blind or in the interest of the other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual and, in the case of a nonprofit agency for the blind employs blind persons to an extent constituting not less than 75 per centum of the man-hours of direct labor used during the fiscal year in the production of commodities or provision of services under this Act, or in the case of a nonprofit agency for the other severely handicapped employs other severely handicapped or blind persons to an extent constituting not less than 75 per centum of the man-hours of direct labor used during the fiscal year in the production of commodities or provision of services under this Act;

"(d)(1) commodities offered for sale by a nonprofit agency for the blind accorded a priority under section 2(b) of this Act shall be considered to be produced by the blind only if not less than 75 per centum of the man-hours of direct labor required during the fiscal year for the production of such commodities was performed by blind individuals. Commodities offered for sale by a nonprofit agency for the other severely handicapped shall be considered to be produced by the other severely handicapped only if not less than 75 per centum of the man-hours of direct labor required during the fiscal year for the production of such commodities was performed by other severely handicapped or blind individuals;

"(2) services offered by a nonprofit agency for the blind accorded a priority under section 2(b) of this Act shall be considered to be services provided by the blind only if not less than 75 per centum of the man-hours of direct labor entailed during the fiscal year in the provision of such services is performed by blind individuals. Services offered by a nonprofit agency for the other severely handicapped shall be considered to be services provided by the other severely handicapped only if not less than 75 per centum of the man-hours of direct labor entailed during the fiscal year in the provision of such services is performed by other severely handicapped or blind individuals;

"(e) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"SEC. 5. (a) There is hereby authorized to be appropriated to the Committee $200,000 for each fiscal year commencing with the fiscal year ending June 30, 1972, to carry out the provisions of this Act.

"(b) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis."

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the ninth month following the month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–41), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill has two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and, second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill.

BACKGROUND OF THE LEGISLATION

The Wagner-O'Day Act was originally enacted by the Congress in June of 1938 to provide employment opportunities for the blind in the manufacture of products to be sold to the Federal Government. In the 33 years since its enactment, it has been of inestimable value in providing workshops for the blind with contracts for blind-made products at a fair market price.

As enacted in 1938, the Wagner-O'Day Act created a presidentially appointed Committee on Purchases of Blind-made Products composed of one public member and representatives of six Federal agencies concerned with utilization of blind-made products. The committee determined the fair market price of all "brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the Federal Government by any non-profitmaking agency for the blind," procurement of which shall be mandatory and authorized a central non-profitmaking agency (the National Industries for the Blind) to facilitate the distribution of orders and other relevant matters of procedure.

The act has been administered by personnel from the several Federal agencies purchasing blind-made products and members of the Committee on Purchases of Blind-made Products, all of whom have had their salaries paid from funds appropriated to their individual agencies.

In fiscal year 1969, 78 workshops for the blind in 35 States sold approximately $23 million worth of goods to the Federal Government, providing employment to some 5,000 blind individuals. These products, 435 in number, covered a wide range including mops, brooms, pillow cases, military neckties, barracks bags, and signal flags. While the $23 million purchased from workshops for the blind represents less than five one-hundredths of 1 percent of the total $49.28 billion of Federal purchases, for the blind workers assisted it represents the difference between some modicum of self-sufficiency and dependency, the difference between being a taxpayer and a tax burden.

During the past 33 years the Wagner-O'Day Act has stood without amendment. In the intervening years, techniques for utilizing the innate talents of the blind and other severely handicapped have continually improved and the realization has grown that these persons can pursue useful, productive lives rather than being institutionalized or becoming burdens upon their families.

In response to the changes of the past three decades, S. 3425 was introduced in the last Congress on February 10, 1970. A Special Subcommittee on Handicapped Workers, under the chairmanship of Senator Jennings Randolph, of West Virginia, was appointed. Two days of hearings were held on July 9 and 10, 1970, at which time testimony was submitted on the bill by 14 witnesses. The bill was unanimously reported from the Committee on Labor and Public Welfare on September 24, 1970, and passed the Senate, without dissent, on call of the calendar on September 28.

This bill, S. 557, is similar to the legislation which passed the Senate unanimously last year, too late to be considered by the House of Representatives. It was reintroduced in the 92d Congress on February 3, 1971, as S. 557, with some minor technical changes which had been worked out with the executive agencies concerned and with the blind and handicapped groups which had earlier testified in support of the bill. The

committee, taking cognizance of the hearings held last year, unanimously ordered S. 557 reported at its executive session on March 17, 1971.

As Rehabilitation Services Administration Commissioner Edward Newman testified before the committee, "the research clearly indicates that the expansion of the Wagner-O'Day Act will benefit many severely disabled persons other than the blind and will create thousands of new job opportunities without detracting from the original intent of the program."

Further information brought forth at the hearings included the following: Through the addition of services, workshops could further diversify the number of training programs and the types of persons served; one of the most important problems facing workshops engaged in contract work is that of obtaining sufficient work to keep their handicapped clients employed; in Japan nearly a third of that country's blind and partially blind are employed but in the United States no more than one-fifth of the blind are employed; many of the more than 120,000 Vietnam veterans now drawing compensation for service-connected disabilities would be eligible for employment in workshops having contracts under the expanded Wagner-O'Day Act; last year 6,591 disabled persons moved from sheltered workshop employment to outside work in the general economy; and Government contracts would make it possible to establish workshops in rural communities where it heretofore has not been feasible to provide such services for the blind and other severely handicapped.

The Department of Health, Education, and Welfare estimates that there are some 10,000 adult blind and some 77,000 other adult severely handicapped who form the potential work force for non-profit agency workshops which could receive contracts under the Wagner-O'Day Act, as contemplated to be changed by S. 557.

Support for this legislation was indicated during the hearings last year by representatives of the three Federal agencies concerned; namely, the Committee on Blind-made Products, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, and the President's Committee on Employment of the Handicapped. Among the organizations submitting testimony in support of the bill were the American Association of Workers for the Blind, the American Foundation for the Blind, the General Council of Workshops for the Blind, the Goodwill Industries of America, the International Association of Rehabilitation Facilities (formerly the National Association of Sheltered Workshops and Homebound programs and the Association of Rehabilitation Centers), the National Association for Retarded Children, the National Easter Seal Society for Crippled Children and Adults, the National Industries for the Blind, the National Rehabilitation Association, and the United Cerebral Palsy Association of America.

SUMMARY OF THE BILL

Section 1 of the bill amends the Wagner-O'Day Act as follows:

(a) Section 1 of the Wagner-O'Day Act is amended to—

(1) Change the name of the Committee on Purchases of Blind-made Products to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter in this report referred to as the "Products Committee").

(2) Increase from one to two the number of private citizens who are members of the Products Committee, providing that they be conversant with problems incident to employment of the other severely handicapped as well as the blind. Provision is also made that those two private individuals shall each serve for a term of 5 years instead of indefinitely as is the case presently.

(3) Add to the Products Committee representatives of the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Justice, the Department of Labor, and the General Services Administration, removing from membership representatives of the War Department, the Navy Department, and the Treasury Department.

(b) Section 2 of the Wagner-O'Day Act is amended to—

(1) Add services to suitable commodities as subject to the Products Committee's jurisdiction in determining eligibility for Government contract.

(2) Include other severely handicapped as being eligible along with the blind, with the proviso that the blind will have first preference in the sale of suitable commodities and that in the sale of suitable services the blind shall have first preference until June 30, 1977.

(3) Provide that a nonprofit agency for the blind or the severely handicapped must be qualified, as defined in section 4 of the act.

(4) Permit the distribution of orders by direct allocation, subcontract, or otherwise.

(5) Make it clear that the Products Committee is responsible for rules and regulations regarding not only procedures, but all matters relevant to administration of the act.

(6) Make other changes of a minor and technical nature.

(c) Section 3 of the Wagner-O'Day Act is amended to conform with the changes made in section 2 of the act relative to the inclusion of the other severely handicapped and services, as well as changes of a minor and technical nature.

(d) Section 4 of the Wagner-O'Day Act is amended to add definitions of—

(1) "blind", (2) "other severely handicapped", (3) "qualified" when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped, (4) commodities and services offered by a nonprofit agency for the blind and a nonprofit agency for the other severely handicapped, and (5) a State.

(e) A new section 5 is added to the Wagner-O'Day Act to—

(1) Authorize an appropriation of $200,000 annually to carry out the provisions of the act. Presently funds for the administration of the act are derived from the funds appropriated to the various Federal agencies purchasing blind-made products.

It has been indicated that the projected budget for the first full year of operation, should this bill be enacted, is less than $125,000. This committee provided for an authorization of $200,000 as a permanent authorization to allow for normal increased costs over a period of years and expresses the expectation that in the near future the appropriation requested will remain below that figure and in line with the present budget of some $125,000.

(2) Stipulate that the General Services Administration shall provide administrative services for the Products Committee on a reimbursable basis.

Section 2 of the bill provides that the amendments to the Wagner-O'Day Act made by section 1 of the bill shall take effect on the first day of the ninth month following enactment of this measure.

CORN FEED GRAIN BASES

The Senate proceeded to consider the bill (S. 795) to authorize the Secretary of Agriculture to establish corn feed grain bases which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert in lieu thereof:

That, notwithstanding any other provision of law and subject to such terms and conditions as he determines appropriate, the Secretary of Agriculture is authorized to establish feed grain bases and wheat domestic allotments for purposes of the Agricultural Act of 1970 with respect to producers of sugar beets who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970, if there is no substitute plant available in the area for the processing of their sugar beets. The feed grain base or wheat domestic allotment shall be conditional upon the production of such commodity on such base or allotment and for the 1971 and 1972 crops of the commodity, there shall be established for eligible producers either a feed grain base or wheat domestic allotment, at the option of the producer.

SEC. 2. For the purpose of section 379c(b)(1) of the Agricultural Adjustment Act of 1938, as amended, and section 105(b)(3) of the Agricultural Act of 1949, as amended, the Secretary of Agriculture may permit producers to have barley planted prior to the date of enactment of the Agricultural Act of 1970 for harvest in calendar year 1971 considered as devoted to the production of feed grains or wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of feed grain bases or domestic wheat allotments for certain sugar producers, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-43), explaining the purposes of the measure.

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

This bill, with the committee amendment to the text, would—

(1) authorize the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operations on or after January 1, 1970; and

(2) authorize the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970, to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history.

The bill, as introduced, would have applied only to sugar-beet producers in Montana and Wyoming who formerly processed their beets at Hardin, Mont., and provided only for the establishment of feed grain bases. The Department of Agriculture recommended that it be extended to all sugar beet producers whose processing plants had ceased operations after January 1, and that the establishment of bases be conditioned upon production of the commodity on them. The committee adopted this recommendation, and recomended further that producers be given a choice of a feed grain base or a domestic wheat allotment in 1971 and 1972.

Because the Agricultural Act of 1970 was not enacted until November 30, 1970, the 1971 feed grain program could not be announced until after that date. Consequently many farmers planted barley in anticipation of being able to have it considered as feed grains or wheat for history preservation purposes, as was the case under the 1970 program. However when the 1971 feed grain program was announced, the Secretary elected

not to include barley in that program; and consequently acreage planted to barley could not be considered as devoted to either feed grains or wheat for history preservation purposes. To correct this situation the committee has recommended an amendment to the bill to let the Secretary permit producers who planted barley prior to November 30, 1970, to have their barley acreage considered as feed grains or wheat acreage for history purposes.

COST ESTIMATE

The committee estimates that no cost would be incurred in carrying out the bill during the fiscal year ending June 30, 1971; the cost incurred in the fiscal year ending June 30, 1972, would be approximately $700,000, as described in the attached report of the Department of Agriculture; and the cost incurred in the fiscal years ending in 1973 and 1974 would depend upon the elections by producers to take feed grain bases or wheat acreage allotments. Since feed grain bases established under the bill would be additional bases, the cost in those years would be about $700,000 if all producers elected to take feed grain bases. Since wheat farm domestic allotments established under the bill would be additional to the national domestic allotment only in 1971, there would be no cost in the fiscal years ending in 1973 and 1974 if all producers elected to take wheat domestic allotments. Since the current wheat and feed grain programs are authorized only through the 1973 crop, there would be no costs under the bill for the fiscal years ending in 1975 and subsequent years.

This cost estimate agrees with that contained in the attached report of the Department of Agriculture.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 17, 1971.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of February 22, for a report on S. 795, a bill to authorize the Secretary of Agriculture to establish corn feed grain bases.

The Department recommends that S. 795 be passed with amendments.

S. 795 would benefit only those producers who formerly processed sugar beets at Hardin, Mont. There are producers in other areas of the country that have been or will be affected by the closing of processing facilities who are entitled to similar consideration. Therefore, we recommend that this be extended to all sugar beet producers who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970, and that establishment of such base be conditional on the production of the commodity on such base. The planting requirement would be consistent with existing legislation which requires that a percentage of the base or allotment be planted to avoid reduction of the base or allotment in subsequent years.

This bill would authorize the Secretary of Agriculture to establish corn feed grain bases for producers of sugar beets in Montana and Wyoming who formerly processed their sugar beets in Hardin, Mont. The feed grain bases established shall be equivalent to the farm proportionate share acreage which was established for the farm for the 1970 crop.

Current legislation authorizes the withholding of some base acreage and allotment in reserve for new farms. However, for the 1971 feed grain program there is not sufficient reserve acreage in the affected States to provide the increases that could be required to implement S. 795 with the amendments suggested above. In the case of feed grains, any new farm base acreages established above current State bases would stay in effect for subsequent years. Hence, the State and National totals would be increased by the amount of the new bases.

Information presently available to the Department indicates that 60,000 to 75,000 acres of land devoted to sugar beets in 1970 might be affected by the provisions in this bill, with the amendments we have suggested.

If new feed grain bases are established for 60,000 acres formerly in sugar beets, the additional set-aside payments on this new base acreage would amount to approximately $700,000 in fiscal year 1972. Of the 60,000 acres established, 12,000 acres would be diverted at a cost of $58 per acre.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

CLARENCE D. PALMBY,
Assistant Secretary.

PRE-1934 BONDS OF THE PHILIPPINES

The bill (S. 1330) to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 6 of the Act of March 24, 1934, as amended (22 U.S.C. 1393 (g)), (relating to the trust account for the payment of pre-1934 bonds of the Government of the Philippines) is repealed.

SEC. 2. In order to implement the Executive Agreement concluded between the Government of the United States and the Government of the Republic of the Philippines on November 26, 1969, under which the Government of the Republic of the Philippines agreed to assume from the Secretary of the Treasury sole responsibility for payments of the principal of and interest on all outstanding bonds of the Philippines, its provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress, the Secretary of the Treasury is authorized to transfer to the Government of the Republic of the Philippines whatever sums remain on the effective date of this Act in the special trust account with the Treasurer of the United States in the name of the Secretary set up by section 6(g)(4) of the Act of March 24, 1934, as amended.

SEC. 3. As of the date of the transfer of sums to the Government of the Philippines, authorized by section 2 of this Act, the United States shall cease to be liable for the payment of principal or interest on all outstanding bonds of the Philippines, its provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress.

SEC. 4. This Act shall take effect 60 days after the date of its enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–44), explaining the purposes of the measure.

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

PURPOSE

The principal purpose of the bill is to effect the transfer to the Government of the Republic of the Philippines of money which the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934 pursuant to acts of Congress. The amount in the special trust account that would be transferred is $138,739.21, and consists of funds originally furnished by the Philippine Government.

BACKGROUND

By the first section of the act of August 7, 1939, the Congress amended section 6 of the act of March 24, 1934 (which act provided for the independence of the Philippine Islands) to direct the establishment before July 4, 1946 of a special trust account in the Treasury to meet principal and interest payments on "bonds of the Philippines to which a moral obligation of the United States might have been attached" (H. Rept. 1058, 76th Congress, 3 (1939) and S. Rept. 453, 76th Congress, 3 (1939)), and to specify the Secretary of the Treasury as the person authorized to make such payments when the amount in the account was adequate. The bonds on which payments were to be made were in particular those issued prior to May 1, 1934, by the Philippines, its provinces, cities and municipalities, in accord with congressional authorizations. The account was to consist of sinking funds maintained by the Government of the Philippines for the payment of the bonds, and of a supplementary sinking fund which the Treasurer of the United States held for the same purpose consisting of the proceeds of export taxes imposed and collected by the Philippine Government after the enactment date of the 1939 act.

The special trust account was established in the Treasury and the sinking funds covered into it; the account was supplemented by yearly payments by the Philippine Government between 1946 and 1951. In 1951 the Secretary of the Treasury determined that the trust account balance was sufficient to meet principal and interest payments on all outstanding bonds, and he began to make all interest and principal payments from the account. Also, in accord with the congressional direction that, whenever the Secretary determined that the trust account balance was in excess of an amount adequate to meet interest and principal payments on all such obligations, such excess be turned over to the Treasurer of the Philippines, the Secretary determined to be excess and returned to the Philippines an aggregate of $1,838,000, consisting of $1 million in May 1964, $600,000 in February 1962, and $238,000 in August 1965.

Accordingly, the provisions of the 1939 act have either been fulfilled or have expired, except for the authorization of the Secretary of the Treasury to make the principal and interest payments on the pre-1934 bonds. Bonds denominated in dollars are presented for payment to the Treasurer of the United States through Federal Reserve banks, or to the Treasurer of the Philippines. Bonds denominated in pesos are presented for payment only through the Central Bank of the Philippines.

All of the bonds for which the special trust account is liable had matured by 1963. The liability for the total outstanding amount of principal and interest on the bonds has been determined which as of December 31, 1970 was $138,733.69. As of the same date, the account held $138,739.21. There have been few payment transactions during the past several years. Further, the Department of the Treasury cannot determine when, if ever, all the outstanding matured bonds and interest coupons will be presented for payment. The Treasury considers, therefore, that it is unnecessary for it to continue to maintain indefinitely the amounts in the special trust account.

The Government of the Republic of the Philippines has agreed to accept the sums which the bill proposes to transfer and thereafter to assume full responsibility for the principal and interest payments on the bonds in an executive agreement with the Government of the United States, dated November 26, 1969, which by its terms will enter into force upon receipt by the Philippine Government of advice from the U.S. Government that appropriate legislation has been enacted. Therefore, enactment of this noncontroversial legislation is necessary to implement the executive agreement.

EXPLANATION OF BILL

The first section of the committee's bill would repeal subsection (g) of section 6 of the act of March 24, 1934 (48 Stat. 456), as added by the first section of the act of August 7, 1939 (53 Stat. 1226, 1228) and amended by section 104(1) of the act of September 22, 1959 (73 Stat. 621, 622), codified at 22 U.S.C. 1393(g)), which provides the specific statutory authority of the Secretary of the Treasury to make principal and interest payments on pre-1934 Philippine bonds and prescribes the conditions for setting up the special trust account and its authorized uses.

The second section would authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines whatever money remains on the effective date of the bill in the special trust account held by the Secretary. The transfer would implement the executive agreement between the Governments of the United States and of the Philippines, dated November 26, 1969, whereby the Philippine Government undertook to assume responsibility for making payments on the pre-1934 Philippine bonds.

The third section provides a disclaimer of U.S. liability for payment of the pre-1934 Philippine bonds as of the date of the Secretary's transfer authorized by section 2.

The fourth section provides for an effective date 60 days after enactment in order to allow the Department of the Treasury adequate time to make the fiscal arrangements required.

RAILPAX PLAN IN MONTANA—II

Mr. MANSFIELD. Mr. President, on Tuesday, I addressed myself to the problem of what I consider to be the unwise decision—to put it very mildly—of the National Railroad Passenger Corporation in selecting routes for the Railpax plan throughout the Nation. The people of Montana were stunned when they learned that the Corporation recommended that over two-thirds of Montana would have to give up rail passenger services.

Alternate methods of public transportation has apparently been the major factor in their decision. A State like Montana does have other public transportation, but in very limited quantities. A number of these communities affected do not have airline service and in the case of cities like Missoula and Butte, cannot depend on scheduled airlines because of fluctuating and oftentimes, difficult weather conditions. These same areas are mountainous and during the winter there are days when it is impossible to travel by highway, for those the one possible method of transportation, would be the railroads. After May 1, the people of western Montana will not have this option.

Mr. President, I am taking this opportunity to restate my unaltered opposition to the Railpax plan. I ask unanimous consent to have the following documents printed in the RECORD: Telegram of protest to the Secretary of Transportation, John Volpe and David Kendall, Chairman of the National Railroad Passenger Corporation; my statement of March 23; the text of legislation introduced by Senator METCALF and myself affecting this issue; a letter my colleague and I addressed to the Council of Environmental Quality, raising questions about the Council's lack of involvement in this decision; and a letter which we are at the present time drawing up and will send later today to the distinguished chairman of the Subcommittee on Transportation of the Appropriations Committee, the distinguished Senator from West Virginia (Mr. BYRD).

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

MARCH 22, 1971.

Hon. JOHN R. VOLPE,
Secretary,
Department of Transportation,
Washington, D.C.:

Extremely disappointed at Railpax' decision which allows only one transcontinental road across Montana and, in effect, eliminates the old Northern Pacific route. Montana is a state 700 miles wide and over 400 miles long and the need for a two rail lines transportation over Montana is apparent to all. I hope that you will reconsider this decision which will impose a tremendous hardship on Montana because of previous losses in bus, rail and air service. Would suggest that instead of asking funds for supersonic transport that money would be better spent to keep both passenger rail lines in service in Montana, that their passenger service be up-graded and that the administration show more interest in developing and maintaining railroad passenger service to serve all the people, thereby maintaining a tax and employment base rather than not prestigious and long-range items such as the SST.

I personally request that you reconsider your decision so that the people of Montana will continue to be given the service to which they are entitled to. Otherwise, results will be a great hardship which, in my opinion, will ill-serve the Nation and its people.

Regards,

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

MARCH 22, 1971.

DAVID W. KENDALL,
Chairman, The National Railroad Passenger Corporation, Department of Transportation, Washington, D.C.:

Deeply concerned and disappointed in total lack of understanding evidenced in the advanced release of the Railpax plan. The old Great Northern Route selected will leave approximately two-thirds of Montana without rail passenger service. The six largest cities will be without passenger trains. In most cases it will involve surface travel of up to three-hundred miles to a rail depot. I had hoped the initial purpose of the Railpax plan would be to provide reasonable passenger train service, not a retreat and reduction of these services. The Federal Government has become involved because of the negative attitude of the railroads insofar as passenger service is concerned. It would seem the rail corporation is endorsing and continuing this same sterile approach to the surface transportation needs of Montana and the Nation. We had expected at least the recommendations of the Interstate Commerce Commission—alternate day service through Montana on both the Northern Pacific and Great Northern lines with north-south service between Butte and Salt Lake City. People of Montana and the northwest deserve better treatment. Reconsideration is necessary.

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

RAILPAX PLAN AND MONTANA

Mr. President, when the National Railroad Passenger Corporation announced the details of the unified passenger system, I was amazed and shocked with the total lack of understanding and consideration given to the less populated, rural states in the Nation.

When the Congress enacted legislation establishing this new corporation, it was done to bring about a new vigorous approach to railroad passenger service as a replacement for the deteriorating and stagnant passenger service provided by the majority of the railroads in the country. Railroad passenger service has been reduced to such a state that something had to be done to preserve this mode of transportation. If this recent announcement is any indication, the corporation is merely perpetuating what we had hoped to replace.

Fifteen years ago, passenger service was available on three transcontinental railroads through Montana. In recent years, this has been reduced to service on the old Northern Pacific and Great Northern lines. Under the Railpax plan, the ony passenger service would be on the Great Northern line, across the Northern edge of Montana. Two-thirds of the State will be without rail passenger service, Montana's six largest cities will not have access to rail service and it will be over three hundred miles from any point in Montana to a rail depot.

In the past several years there has been a great deal of conversation about the migration of Americans from rural areas to metropolitan centers. If we are to make a sincere effort to reverse this trend, the Railpax Plan is not going to help. The route selected through Montana gives every indication of what I feared might happen. It gives primary consideration to the railroad corporation, not the needs of the traveling public. This route through Montana is the shortest and the least costly to maintain. This supports my fear that the Burlington Northern views Montana as a necessary roadbed between the Twin Cities and Seattle. I fear that there will now be reductions in freight service on the Northern Pacific lines, now that they will not be required to maintain these roads for passenger trains.

As my colleagues here in the Senate know, I have been objecting to the reduced service offered by the railroads for a number of years. I still believe they have purposely reduced their services and discouraged public use of their lines, in an effort to bring about abandonment of their responsibilities in passenger service. The Railpax Plan, appears to support this philosophy and I do not see how it can provide a suitable alternative.

It is quite ironic, that the Congress is considering the appropriation of billions of dollars for the Super Sonic Transport to fly people to Europe and other parts of the world in less than four hours, when it will be virtually impossible to get out of Montana by public surface transportation in order to take advantage of super sonic travel. The corporation officials may feel that the remainder of Montana has adequate alternatives of public transportation. However, I wish to remind these officials that air service does not include many of the smaller cities and at some points, the airlines are attempting to reduce their schedule. Bus lines offer about fifty percent less public transportation than they did a few years ago. Under the Railpax Plan, Montana does have one line which will be available to very few people, but I am certain that constituents in the States of Idaho, Wyoming and South Dakota, find this plan even less comforting.

Originally I had felt that the National Railroad Passenger Corporation could be the answer to the deteriorating surface transportation needs of our nation, I realize, that we can economically maintain railroad passenger service now available without a tightened up system aided by improved service for the traveling public.

In the State of Montana, we could have survived reasonably well, with alternate-day service on the Northern Pacific and Great Northern lines, between the Twin Cities and points in Montana, even if on a reduced basis. Also, in looking at the map of the new improved passenger routes, there is not one North-South connection between Chicago and the West Coast. The corporation thoroughly ignored such existing routes from Butte to Salt Lake City.

For some time I have been considering a plan to require the railroads to abide by their public responsibilities and today I have introduced legislation which would require railroads who benefited by land grants, to return all these lands to the federal government, where they have abandoned rail services. On the surface, this may appear to be a drastic measure, but these railroads were given the original land grants as an incentive to provide railroad services to the people of the United States. If they abandon this intention, I see no reason why they should benefit from the land grants. It is my distinct impression, that in many instances, the railroads are more interested in investments and benefits associated with these lands, than they are with the business of running a railroad.

Mr. President, I ask unanimous consent, to have printed with this part of my remarks, the proposed amendment to the Railroad Passenger Service Act of 1970, which Senator METCALF and I introduced.

Before concluding my remarks today, I wish to express my opposition and views on another matter. The Inter-State Commerce Commission has authorized eastern and western railroads to increase their current freight rates by about 11.8%, without any comments or controls over deteriorating service. Here again, we see an example of the reasoning why I have advocated the abolishment of this regulatory agency, or a comprehensive overhauling of the agency.

RAIL PASSENGER SERVICE ACT

To amend the Rail Passenger Service Act of 1970 in order to require railroads to return lands received as a grant from the Federal Government in return for the discontinuance of passenger or freight service

That title IV of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 406. PUBLIC CONSIDERATION IN RETURN FOR DISCONTINUANCE OF SERVICE.

"(a) Notwithstanding any provision of this or any other Act no railroad holding title of any kind to lands, other than rights of way, which were received as a grant (not including any purchase) from the Federal Government shall discontinue, after May 1, 1971, any passenger or freight service regularly provided prior to such date unless such railroad reconveys to the United States all right, title, and interest (including mineral rights) held by such railroad in an amount of such land equal to one hundred acres for each mile of service discontinued.

"(b) For the purpose of this section the term 'rights of way' means land within 300 feet on either side of a railroad track regularly used on May 1, 1971, for the provision of freight or passenger transportation service to the public."

MARCH 23, 1971.

Mr. RUSSELL TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR CHAIRMAN TRAIN: At the press conference called yesterday to announce the National Railroad Passenger Corporation's rail system, Mr. John P. Olsson, one of the incorporators, said that the General Counsel of the Department of Transportation had ruled as "unnecessary in this case" a report on the environmental impact of the system. The Acting General Counsel today confirmed this ruling as applying to the Secretary's recommendations for a basic system. Apparently the ruling has been held to obtain as well as for the Corporation.

We are deeply concerned that a decision of such magnitude has been taken without the tests called for in the National Environmental Policy Act of 1969.

The Railpax plan, according to Mr. David Kendall, will operate about half of the currently operating passenger trains. The probabilities are that the railroads will choose to join the corporation and discontinue the remaining trains.

If a large segment of a transportation system is thus abandoned, it does not follow that the public will abandon travel. What means will former rail passengers use? What will be done with abandoned equipment and facilities? Will there be an increase in the use of automobiles? Are the airlines and buslines equipped to handle even more traffic? Are the airports and bus terminals? Are the highways adequate or will more be cut into the land? What additional pollution can be expected?

We have all seen the photographs of Yosemite and Yellowstone at peak seasons, with bumper to bumper traffic that is usually found only on urban freeways. Last year an official of the National Park Service said there is a very strong possibility that the number of automobiles permitted to enter some of our national parks will have to be limited, both because of the congestion they cause and because of the hazards for plant and animal life from exhaust emissions.

Yet Railpax has decreed that there shall be no passenger train service to Yellowstone National Park in the basic national system.

Such a decision is scarcely consonant with the "interdisciplinary approach" intended by Congress to "insure the integrated use of the natural and social sciences . . . in decision-making which may have an impact on man's environment," as stated in Public Law 91-190.

Will you please advise us what position the Council on Environmental Quality has taken on the Railpax matter and what steps were taken or might be taken to assess the impact on our environment of the rail system that is to become effective on 1 May?

Very truly yours,

MIKE MANSFIELD,
LEE METCALF,
U.S. Senators.

MARCH 25, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN ELLENDER: We are writing to convey our determined opposition to the granting of any appropriation to the National Railroad Passenger Corporation. In our opinion, the proposed routings of national railroad passenger travel announced by the Railpax directors on March 22 show a blatant disregard for both the will of Congress and the needs of the traveling public.

The Rail Passenger Service Act of 1971 clearly expressed the desire of Congress to make available efficient, clean and convenient rail passenger service that the railroads were seemingly unable or unwilling to provide. It was our understanding that in return for a substantial Federal subsidy, Railpax was to improve the clearly inadequate existing service.

Instead, we are shocked and appalled to discover vast areas of this nation, including Montana, South Dakota, Idaho, Wyoming and other areas, will lose what meager passenger service that still existed after years of neglect. This appears to be almost a great leap backwards in available public transportation. eliminating by half the trains now running.

Indeed, the taxpayers will be paying more to receive less if continued appropriations for Railpax are approved. We urge that no further monies be approved for Railpax until its directors demonstrate more sensitivity to the desperate needs of persons dependent on the railroads for transportation services.

Assuring you of our deep personal concern and interest and with best personal wishes, we are

Sincerely yours,

MIKE MANSFIELD,
LEE METCALF,
U.S. Senators.

Mr. BYRD of West Virginia. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I share the sentiments which have been voiced by the distinguished majority leader and express my disappointment with respect to my own State.

West Virginia loses half to two-thirds of the passenger service it had prior to Railpax. The new plan will have to produce a miracle if it comes anywhere near to serving the real needs of the traveling public. Cities like Wheeling, Morgantown, Fairmont, Clarksburg, Martinsburg, Parkersburg, Bluefield, and Williamson are not included in the route—the one route—selected.

Compared with some States in which service was eliminated altogether, some may say that West Virginia is fortunate to have been given one route across the State, serving the capital of Charleston and the State's largest city, Huntington. But the State has two other major rail lines in addition to the C. & O.—and they are the B. & O. and the N. & W. These lines extend from the populous areas of the Eastern Seaboard to the Midwest, and in any logical restoration of railway passenger service will surely have to be included.

There will be no way to reach any of the cities I have mentioned from Washington by rail. Railpax thus far has pleased no one, with the possible exception of the railroads which wanted to get out of the passenger business. I fully understand the widespread dissatisfaction that is being expressed with the routing as announced.

I am told that the B. & O. also proposes to reduce the number of commuter trains running into Washington from the Eastern Panhandle of West Virginia. Three trains are now being operated—one of them is the Capitol Limited, a through train which comes off in the Railpax plan. Only one commuter train will remain between Washington and Martinsburg. Cancelling existing and needed service which is being patronized such as this is not the way to launch the Railpax experiment. I have grave doubts as to whether the experiment will succeed. Rail travel must be made more convenient if it is to succeed. It seems to me that Railpax is making it less convenient.

Mr. President, I want to assure the distinguished majority leader that my Subcommittee on Appropriations will be asking some questions regarding this matter, not only on behalf of West Vir-

ginia but also on behalf of the States served by other Senators.

Mr. MANSFIELD. Mr. President, may I say that I want to thank the distinguished Senator from West Virginia, the chairman of the Committee on Appropriations Subcommittee on Transportation. I feel that I have been had because in voting for this Corporation I had no idea that this would be the outcome.

So far as I am concerned, I do not intend to vote for any further appropriations for this Corporation until and unless this situation in Montana—Wyoming and South Dakota especially, as well as in other States of the Union, including specifically West Virginia and cities like Cleveland, which has been cut off with no rail service, and the like—is clarified.

If we can spend money for round trips to the moon, I think we can spend a little money to take care of surface transportation in this country and face up to the needs of the people on this planet.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Minnesota (Mr. HUMPHREY) is now recognized for 1 hour for remarks and colloquy.

SENATE RESOLUTION 87—SUBMISSION OF A RESOLUTION RELATING TO ARMAMENTS LIMITATIONS

A CHANCE TO HALT THE ARMS RACE NOW

Mr. HUMPHREY. Mr. President, I rise to address the Senate on a subject of great importance; namely, national security.

The United States and the Soviet Union have resumed meetings in Vienna—a city where peace has been made, or broken, on many occasions in the past. We are meeting to continue the strategic arms limitation talks, designed to arrest the terrifying race in nuclear arms before it can reach a new and even more dangerous level.

Several of my colleagues—most recently the distinguished Senator from Illinois (Mr. PERCY)—have vocalized their concern and introduced proposals to facilitate negotiations in an attempt to reach a satisfactory arms control agreement with the Soviet Union.

I would like to contribute constructively to this discussion and submit a resolution in that regard, intended to serve as a guideline to the administration.

At stake in these negotiations is the power of man to control his own fate—by placing firm limits on weapons that could lead to his self-destruction.

No other issue more meaningfully affects our chances for a peaceful world, and indeed for the survival of mankind. No other issue more deserves our attention here in the U.S. Senate, as the two superpowers, the United States and the Soviet Union, once again raise our hopes and fears about the nuclear arms race and its end.

For many years, I have taken part in the efforts to bring the arms race under control. For several years, I served as chairman of the Senate Subcommittee on Disarmament and Arms Control. During that period, I introduced and cosponsored resolutions in the Senate which led to the Limited Nuclear Test-Ban Treaty; as Vice President of the United States, I worked for the acceptance of the Non-Proliferation Treaty; and as Vice President I signed Protocol II of the Treaty for the Latin American Nuclear Free Zone. And I have long supported the initiation and holding of these important strategic arms limitation talks.

During the past 2 years, while absent from public life, I had a further chance to study these problems, as student and teacher, and watched with approval the courageous efforts by Members of the Senate to free us all from the tyranny of the nuclear arms race. Now the effort here, in the Congress, must be renewed, and I intend to contribute as best I can to help insure that it is not in vain.

As I speak today, the arms race is continuing, despite the SALT talks and our hopes for their success.

When these talks did finally begin in November 1969, they promised to be an incentive for restraint on the part of the two superpowers.

But they became instead an excuse for each side to pile up arms and more arms—each justifying its action on the claim that it was strengthening its bargaining position; in other words, each country giving itself a new bargaining chip.

The arms race goes on, oblivious of the negotiators, of the hard demands of peace, and of the welfare of this Nation. While we continue to stockpile weapons, we are diverting valuable funds from the basic needs of our own country. It is our own people who are caught in the arms race and now we must ask ourselves what price we are paying for the catchall of sufficient security, as defined by this administration.

By conservative estimates, the total cost of Minuteman III—our most advanced ICBM—alone will be about $5.6 billion dollars, and another $5.1 billion at current prices for the Poseidon missile for our nuclear submarines. Estimates for our Safeguard program depend on what plan the administration follows. We could spend from roughly $12 billion for 12 sites to $200 billion for total ABM deployment. In welfare terms, the cost is phenomenal both in actual fiscal expenditures and human resources.

Then we must ask ourselves if these weapons would give us more security even if we were to buy them all. It is my view that they do not.

We did not enter the SALT talks with any doubts about the continued hostility of the Soviet Union toward us. Instead, we entered them with knowledge of the greater risks if we failed to act, and from awareness of two hard facts:

First, there was nothing that either the Russians or ourselves could do to the other, including a full-scale surprise attack, that would prevent the nation being attacked from causing the sure destruction of the attacker in return—destruction of his industry, his cities, his population, and his society itself. No matter how it might begin, a nuclear war between our two countries would be mutual suicide. There can be no victory for anyone—only the defeat of the whole human race.

Second, both the United States and the Soviet Union had crossed the threshold of another round of the arms race. We had hoped that this could be avoided. But even if talks on arms reductions have been under way, a whole new dimension of weapons is now in the process of being constructed and deployed. If unchecked, it would cost vast sums of money; it would be more deadly than we have ever known before; and it would be less stable than the situation we know today.

These facts should have impelled both the United States and the Soviet Union to seek an end to nuclear competition.

Today, I would like to report with some assurance that this new round of the SALT talks, or one in the near future, will bring the arms race under control.

Unfortunately, I cannot do so, because of the difficulties that continue to surround the whole subject of limiting arms.

Mr. President, I am therefore submitting today a resolution which I send to the desk. It reads:

RESOLUTION RELATING TO ARMAMENTS LIMITATIONS

Whereas the Governments of the United States and the Union of Soviet Socialist Republics have both expressed a willingness to deescalate the arms race by entering into the Strategic Arms Limitation Talks (SALT) to consider the control of strategic weapons;

Whereas the Government of the Union of Soviet Socialist Republics has recently shown an interest in negotiating agreed limitations on anti-ballistic missile defense systems and has slowed its deployment of ICBM's;

Whereas the United States has previously offered to negotiate a complete ban on or limitation of anti-ballistic missiles;

Whereas there is a strategic, political, and economic interrelationship between anti-ballistic missiles and multiple independently targeted re-entry vehicles (MIRV's); and whereas the regulation of both of these weapons systems could contribute to a halt in the arms race;

Whereas an agreement limiting ABM deployment would contribute to the negotiation of limitations on offensive strategic systems because it would reduce the need for new offensive weapons to maintain the deterrent;

Now therefore, be it Resolved, That as the first step toward achieving a more comprehensive agreement on both defensive and offensive weapons, the Senate request the President to propose at the negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement—

SEC. 1: 1. to ban or limit to a very low level the deployment of anti-ballistic missile systems by the Government of the United States and the Government of the Union of Soviet Socialist Republics;

2. to bind those Governments to conduct further negotiations to achieve a limitation on offensive strategic weapons;

The Senate also calls upon the President

SEC. 2: 1. to propose that the United States and the Union of Soviet Socialist Republics enter into a mutual freeze on the testing of multiple independently targeted re-entry vehicles and on the deployment of both offensive and defensive nuclear weapons, including anti-ballistic missiles and multiple

independently targeted re-entry vehicles, for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.

2. to inform the Congress fully and promptly of all developments in the arms race which could affect the Strategic Arms Limitation Talks (SALT), and to consult regularly with the Senate on those developments.

Mr. President, first, we in the United States are handicapped by the unwillingness of the Soviet Union so far to make definite declarations of restraint concerning its own nuclear weapons programs.

As ever, the Russians remain silent about what they intend to do. At the SALT talks they have not been forthcoming on the U.S. proposal for a comprehensive agreement—an agreement covering both offensive and defensive nuclear arms.

Second, the Soviet Union appears to be resuming the deployment of land-based missiles, after a period of suspension lasting several months. This merely refuels the fires of suspicion and tension. We have heard a great deal in our press and through the media about this lately.

We are not yet sure what these new deployments entail, but it does appear that our hopes for a continuing moratorium on Soviet land-based missile deployments has not been realized.

At the same time, however, these difficulties must be set against two positive developments of the past few months.

The Soviet Union has not resumed work—and I repeat, has not resumed work—on a number of missile sites already under construction. These include the giant SS-9's.

In addition, the Russians have now shown a willingness to negotiate an agreement to limit antiballistic missile defenses. This, too, may indicate Soviet interest in finding a new way to regulate the nuclear relations between our two countries.

I believe that these two developments could be more important than other Soviet behavior and therefore, respectfully urge that the administration probe more deeply into them.

Regrettably, it appears that this administration has, instead, concentrated on inconclusive evidence that the Russians are continuing and expanding their nuclear missile program. Thus we become prisoners of our own fears, and fail to give due recognition to the possibilities that may be before us.

Surely we ought to have been seriously exploring and asking:

Why they suspended their deployment programs of the SS-9. Were they demonstrating restraint? Or were they merely pausing, before new efforts to increase the power and effectiveness of their land-based arsenal? We may never know. We made it difficult to test Russian motives because of our own stepped-up deployment program.

But we did not need to know what Soviet motives were. We could have responded with our own acts of restraint. And our risks would have been minimal compared to the gains we might have achieved.

In talking about arms control we must be prepared to take what I call minimal, prudent risks for peace, to try to slow down the arms race. This is the best way I know to promote both our national security and world peace.

As I said, we did not need to know what Soviet motives were. We could have responded with our own acts of restraint. There is precedent for this assertion. Both Presidents Eisenhower and Kennedy took unilateral action to stop our own nuclear testing; both acted in anticipation of a commensurate response from the Soviet Union and both were willing to accept less at the time than a complete test ban.

This is why we call it the limited nuclear test ban treaty. We can still exercise restraint today in ways that were long urged on the administration before the Russians launched their land-based missile program—if that is indeed what they are doing—and as yet we have no positive evidence that they are resuming this program.

We must not be panicked by recent Soviet moves, or headlines about them, into believing that all chances for ending the arms race are dead. They are not; they have become even more imperative; and they require even more restraint on both sides.

Restraint should begin with the weapons that raise the most serious problems of immediate concern for the stability of the arms balance: The Soviet and our anti-ballistic-missile system, Soviet offensive missiles, and multiple independently targeted rerentry vehicles—MIRV—both ours and theirs.

Our Safeguard system is presently deployed at three sites—and, if the administration has its way, it will be deployed at a fourth site, either in Wyoming or right here around Washington. So far this ABM is designed primarily to afford some protection for our land-based missile and bomber forces against a successful first-strike by the Soviet Union.

But this purpose has always been suspect: Few scientists really believe that Safeguard could thwart the attack of a determined aggressor. In any event, we have alternatives to Minuteman in order to deter a Soviet attack. Those alternatives include our bomber fleet and nuclear submarines with Polaris and Poseidon missiles. Come what may, we know and they know we can retaliate against any attack, at any time, from any quarter—with total devastating effect.

The arguments for Safeguard were always weak. Despite reported recent developments, they remain weak.

During a period of several months, the Soviet Union halted programs which, had they continued such programs unabated for long enough, and without any action by us, could have posed the threat of a disarming first-strike against Minuteman. According to Department of Defense figures in the posture statement, for 1971, the Soviet SS-9 program has leveled off at fewer than 300 missiles. Yet in order to launch an all-out first-strike against Minuteman, the Soviet Union would need at least 420 SS-9's, each armed with a MIRV system capable of bringing three separate targets under attack in order to implement this strategy. They do not have this MIRV system at this time, Mr. President.

I am aware, of course, that the Soviet Union could try to achieve this same purpose—the ability to launch a disarming attack against Minuteman—without increasing the total number of its SS-9's. It could install an advanced system of highly accurate MIRV's. Each would have to carry at least six separate warheads.

Today, we know that the Soviet Union has tested a simple, unguided, multiple warhead that could fire three warheads like a shotgun. The Russians may also have begun testing a rudimentary MIRV, capable of taking three separate targets under attack at one time. But they have clearly not finished the test program that would be necessary to develop their MIRV into a system capable of successfully attacking Minuteman Missiles in their hardened silos. Even more, there is no evidence that they have begun a test program for a MIRV with six warheads, despite all the suppositions and scare talk that appears from time to time.

Before the Russians could possibly deploy a system of offensive weapons capable of threatening our Minuteman force, they would have to make considerable strides, in their missile programs—particularly in the development of their MIRV.

Do the Russians intend to build a first-strike capability sufficient to destroy our Minuteman force?

I believe that this possibility is too fanciful to merit our serious concern.

It ignores the political developments of a decade in our relations with the Soviet Union.

It ignores the certainty that the Russians would face a continued, all-out nuclear arms race with us—a race they could not win. We would never stand idly by and permit that.

But most important, the case for believing in a Soviet first-strike capability against Minuteman ignores totally the existence of our powerful Polaris submarine force.

Today that force on its own—and without MIRV—is capable of utterly destroying the Soviet Union, if this brings any comfort to anyone. I sometime wonder about how mad we are. We talk about total destruction as if it were a game.

Indeed, if there were ever a real threat to our Nation that required the deployment of Poseidon submarines, one single Poseidon equipped submarine would be able to destroy a significant portion of the Soviet Union—one Poseidon could destroy 160 different cities.

We must understand one thing: we cannot continue to assert, without convincing evidence, that the Soviet Union is bent upon the destruction of our land-based missiles; and we must not undertake programs based upon that assertion. If we do, we stand to forfeit the possibility that the arms race itself can be brought to an end. Overinsurance, and the hysteria which breeds it, may only help to bring into being the very offensive threat that is the object of the Safeguard defense.

For these reasons, I call upon the President to propose a mutual freeze with the Soviet Union on ABM deployments, as an important first step in limiting both offensive and defensive arms. And the United States for its part should maintain this freeze for as long as the Soviet Union exercises comparable self-restraint and refrains from taking action directed to counter the ability of the United States to respond effectively to a Soviet nuclear attack.

I believe we should take the initiative, just as President Kennedy and President Eisenhower did on two other occasions when they took the initiative unilaterally. This is not an awful risk, but it does represent leadership. We can take that leadership at this time because, as I speak to the Senate today, we do have massive retaliatory power. We do have a great deal of deterrent force. We do have a powerful strike force not only in our land-based missiles and bombers, but also in the Polaris fleet which in itself, is a deterrent force, a strike force that the Soviet Union cannot counter.

This kind of mutual suspension which I am now proposing could be policed through the satellite reconnaissance systems of each side.

The Soviet Union might not accept this mutual suspension. But at least we in the United States would be making an effort to stop the arms race—an effort which the Senate urged upon the administration last year, when the arms race was much less advanced. At that time, the President refused to act. We must not make the same mistake this year.

What about offensive weapons?

If we wish to bring the arms race to an end, it is essential that both superpowers exercise restraint in these weapons as well. For the United States it means halting the deployment of MIRV's. For the Soviet Union it means continuing its suspension of SS–9 deployments and refraining from deploying comparably large intercontinental ballistic missiles as well as from further testing of their own MIRV.

MIRV's are already being deployed on our Minuteman III missiles, and we will shortly be sending to sea the first of our Poseidon submarines.

Why did we develop this MIRV warhead in the first place, and begin to deploy it? The last two administrations have adopted these reasons—and I am quite familiar with at least one of those administrations.

First, the MIRV program was designed as a counter to a Soviet anti-ballistic-missile system which some people said might threaten our ability to counterattack following a nuclear attack on us. Against such a Russian ABM system, MIRV would enable us to maintain deterrence, by guaranteeing that enough warheads could always penetrate Soviet defenses, regardless of their ABM's.

But the Soviet Union has not built the ABM system we feared. A few years ago the Senate was filled with talk about what the Russians were going to do with their ABM system; the fact is they have not done anything with it—and the limited already outdated system they have deployed is not capable of stopping an American retaliatory attack with our existing arsenal—much less of stopping a MIRV attack.

An effective ABM system would take the Russians many years, if not decades, to build; would be incredibly expensive—and might not work in any event.

Furthermore, if the Russians begin this ABM system, we will know it immediately, through our own reconnaissance satellites that give us positive and reliable evidence of Soviet acts. An ABM system requires very large pieces of equipment, radar equipment, and all of which is visible by use of reconnaissance satellites.

We could counter their efforts by deploying MIRV warheads at a moment's call.

It is beyond dispute that we are far advanced with MIRV technology—so far advanced that we are already deploying the counter to a future Soviet ABM system. We have, in other words, considerable leadtime over the Soviets.

One fact should now be clear to anyone who has looked at the awful logic of an arms race: if we build the counter to a weapon before that weapon is built, we will only inspire the other side to fulfill our worst fears. Yet this is exactly the course we seem to be pursuing.

There is a second reason advanced by the administration for building MIRV: to provide added insurance that we could retaliate following an attempt by the Soviet Union to destroy our bombers and land-based missiles in a surprise, disarming attack. But with more targetable warheads, fewer missiles would have to survive in order to rain unacceptable damage in retaliation upon the Soviet Union.

And here, too, we can wait to deploy MIRV warheads to counter the potential threat—we can wait until we have evidence that the Soviets are expanding their offensive and defensive strategic nuclear arsenal where it poses a real threat to our ability to retaliate.

What I am asking for is that we do not chase each other in this costly, dangerous arms race. We are setting up assumptions and then we build weapons to meet the assumptions, only to precipitate the building of other weapons by the Soviet Union. And they do the same.

By deploying MIRV's now, we may attain a self-fulfilling prophecy by forcing the Soviet Union to accelerate its own land-based missile program or even to deploy another, more complete ABM system. But a mutual freeze on ABM's would, on the other hand, remove a large part of the rationale for the existence of MIRV's. For these reasons, I believe that we should suspend further deployment of ABM's and MIRV's—in other words, either a freeze or agreement.

In addition, I believe Congress should act to place in escrow all funds for MIRV deployment.

If we should have reason to believe that the Soviet Union is not responding with similar restraint—in other words, that it does not take commensurate action—then this Congress and our President must, of course, do what would appear to be necessary.

But if we were to put in escrow the funds for the deployment of MIRV, Congress could continue to appropriate the funds needed for a MIRV program; and the Russians would not doubt our resolve to resume this program if their actions made it necessary.

By putting the funds in escrow, we would be taking a positive step to exercise restraint in the arms race.

At the same time, I propose that the administration require the Soviet Union to match our restraint by suspending, once again, their land-based missile programs and MIRV testing. We should expect that our restraint in halting deployment and testing of MIRV's will evoke a comparable response from the Soviet Union.

People are going to say, "You will never get it done this way, Senator." I submit that we have to try. I think we have to be as ingenious at the peace table as we can be at the arsenal and in the field. I think we have to develop peace weapons and peace technologies, just as we have developed military weapons and technologies. We have spent billions of dollars on weapons technologies. We must use every bit of ingenuity and inventive genius in the intellectual and diplomatic realm that we have, to probe and to search for ways and means of slowing down this arms race without in any way sacrificing our own security.

I have been in Congress long enough, and have served in high office long enough, to be concerned about our security. My point is that we are not gaining any more security. What we are getting today is less security and less stability. What we are getting today, Mr. President, is a costly, dangerous, deadly arms race.

There are still further reasons for us to withhold deployment of MIRV warheads. What will happen if we fail to do so? The answer becomes clear after a careful reading of President Nixon's foreign policy report this year.

In his message, the President said that our MIRV's would contribute to the stability of the arms race, but that Russian MIRV's, if they are developed and deployed, would be destabilizing.

Mr. President, he cannot have it both ways. Listen to the remarks of the President:

> Deployed in sufficient numbers and armed with (MIRV's) of sufficient accuracy, (the SS–9) could threaten our land-based ICBM forces. Our MIRV systems, by contrast, do not have the combination of numbers accuracy and warhead yield to pose a threat to the Soviet land-based ICBM force.

I guess it depends on which end of the telescope you are looking through. Whom do we think we are kidding? Are we building a nuclear force for a Fourth of July celebration? Is that what this is all about? Has our nuclear force suddenly become a little social enterprise?

Why should the Russians believe us when we try to reassure them about our MIRV's, when we distrust them about theirs? And why should we assume that the Russians will believe that a weapon we are deploying will pose less of a threat than a weapon which the Soviet Union has not yet even adequately tested?

Mr. President, for many years the arms race has continued unabated because each of us, the United States and the Soviet Union, has insisted on a double standard. We in this country have argued that we would never start a nuclear war—and I am sure we will not—and we know this to be true. This, in our minds, has justified our having a superiority or sufficiency of nuclear firepower.

At the same time, the Russians argued and acted on the basis of Communist doctrine that the capitalist West would start the last great war. In other words, the Soviets have rationalized and justified their nuclear arsenal on the basis of their defense.

We may reject their doctrine, but we must not fail to understand the result of this parallel process of belief: each of us continues to rush ahead in the arms race, convinced that the other is the real villain.

Neither of us can any longer indulge ourselves in this practice of placing all the blame for the nuclear arms race on the other.

We in the United States, therefore, cannot argue that our MIRV's are weapons for peace, and theirs are weapons for war. Nor can they. We must realize that we are trapped together in this mad circle of escalation, and must work together to break out of it.

Of course, it is widely argued that it is too late to head off a competition in these MIRV warheads.

We are told that yet another genie is out of the bottle, and that the Soviet Union will inevitably respond, and may even be doing so now, to our MIRV deployments, with new nuclear deployments of their own—one day including MIRV's.

For those of us who long ago urged the postponement of our MIRV program for this very reason—and who now watch new Soviet activity in land-based missiles—it is cold comfort to be told now that we were right.

I do not believe that it is too late to act.

Perhaps the Russians will undertake a full program to test MIRV's, and deploy them in significant numbers.

Perhaps.

But we will never know whether they can be convinced not to deploy MIRV's—and possibly a new ABM system, as well if we rush ahead with our own MIRV program. In despair, we would make our prophecy self-fulfilling.

There is one further reason for suspending deployment of our MIRV's at this time. Part of the nuclear equation is closely related to the total number of nuclear warheads and firepower on each side.

The President has dealt with this issue in defining his concept of nuclear sufficiency. According to this concept, we must have enough power to prevent our being blackmailed by the Soviet Union. Therefore, as the President has said:

> Our strategic power (must) not be inferior to that of any other state.

I heartily concur.

For that reason, we must be watchful concerning any new activity in the Soviet strategic nuclear missile programs.

But I also recognize that the Russians claim this prerogative and would resist the right of a foreign power to exercise nuclear blackmail over them. They, too, must be concerned with the number of our warheads—as it increases radically with our deployment of MIRV.

This is why over the years both sides have come to accept that neither must be allowed to become so superior to the other as to make it vulnerable to political blackmail.

President Nixon endorsed this concept in his press conference on March 4.

And as long ago as March 7, 1970, the Soviet Union endorsed parity—and claimed it for itself—in an article which appeared in Pravada, the most authoritative public source of Soviet thinking:

> The military strategic balance of forces existing in the world makes quite unrealistic any of the West's militarist circles' calculations about the possibility of winning in the event of a thermonuclear war, and judging from everything, a new spiral in the arms race could not change the essence of this balance.

And it noted even further that:

> At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to receive any additional unilateral advantages for itself in the sphere of safeguarding just its security alone.

I do not suggest that we in the United States should permit the Soviet Union to be roughly equal with us in nuclear power out of any abstract notions of nuclear justice.

Quite the contrary: We must accept this kind of equality as the only basis for stability, and the point at which arms control can begin.

We are dealing with a psychological concept—that each nation feels equal, and can permit a lowering of political tensions, whatever may be the true facts of the case. Indeed, the Russians claimed equality with us—and endorsed an end to the arms race—at a time when they were markedly and demonstrably inferior to us in every form of nuclear power except land-based missiles.

But if the Russians can be comfortable with that situation, and can urge that the competition come to an end, then it would be foolish for us to make their inferiority even more apparent, and force them to take a new hard look at their position relative to us.

These questions of restraint on ABM and MIRV are doubly important at this very moment. At the end of this month, the 24th Congress of the Soviet Communist Party will be convened.

High on the agenda will be the issue of East-West relations.

Efforts will be made by the Soviet military leaders to portray the United States as an aggressive power, bent on the destruction of the Soviet Union. We will present them with a set of most persuasive arguments if they can demonstrate that we are continuing the arms race at a faster rate than they are.

The Soviet Union is clearly not a pluralistic society in the sense that we know pluralism.

I might suggest, Mr. President, that the Russians have some tough, hardline militarists in their Government.

But there are people in the Soviet society and Government who are concerned about both the risks and costs of the arms race, just as we are.

There are strong incentives for the Soviet Union, as well as for the United States, to change its priorities away from an arms race that costs them far more relative to the rest of the economy than it does us.

We can help make that possible, by not undermining those people in the Soviet Union who share our objective of slowing down the arms race.

I suggest that we try to appeal to the men of reason.

By suspending the deployment of our MIRV's, coupled with an offer to freeze our ABM position, we could strengthen our hand at the SALT talks. SALT talks have resumed in Vienna, and what happens in them will depend more on what the superpowers do with their own weapons programs than what they say in Vienna.

Last year, we were told that we must continue work on an ABM system as a "bargaining chip" to be used in those negotiations.

Whatever the merits of that view, we should realize that we now have that chip—and the one represented by our capability to deploy MIRV's at will.

But we are in danger of changing our bargaining chip into a chip on our shoulder, if we do not show restraint.

It is one thing to prepare ourselves to continue programs if the Soviet Union does not negotiate in earnest; it is quite another thing to build so many arms that the Soviet Union will have no alternative but to respond in kind, and even to suspend productive work at SALT while they try, once again, to catch up with us.

Indeed, the reputed Soviet resumption of a land-based missile program may be no more than an attempt to play our game: To reestablish a bargaining chip of their own, and another chip on their shoulder.

As Admiral Moorer has said:

> There is an interreaction between what we do and what the Soviets do.

A demonstration of restraint is an essential preliminary step in the process of building the climate needed for success at SALT.

But there are steps that we can take during the negotiations themselves.

I recognize that we all must be very careful here. The President, as Commander in Chief, is primarily responsible for our security. He, alone, must make the final decision on our negotiation posture at the strategic arms limitation talks.

But the Senate also has a role to play, above and beyond its power to give our "advice and consent" to the President on a specific treaty. As a coordinate branch of the Government, Congress at all times has joint responsibility with the President for deciding our military posture and has the power of the purse strings to insure that it plays an active part in making security policy for our Nation.

It would be folly to believe that the Senate should only be consulted when a treaty is presented to it. We have the experience with the Treaty of Versailles to chasten us. Then President Wilson's failure to consult adequately with Members of the Senate who opposed him but

were open to persuasion doomed that treaty from the start, and helped set us on the road to World War II.

The same can be said of the Southeast Asian experience, when Congress and the public suffered from inadequate consultation which bred a feeling of distrust between the two branches of Government and damaged our policies at home and abroad.

In dealing with problems of nuclear strategy and arms control, we cannot afford to repeat these practices. The President must take the Senate into his confidence every step of the way.

Last year, the President requested funds for phase II of Safeguard, and the Senate complied after lengthy debate. Yet we know now that for some months, as I have said, the Soviet Union had slowed down its SS-9 program. Had the President been more forthcoming about this information, the Senate's deliberations may have proceeded differently.

This year, therefore, it is incumbent upon the Senate to fulfill the responsibilities it has under the Constitution.

We have this responsibility in the conduct of the SALT talks.

Without attempting to bind the President to any set course of action, therefore, we owe him our support and allegiance in declaring our own position on the best way to proceed to SALT.

In this regard, we have to note the major shift in Soviet policy during the past year: I repeat, the willingness of the Soviet Union to consider an agreement on antiballistic missiles alone.

While being duly cautious in assessing Soviet motives, we must not underestimate the significance of this development. It represents a declaration by Moscow of the need to halt one area of the nuclear arms race, and a new road to travel.

An agreement to ban or limit to a very low level any further ABM deployment would not be the end of that road, but only a station on the way. Nor would we limit our own actions by agreeing, as the first step, to stop this part of the nuclear competition. We could—and we should—hold an ABM agreement to be only the first important part of a more comprehensive agreement, to be negotiated as soon as possible following the first step. We would not halt our research and development of an ABM system; nor would we sign without an escape clause that would permit us to abrogate the agreement if the Soviet Union pursued programs that violated the agreement or limited the ability of the United States to respond to a Soviet nuclear attack. And, if need be, we could place a time limit on the agreement, to require further, negotiated progress in other parts of the arms race. There are many alternatives. I am merely asking that we try to see whether they apply.

Our objective must be an agreement, formal or tacit, on both offensive and defensive strategic nuclear weapons. The President insists that such a comprehensive agreement be concluded at one time.

This approach has not yet proved successful in making a breakthrough toward an agreement of any kind. I maintain that an ABM agreement could and should be explicitly linked to an agreement on offensive weapons. In fact, I would suggest that an ABM ban is the essential first step.

Critics will say that the first step will be the last, that the Soviet Union will have no incentive to negotiate further agreements if they once could neutralize our Safeguard system. I do not believe this. I believe that any agreement with the Soviet Union on these matters—or any tacit actions of restraint will build toward others. Together, these steps could eventually bring an end to the entire race in nuclear arms. In 1963, we negotiated a halt to the testing of nuclear weapons on the ground, under water, and in the air. That limited test ban treaty was never considered the last act in arms control; rather, it has helped to build the climate which we now find supporting our efforts to take more substantial steps. In fact, that agreement was step No. 1 toward the so-called Nonproliferation Treaty, which was step No. 2.

So, too, an agreement on ABM's alone will not release either of our two countries from the solemn pledge we have made to stop our race in every nuclear arm. We made this pledge in the Nonproliferation Treaty, not out of altruism, but out of a hardheaded recognition that we could not expect other nations to exercise nuclear restraint—by not building their first bomb—unless both the superpowers began work to end their race in more deadly weapons. Article VI required the parties to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." It is under that article that we are proceeding with the SALT talks.

And the NPT will continue to succeed only as long as the SALT talks themselves show progress—or there is other evidence of superpower restraint, such as the suspension of programs that I have proposed.

The SALT talks must continue; and they must lead to a conclusion that all the world can see, and that will discharge the responsibilities that are expected of the mightiest nations of the world. The superpowers do have a responsibility for peace and for promoting the conditions that are conducive to peace.

But most important, the SALT talks are a forum for protecting our national self-interest. They will continue only as far and as fast as both superpowers recognize that it is in their self-interest to proceed. What comes first is of lesser importance. If we negotiate an end to deployment of the ABM, the Soviet Union will not lose its incentive to bring the rest of the arms race to an end, nor will we. The perils of an offensive nuclear arms race will remain the same; the economic incentives to desist will be just as strong. And the Soviet Union will be no more likely to acquire a nuclear capability that would permit it to launch a first-strike against us, or to hold us to ransom through a large increase in offensive arms.

Therefore, I strongly urge the President to begin this round of the SALT talks by negotiating a ban or at least a low-limit level on the ABM. He has himself said that we can only expect to succeed at SALT by being flexible in the way we approach these talks. The President also has stated that:

> We will negotiate an agreement that is not comprehensive but it must include offensive as well as defensive weapons, some mix.

We do not reject the need for an agreement on both offensive and defensive missiles. I surely do not. We merely move toward that objective step by step—each carefully measured. This is the pattern of United States-Soviet relations. And, we have made progress by following this course.

I do not speak in theory, Mr. President. I speak from the record of history. In the past 9 years, we have seen total disarmament in Antarctica; a nuclear test ban undersea, in the atmosphere, and on the ground; an atomic quarantine for Latin America; a nuclear nonproliferation treaty to curb the spread of weapons and technology; a treaty banning the use of nuclear weapons in outer space and, most recently, a treaty barring nuclear weapons and launching installations from the ocean seabed.

We have made progress negotiating with the Soviet Union. It is not as if they were a wall of granite, obstinate, stupid, stubborn to the point of doing nothing. If we pursue our program for peace with prudence and tenacity, we can make progress. In fact, we must.

In the past 2 years, both the Russians and ourselves have repeatedly declared our desire to slow down the arms race; yet the piling up of arms continues. The two nuclear giants have recognized their mutual self-interest, yet they have been powerless to put it into effect.

This is what was meant when we talked of the "mad momentum" of the arms race. It is mad—insane—to persist in this folly.

Of course, an agreement at SALT must reflect patience, understanding, and mutual accommodation. But we must not forget that every day we waste on finding the proper formula for halting the arms race, either by agreement or by concrete acts, we move one more day along in massing of weapons and passing of new thresholds.

I submit to the Senate that there are massive, new weapons systems on the drawing board in the Pentagon and, I am sure, in the Soviet pentagon as well. We can bankrupt ourselves and get no more security.

Bureaucrats on both sides have become paralyzed; misplaced caution betokens a far greater recklessness; and we both insure that an end to the arms race, if it ever does come, will be at a far higher level of weaponry than was true 2 years ago, or is true even now.

For too long, we have allowed ourselves to think that the arms race was a technical problem requiring technical solutions. Now we have learned two lessons:

First, the strategy of deterrence is as much a matter of psychology as of military weapons.

Second, and even more important, controlling the arms race is a political problem, requiring political solutions. It cannot be accomplished by experts, by the military, or by technicians. Experts should be on tap, not on top. There are political decisions which have to be made. Stopping the arms race can only be done by leaders responsible for the overall well-being of their people, and who have a sufficient grasp of history and of men to end the tyranny of nuclear technology and our cowardice before it.

I believe that it is time for both sides to act to end the arms race—now. That is why I propose this resolution today.

We have an opportunity today to slow the whole race down. And we must take it. We have taken many risks on the battlefield—in Vietnam, Laos, Cambodia—at the direction of Presidents. It is now time, and the situation demands, that we take some risks for peace and security.

It is also time to recognize the tremendous economic costs of the nuclear arms race, and the waste that it represents for us in America in terms of our domestic needs. Of course, throughout our history, we have believed that nothing could stand in the way of our own security—that no cost was too great to insure our future peace of mind.

There is no such question today—our security is guaranteed, and a failure to halt the arms race will even make us less secure.

It is proper, therefore, to question the diversion of needed resources to strategic nuclear programs which were once so crucial to us, but which now may produce more threat to us than safety.

The strength of our Nation is made up of many factors. We have accounted for the factor of nuclear might. Now we must be concerned with our domestic strength, as well—with our cities, housing, education, health, poverty, the environment. These are needs we will never meet—strength that we will never build—if we persist in placing unlimited funds in nuclear weapons programs that add nothing to our security.

Mr. President, I speak today at a moment of unique promise—and peril. For the first time in more than 20 years, we see the possibility of bringing some order into Soviet-American competition in nuclear weapons, leading to a day when these weapons will not loom so large in our relations. It is a promise for everyone—that all the world can rest more easily in the knowledge that the two great custodians of this destructive power could recognize their own self-interest in stopping the arms race, and recognize their responsibilities to all mankind.

But there is peril in our present course of action. By placing too much weight on detail—too much weight on remote threats—too much weight of suspicion—that appears only on the far reaches of our imagination—we may squander the opportunity that is ours today. This is no time for timidity, or for blind obedience to outdated doctrines of building every weapon it is possible to have. Our back is laden, burdened with the weight of these weapons.

This is a time for trust—not of Soviet intentions—but of ourselves. Trust that our undoubted strength can be used as a base for building a better world. Trust that we can find a way through the difficult and uncertain days ahead as we negotiate and end to the arms race. And trust that our efforts can give us that future—secure and safe—that is ours to have.

The future of the world itself may very well depend upon our confidence in ourselves and our trust in ourselves.

Mr. President, I hope that this message today will make some contribution to a most complex and difficult assignment.

I recognize that the President has an exceedingly difficult task in the negotiations at Vienna.

I did not make this speech to enter into a debate with the President. I made it as a contribution to the thinking of ways and means to bring about deescalation in the arms race, and effective control over weapons of mass destruction.

I appeal to the leaders of our Government to be ingenious. I appeal to them to be tenacious. I appeal to them to have faith in ourselves and our capacity to give leadership to the world.

As we are now in a program, hopefully, of withdrawal from Southeast Asia, may we be able to forge a program of leadership in the cause of world peace. There can be no peace in the world if the arms race continues unending and unabated.

The beginning of peace is in the mind of man. The mind of man must find a way through political decision, through negotiation and diplomacy, to bring a halt to the arms race which consumes our resources and threatens our very lives, and which gives us little or no security or stability.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 87) was referred to the Committee on Foreign Relations.

Mr. HART subsequently said: Mr. President, I had hoped very much that I could have been on the floor to hear the able Senator from Minnesota when he spoke a few minutes ago with respect to arms control.

Mr. President, let me presume to speak for those millions in this world who are interested in ending the nuclear arms race.

Each welcomes the return of Senator HUBERT HUMPHREY to this area of concern, an area in which he has performed with courage and effectiveness.

Perhaps I err to indicate that he has never been away from this issue, for in or out of the Senate, he has demonstrated a knowledge about and a commitment to the cause of arms control from which we have benefited in the past and from which we will gain in the future.

So speaking only in the context of his absence from the Senate I say, "Welcome back."

And second, I welcome Senator HUMPHREY's introduction of a resolution relating to armaments limitations.

This resolution should be discussed widely and should lead to Senate action that will encourage U.S. and Soviet negotiators to reach significant agreements at the arms limitation talks in Vienna.

Many hopes ride on the outcome of those talks.

An arms limitation agreement could stop the world's plunge toward a nuclear holocaust, could increase the national security of both countries, and could allow the diversion of funds from the Pentagon to domestic programs critical to our security and survival.

In each instance, the question of arms control is important to the continuing debate over national spending priorities.

While the specifics of the debate will be over how much of the $77 billion requested for the Pentagon this year should be approved, the broader questions involve the definition of national security, how much security can be purchased in a nuclear age, do we really need 4,000 long-range nuclear weapons, and will our Nation and the world be better off if we continue to follow policies which have cost us $1 trillion?

To answer those questions intelligently, we must look at and question assumptions which led to those policies.

Many of those assumptions were formed as far back as the 1940's. It is useful to recall the atmosphere in which they were made.

A very able former public servant, Joseph M. Jones, has recorded in his book, "The Fifteen Weeks," a February 27, 1947, meeting in the White House among President Harry Truman, the chiefs of the State Department and congressional leaders. The subject of the meeting was the American response to the request by Great Britain that the United States extend aid to Greece and Turkey. The sun was setting on the British Empire, and John Bull had asked Uncle Sam to assume some of the burden. This meeting was to provide the shape of our policy for several decades.

Among those present, according to Mr. Jones, then an official in public affairs at the State Department, were Senators Arthur Vandenberg, Styles Bridges and Tom Connally, House Speaker Joe Martin and minority leader Sam Rayburn.

Secretary of State George C. Marshall, still acutely conscious of the Nation's isolationist past, presented the administration's reasons for responding positively to the British request.

According to Jones:

> There is no question that the Secretary understood thoroughly the strategic importance of Greece and Turkey, but somehow his summary and cryptic presentation failed to put it across to his listeners. In fact he conveyed the overall impression that aid should be extended to Greece on grounds of loyalty and humanitarianism, and to Turkey to strengthen Britain's position in the Middle East. This did not go down well with some of the Congressional leaders, whose major preoccupation at that moment was reducing aid abroad and taxes at home.

Thereupon, Marshall's deputy, Dean Acheson, tried a different approach. He stated a world view which convinced the congressional leaders to accept a new course in foreign policy.

Speaking as a fervent advocate, writes Jones, Acheson painted this picture:

> Only two great powers remained in the world, the United States and the Soviet Union. We had arrived at a situation unparalleled since ancient times. Not since Rome and Carthage had there been such a polarization of power on this earth. Moreover, the

two great powers were divided by an unbridgeable ideological chasm. For us, democracy and individual liberty were basic; for them, dictatorship and absolute conformity. And it was clear that the Soviet Union was aggressive and expanding. For the United States to take steps to strengthen countries threatened with Soviet aggression or Communist subversion was not to pull British chestnuts out of the fire; it was to protect the security of the United States—it was to protect freedom itself, for if the Soviet Union succeeded in extending its control over two-thirds of the world's surface and three-fourths of its population, there could be no security for the United States, and freedom anywhere in the world would have only a poor chance of survival.

The Members of Congress were greatly impressed by the presentation. Senator Vandenberg is reported to have told the President that any request for funds and authority to aid Greece and Turkey must be accompanied by a message to Congress explaining the grim facts of the larger situation.

Six days later, in a letter to a congressional colleague, Senator Vandenberg defined the larger situation this way:

I sense enough of the facts to realize that the problem in Greece cannot be isolated by itself. On the contrary, it is probably symbolic of the worldwide ideological clash between Eastern communism and Western democracy; and it may easily be the thing which requires us to make some very fateful and far-reaching decisions (*The Private Papers of Senator Vandenberg*, Houghton Mifflin, 1952).

Very fateful and far-reaching decisions, indeed, were made on the basis of these assumptions about a bipolar world divided between democracy and totalitarianism. Aid to Greece and Turkey was followed by the Marshall plan. Then came NATO and other military alliances in Central and Southeast Asia. When the U.S.S.R. broke the American monopoly of atomic weapons, both superpowers engaged in a race for the H-bomb. Both succeeded. The United States surrounded the Soviet Union as well as Communist China with more than 40 military alliances and more than 3,000 military bases.

And I sense this same view made it easier to rationalize the use of U.S. troops in South Vietnam.

In 1970, with the wisdom of hindsight, the Senate Subcommittee on Security Agreements and Commitments Abroad observed:

In retrospect, it is easy to assert that two things seemed probable in the wake of these policies:

"The United States eventually would not be able to continue bearing the financial burden of all these activities.

"The Soviet Union and China—both of them growing economically as well as militarily—would strive to increase their military positions as against the United States."

Earlier in 1961 President Eisenhower warned against the "unwarranted influence of the military-industrial complex." Despite that warning, our Nation engaged in a race for security which encouraged an alliance which, with the tacit if not willful support of Congress and much of the Nation, consumed an ever-greater share of Federal resources.

The richest Nation in the world, which thought it could have both guns and butter, produced guns in profusion but only dabs of lard for the poor, the aged, the ill, the minority groups.

This Nation has invested more than $1 trillion in the military since the end of World War II. We have produced the most awesome military machine in history. By the end of the 1960's the United States has deployed more than 4,000 long-range nuclear weapons, despite the fact that Russia had half as many and despite the fact that Defense Secretary Robert McNamara told us that 400 of these weapons could annihilate one-third of the Soviet population.

Why did we continue to build 10 times as many strategic nuclear weapons as required to destroy 70 million human beings?

Does overkill really add to our security?

Today are we really more secure, after an expenditure of $1 trillion, than we were in 1947 when no hostile country could attack our territory? Is Greece, the first country we aided under our new foreign policy, more democratic under the regime of the colonels in 1971 than it was in the chaotic days of 1947? Are the security of the United States and the liberty of its people really enhanced by a decade of military involvement in Southeast Asia?

These questions take on added importance as we debate new departures in foreign aid, as we are told we are winding down our war effort in South Vietnam, as we set out to negotiate an arms control agreement in Vienna.

But the answers to those questions will be useful only if we debate also the assumptions which led to those policies to determine if they are valid today.

Certainly the world has changed since that day in 1947 when Dean Acheson described the two polarized great powers.

Dr. Hans Morgenthal, a noted international affairs scholar, contends there has been several major changes.

First, he sees evidence that both the Soviet Union and the United States are pursuing policies of nuclear restraint—a reluctance to push confrontations to the explosion point.

Second, he sees Washington and Moscow in a growing willingness to abandon the good-and-evil approach to world problems.

And third, he points to the obvious development of polycentric communism, with centers in Moscow, Peking, Belgrade, Hanoi, Havana, and even Bucharest.

On the minus side of the ledger, Dr. Morgenthal points to the development of ABM's and MIRV's, to efforts by both sides to make agents out of other countries, and to the possibility of the acceptance of the status quo in Europe leading to a Soviet-German alliance.

Whether or not we agree with the evaluation of those observations, it would be hard to argue that they do not accurately portray some changes from the world of 1947.

So let us examine these changes, and then let us ask whether the security of the American people is better served in 1971 by another $77 billion for the military or by a shift of some of these bountiful resources to our unfinished but critically important business at home.

Certainly, no one need fear that this unfinished business would provide too small a challenge or too little work for our people. According to the 1969 Economic Report of the President and the Bureau of the Budget, new Federal programs or expansions of existing programs just in fiscal year 1972 could total $39.7 billion in education; health; nutrition; community services; jobs and manpower; social security and income support; veterans' benefits; economic, area and other special development programs; crime and delinquency; environment; natural resource development and utilization; urban development; transportation; science and space exploration, and foreign economic aid.

In the process of reexamining our concepts of national security, perhaps we can arrive at a better balance between destroying and healing, between defoliating and feeding, between deterring and educating, and between despairing and hoping.

Perhaps then we will be better able to determine if the safety and well-being of the American people are more endangered by Communist-led guerrillas in Southeast Asia than by drug addiction and poverty-bred frustrations at home.

But even as we debate such questions, I believe—with deep conviction—that history tells us we should not delay on doing what we can right now to stop the arms race.

History not only compel us to explore fully every initiative to secure a meaningful arms control agreement, but history indicates that the time may be right for such an agreement.

The major nuclear powers possess awesome destructive forces—forces stronger than necessary to deter attack.

The major nuclear powers are under pressures at home to direct greater portions of their national resources from war to peace, from military to domestic programs.

And most important, representatives of the major nuclear powers are now meeting in Vienna to discuss arms control, and there are strong indications of a willingness to negotiate.

History, I feel certain, will deal sharply with us if we fail through inaction to take advantage of that combination of circumstances.

And history tells us, as I shall recall shortly, that initiatives by this Nation and by this Senate have resulted in significant arms control agreements.

It is then with a hope bred out of history, with a hope strengthened by the present combination of events, with a hope based on the realization that the shape of the future depends on what we do today, I endorse a three-step U.S. initiative at the SALT talks in Vienna.

The United States should seek:

First. A total ban on deployment of anti-ballistic-missile systems.

Second. A firm promise to continue negotiations on limiting the types and numbers of other strategic nuclear weapons after an ABM agreement is reached.

Third. A mutual freeze on deployment of new types of strategic nuclear weapons, including MIRV's, during such negotiations.

Let me briefly explain the reasoning behind each step.

ABM BAN

I am more convinced than ever that Safeguard will not work. Even if it would operate as advertised, I am convinced that it is unneeded to protect our total deterrent and inadequate to defend our land-based deterrent.

Predictably, however, conservative military planners in Washington and Moscow would react as if the systems worked. And their response would be to develop and deploy offensive weapons to overcome such systems.

Development of such weapons would escalate the arms race.

By agreeing to a total ban on ABM deployment we would be eliminating a force for heating up the arms race and would save money, both without endangering the national security.

BINDING NEGOTIATIONS

By linking a total ABM ban with continuing negotiations on limiting deployment of offensive weapons would diminish pressures which might develop to deploy new offensive weapons. Perhaps the ABM ban could be tied to prompt and successful negotiations on offensive weapons.

MUTUAL FREEZE

And finally, history indicates that important arms limitation agreements have followed initiatives on our part.

When President Eisenhower sought a treaty to maintain the Antarctic a nuclear-free zone, he refrained from deploying nuclear weapons in that part of the world.

When President Kennedy sought a treaty banning atmospheric testing of nuclear weapons, he announced the United States would suspend such testing as long as other nations did not test and that this Nation would not be the first to resume testing.

And when President Johnson sought a nonproliferation treaty, the Senate took the initiative of passing a resolution which supported the President's efforts and helped convince Moscow we had no intention of transferring nuclear arms to West Germany.

Let us take such an initiative now and see if Moscow responds as it has in those instances.

If it does, we will have made the world safer, yet increased our own security, and we will have made possible a diversion of funds from the Pentagon to important domestic programs.

Mr. President, I ask unanimous consent that an article entitled "To Strengthen Deterrence—Total Ban on ABM is Real Solution," written by Henry Owen and published in the Washington Post, be printed at this point in the RECORD.

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

TO STRENGTHEN DETERRENCE: TOTAL BAN ON ABM IS REAL SOLUTION

(By Henry Owen)

In recent public discussion of the resumed SALT talks, one key point has been slighted: In his foreign policy message, the President reported that we have made proposals to the Soviets "for either limitation or total ban of ABM." If you read this quickly, it sounds as though it were one proposal; in fact, there is a world of difference between banning and limiting ABMs. The pros and cons of each should now be talked out.

These pros and cons reflect the fact that there are two different reasons for deploying ABMs; to defend land-based missiles, and to defend cities. An effective ABM defense of land-based missiles should be stabilizing, as Professor Schelling points out in a recent issue of the Saturday Review, since it would reduce fears that either side's land-based ICBMs could be struck down in a surprise attack. ABM defense of cities, on the other hand, should be destabilizing, since it would threaten the effectiveness of each side's retaliatory capability. So the right solution, in theory, would be to negotiate an agreement which would allow ABM defense of missiles but forbid ABM defense of cities.

The trouble with this solution is that no one has yet found out how to devise an ABM defense of missiles which could not be converted (or which the other side might not believe could be converted) into a defense of cities. This is particularly true of the Soviet Union, since Soviet offensive missiles are so widely spread about Russia that ABMs deployed in their defense would seem to foreshadow an area defense of cities.

The surest way to lift this shadow is by banning ABMs altogether. This is an exciting notion; it is surprising that its mention in the President's message hasn't aroused more comment. It would transform the strategic scene, by wholly setting to one side a weapon whose deployment could threaten mutual deterrence: Each side could, without any further buildup of offensive weapons, be sure of its—and of its enemy's—ability to mount effective retaliatory action. This would strengthen stable deterrence.

A total ban on ABMs will, however, be hard to achieve. The Soviets already have an ABM defense of Moscow, and may be reluctant to dismantle it. The United States might have trouble accepting this limited Soviet ABM system, unless a limited American ABM system were allowed in return. Which is why the notion of an agreement which would permit limited ABM deployment—in defense of national capitals—has gained some currency.

Deploying ABMs to protect Moscow and Washington would be a lot better than spraying them about more widely, but it would still raise probelms: It might be difficult, unless the Moscow system were frozen in its present rudimentary state and the Washington system were equally crude, for military leaders on one side to be sure that the radar and other equipment associated with these ABM defenses on the other side was not the precursor of wider systems. Each side might thus fear that the other would suddenly expand its limited ABM defense—as Germany expanded the 100,000-man Reichswehr in 1935.

Nor is it clear that an ABM defense limited to capitals would do much to enhance U.S. security. It would provide a defense of Washington against Chinese or accidental attack, but it would not assure that defense against Soviet massive attack, which is the more serious threat. All of which makes a total ban on ABMs look a lot better than a partial limit.

A total ABM ban would have one disadvantage, however; it would leave each side fearful that its land-based ICBMs could be hit in a surprise attack. So long as each side wanted to re-insure itself by retaining land-based missiles, this fear could have serious destabilizing effects. This is why the United States has proposed linking an ABM agreement to a limit on offensive missiles, particularly the large Soviet SS-9s, which could threaten ICBMs. This would not indefinitely assure the ICBMs' invulnerability; when the Soviets put MIRVs (multiple warheads) on their SS-9s, our ICBMs would be in jeopardy. But the Soviets will need time to develop and deploy MIRVs; so an initial agreement which limited SS-9s would buy us time in which to negotiate a second agreement, which could further curtail offensive weapons—for example, by drastically reducing or phasing out both sides' vulnerable land-based ICBMs. Alternatively, we could try to meet the problem posed by the potential vulnerability of unprotected land-based ICBMs by seeking to choke off MIRV deployment, if it is not already too late now to prevent this, or by spending large sums trying to harden ICBM sites.

But the main point is this: There are ways of dealing with the problem of ICBM vulnerability which a total ABM ban would create, particularly if that ban can be linked to a follow-on agreement to limit offensive weapons. One way to create this link would be to negotiate an ABM ban and to make its life expectancy clearly and explicitly dependent on early negotiation of a satisfactory agreement regarding offensive weapons. Nailing down this link in an initial ABM agreement is more important than merely limiting SS-9s; indeed, if the link between an ABM ban and a later agreement on offensive weapons is clearly established, it becomes less necessary to limit SS-9s in the initial agreement.

The key thing is to be clear about our goal. Having failed to choke off MIRVs, our best chance of stable deterrence lies in getting a total—not partial—ban on ABMs. Tactical negotiating decisions along the way should be keyed to both to getting such a ban and to ensuring that it is followed by a substantial curtailment of offensive weapons, which will make it last.

RESCINDING OF ORDER FOR SENATOR STENNIS TO SPEAK TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order to recognize the able Senator from Mississippi (Mr. STENNIS) for 15 minutes today be vacated.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Maine (Mr. MUSKIE) is now recognized for 15 minutes.

(Mr. MUSKIE's remarks when he introduced S. 1382 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed with the conduct of routine morning business for a period not to exceed 30 minutes.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON JOB OPPORTUNITIES IN FIVE CITIES

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the evaluation of results and administration of the job opportunities in the business sector (JOBS) program in Detroit, Mich.; Oakland, Calif.; Portland, Oreg.; San Francisco, Calif.; and Seattle, Wash. (with accompanying report); to the Committee on Government Operations.

ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

A letter from the Secretary of the Interior transmitting a proposal to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

NINTH ANNUAL REPORT OF THE FEDERAL MARITIME COMMISSION

A letter from the Chairman of the Federal Maritime Commission transmitting the Commission's annual report (with accompanying report); to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. JORDAN of Idaho (for himself, Mr. BENNETT, Mr. CHURCH, Mr. CURTIS, Mr. FANNIN, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HOLLINGS, Mr. HRUSKA, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PACKWOOD, and Mr. PELL):

S. 1379. A bill to authorize the Secretary of Agriculture to establish a Volunteers in the National Forest program, and for other purposes. Referred to the Committee on Agriculture and Forestry.

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

S. 1380. A bill to amend the Rail Passenger Service Act of 1970. Referred to the Committee on Commerce.

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

S. 1381. A bill to provide for the conveyance of certain real property of the Federal Government to the county of Grayson, Tex. Referred to the Committee on Armed Services.

By Mr. MUSKIE (for himself, Mr. HUMPHREY, and Mr. HART):

S. 1382. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes. Referred to the Committee on Commerce.

By Mr. WILLIAMS:

S. 1383. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1384. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples. Referred to the Committee on Finance.

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

S.J. Res. 76. A joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JORDAN of Idaho (for himself, Mr. BENNETT, Mr. CHURCH, Mr. CURTIS, Mr. FANNIN, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HOLLINGS, Mr. HRUSKA, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PACKWOOD, and Mr. PELL):

S. 1379. A bill to authorize the Secretary of Agriculture to establish a Volunteers in the National Forest program, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. JORDAN of Idaho. Mr. President, during the second week of March, national attention was focused on a very important area of American life—volunteer organizations. Although such activities as barn raisings are rather infrequent now, there still is a place in our society for the person who has an interest in becoming personally involved in worthwhile projects.

Only a few months ago Congress again recognized the valuable resources of American volunteer workers when legislation was enacted that depends entirely on the interest of the volunteer—the volunteers in the parks program. Called the VIP, this program is already underway, encouraging individual participation in the struggle to improve the Nation's environment. Congress and the President consider the VIP program a valuable project for the national parks and I became convinced a similar program would be an asset to the national forests —especially in a State such as Idaho which has 20 million acres of national forest land and no national park.

Today I am introducing on behalf of myself and Senators BENNETT, CHURCH, CURTIS, FANNIN, GRAVEL, HANSEN, HART, HOLLINGS, HRUSKA, MCGOVERN, MONTOYA, MOSS, MUSKIE, PACKWOOD, and Mr. PELL, a bill to authorize the Secretary of Agriculture to establish a program of national forest volunteers.

The proposed program will foster interest in enhancing the environment, protecting the scenery, the valuable watersheds, grazing lands, and wildlife forage, and in developing the rich resources of the national forest, including outdoor public recreation.

National forests are found in 40 of the States, covering 186.9 million acres, a quarter of all Federal lands. Forests are an integral part of the country's woodlot, grazing, and watershed resources, providing for the needs of industry, agriculture, and public recreation, and for ecological balance. Administered by a competent career corps, the National Forest Service has initiated numerous public services to assist the vast throngs of visitors attracted for activities ranging from rock hunting to skiing, or just observing nature. The forests are heavily used now on a year-round basis and a further increase can be expected as more people take advantage of expanded leisure time to seek a temporary escape from urban life among the towering mountains, tall trees, and sparkling waterways of the forest domain.

Among the millions of people who go into the forests each year are many who would like to spend more than a brief visit. There are many who would like to participate as volunteers in Forest Service programs, but who cannot qualify under Federal employee standards or are engaged in unrelated professions and cannot be utilized because of the lack of disability insurance coverage, transportation, and identifying uniforms. The contributions of such people through the forest volunteers program could be a valuable supplement to the work force of the forest rangers who already have heavy responsibilities and tremendous acreage to care for.

The volunteer assistance would not interfere with nor compete with the jobs of career workers and regular seasonal employees. The forest volunteers would be dedicated men and women who are willing to contribute some of their knowledge, time, experience and interest to help others derive a greater benefit from the forests and to supplement the outstanding work of the career corps.

Volunteers could assist with tree planting programs, with maintaining and refurbishing camp grounds, planting forage for wildlife, and with other forest programs. As environmental study area assistants, they could help acquaint children and adults with an on-the-scene appreciation of nature and the local environment, help build and supervise nature trails for the handicapped, and aid in other educational activities.

As research assistants in history, archeology and natural science, they could help staff members develop information which will contribute to man's knowledge and understanding of the forests. They also could help visitors obtain the maximum enjoyment and understanding of the history and the natural and recreational resources of their home forest area.

While they would not receive a salary, the volunteers would be reimbursed for incidental expenses such as uniforms, training fees, meals on duty, and local transportation. They also would be covered by insurance.

Since the volunteers would be involved in conservation and environmental education and in providing special services to forest visitors, without compensation, the public benefit would far exceed the Federal investment.

The Forest Service would benefit greatly from such a program and so would the volunteers and visitors to the National forests.

Mr. President, I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

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

S. 1379

A bill to authorize the Secretary of Agriculture to establish a volunteers in the National Forests program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $500,000 shall be appropriated in any one year.

SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1970."

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

S. 1380. A bill to amend the Rail Passenger Service Act of 1970. Referred to the Committee on Commerce.

(The remarks of Mr. MANSFIELD appear at the beginning of today's RECORD.)

Mr. METCALF. Mr. President, this morning, the distinguished majority leader mentioned that he and I, the two Senators from Montana, had introduced legislation to correct some of the transportation difficulties in the Railpax program.

I concur heartily in the remarks my colleague made this morning, and it was my impression that the bill had been introduced. However, I find now that although the text of the bill was printed in the RECORD, it was not formally introduced.

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

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

S. 1380

A bill to amend the Rail Passenger Service Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 406. PUBLIC CONSIDERATION IN RETURN FOR DISCONTINUANCE OF SERVICE.

"(a) Notwithstanding any provision of this or any other Act no railroad holding title of any kind to lands, other than rights of way, which were received as a grant (not including any purchase) from the Federal Government shall discontinue, after May 1, 1971, any passenger or freight service regularly provided prior to such date unless such railroad reconveys to the United States all right, title, and interest (including mineral rights) held by such railroad in an amount of such land equal to one hundred acres for each mile of service discontinued.

"(b) For the purpose of this section the term 'rights of way' means land within 300 feet on either side of a railroad track regularly used on May 1, 1971, for the provision of freight or passenger transportation service to the public."

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

S. 1381. A bill to provide for the conveyance of certain real property of the Federal Government to the County of Grayson, Tex. Referred to the Committee on Armed Services.

Mr. BENTSEN. Mr. President, today, joined by my colleague, Senator TOWER, I introduce legislation to convey land and facilities at Perrin Air Force Base to Grayson County for civilian airport use and industrial development.

Perrin is being closed by the Air Force effective in June of this year.

My colleague from Texas, Congressman RAY ROBERTS, earlier introduced similar legislation in the House.

The bill would convey 1,204 acres and the base facilities to the county without cost.

The use of the properties for airport facilities and for development to offset the economic blow of closing of the base has been widely advocated by leaders in the community.

When my office received word of the base closure, I immediately sent a representative to the area to work with local and area officials, and with Congressman ROBERT'S office, to seek ways to adjust to the base closing. The results of our work there indicated that this was the most acceptable, and probably the very best use for the facilities.

An airpark there for industrial purposes, and for use of a needed community airport, will serve vital interests of the entire area. The people of this area have rolled up their sleeves and are ready to go to work to bring economic stability to an area which has been hard hit by closure of the base. Return of the land and facilities to the community will be of major help to these citizens of Texas who are meeting a serious problem with a fine self-help attitude.

Mr. TOWER. Mr. President, I would like to associate myself with the bill being introduced by my distinguished colleague from Texas. This bill, in brief, would expedite the conveyance of certain real property from the Federal Government to Grayson County, Tex. This property is located in Grayson County at Perrin Air Force Base, which is scheduled to be closed by June 30, of this year. If turned over to the local government, the county will create an air park for industrial development.

The release of property is normally a lengthy process. But, Mr. President, time is short. Perrin Air Force Base was vital to the economy of Grayson County. The payroll of the base alone accounted for over 15 percent of the total personal income of the county. This, of course, grossly understates the importance of the base for the economy of the surrounding area. The closure of Perrin, necessitated by the new military posture of the President and by the transition from a wartime to a peacetime force structure, will be extremely disruptive for the economy of Grayson County.

It is ironic that those people who have served the Nation well by their support of local military installations and personnel, that those areas whose economies have become dependent upon these installations and personnel, should now be forced to bear the brunt of our reordering of national priorities. This is indeed a strange "peace dividend." It is imperative that these people who have given their enthusiastic support to Perrin Air Force Base not be made to suffer hardship. We can, and we must, make the transition from a wartime to a peacetime economy easier for them. This measure will help achieve this goal.

By Mr. MUSKIE (for himself, Mr. HUMPHREY, and Mr. HART):

S. 1382. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes. Referred to the Committee on Commerce.

Mr. MUSKIE. Mr. President, I am introducing a bill today to channel some of the funds that were originally allocated to the SST into areas of our transportation system that desperately need money. My bill will bring the partially unused talents and the experience of the airframe and defense contractors to bear on the problems of transportation that face the great bulk of Americans.

This bill authorizes $100 million to be spent on research and development in aviation safety, into aviation systems serving areas of concentrated population, and into urban mass transit systems.

The bill provides priority to contractors applying for these grants which have had a contract with the Federal Government canceled within 12 months of application, or which reduced their labor force by 10 percent since January 1, 1969, or which are located in areas with unemployment 50 percent above the national average for 3 consecutive months within the last year.

This bill answers the priority question we faced on the SST vote by channeling

Federal investment into areas of greatest transportation need.

This bill utilizes the talents and experience of the airframe and defense contractors who can best meet these transportation needs.

And this bill fulfills the obligation of the Federal Government to those now working on the SST.

It is not difficult to find areas in our transportation system that urgently and desperately need Government investment. We need funds for the further development of aircraft noise and air pollution abatement technology. We need research to make our airports and airways safe. The administration itself testified that we must invest over $14 billion in air safety in this decade. Also, we need terminal facilities to handle the new jumbo jets so that time gained in the air is not lost on the ground.

And looking to the future in aviation, we need to develop STOL and VTOL aircraft for short flights in our urban corridors to save our major airports from overwhelming traffic and continuing delays. And finally, high-speed ground transportation, such as air cushion vehicles or monorails, are required to bring airports within the reach of our cities.

Just as important as revitalizing our airways is the problem of urban mass transit. Our cities are being choked to death because of outmoded or nonexistent transit systems and the increasing reliance on automobiles. These are the transportation problems of noise, of air pollution, and of wasted space and time that must be met. Yet the administration has consistently opposed full funding of the Urban Mass Transit Act, while it relentlessly pushes the SST. Today, there is a backlog of $2.2 billion in requests for urban mass transit funds; yet the Department of Transportation has frozen $200 million of the $600 million appropriated. We could spend the total 10-year Federal investment in the SST on urban mass transit and fill only about half of the pending requests for mass transit funding now before the Department of Transportation.

This policy of underinvestment in city transportation will delay for years, even a decade, decent transportation that the average American needs every day.

The administration's refusal to move on mass transit funding also threatens our health. If the clean air standards of the air pollution bill passed by Congress last year are to be met, up to 75 percent of car traffic in our 60 largest cities will have to be replaced by some form of mass transit. At present funding, that antipollution legislation will be destroyed.

The corporate structures that have the best technical and industrial potential to solve these aviation and mass transit problems are the airframe and defense corporations—the very jobs and capital that were used for the SST.

Many contend that the Boeing and General Electric technical and production capabilities cannot be readily adapted to the design and construction of urban transportation systems. But the striking characteristic of the industry points to the opposite conclusion.

The Department of Transportation itself is now finding that aerospace talents are directly and almost immediately transferable to other areas requiring high technical expertise and systems analysis capability. In fact, it was DOT's forceful argument of this point that permitted the Department to take over the Cambridge Research Center from the National Aeronautics and Space Administration. The center and its employees, once working on sophisticated space technology, are now working on solutions to our urban transportation dilemmas.

The Department also has current contracts with research firms such as Rand, the Institute for Defense Analysis, and Mitre. These firms had little experience in nonmilitary work until defense and space budget retrenchments forced them to apply their talents in other fields.

Other aerospace and defense firms have found it possible to change as our priorities have changed. The North American Rockwell Corp. has a DOT contract to develop a high-speed urban tracked system. The Rohr Corp. is building cars for the Bay Area Rapid Transit in San Francisco and an air cushion vehicle for France. The Garrett Research Corp. is developing a linear induction motor and United Aircraft built both the vehicles and the propulsion system for the Boston-New York Turbotrain.

These aerospace concerns have found that dependency on aerospace contracts—such as the SST—is neither the way of the future in transportation, nor the key to their corporate survival.

My bill matches the talents and experience of the SST and defense contractors with our pressing transportation needs. Priority for use of the authorized $100 million of research and development will go to firms that have been adversely affected by Government policy. Cancellation of a Government contract, unusually high unemployment, or substantial layoffs will give defense and airframe contractors, who would be otherwise eligible, a first crack to land one of these contracts.

By changing our priorities to meet our transportation needs in urban mass transit and aviation, we know we can be assured of one very important side effect: we will be providing many thousands more jobs during this decade and the decades that follow for our transportation workers. There is no doubt that a full Federal commitment to meet these essential transportation needs of cities and towns across the Nation will create much more employment over the long range than our SST effort would ever have entailed.

In addition, the job-producing effects of these new transportation facilities is likely to be massive. We know that many of our small towns and cities have had their economic development substantially slowed due to nonexistent or inadequate airport facilities. We know that man-hour losses due to lateness in our great urban centers are substantial and continually getting worse due to inadequate and overloaded mass transit facilities. And we know there are increasing numbers of people who join the ever-growing welfare rolls because they cannot find or cannot afford transportation to their jobs.

So let us put the 8,000 SST employees, and some of the tens of thousands of defense and airframe workers, back on the job—and on a job that needs to be done.

Mr. HART. Mr. President, I thank the Senator from Maine for raising the points he does. I am sure that others of us will want to join him in this suggestion.

By Mr. WILLIAMS:

S. 1383. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. Referred to the Committee on the Judiciary.

PROTECTION FOR OUR POLICEMEN AND FIREMEN

Mr. WILLIAMS. Mr. President, on September 9, 1970, I introduced a bill that would make the killing of police officers and firemen a Federal offense. At that time, I referred to many of the unfortunate slayings and bombings that had just occurred, and which were the reason for my concern.

Hearings were held on this bill, as well as on other bills related to the murder of policemen and firemen in October. On November 1, the President issued a statement expressing concern about this problem and directing the Attorney General "to take immediate action to make all appropriate investigative resources of the Department of Justice available to work jointly with State or local police when requested in any case involving an assault upon a police officer." On February 25, 1971, I sent a letter to the Attorney General requesting to know just how the Attorney General plans to implement this directive.

I have not yet received an answer to my letter, so I am not aware of what plans, if any, the administration is making for concrete action in the field of protecting policemen and firemen in the performance of their duties.

In the absence of any reassurance that the intent of my proposed legislation is being carried out by Executive action, I am reintroducing my bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. This legislation would provide for the automatic entry of the Federal Bureau of Investigation into the search for a person alleged to have committed such an offense 24 hours after the slaying.

There are now existing laws which would authorize FBI participation in such investigations, although it is not clear from the laws as to when, specifically, the FBI would enter a given case. I think such an automatic participation should be institutionalized in the Federal statute books at once.

Mr. President, the problems faced by our police officers, and firemen have not declined in recent months. On February 15, two gunmen murdered three Texas deputy sheriffs in execution-style slayings, and only 2 days later, in Oklahoma, a highway patrolman and State park superintendent was slain at a State park by two AWOL servicemen. Hardly

a day goes by without a report from some American city of a sniping or attempted assault on a law officer. In many of our cities, firemen are reportedly reluctant to respond to calls from certain localities because of the hostile attitudes of neighborhood residents.

We cannot change the attitudes of citizens toward our public servants overnight, although we must certainly try to. The policemen and firemen of our cities are all too often unfairly maligned and despised, and we must continue to stress community relations and public educational programs to heal their breach of understanding. What we can do immediately, however, through hearings on this bill and its eventual passage, is to indicate our respect for those officers and men who are performng such a difficult and thankless task, and to afford them the additional protection from assailants that this additional legislation will afford.

I ask unanimous consent that this bill, to prohibit flight in interstate commerce to avoid prosecution for the killing of a policeman or fireman, be printed in the RECORD at this point.

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

S. 1383

A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1075. Flight to avoid prosecution for the killing of a policeman or fireman

"(a) Whoever moves or travels in interstate or foreign commerce to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which he flees, for willfully killing a police officer or fireman while such police officer or fireman was engaged in the performance of official duty shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whenever a police officer or fireman is willfully killed, while such policeman or fireman is engaged in the performance of his official duties, and no person alleged to have committed such offense has been apprehended and taken into custody within twenty-four hours after the commission of such offense, it shall be presumed in the absence of proof to the contrary that the person who committed such offense has moved or traveled in interstate or foreign commerce to avoid prosecution or custody under the laws of the place at which the offense was committed.

"(c) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress.

"(d) As used in this section—

"(1) the term 'police officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) the term 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State; and

"(3) the term 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The section analysis of chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1075. Flight to avoid prosecution for the killing of a policeman or fireman.".

By Mr. PROUTY:

S. 1384. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples. Referred to the Committee on Finance.

Mr. PROUTY. Mr. President, I send to the desk for appropriate reference a bill to establish the Older Americans Assurance Act of 1971.

Mr. President, my bill would work on a very simple concept. The bill would establish an income floor under all older Americans. It would guarantee every older American a minimum income of $1,800 for an individual or $2,400 for a couple. The income base would be estimated from both earned and unearned income. The proposal would be financed from general revenues.

The income level could be easily computed by the Social Security Administration. For over 30 years they have been applying the retirement earnings test which requires comprehensive record-keeping. Further information could be supplied by the Internal Revenue Service since integration between the Social Security Administration and the Internal Revenue Service is already well established.

One of the major benefits of my bill is the provision for revenue sharing. The States now spend over half a billion dollars on old-age assistance. Since my proposal is 100 percent federally financed, States would gain over half a billion dollars in added revenue.

The provision for revenue sharing will free up to $650 million for the States to use. In his State of the Union message, the President proposed a far-reaching concept of revenue sharing which would bring power back to the people. My proposal will assist in making that goal a reality. The Income Assurance Act's limited program of revenue sharing with the States should not be considered as a substitute for the President's proposal. Nevertheless, it will be a modest beginning to assist those persons in American society most in need and, yet, least able to help themselves.

My bill will eliminate the standards which now force our older Americans into a position of complete poverty before they can accept assistance. Consider for a moment the situation facing our older Americans forced to go on old-age assistance. We tolerate a system which allows each State to insist that an older American must exhaust all his savings, lose his property and have virtually no income before he can qualify for old-age assistance. Is this system any less barbaric than the poor houses of 200 years ago?

Many of our impoverished older Americans became impoverished only after they retired. They contributed many years of useful work to our Nation's labor force. They find, after retirement, that they no longer can work, but that their savings are not sufficient to allow them to live out their lives. For the first time in their lives they are forced to accept welfare.

I am committed to the elimination of poverty in all groups in the country. The President has taken the initiative in his comprehensive welfare proposal to link a minimum income standard with work incentive and manpower training programs. His programs will help our impoverished Americans raise themselves into useful and productive citizens.

Our Nation's older Americans have no means to relieve themselves of the burden of poverty. They do not need manpower training programs. Most of them can no longer work. The programs which make the President's proposal most attractive for our younger Americans have no meaning for our senior citizens.

Our system of old-age assistance is not only harsh in its terms, it is not doing what it sets out to accomplish. We have made strides in lowering the number of poor in this country. The number of persons living below the poverty level has been decreased by over 7 million since 1965. Our efforts have started to pay off, but for whom? The number of persons over 65, living in poverty, has actually increased since 1965. Over 20 percent of the persons over 65 are living in poverty. Ten years ago only 15 percent of our economically disadvantaged Americans were over 65.

The income features of the bill will supply all older Americans with what they need most.

It does not provide education.

It does not provide job training.

It does not provide make-work.

What it provides is cash income and security with dignity.

In my own State the situation of our citizens over 65 closely parallels that all over our Nation. The average cash income for our senior citizen's household is $191 a month. This represents 28 percent of the average cash income for all households.

Is there some kind of magic expense reducer for persons over 65? Do taxes or rent or food costs suddenly disappear? Does it suddenly become possible for persons over 65 to live on only 28 percent of their income?

In fact, Mr. President, expenses actually increase for most older Americans. At the same time, cash income virtually disappears.

Between five and a half to seven million Americans in this rich country of ours have incomes below the poverty threshold.

Mr. President, our efforts on behalf of our older Americans have been woefully inadequate. Our efforts have created an illusion of protection. For many our assistance does not exist. For those who worked at low wages all their lives the assistance is virtually nonexistent. Even without efforts to increase benefit payments, inflation erodes all forward progress.

Moreover, Mr. President, many older Americans receive nothing from increased social security benefits. During

their working years, these individuals—through no fault of their own—were not covered by social security.

Why were so many older Americans passed by by social security? Actually, the coverage under the Social Security Act has grown immensely since it was first enacted into law. In 1935 a limited group of industrial workers were covered by the act. The Republican Party became the first national party to advocate universal coverage in 1944. By 1950 coverage had extended to a large majority of American workers. The act presently covers over 95 per cent of our labor force. This piecemeal approach has left many workers uncovered.

My 1966 amendment to the Tax Adjustment Act provided a $35 monthly payment to individuals over 72 who had never been covered by social security. When the amendment was first introduced, it was estimated that 300,000 to 350,000 persons would be covered by it. In fact, the amendment has paid benefits to over 1 million persons. Six hundred and fifty thousand persons are now receiving it. Fewer people are receiving the benefit because the eligibility was limited to persons reaching 72 before 1968. Eight hundred thousand of those who qualified for benefits have died since passage of the act. At least those individuals were able to enjoy this meager benefit in the last few years of their lives.

Our original payment to these people was $35 a month, a mere $420 a year; yet, thousands of older Americans have written me thanking me for this minimum assistance.

Under the bill I am introducing today, it is estimated that between 6½ and 7 million persons will be covered under the act. In the future years, fewer and fewer individuals will need to rely on the Older Americans Income Assurance Act. As time progresses, and more and more people reaching retirement age are covered by social security, the need for the act will diminish. We still must make provision for that small group in the population who are not covered under social security taxes and those missed by our piecemeal approach.

The Older Americans Income Assurance Act will eliminate the need for the complete economic destruction of an individual before he can receive help. It will assure our older Americans the economic security which will allow them to live out their lives in dignity and self-respect.

Mr. President, in the next week I plan to introduce the Blind and Disabled Income Assurance Act which will improve another area of inefficient distribution of income to those in need.

Mr. President, can any of my colleagues say that we owe these Americans less?

Mr. President, I ask unanimous consent that the bill and several charts and explanations be added at the conclusion of my remarks.

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

S. 1384

A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples.

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 Older American Income Assurance Act of 1971."

SEC. 2. The Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an anual income (as determined pursuant to section 2004) of less than $2,400 in the case of an individual who is married and living with his spouse, or $1,800 in the case of any other individual,

"(4) has filed application for benefits under this title,

shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made; except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"SEC. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title".

EXPLANATION OF PROUTY AMENDMENT TO ASSURE A MINIMUM CASH INCOME FOR OLDER AMERICANS

BACKGROUND

On June 18, 1968, Senator Prouty introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, Prouty re-introduced his measure (S. 3554).

PROVISIONS

The measure simply assures a minimum income to individuals age sixty-five or over of $150 per month ($200 for aged couples). Payments would be administered as part of the Social Security System and financed out of general revenues.

ADVANTAGES

More than $650 million would be gained revenue for the states. (See charts E and F).

Between 6½ and 7 million people age sixty-five or over would receive payments under the Prouty proposal.

Over 20% of those now living in poverty would be moved out of poverty as a result of payments under the Prouty Proposal.

Over 2.1 million older Americans receiving old age assistance under welfare would in effect be taken off the welfare rolls and receive the greater benefits under the Prouty Proposal.

Nationwide, the average individual cash gain for those now on welfare would be $76.32 per month. (See chart C).

HOW IT WORKS

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

EXAMPLES

1. Mary Jones who is unmarried receives a minimum Social Security benefit of $64 a month. She also receives interest on her savings in the bank, $16 a month. Her total income is $80 a month.

Under the Prouty Proposal she would also receive $70 a month to bring her income up to $150 a month or $1,800 a year.

2. John Smith and his wife, Mary, have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Prouty Proposal Mr. and Mrs. Smith's home would not count as income since it is a non-income producing asset, however, they would be entitled to $100 a month under the Prouty Proposal in order to bring their annual income up to $2,400 a year.

3. If Mr. and Mrs. Smith sell their house in 1972 for $10,000 they would be ineligible for benefits that year but the next year they could receive benefits assuming that their income was less than $2,400 a year.

CHART A.—*Number of individuals receiving old age assistance under welfare by year*

1961	2,229,000
1962	2,183,000
1963	2,152,000
1964	2,120,000
1965	2,087,000
1966	2,073,000
1967	2,073,000
1968	2,055,000
1969	2,027,000
1970	2,047,635

CHART B.—*Total amount spent for old age assistance under welfare by year*

1961	$1,568,985,000
1962	1,566,121,000
1963	1,610,310,000
1964	1,606,429,000
1965	1,594,183,000
1966	1,633,675,000
1967	1,679,199,000
1968	1,699,984,000
1969	1,694,175,000
1970	1,817,642,000

CHART C.—*Average monthly payment for old age assistance under welfare by year*

1961	$59.60
1962	61.55
1963	62.80
1964	63.65
1965	63.10
1966	68.05
1967	67.50
1968	68.95
1969	69.65
1970	73.68

CHART D

Federal, State, and local shares for payments under old-age assistance calendar year 1969:	
Federal share (65.6 percent)	$1,213,490,000
State share (29.9 percent)	553,536,000
Local share (4.5 percent)	83,254,000
Total (100 percent)	1,850,280,000
Federal, State, and local shares for payments under old-age assistance, (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:	
Federal share (65.6 percent)	1,209,832,000
State share (29.9 percent)	551,788,000
Local share (4.5 percent)	83,164,000
Total (100 percent)	1,844,784,000
Federal and State/local (combined) shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands) calendar year 1969:	
Federal share (65.6 percent)	1,209,832,000
State and local share (34.4 percent)	634,952,000
Total (100 percent)	1,844,784,000

CHART E

BREAKDOWN BY STATE BETWEEN FEDERAL AND STATE SHARES OF PAYMENTS UNDER OLD-AGE ASSISTANCE—CALENDAR YEAR 1969

State	Federal share	State share
Alabama	$106,595,000	[1] $25,417,000
Alaska	2,363,000	1,329,000
Arizona	10,659,000	2,386,000
Arkansas	52,342,000	9,687,000
California	395,538,000	[1] 198,230,000
Colorado	31,679,000	10,827,000
Connecticut	8,638,000	4,402,000
Delaware	1,528,000	477,000
District of Columbia	2,291,000	900,000
Florida	62,549,000	16,944,000
Georgia	55,443,000	[1] 7,698,000
Hawaii	2,229,000	1,138,000
Idaho	2,606,000	823,000
Illinois	31,125,000	8,866,000
Indiana	27,655,000	[1] 14,749,000
Iowa	30,453,000	12,980,000
Kansas	13,248,000	[1] 5,610,000
Kentucky	41,244,000	7,466,000
Louisiana	99,963,000	24,975,000
Maine	7,358,000	1,258,000
Maryland	6,878,000	[1] 1,821,000
Massachusetts	53,601,000	[1] 27,219,000
Michigan	31,917,000	13,198,000
Minnesota	18,218,000	[1] 7,716,000
Mississippi	40,017,000	7,245,000
Missouri	81,084,000	25,490,000
Montana	2,817,000	[1] 804,000
Nebraska	5,460,000	1,208,000
Nevada	2,462,000	829,000
New Hampshire	5,694,000	[1] 2,297,000
New Jersey	16,516,000	[1] 6,006,000
New Mexico	6,151,000	861,000
New York	101,688,000	[1] 50,597,000
North Carolina	35,589,000	[1] 9,086,000
North Dakota	3,765,000	[1] 1,121,000
Ohio	40,990,000	[1] 9,086,000
Oklahoma	63,693,000	13,092,000
Oregon	5,432,000	[1] 1,942,000
Pennsylvania	46,747,000	21,182,000
Rhode Island	2,237,000	205,000
South Carolina	10,621,000	2,068,000
South Dakota	3,348,000	974,000
Tennessee	42,052,000	9,350,000
Texas	167,050,000	40,573,000
Utah	2,291,000	552,000
Vermont	3,730,000	1,234,000
Virginia	12,287,000	[1] 4,573,000
Washington	18,275,000	6,283,000
West Virginia	9,768,000	2,472,000
Wisconsin	19,181,000	[1] 8,559,000
Wyoming	1,567,000	[1] 503,000

[1] Indicates that "State share" includes some local government funds.

CHART F.—*Direct revenue savings accruing to States under Older Americans Income Assurance Act*

	Revenue gain per State [1]
Alabama	$25,417,000
Alaska	1,329,000
Arizona	2,386,000
Arkansas	9,687,000
California	198,230,000
Colorado	10,827,000
Connecticut	4,402,000
Delaware	477,000
District of Columbia	900,000
Florida	16,944,000
Georgia	7,698,000
Hawaii	1,138,000
Idaho	823,000
Illinois	8,866,000
Indiana	14,749,000
Iowa	12,980,000
Kansas	5,610,000
Kentucky	7,466,000
Louisiana	24,975,000
Maine	1,258,000
Maryland	1,821,000
Massachusetts	27,219,000
Michigan	13,198,000
Minnesota	7,716,000
Mississippi	7,245,000
Missouri	25,490,000
Montana	804,000
Nebraska	1,208,000
Nevada	829,000
New Hampshire	2,297,000
New Jersey	6,066,000
New Mexico	861,000
New York	50,597,000
North Carolina	9,086,000
North Dakota	1,121,000
Ohio	9,086,000
Oklahoma	13,092,000
Oregon	1,942,000
Pennsylvania	21,182,000
Rhode Island	205,000
South Carolina	2,068,000
South Dakota	974,000
Tennessee	9,350,000
Texas	40,573,000
Utah	552,000
Vermont	1,234,000
Virginia	4,573,000
Washington	6,283,000
West Virginia	2,472,000
Wisconsin	8,559,000
Wyoming	503,000
Total	634,952,000

[1] Under Prouty proposal, States would no longer have to pay for old-age assistance under welfare. Figures represent 1969 State payments for old-age assistance.

CHART G

COMPARISON BETWEEN PROUTY MONTHLY MINIMUM PAYMENT AND PRESENT AVERAGE STATE MONTHLY PAYMENTS FROM OLD-AGE ASSISTANCE UNDER WELFARE

State	Minimum monthly cash income assured under Prouty proposal	Present average OAA monthly cash payments	Individual cash gain under Prouty proposal
Alabama	$150.00	$66.10	$83.90
Alaska	150.00	96.45	53.55
Arizona	150.00	72.00	77.80
Arkansas	150.00	59.35	90.65
California	150.00	109.85	40.15
Colorado	150.00	76.40	73.60
Connecticut	150.00	90.30	59.70
Delaware	150.00	73.80	76.20
District of Columbia	150.00	89.35	60.65
Florida	150.00	51.85	98.15
Georgia	150.00	52.70	97.30
Hawaii	150.00	89.75	60.25
Idaho	150.00	63.30	86.70
Illinois	150.00	73.65	76.35
Indiana	150.00	55.15	94.85
Iowa	150.00	112.70	36.30
Kansas	150.00	78.35	71.65
Kentucky	150.00	54.50	95.50
Louisiana	150.00	67.40	82.60
Maine	150.00	61.25	88.75
Maryland	150.00	58.60	91.40
Massachusetts	150.00	99.20	50.80
Michigan	150.00	75.70	74.30
Minnesota	150.00	72.65	77.35
Mississippi	150.00	50.40	99.66
Missouri	150.00	75.95	74.05
Montana	150.00	58.20	91.80
Nebraska	150.00	59.20	90.80
Nevada	150.00	64.50	85.50
New Hampshire	150.00	122.90	27.10
New Jersey	150.00	75.20	74.80
New Mexico	150.00	57.95	92.05
New York	150.00	102.00	48.00
North Carolina	150.00	64.85	85.15
North Dakota	150.00	64.80	85.20
Ohio	150.00	60.70	89.30
Oklahoma	150.00	69.60	80.40
Oregon	150.00	63.55	86.45
Pennsylvania	150.00	101.75	48.25
Rhode Island	150.00	54.25	95.75
South Carolina	150.00	48.70	101.30
South Dakota	150.00	59.55	90.45
Tennessee	150.00	50.40	99.60
Texas	150.00	62.65	87.35
Utah	150.00	52.95	97.05
Vermont	150.00	72.90	77.10
Virginia	150.00	61.90	88.10
Washington	150.00	66.65	83.35
West Virginia	150.00	70.55	79.45
Wisconsin	150.00	99.20	50.80
Wyoming	150.00	60.95	89.05
Nationwide	150.00	73.68	76.32

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE JOINT RESOLUTION 29

At the request of Mr. MANSFIELD, the Senator from Michigan (Mr. HART) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution providing for the designation of National Peace Corps Week.

NOTICE OF HEARING ON URBAN MASS TRANSPORTATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committe on Banking, Housing, and Urban Affairs, will hold a 1-day hearing on S. 870, a bill to amend the Urban Mass Transportation Act of 1964, to authorize certain grants to assure adequate commuter service in urban areas.

The hearing will be held on Tuesday, April 6, 1971, in room 5302, New Senate Office Building, and will commence at 10 a.m.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning 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. 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Nos. 45 and 46 under "New Reports" on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The PRESIDING OFFICER. The clerk will state the nominations.

The legislative clerk proceeded to read the nominations of Stephen Kurzman, of the District of Columbia, to be Assistant Secretary of Health, Education, and Welfare, and

Robert O. Beatty, of Idaho, to be Assistant Secretary of Health, Education, and Welfare.

Mr. MANSFIELD. Mr. President, I ask that those two nominations both be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc; and, without objection, they are confirmed en bloc.

SECURITIES AND EXCHANGE COMMISSION

Mr. MANSFIELD. Mr. President, I now ask that the Senate turn to the consideration of Calendar No. 43, the nominee for the Securities and Exchange Commission.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of William J. Casey, of New York, to be a member of the Securities and Exchange Commission.

Mr. BENNETT. Mr. President, I urge my colleagues to act favorably on the nomination of Mr. William J. Casey to become Chairman of the Securities and Exchange Commission. As a member of the committee which reported favorably this nomination, I have carefully considered every aspect of Mr. Casey's qualifications for this position and find him especially well suited to assume this responsibility.

The securities business has recently had a series of blows which threaten to undermine public confidence in this basic underpinning of our free enterprise system. If the SEC ever needed strong leadership, it is now. And there is no doubt in my mind, nor in the opinion of the overwhelming majority of the committee, that Mr. Casey, by reason of his deep knowledge and long experience in the securities field, is a man who can restore public confidence.

There are a few of our colleagues who do not hold this view and are opposed to Mr. Casey's nomination. For the most part, their objections seem to rest on the fact that Mr. Casey has during his long business career been involved in several civil actions, both as plaintiff and defendant. The committee looked into these cases very closely and found no wrongdoing on Mr. Casey's part. He has never been convicted of any crime nor found guilty in any lawsuit.

Despite these facts, Mr. Casey's critics have persisted in labeling him with guilt by association. This callous charge denies the very basis of our American heritage of justice; that a man is presumed innocent until proven guilty. Mr. Casey has been proved innocent at every turn; he should not now be presumed guilty.

Furthermore, it would be a tragic and extremely dangerous precedent for the Senate to say that because a man has had charges brought against him, he is not qualified. Not only would this be completely unfair to the individual involved; it would deny the country the services of a large number of talented and capable people. If this standard were to be applied across the board as the criterion for high public office, we would be placing the country in the hands of only those who were lucky or mediocre.

In short, I find nothing in Mr. Casey's distinguished record to disqualify him for the post to which he has been nominated. As to the future, I would point out that Mr. Casey has agreed to place his considerable financial holdings in a blind trust, although other SEC Commissioners have not chosen, nor have they been required, to take this step.

Finally, I would point out to my colleagues that the committee which reported favorably on this nomination was chaired by the distinguished senior Senator from Alabama. My colleagues all know Senator SPARKMAN's reputation. They know him to be a dedicated, conscientious, and impartial individual. They know that he would not have reported this nomination favorably until he was completely satisfied that the nominee was qualified.

I hope that the full Senate will join Senator SPARKMAN and the majority of the committee in finding Mr. Casey qualified and give him the unanimous support which this nomination deserves. It will be one more step to restoring public confidence in this most basic of our financial institutions, dealing, as it does, with our securities business.

Mr. PROXMIRE. Mr. President, I believe Mr. William J. Casey is the wrong man to be appointed as the Chairman of the Securities and Exchange Commission. However, since the Committee on Banking, Housing and Urban Affairs has voted to send his name to the floor, I do not plan to further contest the nomination. Instead, I merely want the record to reflect my concern over Mr. Casey's appointment. I also hope that in the future, President Nixon will order a more careful review of appointees requiring Senate confirmation. Those who are appointed to sensitive agencies such as the SEC should be above reproach. Careful screening procedures should eliminate from consideration those who do not measure up to the strictest standards of proper conduct.

Mr. President, it has been a difficult decision on my part to oppose Mr. Casey's nomination in committee. He has been an enormously successful lawyer and businessman. He has made a considerable amount of money as a lawyer, a publisher, and a stock market speculator. He has been something of a wheeler-dealer capitalist in helping to promote new companies. However, when our securities industry is facing a financial crisis, this is not the kind of man we need to head up the Securities and Exchange Commission.

Mr. Casey first appeared before the Senate Banking Committee on February 10. During this appearance, there was some discussion of a private lawsuit charging Mr. Casey with plagiarism. After a lengthy trial, the jury found Mr. Casey liable and awarded damages of $40,000 to the plaintiff.

Following his appearance before the committee on February 10, the committee learned that Mr. Casey was involved in two additional civil actions alleging that he violated the securities laws he would be called upon to enforce if he were Chairman of the Securities and Exchange Commission. One case was settled out of court by paying the plaintiff 80 percent of the damages he sought. The complaint charged that a company in which Mr. Casey was chairman of the board sold stock which should have been registered with the SEC but was not and that the literature used to sell the stock contained false and misleading statements. The other case is still pending in the U.S. District Court for the Eastern District of Louisiana. Among other things, it charges Casey with circumventing a public hearing scheduled under the California securities laws.

In addition to these cases, several ad-

ditional matters came to the attention of the committee involving Mr. Casey. The Securities and Exchange Commission disclosed that certain proxy statements filed by Roosevelt Raceway failed to disclose the full amount of the legal fees earned by Mr. Casey's law firm. Since Mr. Casey was a director of the racetrack, the SEC rules required a full disclosure of all fees payable to his firm.

In addition, an attorney for Nicholas du Pont has charged Casey with "overreaching" as an attorney and with violating the American Bar Association's canon of ethics by acting as an attorney to the Du Ponts while at the same time participating with them in a joint business venture.

The committee also discovered serious discrepancies in Casey's testimony on February 10 regarding the plagiarism suit. For example, Casey testified that the Federal judge in the case took the initiative in sealing the transcript of the trial from public view, whereas the transcript clearly shows the initiative came from Casey. Casey also testified the judge indicated the verdict was not supported by the evidence, whereas the judge testified that he never so indicated and in fact felt the verdict was "amply" supported by the evidence.

After the committee report on Casey had been prepared, the committee learned of still another civil action involving a violation of the securities law in which Mr. Casey was named as a defendant. This action was brought in 1969 by a group of shareholders in a mutual fund called Fund of America. The complaint alleges that the directors of the mutual fund failed to protect the interests of its shareholders by approving excessive fees to a management company engaged to manage the fund. Casey was appointed a director of the fund shortly before the suit was filed, and was named in the complaint.

Mr. President, I believe little purpose would be served by a lengthy discussion of these cases or incidents. For those Members of the Senate who are interested, a complete record is available in the committee hearings. I would also refer Members to my minority views contained in the committee report which discusses three of these cases in some detail.

Any of these cases or incidents, taken individually, would not be serious enough to disqualify Mr. Casey for the chairmanship of the Securities and Exchange Commission. But taken as a whole, they do indicate a pattern of conduct which is less than the exemplary standards which should be set by a man appointed to the Securities and Exchange Commission. In order to maintatin investor confidence in the soundness of our securities markets and the Securities and Exchange Commission, we need a man at the head who is beyond reproach. I am afraid that Mr. Casey's record indicates that he is not such a man.

I do wish to commend Mr. Casey for placing his stock in a blind trust. When he first appeared before the committee on February 10, he indicated his securities holdings would be independently managed by an investment adviser, but that he would receive quarterly reports from the investment adviser. Thus, he would have complete knowledge of what stocks were purchased and sold.

At the suggestion of the committee, Mr. Casey has placed his holdings in a blind trust. As I understand it, he will now have no knowledge of the securities transactions made by the investment adviser. I believe such an arrangement is proper. It will help to avoid any appearance of a conflict of interest on Mr. Casey's part as the Chairman of the Securities and Exchange Commission.

Mr. President, since the committee has recommended that Mr. Casey be confirmed, I see no reason to oppose him further. I am sure that any members of the committee who still have some doubts about Mr. Casey's qualifications will be extremely interested in watching Mr. Casey's stewardship over the SEC in the months ahead.

I believe the concern which has been demonstrated over Mr. Casey's appointment will serve a useful purpose. Hopefully, Mr. Casey will lean over backwards to avoid any future charge that he is weakening the enforcement of our securities laws. Moreover, I hope the President now realizes that he needs to exercise a greater degree of care in scrutinizing the men proposed for Senate confirmation.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks made by my distinguished colleague the Senator from Utah, and to note that in William Casey we have a man who is eminently qualified, a man of extensive business and legal experience. He has been extremely active, as the Senator from Wisconsin (Mr. PROXMIRE) has suggested, but I do not think a man should be denigrated for that, because Bill Casey is one of a breed of people who have made the American economy grow. Without people like him, our economy would stagnate.

He is a man who is no stranger to public service. He served in the OSS in Europe during World War II, and assisted in the administration of the Marshall plan following the war. He is a man who has always been public spirited.

Any man who is heavily involved in business activity on the corporate level, as Bill Casey has been, is going to be subject to nuisance suits rather frequently. I am sure there are Members of the Senate who have been businessmen in private life, who have probably been defendants in suits of a comparable character.

As to the fact that Mr. Casey did not properly recall everything that happened in the Field case, we might note—which I noticed the Senator from Wisconsin did not note—that we also had the judge testify. That is a very unusual thing. We had the judge who presided over that trial testify, and we found that his powers of recall were not so good, either, and he could not remember some of the things that he had said. So I think we cannot hold a man to account for something that happened several years ago, and that he is trying to relate off the top of his mind.

I think we are fortunate to have someone like Bill Casey who is willing to give up the private practice of law and his private business activity, put his securities in a blind trust, and come to work for the citizens of this country. I think we need a man who is tough minded, as Bill Casey is, experienced as he is, and competent as he is, to serve on the Securities and Exchange Commission. I can tell you that there is a lot of dissatisfaction in the financial community with the current state of the SEC, and I think Bill Casey is a man eminently qualified to help straighten it out. I urge that the Senate act favorably on the confirmation of his nomination.

Mr. SPARKMAN and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, during the past 38 years the Securities and Exchange Commission has enjoyed a reputation unmatched among regulatory agencies for vigorous enforcement of the securities laws. In that time period the Commission has established an outstanding record for protection of our Nation's 31 million investors and for administering an efficient scheme of government-industry self-regulation over our securities markets. Public confidence in the Commission has always been of the highest nature. This public confidence in my opinion has had much to do with the rapid growth of our Nation's securities industry.

On February 4 President Nixon sent the nomination of William J. Casey to be Chairman of the SEC to the Senate and on February 10 hearings were held by the Committee on Banking, Housing and Urban Affairs. The nominee's résumé and early statements, concerning his views on the securities industry were of the highest quality. His past achievements were most distinguished. He is a member of the General Advisory Committee on Arms Control, a member of the Presidential Task Force on Industrial Development, a member of the Brookings Institute Advisory Committee on Presidential Selection Studies and has had a most distinguished career as both an author and attorney in the field of taxation.

I, for one, was very thankful for our committee's diligent and searching inquiries into Mr. Casey's past experiences which were conducted by the senior Senator from Alabama, Senator SPARKMAN, the chairman of the Committee on Banking, Housing and Urban Affairs. This investigation suggested that the nominee had in the past been involved in certain appearances of misconduct and in civil law suits involving purported violations of our Nation's securities laws. Such an appearance can most certainly erode public confidence in the Securities and Exchange Commission as a watchdog over our Nation's securities markets. However, in my mind although these questions have generated certain doubts concerning Mr. Casey they do not justify the Senate rejecting the President's choice for the chairmanship of the SEC. I am, therefore, with some anxiety, perhaps it would be more accurate to say some apprehension, going to vote to confirm the nominee. I would like to stress

that I do this with full confidence that the searchlight of national concern which our committee hearings have brought upon Mr. Casey will continue to shine on him after he takes office, described by both the Senate Committee on Banking, Housing and Urban Affairs and the Members of both bodies of Congress and other interested patries.

The one reassuring fact coming out of Mr. Casey's nomination hearings is that they were in many ways similar to the hearings held by the Senate Committee on Interior 2 years ago on Walter J. Hickel. Out of the Hickel hearings came the same doubts and apprehensions which we now have concerning Mr. Casey. Yet in retrospect Mr. Hickel turned out to be an outstanding Secretary of the Interior. Mr. Hickel's record is one of which our Nation can be proud. Under his leadership outstanding gains were made in the areas of water and air pollution and in the preservation of our natural resources and environment.

If past experience is to prove to be our guide I am confident that Mr. Casey will profit from his experiences and prove to be as fine a chairman of the SEC as Walter Hickel was a Secretary of the Interior.

Mr. SPARKMAN. Mr. President, I agree with the statements made by the chairman of the Subcommittee on Securities, the Senator from New Jersey (Mr. WILLIAMS).

I also was glad to hear the remarks of the Senator from Texas, the ranking minority member of our full committee. I agree with the statement he made that we need somebody who is tough and who knows the ropes in order to handle the situation with which we are confronted at this time in the securities market of this country.

Mr. President, we all know that we had a very difficult time in the last couple of years in the securities market. We know that at times various conditions prevailed, to such an extent that we rushed through, just before adjourning the last session of Congress, a broker-dealer insurance program. This program was enacted in order to try to give some assurance to the 31 million investors in stocks on the various stock exchanges of this country some protection somewhat similar to what we have given to the depositors in banks and other savings institutions.

I say, quite candidly, that this nomination has not been an easy one for our committee. Let me say very clearly that it is not because of anything I feel that we found against Mr. Casey, but it is because many issues were raised in regard to some of the matters in which he has been involved, matters which needed to be carefully considered by the committee. I say this also because many of the issues were widely discussed in the press, and the committee felt that it was necessary to delve into these matters so that we could justify for ourselves whether the issues were allegations or were factual.

After very careful consideration of all the matters that were brought to our attention regarding the nominee, the majority of the committee recommended to the Senate the confirmation of the nomination. I agree with the conclusions reached by the committee, and I hope that the Senate will act favorably on this nomination.

Mr. President, as is always the case in the Senate, we may not agree with the Executive in his choice of a nominee for a certain position within the executive branch. Nevertheless, I feel that the President has the right "to have his own man" in a position, unless we find reasons to show that the nominee is not qualified for the position to which he has been nominated. On that basis, the majority of our committee could not find facts that would disqualify Mr. Casey to serve as a member of the Securities and Exchange Commission.

I should like to present this thought, because it occurs to me quite often: We in the Senate have the power, the right, to confirm or to refuse to confirm the nomination of any person the President has named to a responsible position that requires confirmation by the Senate. But we do not have the right to select. I have heard many Senators say at times, "I am sure I could have found a better man," or, "I am sure there is a better man." But we do not have the right to select that man. The President selects the man, as he has the right to do under the Constitution and under the laws that are enacted by Congress, and to submit the name to us for consideration. I do not believe that any nominee for a responsible position has ever received more careful investigation than this.

We went over every case or dealing that was suggested to us, even if they may have ended up as being just rumors. Mr. Casey appeared before us twice. The majority of the committee was satisfied at the first hearing that we should proceed to report his nomination favorably to the Senate. But, as is well known, since there were some things that some of the members felt should be cleared up, we withheld actually reporting to the Senate—we agreed to this in the committee—until there could be some clarification.

After the matters were clarified, or sought to be clarified, the committee again decided to hold hearings and to have Mr. Casey appear before us again, and to have the judge who presided over that case almost 10 years ago come before us. The judge agreed to do that, stating at the time that he was neither for nor against—he was here simply doing his duty as an official of the United States Government. I think he made a very significant statement in the early stage of his testimony. He said that he wanted to make it clear to the committee that when he said something, he really does not know whether it is from "actual recall" or "logical reconstruction of events" as he felt they ought to have been.

He let us know that he was not absolutely certain of his recollection of things that had happened more than 9 years ago.

At any rate, we went into that case; we went into other cases. Mr. Casey has been dealing in business. He has had wide dealing in business and in stocks and securities. He has been a director of various companies. Suits were brought against the companies, and he was named simply because he was a director. But I think they were all cleared up to the reasonable satisfaction of the committee as a whole.

I have here a letter from Mr. Casey that has come to me since the report was written, and therefore it was not included. I want to read a sentence or two from the letter.

As I have previously informed you, I had Pinkerton's do a litigation search on me in New York and that report of February 26, 1971, showed no actions that have not already been discussed. But I have just received details on two stockholder actions which, among some 30 defendants, named independent directors of the Fund of America, Incorporated.

And he gives the names of them.

To continue reading:

Although named in these actions, none of the independent directors has ever been served. This may explain why my litigation search did not disclose these actions.

By the way, he brings out the fact that the three independent directors that were named to the investment fund had become members on March 31, 1969, and that these actions were initiated about a month later.

Mr. President, I ask unanimous consent to have Mr. Casey's letter, along with the exhibits which he enclosed, printed in the RECORD.

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

HALL, CASEY, DICKLER & HOWLEY,
New York, N.Y., March 19, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR SPARKMAN: As I have previously informed you, I had Pinkerton's do a litigation search on me in New York and their report of February 26, 1971 showed no actions that had not already been discussed. I have just received details on two stockholder actions which, among some 30 defendants, name the independent directors of Fund of America, Inc., George Kistiakowsky, a Harvard professor and former Science Advisor to the President, Herman Kahn, President of Hudson Institute, and Michael O'Neil, President of General Tire of Miami, and myself. Although named in these actions, none of the independent directors has ever been served. This may explain why my litigation search did not disclose these actions.

Dr. Kistiakowsky, Mr. Kahn, Mr. O'Neil and I were for the first time elected independent directors of Fund of America, Inc. on March 31, 1969. These actions were initiated about a month later.

One action, Funnell v. Arkus-Duntov, et al. was filed in the United States District Court for the Southern District of New York on May 5, 1969, and the other, Weiner v. Winters, et al. was filed on June 9, 1969.

The two actions, like those brought against many other mutual funds, seek a relationship between the fund and its investment advisor and its underwriter which would be more favorable to the fund. The stockholders of the fund ratified new contracts between the fund and its investment advisor and the fund and its underwriter at the same meeting at which I and the other independent directors were elected. Thus, these actions are based on matters which occurred at a time when the new directors had no connection with any of the other defendants.

While I believe that these derivative suits

have no bearing on my nomination to the Securities and Exchange Commission, I want to bring them to your attention. I am enclosing the letter from Milton Kroll providing details on these specific actions, together with background on this general type of action.

Respectfully yours,

WILLIAM J. CASEY.

FREEDMAN, LEVY, KROLL & SIMONDS,
Washington, D.C., March 18, 1971.

WILLIAM J. CASEY, Esq.
Hall, Casey, Dickler & Howley,
New York, N.Y.

DEAR BILL: I am writing to confirm our telephone conversation of this morning and provide you with information with respect to two derivative actions, allegedly brought under the Investment Company Act of 1940 and other securities laws on behalf of Fund of America, Inc. (the "Fund") and others. The cases are entitled *Funnell* v. *Arkus-Duntov, et al.*, and *Weiner* v. *Winters, et al.* The complaints, which are substantially identical, were filed in the United States District Court for the Southern District of New York on May 5, 1969 and June 9, 1969, respectively.

The following is background information relating to these cases: Prior to April 1, 1969, the Fund, a registered mutual fund, was managed by Investors Planning Corporation of America ("IPC") and its shares were distributed by a wholly-owned subsidiary of IPC. On April 1, 1969, substantially all of the assets of IPC were sold to an unaffiliated corporation, Equity Funding Corporation of America ("EFCA") and thereafter the Fund was managed, and its shares distributed, by wholly-owned subsidiaries of EFCA. The sale of assets was made with the consent of the Securities and Exchange Commission pursuant to an order of that agency, dated May 23, 1967, which provided, among other things, that the parent of IPC, which is IOS, Ltd., must dispose of IPC to a person who is "independent and not directly or indirectly affiliated with IOS" and that the transaction shall be effected only with consent of the Commission.

As of April 1, 1969, IPC had no further connection with Fund of America. At a stockholders' meeting, held on March 31, 1969, a new Board of seven directors, of whom you were one, was elected for the Fund by the stockholders. (You resigned from the Board on February 1, 1971). At the same meeting, the stockholders approved the new investment advisory and underwriting agreements with the two EFCA subsidiaries.

All of these stockholder actions were taken pursuant to a proxy statement, filed with the SEC, which detailed the various matters to be voted upon.

Within approximately one month after the stockholders' meeting, the *Funnell* suit was filed, and about a month thereafter the *Weiner* suit was filed. Each of these cases includes a large number of defendants among whom were the former management company and its parent, the former underwriter, the new management company, new underwriter and their parent, the former Board of Directors of the Fund and the new directors of the Fund who had only recently taken office. This week, I have been informed of the results of a check made of the docket and Marshall's return in both cases. Neither the docket nor return indicates that you were ever served with the summons or complaint, either personally or by substituted service. The docket does show service on several of the corporate and other individual defendants.

The complaints contain allegations similar to those in other cases which have been filed with respect to numerous mutual funds. The allegations appear to be directed chiefly against the management companies and underwriter; the only specific dates mentioned in the charging portions relate to periods prior to November 30, 1968 when the former management company and underwriter were acting for the Fund. For the most part, the complaints use the term "defendants" without specification. The "new management" of the Fund is mentioned, as such, in only one part of the complaint, but no distinction is made between the management company and Fund directors.

In that part of the complaint it is alleged that the new management failed to provide for a management fee on a sliding scale. The management fee of .50% of average net assets of the Fund was approved by stockholders on the same day that you and the other new directors were elected.

This type of charge has been made in many cases but, to my knowledge, in none of them has judgment been rendered for the plaintiffs. This was pointed out in the testimony of former Chairman Cohen before the Senate Committee on Banking and Currency in 1967. An excerpt from that testimony is attached. Also I have attached a chart which lists some 100 cases of this type that were pending at the end of 1969.

Finally, I should point out that, as shown in the attached excerpt from page 49 of the prospectus of EFCA, dated December 9, 1970, special counsel has advised it that the suits are without merit.

Sincerely,

MILTON P. KROLL.

STATEMENT OF MANUEL F. COHEN, CHAIRMAN, SECURITIES AND EXCHANGE COMMISSION

Now, let's consider these advisory fees and how they have been dealt with in the courts.

It is a generally accepted principle of corporate law that the fairness or reasonableness of transactions between a corporation and any other company in which a diretcor of that corporation has an interest is reviewable in the courts. That is the teaching of the Supreme Court in the leading case of *Geddes* v. *Anaconda Copper Mining Co.* (254 U.S. 590 (1921)), and a host of other cases. Nor do we believe that this principle is open to serious dispute at this late date in the development of American corporate law.

Starting in 1959, over 50 lawsuits were instituted in which advisory fees paid by most of the large externally managed funds were attacked as excessive. These lawsuits were derivative in nature—brought by one or more individual shareholders on behalf of their funds.

Only three of the cases were fully litigated. (*Acampora* v. *Birkland*, 220 F. Supp. 527 (D. Colo., 1963); *Saxe* v. *Brady*, 40 Del. Ch. 474, 184 A. 2d 602 (Del. Ch. 1962); *Meiselman* v. *Eberstadt*, 39 Del. Ch. 563, 170 A. 2d 720 (Del. Ch. 1961).)

One court thought that the fees were high (*Acampora* v. *Birkland, supra*, 220 F. Supp. at 549).

Another thought that a flat 0.50 percent management fee on $600 million produced profits "certainly approaching the point where they are outstripping any reasonable relationship to expenses and effort even in a legal sense." (*Saxe* v. *Brady, supra*, 40 Del. Ch. 474, 184, A. 2d at 616.)

Nevertheless, all three actions resulted in judgments for the defendants.

The courts viewed the fact that the advisory contracts had been approved by the shareholders—and in one case by the unaffiliated directors—as changing—this is the important point—as changing the applicable standard from fairness or reasonableness, which would otherwise apply, to the much more permissive standard of waste.

But the statutory purpose, and the congressional requirement enacted in 1940, has been perverted. The congressional requirement of approval by the shareholders and a majority of the unaffiliated directors, which was intended to act as a protection for the shareholders, has actually insulated the fees from judicial scrutiny and deprived the shareholders of the benefit of judicial protections they would otherwise have enjoyed.

In essence, we are asking you to take away those barriers, those restrictions, which you never intended to place there in the first instance.

The courts also relied on the fact that the rates under attack were typical of—and in one case lower than—those prevailing in the investment company industry generally. The courts suggested that the problem of advisory fees is a result of an industrywide pattern of external management which initially calls for legislative action.

Although judicial examination of advisory fees in the courts has not to date acted as an effective substitute for competition and for arm's-length bargaining, most of the cases that were brought have been settled under conditions which resulted in new advisory contracts somewhat more favorable to the funds. Nevertheless, as has been indicated previously, after these settlements, the median advisory fee paid by the largest funds, the 59 externally managed funds with net assets of $100 million or more was still 0.48 percent.

STATEMENT OF ROBERT L. AUGENBLICK, PRESIDENT AND GENERAL COUNSEL, INVESTMENT COMPANY INSTITUTE

PENDING MUTUAL FUND LITIGATION INVOLVING CHALLENGE TO MANAGEMENT FEES

Date	Litigants	Court
Mar. 4, 1965	Ross v. Bernhard	U.S. District Court, S.D.N.Y.
Mar. 5, 1965	Waxman v. Youngman	Do.
Mar. 10, 1965	Gluck v. Bell	Do.
Mar. 11, 1965	Schwartz v. Starr	Supreme Court, State of New York.
Do	do	U.S. District Court, S.D.N.Y.
Apr. 1, 1965	Polack v. Starr	Supreme Court, State of New York.
Apr. 12, 1965	Gluck v. Bell	Do.
May 27, 1965	Mintz v. Starr	U.S. District Court, S.D.N.Y.
June 9, 1966	Friedenberg v. Bernhard	Do.
June 16, 1966	Waxman v. Youngman	Supreme Court, State of New York.
June 27, 1966	Zorn v. Anderson	U.S. District Court, S.D.N.Y.
January 1967	Schlusselberg v. Weissman, et al.	Do.
Do	Weiss v. Chalker, et al	Do.
Do	Putnam Investors Fund, Inc. et ano. v. Werly, et al.	U.S. District Court, Massachusetts.
Jan. 10, 1967	White v. Auerbach, et al	U.S. District Court, S.D.N.Y.
Do	Weinberger v. Manhattan Fund, et al.	Do.
Do	Kaminsky v. Auerbach, et al	Do.
Do	Tonick v. Auerbach, et al	Do
Do	White v. Affiliated Fund	Do.
Do	Schlusselberg v. Investors Overseas Services, Ltd.	Court of Chancery, State of Delaware.
Do	Schlusselberg v. Fund of Funds	U.S. District Court, S.D.N.Y.
Do	Bernstein v. Affiliated Fund	Do.
Do	Schlusselberg v. Investors Overseas, Ltd.	Do.
Do	Schlusselberg v. Keystone Fund Series S-3, et al.	Do.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.

Date	Litigants	Court
Jan. 11, 1967	Schlusselberg v. Investors Overseas Services, Ltd.	Court of Chancery State of Delaware.
Do	Greenbaum v. Investors Planning Corp. of America.	Supreme Court, State of New York.
Jan. 12 1967	Schlusselberg v. Keystone Fund Series S-3, et al.	Do.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.
Do	Schlusselberg v. The Fund of Funds Ltd.	U.S. District Court, S.D.N.Y.
Do	White v. Auerbach, et al	Supreme Court, State of New York.
Jan. 18, 1967	Greenbaum v. Investors Planning Corp. of America.	U.S. District Court, S.D.N.Y.
January 19, 1967	Schlusselberg v. Keystone Fund Series S-3, et al.	Court of Chancery, State of Delaware.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.
Jan. 20, 1967	Meshnick v. Burgin, et al	U.S. District Court, Massachusetts.
Do	Schlusselberg v. Investors Overseas Services, Ltd.	Supreme Court, State of New York.
Do	Schlusselberg v. Fund of Funds, Ltd.	Do.
Jan. 27, 1967	Schlusselberg v. Fund of Funds Ltd.	Court of Chancery, State of Delaware.
Apr. 1967	DeRenzis v. Levy	U.S. District Court, S.D.N.Y.
Apr. 26, 1967	Silverman v. Wellington Management Company.	Do.
Oct. 1967	Horenstein v. Waddell & Reed	Do.
Nov. 22, 1967	Gluck v. Vance, Sanders	Do.
Dec. 6, 1967	Moses v. Burgin, et al	U.S. District Court, Massachusetts.
1968	Putnam Growth Fund, et ano, v. Gardiner, et al.	Do.
Do	Marcus v. Devens, et al	Do.
February 1968	George Putnam Fund of Boston et al. v. Werly, et al.	Do.
Do	Derma v. Dunn, et al	U.S. District Court, S.D.N.Y.
Do	Lister, et al, v. Dunn, et al	Do.
Feb. 13, 1968	Zicklin v. Burgin, et al	U.S. District Court Massachusetts.
Mar. 7, 1968	Goodman v. von der Heyde	U.S. District Court, S.D.N.Y.
Mar. 14, 1968	Lerman, et al. v. Burks, et al	Do.
Mar. 15, 1968	Lifter, et ano. v. Morgan, et al	U.S. District Court, S.D.N.Y. (transferred to Eastern District of Pennsylvania March 1969).
Mar. 21, 1968	Saminsky v. Kenstone Fund Series S-4, et al.	U.S. District Court, S.D.N.Y.
Mar. 27, 1968	Josephson v. Cody, et al	U.S. District Court, Central District of California.
Mar. 28, 1968	Gross v. Cooper	U.S. District Court, S.D.N.Y.
Mar. 29, 1968	Josephson v. Chapellet, et al	U.S. District Court, Central District of California.
April 1968	Thurner v. Haire, et al	U.S. District Court, S.D.N.Y.
Apr. 1, 1968	Edelman v. Brown	U.S. District Court, Massachusetts.
Apr. 2, 1968	Saminsky v. Kenstone Fund	U.S. District Court, S.D.N.Y.
Apr. 10, 1968	Saminsky v. Neuberger, et al	Do.
Apr. 11, 1968	Newman v. Stein, et al	Do.
Apr. 23, 1968	Kurach v. Kaplan, et al	Do.
Apr. 29, 1968	Lerner v. Calvin Bullock Ltd. Dividend Shares, et al.	Do.
May 20, 1968	Gross v. Cooper	Do.
May 23, 1968	Lerner v. Burns	Do.
May 28, 1968	Gluck v. Cody	U.S. District Court, Central District, California.
June 4, 1968	Lovich v. Isaacs	U.S. District Court, Massachusetts.
June 17, 1968	Edelman v. Brown	Do.
June 18, 1968	Lieberman v. National Investors	U.S. District Court, S.D.N.Y.
July 1968	Lerman v. Oppenheimer & Co	Do.
July 9, 1968	Saminsky v. Guild	U.S. District Court, Massachusetts.
Do	Saminsky v. Boston Fund	Do.
July 22, 1968	Silverman v. Rogers, et al	U.S. District Court, S.D.N.Y.
Aug. 26, 1968	RYP v. Deland, et al	U.S. District Court, Massachusetts.
Sept. 3, 1968	Goldbert v. The Dreyfus Corporation, et al.	Supreme Court, State of New York.
Oct. 16, 1968	Buzin v. Lloyd, et al	U.S. District Court, S.D.N.Y.
Oct. 17, 1968	Schein v. Weissman, et al	Do.
Oct. 22, 1969	Schwartz v. Anderson	Do.
Nov. 14, 1968	Buzin v. Brown	U.S. District Court, Massachusetts.
Dec. 4, 1968	Gluck v. Fletcher, et al	Court of Chancery of Delaware (removed to U.S. District Court, State of Delaware).
January 1969	Ruskay v. Merriman	U.S. District Court, S.D.N.Y.
Do	Horenstein v. Waddell & Reed	Supreme Court, State of New York.
Do	Berr v. Pioneer Fund	U.S. District Court, S.D.N.Y.
Jan. 23, 1969	Ruskay v. Morgan, et al	Do.
Jan. 29, 1969	Buzin v. Brown	Do.
Jan. 30, 1969	Lessac v. Godfrey	Do.
February 1969	Lerman v. Morgan, et al	U.S. District Court, S.D.N.Y. (transferred to Eastern District of Pennsylvania March 1969).
Feb. 11, 1969	Dacey v. the Value Line Special Situations Fund.	U.S. District Court, S.D.N.Y.
Feb. 20, 1969	Brown v. Fletcher, et al	Do.
Mar. 1969	Fishbein v. Cole, et al	U.S. District Court, Eastern District of Pennsylvania.
Mar. 3, 1969	Sklar v. Cross, et al	U.S. District Court, S.D.N.Y.
Mar. 20, 1969	Brown v. Fletcher, et al	U.S. District Court, Delaware.
May 5, 1969	Levine v. Financial Programs, et al	U.S. District Court, S.D.N.Y.
Do	Gluck v. Fletcher, et al	U.S. District Court, S.D.N.Y. (transferred to Central District of California).
Do	Funnell v. Arkus-Duntov, et al	U.S. District Court, S.D.N.Y.
May 6, 1969	Lerman v. Jack Dreyfus, et al	Do.
May 27, 1969	Gluck et ano. v. Shareholders Capital Corporation, et al.	Do.
June 9, 1969	Weiner v. Winters, et al	Do.
Sept. 15, 1969	Herman v. Steadman Security Corporation, et al.	Do.
Sept. 25, 1969	Mintz, et al. v. Ehlers, et al	Do.

EXCERPT FROM PAGE 49 OF PROSPECTUS OF EQUITY FUNDING CORPORATION OF AMERICA (DECEMBER 9, 1970)

LITIGATION

In May and June 1969, the Company was served with two substantially identical Complaints in actions brought by Lavinia V. Funnell and Richard Weiner, Plaintiffs, in the United States District Court for the Southern District of New York against the Company, its subsidiaries, EFC Management, EFC Distributors, IPC Sponsors and RMF Corporation, and Yura Arkus-Duntov, Stanley Goldblum and Herbert Glaser, officers and directors of the Company, and certain other individuals and corporations, including, as derivative defendants only, Fund of America, Equity Growth Fund and Equity Progress Fund. Plaintiffs allege that the defendants have violated various provisions of the Securities Act of 1933, Securities Exchange Act of 1934 and Investment Company Act of 1940 in the management of each of the mutual funds named in the Complaints and in the sale of shares issued by such funds. Judgments are sought against the defendants on behalf, and for the benefit, of Fund of America, Equity Growth Fund and Equity Progress Fund, and the other mutual funds named in the Complaints, (a) returning to such funds certain fees, commissions, profits and other emoluments, (b) rescinding the management and distribution contracts between Fund of America, Equity Growth Fund and Equity Progress Fund, and subsidiaries of the Company, (c) restraining and enjoining defendants and their agents from continuing the alleged acts complained of, (d) declaring certain brokerage methods contrary to statutory requirements and (e) certain other relief. In the opinion of the Company's special counsel, Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, the actions brought by the Plaintiffs are without merit.

Mr. SPARKMAN. Mr. President, let me just say this, that Mr. Casey has been very cooperative with the committee in submitting all the documents, data, and other materials requested of him for use by the committee in considering his nomination. In fact, and I am sure much to his chagrin, after the hearings were closed and the committee had voted to recommend his nomination to the Senate, Mr. Casey found the information to which I have just referred, and since he did learn of it, after the report had been prepared, he brought it to our attention immediately.

Mr. President, let me say that Mr. Casey's nomination has been thoroughly considered. The committee has voted in favor of his confirmation. I hope that the Senate will take favorable action on this nomination.

Mr. BUCKLEY. Mr. President, I have studied all the information I could get about Mr. Casey, as to his qualifications for the high post to which he has been nominated.

I am very much impressed with his qualities, his energy, and his toughness. I believe that the charges brought against him are without substance and no flaws have been found in his character that would disqualify him for membership on the Securities and Exchange Commission.

I therefore very much endorse his selection, Mr. President, and urge the Senate to give him unanimous approval.

Mr. SCOTT subsequently said: Mr. President, I have known Mr. Casey for some years, and I would like to simply mention, aside from my own regard for his entire competence and ability, that he did submit his record to the public not very long ago by becoming a candidate for public office in his State of New York, for Congress, that matters which might have been brought up of a critical nature could have been arranged at that time, that nothing was raised which would reflect on his integrity or confidence at that time.

I do not believe that the allegations raised against him here in any degree rise to a disabling level. On the contrary, I think we are going to find in Mr. Casey a very tough and a very strict administrator, a man who knows the operations of the market and who can bring about something that is considerably desired, and that is a careful oversight and an insistence on reform where reforms are needed and a revision of procedures where that would appear to be in order, and finally the exercising of responsibility in a highly important office which will result in greater protection for the consumer and a greater assurance to the investor that the operation of the market will in no sense be loaded against the person who buys in good faith the securities which are offered to him.

Mr. JAVITS. Mr. President, it has generally become accepted that a really outstanding SEC chairman needs to have knowledge of the operations of the business community, to have had consider-

able experience in it and to have executive capacity and authority. I believe the nominee will bring these credentials to the job. I have known him for many years, and this is my personal appraisal. Also, there is the question of direction of the SEC staff which carries such heavy responsibilities, the administration of which is so critically important to the securities industry. I believe that Mr. Casey will turn out to be an administrator of great capacity and this we all agree is a prerequisite for an effective Chairman of the SEC.

The litigations in which Mr. Casey was a defendant and other matters related to the work of the SEC in which he was engaged have been the subject of much difference of opinions between Mr. Casey and his critics. Certainly Senator PROXMIRE's individual views are very strong. On the other hand, the Banking Committee majority after a review of all the cases in question has given Mr. Casey a finding that the cases did not adversely affect his ability to serve as a member of the Securities and Exchange Commission. Under these circumstances, I believe we must look to the nominee's ability to do the job for which he was selected by the President. It is because I feel that he can and will do this job that I am for his confirmation.

The securities industry is critically important to the success of our country and the well-being of our people. Its over 30 million individual security holders and its functioning as the capital market for the Nation makes it a very valuable ingredient in our society. Hence, there is a paramount national interest in a really effective Chairman of the SEC which must oversee that industry. From my knowledge of him acquired over the years, I believe Mr. Casey will meet this test.

The PRESIDING OFFICER (Mr. STEVENSON). The question is, Will the Senate advise and consent to the nomination of William J. Casey of New York to be a member of the Securities and Exchange Commission?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PAUL DOUGLAS' 79TH BIRTHDAY

Mr. PROXMIRE. Mr. President, Friday, March 26, is Paul H. Douglas' 79th birthday. As our friend and former colleague, I want to salute him on the occasion and wish him many, many more years of productive work and effort.

PROPHET BEFORE HIS TIME

Almost daily we are reminded of the events and issues which Paul took part in or initiated. Five years after his last term in the Senate we are still dealing with issues which he, along with a handful of others, first raised and developed. He was and is, indeed, a prophet before his time.

At a time, 7 and 8 years ago, when my amendment to knock out funds for the development of the SST was first offered, Paul Douglas was among the 17 and 22 Senators who voted to knock out the funds.

At a time when it received almost no publicity and little public support, Paul was holding hearings and issuing reports on military waste and excessive spending.

FATHER OF CIVIL RIGHTS

From his earliest days in the Senate, Paul forced the Senate to come to grips with the great civil rights issues of the day. Due in no small part to his work, and especially to his tenacity, the Congress first implemented the voting rights provisions of the 15th amendment in 1957 and, finally and belatedly, implemented the massive constitutional rights of the 14th amendment so long delayed to blacks and minority groups throughout the country.

Year after year he led the fight to change rule XXII, and to diminish the threat of the filibuster. Paul, during his Senate career, believed passionately in the right of free debate and free expression. But he also believed that, after a reasonable length of time, 3 weeks, 4 weeks, or more, a majority of the Senate should be able to decide an issue.

FULL EMPLOYMENT BUDGET CONCEPT

When the administration this year proposed what they called a full employment budget concept, we were all reminded again of Paul Douglas' pioneering work. Over 20 years ago, Paul proposed the same concept and urged its adoption by the Federal budget makers. While most of the reforms he proposed took approximately 7 years to be passed into law or to be acted upon by the Federal Government, this one took 20 years. And, as is so often the case, those who are the last to accept reform are the ones who have received the praise for embracing it.

There are other things which Paul initiated. He first introduced a truth-in-lending bill. In 1949 he proposed a 6-year public housing goal of 135,000 units a year or a total of 810,000 units as the minimum number needed to meet our most desperate housing needs. But 20 years later, when he chaired the National Commission on Urban Problems, the Commission reported that in 20 years the Nation had failed to build the number of public housing units it had proposed to build in 6 years.

FEDERAL RESERVE INDEPENDENCE

Paul Douglas' efforts included a fierce support for the independence of the Federal Reserve Board. He engineered the Federal Reserve-Treasury Accord which insured that the Board was independent of the executive branch. The wisdom of that move has never been more clear than this year when some leading members of the executive departments are pushing the Board to carry out a monetary policy which the overwhelming majority of first-rate economists in the country not only think is wrong but which they have denounced and poked fun at. The Federal Reserve is now able to hold out against some mythical faith in computer-designed formulas for monetary expansion, which have no or little validity in fact, because of the fight Paul Douglas put up 2 decades ago.

Other things come to mind as well. The fight to uphold the concept of one man, one vote; support for 18-year-old voting; early advocacy of catastrophic health insurance and sponsorship of medicare; opposition to the depletion allowance and other major tax loopholes; cosponsorship of the food-for-peace bill; early advocacy and actual drafting of social security, minimum wage, unemployment compensation, and union-management pension fund disclosure laws; the development and nursing through to enactment of the depressed area redevelopment legislation; and his one-man fight to save the Indiana Dunes; are all issues which Paul Douglas pushed and developed at a time when they were unpopular but which were finally enacted because they were right.

A LIBERAL NEED NOT BE A WASTREL

One aspect of this career deserves special mention. Paul is a great liberal. But he believes that a liberal need not be a wastrel. He fought pork barrel projects, unneeded subsidies, and inefficient projects while others of all political persuasion were promoting them. As the former president of the American Economic Association he opposed roads which led nowhere, dredging rivers where there was not traffic, building big dams which were unneeded, and subsidizing the growing of hay crops at altitudes of 5,000 to 6,000 feet in the Rocky Mountains which were uneconomic.

To him a boondoggle was a boondoggle, whether it was a public work project, a sugar subsidy, the SST, or waste in military procurement.

That attitude, which, during most of his 18 years in the Senate, he held in splendid isolation, has now become a major, if not a dominant, factor in deciding public issues. That, I say, is a major contribution which Paul Douglas made to public policy.

A BUSY LIFE

For all of these reasons, we salute him on his 79th birthday. Since he left the Senate he has published several books, lectured at the new school, chaired a Presidential Commission, and taken an active role in raising money for the reelection of his liberal colleagues.

He has also done one other thing. He has now finished his autobiography. It is now at the publishers and may come out in the near future.

I am told that it is an honest autobiography and tells it as it is. Because of that fact, its publication will be such a unique event that we all look forward to it very much indeed.

The Senate is a better place because Paul Douglas served here. The country is a better country because he is one of its leading citizens.

What we all wish for him are many more productive years.

Paul Douglas, we salute you on your birthday.

Mr. BENNETT. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Utah.

Mr. BENNETT. Mr. President, as a man who does not share former Senator Douglas' philosophical point of view, and as a man who opposed him in many of his enterprises during the years we served together on the Committee on Banking and Currency, I am very happy to join with my good friend from Wisconsin today in expressing the Senate's greetings to Paul on his 79th birthday, and join in the hope that Paul may yet have many happy years in which he can use his great intellectual capacities in fields which interest him.

Mr. PROXMIRE. Mr. President, I should like to say, in response to the distinguished Senator from Utah, that I know of the admiration and respect Paul Douglas had for WALLACE BENNETT'S integrity, diligence, and intelligence, although Paul did disagree vigorously, as the Senator from Utah has just said, with him on some issues.

ALCOHOLISM AND NARCOTICS

Mr. HUGHES. Mr. President, the Special Senate Subcommittee on Alcoholism and Narcotics, which I have the honor to chair, has been in existence now for about 2 years.

During that period of time, the subcommittee has held an unusually large number of hearings in major cities across the land and here in Washington.

Our mission has been to get at the drug problem, U.S.A., from the health standpoint.

We have studied the infestation of our society by an incredibly wide variety of drugs and narcotics. We have examined ongoing treatment, rehabilitation, and prevention programs that are having any degree of success in this country and abroad. We have looked into the facilities available for drug treatment and rehabilitation.

For almost a year, our subcommittee has been looking into the drug and alcohol abuse problems among military personnel in this country and abroad under authority granted us by the Senator from Mississippi (Mr. STENNIS) and the Armed Services Committee which he so ably chairs. Our staff has visited Southeast Asia, the Far East and Europe and military bases in this country where their investigations have received the cooperation of military authorities. In addition, the subcommitee held 4 days of hearings on drugs in the armed services last November and December.

In the work of the subcommittee, a truly bipartisan spirit has prevailed. Senators JAVITS, DOMINICK, SCHWEIKER, and the other Republican members have made invaluable contributions. Every member of the subcommittee and of the parent Labor and Public Welfare Committee have been motivated by a deep sense of the urgency of the problem with which we are dealing.

The work of the subcommittee has progressed quietly and, I believe, thoroughly. Our prime objective has been to get facts and results, not to sensationalize a subject that all too readily lends itself to sensational treatment.

Understandably, the work of the subcommittee has not attracted great public attention by comparison with the other headlined priorities here on Capitol Hill—the war, the supersonic transport, the unemployment crisis, the persistent inflation, and so on.

But in my travels to every region of the country in the past couple of years, I have found the drug epidemic is a universal concern and top priority among the people of America.

Anxiety-ridden parents, distraught drug abusers trying to find their way out of the poisonous jungle, poor people in congested urban areas in which almost every single family is infected with the drug disease, well-to-do suburbanites seeing the invasion of the schools by the drug menace—these and millions of other decent Americans see that the problem is bigger than they can handle individually, bigger than their communities or States can handle alone.

It is a national problem of epidemic proportions. For leadership and action to control the threatening, rapidly growing blight, the people are looking to the only entity in the country with the power, prestige and resources that measure up to the magnitude of the job.

And back of the anxieties that harass the people is the belief, the faith, that somehow this great Federal Establishment will supply the programs, the facilities, and, most important of all, the leadership, that will stay the rapidly growing drug menace before we have reached the point of no return.

We in Congress are clearly in a position of profound trust with the American people on this matter.

Therefore, as I see it, it is the responsibility of our subcommittee to report to the Congress and to the people our progress, or lack of progress, our success or our failure.

I believe the most cynical dereliction of duty of all would be to lead the people to believe we were on the way to saving the country from this deadly threat—when, in point of fact, we were only throwing a few teacups of water on the flames.

Last week, I called to the attention of the Senate the fact that the landmark Comprehensive Alcoholism Act of 1970, passed unanimously by both Houses of Congress and signed by the President, was not being implemented by the executive branch.

I pointed out that the National Institute on Alcohol Abuse and Alcoholism and the National Advisory Council, required by the law, have not been administratively established by the administration.

I pointed out that we had been informed that there is no intention on the part of the administration to request supplemental appropriations for 1971 or even an expanded budget for 1972 to implement this new law.

In these and other ways, a new law, representing the best in bipartisan cooperation between the executive and legislative branches, is being effectively derailed.

I said, last week: "In the vast bureaucracy of the Federal Government, there are bound to be miscarriages of high executive intent within the structure.

"I can only believe this is the case in the present instance."

However, the following day, we held hearings of the Subcommittee on Alcoholism and Narcotics at which representatives of the Department of Health, Education, and Welfare testified as to the Government's intentions regarding the implementation of the new alcoholism law.

I can only tell you that the information we received was completely disheartening.

There apparently is no intention of fully implementing the new law at this time.

Mr. President, since it appears that the same kind of short-circuiting is occurring with regard to some of the new drug laws and the prospects for needed new legislation in this session, I felt it was my responsibility to report to the Senate on this, as well.

Within the context of efforts to control drug abuse and drug dependence, I believe all of the experts would agree that a sound, vigorous program of preventive education is a top priority and a necessary first step.

On March 11, 1970, President Nixon stated:

> One of the great tragedies of the past decade has been that our schools, where our children should learn about the wonder of life, have often been the places where they learn the living—and sometimes actual—death of drug abuse. There is no priority higher in this Administration than to see that children—and the public—learn the facts about drugs in the right way and for the right purpose through education.

Yet, in fiscal 1970, the entire national drug education program was funded at a shockingly inadequate $7.0 million level—$3.5 million in the NIMH and $3.5 million in the Office of Education.

That kind of money was obviously not enough to curb an epidemic of the type we then had on our hands—and it became especially evident when one took a close look at the breakdown of the figures.

The administration for that year, for example, had allocated only $900,000 for community drug education training grants. We heard bizarre testimony by administration officials that this amount was adequate to serve the needs of the entire Nation. Later in the hearing, however, an administration spokesman admitted that the amount allotted would not, in fact, meet the needs of New York City alone.

That same fiscal year, the administration had $1,807,000 in its drug abuse information budget—as contrasted to $2,112,000 in its information budget for the effect of smoking on the public health.

I suggest a confusion of priorities. It was being proposed that we spend more on trying to convince Americans to stop smoking than to stay away from shooting drugs. I have no quarrel with the anti-smoking campaign. But to assign lesser

importance to dissuading people from using heroin and LSD simply does not make sense.

Based on its concern that inadequate focus and funding was being placed on preventive education programs, the Labor and Public Welfare Committee held hearings and reported out the Drug Abuse Education Act of 1970. That legislation authorized the Secretary of HEW to establish two new drug education grant programs: One program provided funds for the development and evaluation of curriculums, training, and education programs for institutions of higher education, State and local educational agencies, and other public and private education agencies, institutions and organizations; the other program provided funds for community-oriented drug education projects on drug abuse and drug dependence which were established by nonprofit agencies, organizations, and institutions —such programs as peer-group assistance programs, crisis intervention centers, and telephone hot lines.

The administration opposed the legislation on the grounds that it already had general legal authorities which would allow these programs and that the present programs they had established were adequate. The Congress disagreed, passed the legislation, and it became law on December 3, 1970.

Congress also provided authority for an additional drug education program, in the National Institute of Mental Health, title I of Public Law 91–513.

The Congress then supplied $7.5 million of supplemental funds for these newly created programs.

In his July 14, 1969, message to the Congress on drug abuse, President Nixon stated:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.
>
> A national awareness of the gravity of the situation is needed: a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

But what happens to our communities who are actively looking for assistance and leadership in drug prevention and rehabilitation areas? Local leaders, because of the lack of Federal funds, are being discouraged by Federal officials from bothering to apply for HEW's community assistance grants. Once they do apply, they have 6 months of redtape and review committees to survive, and they must deal with departmental rules, regulations, and procedures which are extremely complicated and more restrictive than the congressional authorizing legislation.

My office is deluged with requests from all over the country, seeking my assistance in developing community drug programs. I am certain that other offices are similarly inundated. Yet do you know how many completed applications HEW states it had for drug program community assistance grants in 1970? Forty-two. Now something is wrong.

A survey in March of 1970 revealed that in one period of a month, there were 1,776 community consultations with regional offices for this type of assistance. In addition, 300 community consultations were made directly with NIMH. This does not count the many thousands of requests for information which come to congressional offices. When, from all these thousands of inquiries, only 42 applications result, then, I repeat, something is drastically wrong.

Those community leaders who have the wit and experience to manage application roadblocks, find that there is little funding to be had. In fiscal 1970 the administration requested no funding for new community programs in HEW and opposed congressional insistence on mandatory funding of a new congressionally proposed drug rehabilitation legislation in the OEO Act extension. For fiscal 1971, the administration requested only enough additional funding in the HEW community assistance programs to fund seven new community programs, and it again opposed funding of the congressionally created OEO program. While the 1971 budget was under debate, however, the Congress broadened existing authorizations of the HEW community assistance program and, in addition, created new HEW authorizations for special community drug projects in title I of Public Law 91–513. The Congress then supplied $5 million of supplementals to get that new program underway.

Now for fiscal 1972, the administration is again requesting no funding for new community programs in HEW. Instead of using the newly created HEW special projects authority to develop new programs, it is using it to fund programs previously begun by OEO. And for OEO the administration is only asking for $2.3 million for nonspecialized community assistance grants—excluding a $4.6 million funding commitment already made for New York City—only $1.5 million for manpower related programs, and only $1.5 million for corrections systems programs—this for the entire Nation.

Congressional initiatives which would provide additional program resources and force administrative action in this area have been consistently opposed by the administration. In late 1969, the Labor and Public Welfare Committee added special emphasis programs for drug rehabilitation and alcoholic counseling and recovery to legislation extending the Office of Economic Opportunity Act. Because of administration opposition to these amendments, the Congress required mandatory funding of the programs—$10 million in 1970 and $15 million in 1971 for alcohol programs; and $5 million in 1970 and $15 million in 1971 for drug programs. The administration has continued to oppose these provisions and has continually recommended their repeal. To date, they have only spent the minimum amount required by the legislation.

In March of last year 12 cosponsors and I introduced the Comprehensive Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970. That act would have:

First, established within the Public Health Service of the Department of Health, Education, and Welfare, a Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which would have had a comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers. Those responsibilities were to have included administrative, planning, coordination, statistical, research, training, education, classification, and reporting functions;

Second, would have replaced present legislation governing treatment and rehabilitation services available to drug dependent persons charged with or convicted of violating Federal criminal laws with updated and stronger legislation, which, while continuing the same basic policy of treatment and rehabilitation, would have greatly expanded the number of persons eligible for such treatment and rehabilitation and would have made more definite the Federal Government's obligations to carry out that policy;

Third, would have required the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal employees, and members of the armed services. It would also have required the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees;

Fourth, would have required the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs affecting health matters, including vocational rehabilitation programs, the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security;

Fifth, would have authorized the Secretary of Health, Education, and Welfare to make grants to and enter into contracts with State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas. This would have included but would not have been limited to development of model curriculums, curricular materials, and curricular dissemination programs; training and education programs for medical schools, outreach workers, and other professional and nonprofessional persons; support of community planning and educational programs; organization of community personnel; support of services to juveniles and young adults; and services in correctional institutions;

Sixth, would have established an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created Administration and to assist it to carry out the purposes of this act; and would have established an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to assist the Secretary

of Health, Education, and Welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

These were the main provisions of this legislation designed to mount a comprehensive, coordinating effort to control the drug problem at the source—the addiction itself.

In the hearings on the legislation, however, the administration opposed the bill on the grounds that it already had scattered legal authorities which would allow these programs and because the present programs which they had established were adequate.

When the administration's drug enforcement legislation came before the Senate last year, relevant portions of this legislation were redrafted and introduced by the entire Labor and Public Welfare Committee as a bipartisan substitute amendment to the administration's enforcement bill. In spite of administration opposition, the amendment was adopted and passed the Senate. Some of the most important aspects of it were lost in conference, however. With administration support or constructive modification, it would be law today.

Now if all this is the "new urgency and concerted national policy" of which President Nixon speaks, I need a new dictionary—and so do those leaders in our communities who have hopes for action in this area. Our present administration's half-hearted and under-funded community assistance efforts—and proposed efforts—constitute a national tragedy.

Our citizens believe that a full-scale national commitment has been made and that a massive national effort is underway. It is not. As a Government official I am deeply embarrassed and shamed by that fact.

In his message to the Congress, the President also stated:

> In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug abuse.
>
> The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area.

Administration documents on "Narcotics and Drug Abuse Activities" for the National Institute of Mental Health indicate that the administration requested $15.4 million for fiscal 1971, and is requesting $16.4 million for fiscal 1972 for research. The fact of the matter is, however, that of the $15.4 million in 1971, only $5.6 million actually relates directly to drug abuse research. The larger share, $9.8 million, was used outside of NIMH for general drug research. Of the $16.4 million for 1972, only $6.4 million will relate directly to drug abuse research. These amounts obviously are but a drop in the bucket if we are serious about our efforts in this important area.

Mr. President, I have no doubt that the people of this Nation stand ready to support those steps which are essential to build a strong, national substance abuse prevention and treatment program—to invest in a health program such as this. But our high-level Government administrators are not as wise as the people they represent.

The administration has had 2 full years to beef up existing programs and make realistic funding commitments in this area. They have not done it.

They have had 2 full years to offer meaningful legislation in the area. They sat on their hands. I believe it is time they were called to account for this irresponsible unwillingness to act.

The American people, in this area as in others, do not want paper shuffling and glib brushoffs—they want facts, ideas, and encouragement. They do not want semantic games and lame answers from Federal employees who fear to speak other than the official White House and OMB lines—they want enthusiasm and creativity. They do not want to hear what cannot be done—they want to know what can be done.

In short, they want compassionate and courageous leadership, backed up by action.

Mr. President, why are these crucially needed programs being derailed, cut back, and underfunded?

Surely it cannot be on the grounds that fighting the drug plague would be inflationary.

Compared to proposed expenditures for such purposes as weapons systems and the SST, the full funding of all of these programs could not be construed to have thrown more than a tiny twig on the inflationary fires.

Surely it cannot be that the urgency is not recognized at the highest executive level.

Both the President and the Secretary of Health, Education, and Welfare have addressed themselves eloquently to the need.

Nonetheless, the job is not getting done.

If we are to keep faith with the American people, the logjam must be broken.

It is, therefore, my hope and my belief, Mr. President, that the Congress will recognize the implementation of our drug programs to be one of our most crucial responsibilities in the present session and will take appropriate action to this end.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 70) entitled "An Act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes," with an amendment in the nature of a substitute.

The message also announced that the House insists upon its amendment, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. STUBBLEFIELD, Mr. PURCELL, Mr. FOLEY, Mr. BELCHER, Mr. TEAGUE of California, and Mr. WAMPLER were appointed managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled joint resolution, and it was signed by the President pro tempore:

H.J. Res. 468. A joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

MESSAGES FROM THE PRESIDENT

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

GOVERNMENT REORGANIZATION—MESSAGE FROM THE PRESIDENT (DOC. NO. 92-75)

The ACTING PRESIDENT pro tempore laid before the Senate the following messages from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

When I suggested in my State of the Union Message that "most Americans today are simply fed up with government at all levels," there was some surprise that such a sweeping indictment of government would come from within the government itself. Yet it is precisely there, within the government itself, that frustration with government is often most deeply experienced.

A President and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law.

GOOD MEN AND BAD MECHANISMS

The problem with government is not, by and large, the people in government. It is a popular thing, to be sure, for the public to blame elected officials and for elected officials to blame appointed officials when government fails to perform. There are times when such criticism is clearly justified. But after a quarter century of observing government from a variety of vantage points, I have concluded that the people who work in government are more often the victims than the villains when government breaks down. Their spirit has usually been willing. It is the structure that has been weak.

Good people cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims. That is why so many public servants—of both political parties, of high rank and low, both the legislative and executive branches—are often disenchanted with government these days. That is also why so many voters feel that the results of elections make remarkably little difference in their lives.

Just as inadequate organization can frustrate good men and women, so it can dissipate good money. At the Federal level alone we have spent some $1.1 trillion on domestic programs over the last 25 years, but we have not realized a fair return on this investment. The more we spend, the more it seems we need to spend and while our tax bills are getting bigger our problems are getting worse.

No, the major cause of the ineffectiveness of government is not a matter of men or of money. It is principally a matter of machinery. It will do us little good to change personnel or to provide more resources unless we are willing to undertake a critical review of government's overall design.

Most people do not pay much attention to mechanical questions. What happens under the hood of their automobile, for example, is something they leave to the specialists at the garage. What they do care about, however, is how well the automobile performs. Similarly, most people are willing to leave the mechanical questions of government organization to those who have specialized in that subject—and to their elected leaders. But they do care very deeply about how well the government performs.

At this moment in our history, most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises. The great danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith.

We must fight that danger. We must restore the confidence of the people in the capacities of their government. In my view, that obligation now requires us to give more profound and more critical attention to the question of government organization than any single group of American leaders has done since the Constitutional Convention adjourned in Philadelphia in September of 1787. As we strive to bring about a new American Revolution, we must recognize that central truth which those who led the original American Revolution so clearly understood: often it is *how* the government is put together that determines how *well* the government can do its job.

This is not a partisan matter, for there is no Republican way and no Democratic way to reorganize the Government. This is not a matter for dogmatic dispute, for there is no single, ideal blueprint which will immediately bring good order to Federal affairs. Nor is this a matter to be dealt with once and then forgotten. For it is important that our political institutions remain constantly responsive to changing times and changing problems.

RENEWED INTEREST IN COMPREHENSIVE REFORM

The last 2 years have been a time of renewed interest in the question of how government is organized. The Congress has instituted a number of reforms in its own procedures and is considering others. Judicial reform—at all levels of government—has also become a matter of intense concern. The relationship between various levels of government has attracted increased attention—and so, of course, has the subject of executive reform.

This administration, with the counsel and the cooperation of the Congress, has taken a number of steps to reorganize the executive branch of the Federal Government. We have set up a new Domestic Council and a new Office of Management and Budget in the Executive Office of the President. We have created a new Environmental Protection Agency and a new United States Postal Service. We have worked to rationalize the internal structure of Federal departments and agencies.

All of these and other changes have been important, but none has been comprehensive. And now we face a fundamental choice. We can continue to tinker with the machinery and to make constructive changes here and there—each of them bringing some marginal improvement in the Government's capacities. Or we can step back, take a careful look, and then make a concerted and sustained effort to reorganize the executive branch according to a coherent, comprehensive view of what the Federal Government of this Nation *ought* to look like in the last third of the twentieth century.

The impulse for comprehensive reorganization has been felt before in recent decades. In fact, the recommendations I am making today stem from a long series of studies which have been made under several administrations over many years. From the report of the President's Committee on Administrative Management (the Brownlow Committee) in 1937, down through the findings of the Commission on Organization of the Executive Branch of the Government (the Hoover Commission) in 1949, the President's Task Force on Government Organization in 1964, and my own Advisory Council on Executive Organization during the last two years, the principles which I am advancing today have been endorsed by a great number of distinguished students of government and management from many backgrounds and from both political parties.

I hope the Congress will now join me in concluding, with these authorities, that we should travel the course of comprehensive reform. For only if we travel that course, and travel it successfully, will we be able to answer affirmatively in our time the fundamental question posed by Alexander Hamilton as the Constitution was being debated in 1788: "whether societies of men are really capable or not of establishing good government from reflection and choice. . . ."

THE FRAGMENTATION OF FEDERAL RESPONSIBILITY

As we reflect on organizational problems in the Federal Government today, one seems to stand out above all others: the fact that the capacity to *do* things—the power to achieve goals and to solve problems—is exceedingly fragmented and broadly scattered throughout the Federal establishment. In addressing almost any of the great challenges of our time, the Federal Government finds itself speaking through a wide variety of offices and bureaus, departments and agencies. Often these units trip over one another as they move to meet a common problem. Sometimes they step on one another's toes. Frequently, they behave like a series of fragmented fiefdoms—unable to focus Federal resources or energies in a way which produces any concentrated impact.

Consider these facts:

Nine different Federal departments and twenty independent agencies are now involved in education matters. Seven departments and eight independent agencies are involved in health. In many major cities, there are at least twenty or thirty separate manpower programs, funded by a variety of Federal offices. Three departments help develop our water resources and four agencies in two departments are involved in the management of public lands. Federal recreation areas are administered by six difference agencies in three departments of the government. Seven agencies provide assistance for water and sewer systems. Six departments of the government collect similar economic information—often from the same sources—and at least seven departments are concerned with international trade. While we cannot eliminate all of this diffusion, we can do a great deal to bring similar functions under common commands.

It is important that we move boldly to consolidate the major activities of the Government. The programmatic jumble has already reached the point where it is virtually impossible to obtain an accurate count of just how many Federal grant programs exist. Some estimates go as high as 1,500. Despite impressive attempts by individual legislators and by the Office of Economic Opportunity, there is still no agreement on a comprehensive list. Again and again I hear of local officials who are unable to determine how many Federal programs serve their areas or how much Federal money is coming into their communities. One reason is that the assistance comes from such a wide variety of Federal sources.

THE CONSEQUENCES OF SCATTERED RESPONSIBILITY

What are the consequences of this scattering of Federal responsibility? There are many.

In the first place, the diffusion of responsibility makes it extremely difficult to launch a coordinated attack on complex problems. It is as if the various units of an attacking army were operating under a variety of highly independent commands. When one part of the answer to a problem lies in one department and other parts lie in other departments, it is often impossible to bring the various parts together in a unified campaign to achieve a common goal.

Even our basic analysis of public needs often suffers from a piecemeal approach. Problems are defined so that they will fit within established jurisdictions and bureaucratic conventions. And the results of government action are typically measured by the degree of activity within each program rather than by the overall impact of related activities on the outside world.

The role of a given department in the policy making process can be fundamentally compromised by the way its

mission is defined. The narrower the mission, the more likely it is that the department will see itself as an advocate within the administration for a special point of view. When any department or agency begins to represent a parochial interest, then its advice and support inevitably become less useful to the man who must serve *all* of the people as their President.

Even when departments make a concerted effort to broaden their perspectives, they often find it impossible to develop a comprehensive strategy for meeting public needs. Not even the best planners can set intelligent spending priorities, for example, unless they have an opportunity to consider the full array of alternative expenditures. But if one part of the problem is studied in one department and another part of the problem is studied elsewhere, who decides which element is more important? If one office considers one set of solutions and a separate agency investigates another set of solutions, who can compare the results? Too often, no official below the very highest levels of the Government has access to enough information to make such comparisons wisely. The result is that the Government often fails to make a rational distribution of its resources among a number of program alternatives.

Divided responsibility can also mean that some problems slip between the cracks and disappear from the Government's view. Everybody's business becomes nobody's business and embarrassing gaps appear which no agency attempts to fill. At other times, various Federal authorities act as rivals, competing with one another for the same piece of "turf."

Sometimes one agency will actually duplicate the work of another; for instance, the same locality may receive two or more grants for the same project. On other occasions, Federal offices will actually find themselves working at cross purposes with one another; one agency will try to preserve a swamp, for example, while another is seeking to drain it. In an effort to minimize such problems, government officials must spend enormous amounts of time and energy negotiating with one another that should be directed toward meeting people's needs. And even when they are able to work out their differences, officials often reach compromise solutions which merely represent the lowest common denominator of their original positions. Bold and original ideas are thus sacrificed in the quest for intragovernmental harmony.

Scattered responsibility also contributes to the overcentralization of public decision making. Because competing offices are often in different chains of command, it is frequently impossible for them to resolve their differences except by referring them to higher authorities, a process which can mean interminable delays. In an attempt to provide a means for resolving such differences and for providing needed coordination, an entire new layer of bureaucracy has emerged at the *interagency* level. Last year, the Office of Management and Budget counted some 850 interagency committees. Even so, there are still many occasions when only the White House itself can resolve such interjurisdictional disputes. Too many questions thus surface at the Presidential level that should be resolved at levels of Government closer to the scene of the action.

Inefficient organization at the Federal level also undermines the effectiveness of State and local governments. Mayors and Governors waste countless hours and dollars touching base with a variety of Federal offices—each with its own separate procedures and its own separate policies. Some local officials are so perplexed by the vast array of Federal programs in a given problem area that they miss out on the very ones that would be most helpful to them. Many State and local governments find they must hire expensive specialists to guide them through the jungles of the Federal bureaucracy.

If it is confusing for lower levels of government to deal with this maze of Federal offices, that challenge can be even more bewildering for individual citizens. Whether it is a doctor seeking aid for a new health center, a businessman trying to get advice about selling in foreign markets, or a welfare recipient going from one office to another in order to take full advantage of Federal services, the people whom the Government is supposed to be serving are often forced to weave their way through a perplexing obstacle course as a condition of receiving help.

THE HOBBLING OF ELECTED LEADERSHIP

Perhaps the most significant consequence of scattered responsibility in the executive branch is the hobbling effect it has on elected leadership—and, therefore, on the basic principles of democratic government. In our political system, when the people identify a problem they elect to public office men and women who promise to solve that problem. If these leaders succeed, they can be reelected; if they fail, they can be replaced. Elections are the people's tool for keeping government responsive to their needs.

This entire system rests on the assumption, however, that elected leaders can make the government respond to the people's mandate. Too often, this assumption is wrong. When lines of responsibility are as tangled and as ambiguous as they are in many policy areas, it is extremely difficult for either the Congress or the President to see that their intentions are carried out.

If the President or the Congress wants to launch a program or change a program or even find out how a program is working, it often becomes necessary to consult with a half dozen or more authorities, each of whom can blame the others when something goes wrong. It is often impossible to delegate to any one official the full responsibility for carrying out a specific mandate, since the machinery for doing that job is divided among various agencies. As a result, there is frequently no single official—even at the Cabinet level—whom the President or the Congress can hold accountable for Government's success or failure in meeting a given need.

No wonder bureaucracy has sometimes been described as "the rule of no one." No wonder the public complains about programs which simply seem to drift. When elected officials cannot hold appointees accountable for the performance of government, then the voters' influence on government's behavior is also weakened.

HOW DID THINGS GET THIS WAY?

The American people clearly pay a very high price for the incapacities of governmental structures—one that is measured in disappointment, frustration and wasted tax dollars. But how did things get this way?

What happened, essentially, was that the organization of Government—like the grant-in-aid programs which I have discussed in my special messages to the Congress concerning revenue sharing—grew up in a haphazard, piecemeal fashion over the years. Whenever Government took on an important new assignment or identified an important new constituency, the chances were pretty good that a new organizational entity would be established to deal with it. Unfortunately, as each new office was set up, little or no attention was given to the question of how it would fit in with the old ones. Thus office was piled upon office in response to developing needs; when new needs arose and still newer units were created, the older structures simply remained in place.

Of the twelve executive departments now in existence, only five can trace their origins to the beginnings of our country. The Departments of State and Treasury were set up in 1789; so was the War Department—the predecessor of the Department of Defense. The positions of Attorney General and Postmaster General were also established in 1789, though it was not until later that the departments they head were set up in their present form. One of these five units, the Post Office Department, will soon become an independent corporation. But, under my proposals, the other four "original" departments would remain intact. It is the seven newer departments of the Government which would be affected by the changes I recommend.

These seven departments were set up to meet the changing needs of a growing nation, needs which have continued to change over the years. The Department of the Interior, for example, was established in 1849 to deal with newly opened western lands and especially with the Indians who inhabited them. The Department of Agriculture was also added in the nineteenth century, at a time when the overwhelming majority of our people were directly affected by the tremendous expansion of agricultural enterprise. In the early years of the twentieth century, in a time of rapid and unsettling industrial growth, the Department of Commerce and Labor was set up. The Labor Department was split off from it in 1913, in response to feelings that labor was suffering from an imbalance of power and needed additional influence. The three newest departments of the Government—Health, Education, and Welfare, Housing and Urban Development, and Transportation—were all created after World War II. Each represented a first

step toward bringing together some of the new Federal offices and agencies which had proliferated so rapidly in recent decades.

ORGANIZING AROUND GOALS

As we look at the present organization of the Federal Government, we find that many of the existing units deal with methods and subjects rather than with purposes and goals. If we have a question about labor we go to the Labor Department and if we have a business problem we go to the Commerce Department. If we are interested in housing we go to one department and if we are interested in highways we go to another.

The problem is that as our society has become more complex, we often find ourselves using a *variety* of *means* to achieve a *single* set of *goals*. We are interested, for example, in economic development—which requires new markets, more productive workers and better transportation systems. But which department do we go to for that? And what if we want to build a new city, with sufficient public facilities, adequate housing, and decent recreation areas—which department do we petition then?

We sometimes seem to have forgotten that government is not in business to deal with subjects on a chart but to achieve real objectives for real human beings. These objectives will never be fully achieved unless we change our old ways of thinking. It is not enough merely to reshuffle departments for the sake of reshuffling them. We must rebuild the executive branch according to a new understanding of how government can best be organized to perform effectively.

The key to that new understanding is the concept that the executive branch of the government should be organized around basic goals. Instead of grouping activities by narrow subjects or by limited constituencies, we should organize them around the great purposes of government in modern society. For only when a department is set up to achieve a given set of purposes, can we effectively hold that department accountable for achieving them. Only when the responsibility for realizing basic objectives is clearly focused in a specific governmental unit, can we reasonably hope that those objectives will be realized.

When government is organized by goals, then we can fairly expect that it will pay more attention to results and less attention to procedures. Then the success of government will at last be clearly linked to the things that happen in society rather than the things that happen in government.

Under the proposals which I am submitting, those in the Federal Government who deal with common or closely related problems would work together in the same organizational framework. Each department would be given a mission broad enough so that it could set comprehensive policy directions and resolve internally the policy conflicts which are most likely to arise. The responsibilities of each department would be defined in a way that minimizes parochialism and enables the President and the Congress to hold specific officials responsible for the achievement of specific goals.

These same organizational principles would also be applied to the *internal* organization of each department. Similar functions would be grouped together within each new entity, making it still easier to delegate authority to lower levels and further enhancing the accountability of subordinate officials. In addition, the proposals I submit today include a number of improvements in the management of Federal programs, so that we can take full advantage of the opportunities afforded us by organizational restructuring.

The administration is today transmitting to the Congress four bills which, if enacted, would replace seven of the present executive departments and several other agencies with four new departments: the Department of Natural Resources, the Department of Community Development, the Department of Human Resources and the Department of Economic Affairs. A special report and summary—which explain my recommendations in greater detail—have also been prepared for each of the proposed new departments.

THE DEPARTMENT OF NATURAL RESOURCES

One of the most notable developments in public consciousness in recent years has been a growing concern for protecting the environment and a growing awareness of its highly interdependent nature. The science of ecology—the study of the interrelationships between living organisms and their environments—has experienced a sudden rise in popularity. All of us have become far more sensitive to the way in which each element of our natural habitat affects all other elements.

Unfortunately, this understanding is not yet reflected in the way our Government is organized. Various parts of the *interdependent* environment are still under the purview of highly *independent* Federal offices. As a result, Federal land policies, water programs, mineral policies, forestry practices, recreation activities and energy programs cannot be easily coordinated, even though the manner in which each is carried out has a great influence on all the others.

Again and again we encounter intragovernmental conflicts in the environmental area. One department's watershed project, for instance, threatens to slow the flow of water to another department's reclamation project downstream. One agency wants to develop an electric power project on a certain river while other agencies are working to keep the same area wild. Different departments follow different policies for timber production and conservation, for grazing, for fire prevention and for recreational activities on the Federal lands they control, though the lands are often contiguous.

We cannot afford to continue in this manner. The challenges in the natural resource field have become too pressing. Some forecasts say that we will double our usage of energy in the next 10 years, of water in the next 18 years, and of metals in the next 22 years. In fact, it is predicted that the United States will use more energy and more critical resources in the remaining years of this century than in all of our history up until now. Government must perform at its very best if it is to help the Nation meet these challenges.

I propose that a new Department of Natural Resources be created that would bring together the many natural resource responsibilities now scattered throughout the Federal Government. This Department would work to conserve, manage and utilize our resources in a way that would protect the quality of the environment and achieve a true harmony between man and nature. The major activities of the new Department would be organized under its five subdivisions: Land and Recreation Resources, Water Resources, Energy and Minerals Resources, Oceanic, Atmospheric and Earth Sciences, and Indian and Territorial Affairs.

The new Department of Natural Resources would absorb the present Department of the Interior. Other major programs which would be joined to it would include: The Forest Service and the soil and water conservation programs from the Department of Agriculture, planning and funding for the civil functions of the Army Corps of Engineers and for the civilian power functions of the Atomic Energy Commission, the interagency Water Resources Council, the oil and gas pipeline safety functions of the Department of Transportation, and the National Oceanic and Atmospheric Administration from the Department of Commerce. Because of their historical association with the Department of the Interior, the programs of the Bureau of Indian Affairs would be administered by the new Department until such time as an acceptable alternative arrangement could be worked out with Indian leaders and other concerned parties.

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A restless and highly mobile people, Americans are constantly creating new communities and renewing old ones throughout our land. In an era of rapid change, this process—which once took generations—can now be repeated in just a few years.

At the same time, the process of community development is becoming even more complex, particularly as the problems of urban and rural communities begin to merge. The elements of community life are many and the mark of a cohesive community is the harmonious way in which they interrelate. That is why we hear so much these days about the importance of community planning. And that is why it is essential that Federal aid for community development be designed to meet a wide range of related needs in a highly coordinated manner.

Often this does not happen under the present system. The reason is that the basic community development programs of the Federal Government are presently divided among at least eight seperate authorities—including four executive departments and four independent agencies.

A community that seeks development assistance thus finds that it has to search out aid from a variety of Federal agencies. Each agency has its own forms and regulations and timetables—and its own brand of redtape. Each has its own field organizations, often with independent and overlapping boundaries for regions

and districts. Sometimes a local community must consult with Federal offices in three or four different States.

The result is that local leaders often find it virtually impossible to relate Federal assistance programs to their own local development strategies. The mayor of one small town has observed that by the time he finishes dealing with eight Federal planning agencies, he has little time to do anything else.

Occasionally, it must be admitted, a community can reap unexpected benefits from this diffusion of Federal responsibility. The story is told of one small city that applied to six different agencies for help in building a sewage treatment plant and received affirmative responses from all six. If all the grants had been completed, the community would have cleared a handsome profit—but at the Federal taxpayer's expense.

To help correct such problems, I propose that the major community development functions of the Federal Government be pulled together into a new Department of Community Development. It would be the overriding purpose of this Department to help build a wholesome and safe community environment for every American. This process would require a comprehensive series of programs which are equal to the demands of growing population and which provide for balanced growth in urban and rural areas. The new Department would operate through three major administrations: a Housing Administration, a Community Transportation Administration and an Urban and Rural Development Administration. A fourth unit, the Federal Insurance Administration, would be set up administratively by the Secretary.

The new Department of Community Development would absorb the present Department of Housing and Urban Development. Other components would include certain elements of the Economic Development Administration and the Regional Commission programs from the Department of Commerce, the independent Appalachian Regional Commission, various Department of Agriculture programs including water and waste disposal grants and loans, the Rural Electrification Administration, and rural housing programs. The Community Action and Special Impact Programs of the Office of Economic Opportunity would be included, as would the Public Library construction grant program from the Department of Health, Education, and Welfare and certain disaster assistance functions now handled by the Office of Emergency Preparedness and the Small Business Administration. Most Federal highway programs and the Urban Mass Transportation Administration would be transferred from the present Department of Transportation.

I would note that while the Department of Transportation is a relatively new entity, it, too, is now organized around methods and not around purposes. A large part of the Department of Transportation would be moved into the new Department of Economic Affairs—but those functions which particularly support community development would be placed in the Department which is designed to meet that goal.

THE DEPARTMENT OF HUMAN RESOURCES

The price of obsolete organization is evidenced with special force in those Government programs which are directly designed to serve individuals and families. In part this is because there has been so much new legislation in the human resource field in recent decades; the old machinery is simply overstrained by its new challenges. But whatever the reasons, human resource programs comprise one area in which the Government is singularly ill-equipped to deliver adequate results.

I have already commented on the broad dispersion of Federal health and education activities. Similar examples abound. Income support programs, including those which administer food stamps, welfare payments, retirement benefits and other forms of assistance, are scattered among three departments and a number of other agencies. The Department of Agriculture, the Department of Health, Education, and Welfare, and the Office of Ecomonc Opportunity all handle food and nutrition matters. Child care programs, migrant programs, manpower programs, and consumer programs often suffer from similarly divided attention.

In one city, two vocational training centers were built three blocks apart at about the same time and for the same purpose, with money from two different Federal agencies. And for every case of overattention, there are many more of neglect. Consider the plight of a poor person who must go to one office for welfare assistance, to another for food stamps, to another for financial counseling, to still another for legal aid, to a fifth office for employment assistance, to a sixth place for job training, and to a number of additional offices for various kinds of medical help. The social worker who might guide him through this maze often works in still another location.

Such situations are clearly intolerable, yet the Federal Government—which ought to be working to reform these confused systems—actually is responsible for much of the confusion in the first place.

I believe that we can take a major step toward remedying such problems by establishing a new Department of Human Resources which would unify major Federal efforts to assist the development of individual potential and family well-being. This Department would be subdivided, in turn, into three major administrations: Health, Human Development, and Income Security.

This new Department would incorporate most of the present Department of Health, Education, and Welfare with the following significant additions: a number of food protection, food distribution and nutrition programs from the Department of Agriculture, the College Housing program from the Department of Housing and Urban Development, the independent Railroad Retirement Board, various programs from the Office of Economic Opportunity (including nutrition, health, family planning, alcoholism, and drug rehabilitation efforts), and the Manpower Administration, the Women's Bureau, the Unemployment Insurance Program and a number of other employment service and training activities from the Department of Labor.

THE DEPARTMENT OF ECONOMIC AFFAIRS

One of the first things most students learn about economics is that the material progress of our civilization has resulted in large measure from a growing division of labor. While a single family or a single community once provided most of its own goods and services, it now specializes in providing only a few, depending increasingly on a far-flung, intricate network of other people and other organizations for its full economic well-being.

The only way the Federal Government can deal effectively with such a highly interdependent economy is by treating a wide range of economic considerations in a comprehensive and coordinated manner. And—as our Gross National Product moves beyond the trillion dollar level and as our productive system, which now accounts for approximately 40 percent of the world's wealth, encounters new challenges from other nations—it is becoming even more important that Federal economic policies be carried out as effectively as possible.

But again, the organization of the Government works against the systematic consideration of economic complexities. The step by step evolution of our Federal machinery has created a series of separate entities—each handling a separate part of the economic puzzle. Some of these entities are relatively autonomous units within departments. Others are independent agencies. But perhaps the most dramatic evidence of our fragmented approach to the economy is the existence of four major executive departments which handle highly interdependent economic matters: Commerce, Labor, Agriculture, and Transportation.

This situation can seriously impair governmental efforts to respond effectively to economic challenges. One department, for example, may be concerned with the raw materials a given industry receives from the farms, while a second department is concerned with getting these materials to the factory and getting the product to its market. Meanwhile, a third department is concerned with the workers who harvest the crops, run the transportation systems and manufacture the product, while a fourth department is concerned with the businessmen who own the plant where the product is made and the stores where it is merchandised.

Such a division of responsibility can also create a great deal of overlap. The Agriculture Department, for instance, finds that its interest in agricultural labor is shared by the Labor Department, its regard for agricultural enterprise is shared by the Small Business Administration, and its concern for providing sufficient transportation for farm products is shared by the Department of Transportation. The Commerce, Labor and Agriculture Departments duplicate one another in collecting economic statistics, yet they use computers and statistical techniques which are often incompatible.

It has sometimes been argued that certain interest groups need a department to act as their special representative within the Government. In my view, such an arrangement serves the best interests of neither the special group nor the general public. Little is gained and much can be lost, for example, by treating our farmers or our workers or other groups as if they are independent participants in our economic life. Their problems cannot be adequately treated in isolation; their well-being is intimately related to the way our entire economy functions.

I would not suggest these reforms if I thought they would in any way result in the neglect of farmers, workers, minorities or any other significant groups within our country. To the contrary, I propose these reforms because I am convinced they will enable us to serve these groups much better. Under my proposals, the new Department of Economic Affairs would be in a much stronger position really to *do* something about the wide-ranging factors which influence farm income than is the present Department of Agriculture, for example. It could do more to meet the complex needs of workingmen and women than can the present Department of Labor. It would be able to pull together a wider range of resources to help minority businessmen than can the present Department of Commerce.

Federal organization in the economic area has been the target of frequent criticism over the years. During the previous administration alone, two special studies of executive organization recommended that it be substantially altered. I have received a similar recommendation from my Advisory Council on Executive Organization.

I am therefore recommending to the Congress that a new Department of Economic Affairs be established to promote economic growth, to foster economic justice, and to encourage more efficient and more productive relationships among the various elements of our economy and between the United States economy and those of other nations. As this single new Department joined the Treasury Department, the Council of Economic Advisers and the Federal Reserve Board in shaping economic policy, it would speak with a stronger voice and would offer a more effective, more highly integrated viewpoint than four different departments can possibly do at present. The activities of the new Department would be grouped under the following six administrations: Business Development, Farms and Agriculture, Labor Relations and Standards, National Transportation, Social, Economic, and Technical Information and International Economics.

The new Department of Economic Affairs would include many of the offices that are now within the Departments of Commerce, Labor and Agriculture. A large part of the Department of Transportation would also be relocated here, including the United States Coast Guard, the Federal Railroad Administration, the St. Lawrence Seaway Development Corporation, the National Transportation Safety Board, the Transportation Systems Center, the Federal Aviation Administration, the Motor Carrier Safety Bureau and most of the National Highway Traffic Safety Administration. The Small Business Administration, the Science Information Exchange program from the Smithsonian Institution, the National Institute for Occupational Health and Safety from the Department of Health, Education, and Welfare and the Office of Technology Utilization from the National Aeronautics and Space Administration would also be included in the new Department.

OTHER ORGANIZATIONAL REFORMS

Regrouping functions *among* departments can do a great deal to enhance the effectiveness of government. It should be emphasized, however, that regrouping functions *within* departments is also a critical part of my program for executive reform. Just as like tasks are grouped together within a given department, so similar operations should be rationally assembled within subordinate units. Such a realignment of functions, in and of itself, would make it much easier for appointed officials to manage their agencies and for both the President and the Congress to see that their intentions are carried out.

Toward this same end, I am recommending to the Congress a number of additional steps for bringing greater managerial discipline into Government. In the first place, I am proposing that the Department Secretary and his office be considerably strengthened so that the man whom the President appoints to run a department has both the authority and the tools to run it effectively. The Secretary would be given important managerial discretion that he does not always enjoy today, including the ability to appoint many key department officials, to delegate authority to them and to withdraw or change such delegations of authority, and to marshal and deploy the resources at his command so that he can readily focus the talent available to him at the point of greatest need.

Each of the new Secretaries would be provided with a Deputy Secretary and two Under Secretaries to help him meet his responsibilities. In addition, each major program area within a department would be headed by a high-level administrator who would be responsible for effectively managing a particular group of related activities. These officials would be appointed by the President and their appointments would be subject to Senate confirmation.

It is my philosophy that we should give clear assignments to able leaders—and then be sure that they are equipped to carry them out. As a part of this same effort, we should do all we can to give the best new management tools to those who run the new departments. There is no better time to introduce needed procedural changes *within* departments than a time of structural change *among* departments. We can reap great benefits if we take advantage of this opportunity by implementing the most advanced techniques and equipment for such tasks as planning and evaluation, data collection, systematic budgeting, and personnel administration.

Finally, I would again stress in this message—as I have in my discussions of revenue sharing—the importance of decentralizing government activities as much as possible. As I have already observed, the consolidation of domestic departments would do a great deal to facilitate decentralization, since it would produce fewer interagency disputes that require resolution at higher levels. It is also true, as many management experts have pointed out, that as the reliability and scope of information expand at higher levels of government, officials can delegate authority to lower levels with greater confidence that it will be used well.

In addition to the consolidation of functions, I am also proposing a reform of the field structures of the Federal Government that would also promote decentralization. Each Department, for example, would appoint a series of Regional Directors who would represent the Secretary with respect to all Department activities in the field. Planning, coordination and the resolution of conflicts could thus be more readily achieved without Washington's involvement, since there would be a "Secretarial presence" at the regional level. Further coordination at lower levels of government would be provided by strengthening the ten Regional Councils which include as members the Regional Directors of various departments in a given area of the country.

In the first months of my administration I moved to establish common regional boundaries and regional headquarters for certain domestic departments. I observed at that time that the Federal Government has never given adequate attention to the way in which its departments are organized to carry out their missions in the field. It is now time that we remedied this pattern of neglect. Even the best organized and best managed departments in Washington cannot serve the people adequately if they have to work through inadequate field structures.

Industry and government both have found that even the largest organizations can be run effectively when they are organized according to rational principles and managed according to sound techniques. There is nothing mystical about these principles or these techniques; they can be used to make the Federal Government far more effective in a great many areas.

As we consolidate and rationalize Federal functions, as we streamline and modernize our institutional architecture, as we introduce new managerial techniques and decentralize Government activities, we will give Government the capacity to operate far more efficiently than it does today. It will be able to do more work with fewer mechanisms and fewer dollars. It will be able to use its work force more productively. This could mean significant savings for our taxpayers. I would emphasize, however, that any reductions in the Federal work force attributable to this proposal would come by normal turnover; no civil servant should lose his job as a result of this plan.

It is important that these reforms be seen by our civil servants not as a threat to their security but as an opportunity

for greater achievement. We have worked hard to bring able people into Government employment. Executive reorganization can help the Nation make even better use of their talent and their dedication and it can also make it easier for us to attract more men and women of great vision and competence into public service at the Federal level.

FOCUSING POWER WHERE IT CAN BE USED BEST

These proposals for reorganizing the Federal Government are a natural complement to my proposals for revenue sharing; there is a sense in which these two initiatives represent two sides of the same coin. Both programs can help us decentralize government, so that more decisions can be made at levels closer to the people, More than that, both programs are concerned with restoring the general capacity of government to meet its responsibilities.

On the one hand, through revenue sharing, we would give back to the States and localities those functions which belong at the State and local level. To help them perform those functions more effectively, we would give them more money to spend and more freedom in spending it. At the same time, however, we must also do all we can to help the Federal Government handle as effectively as possible those functions which belong at the Federal level. Executive reorganization can help us achieve this end by bringing together related activities which are now fragmented and scattered.

A healthy Federal system is one in which we neither disperse power for the sake of dispersing it nor concentrate power for the sake of concentrating it. Instead, a sound Federal system requires us to *focus* power at that place where it can be used to the greatest public advantage. This means that each level of government must be assigned those tasks which it can do best and must be given the means for carrying out those assignments.

THE CENTRAL QUESTION

Ever since the first settlers stepped upon our shores more than three centuries ago, a central question of the American experience has been: How do we best organize our government to meet the needs of the people? That was the central question as the colonists set up new governments in a new world. It was the central question when they broke from their mother country and made a new nation. It was the central question as they wrote a new Constitution in 1787 and, at each critical turning point since that time, it has remained a dominant issue in our national experience.

In the last forty years, as the Federal Government has grown in scope and complexity, the question of how it should be organized has been asked with even greater intensity and relevance. During this time, we have moved to formulate responsive answers to this question in an increasingly systematic manner. Searching studies of Government management and organization have been made under virtually every national administration since the 1930's and many needed reforms have resulted.

What is now required, however, is a truly comprehensive restructuring of executive organizations, one that is commensurate with the growth of the Nation and the expansion of the government. In the last twenty years alone our population has increased by one-third and the Federal budget has quintupled. In the last two decades, the number of Federal civilian employees has risen by almost 30 percent and the domestic programs they administer have multiplied tenfold. Three executive departments and fourteen independent agencies have been tacked on to the Federal organization chart during that brief span.

Yet it still is the same basic organization chart that has set the framework of governmental action for decades. While there have been piecemeal changes, there has been no fundamental overhaul. Any business that grew and changed so much and yet was so patient with old organizational forms would soon go bankrupt. The same truth holds in the public realm. Public officials cannot be patient with outmoded forms when the people have grown so impatient with government.

Thomas Jefferson once put it this way: "I am certainly not an advocate for frequent and untried changes in laws and constitutions," he wrote, "but . . . laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

"Institutions must advance." Jefferson and his associates saw that point clearly in the late 18th century, and the fruit of their vision was a new nation. It is now for us—if our vision matches theirs—to renew the Government they created and thus give new life to our common dreams.

RICHARD NIXON.

THE WHITE HOUSE, *March 25, 1971*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

ADDITIONAL STATEMENTS

THE AMERICAN SST

Mr. DOLE. Mr. President, action by the Senate yesterday and by the House last week indicates to me that this country is in danger of losing its perspective on technology—and, if such is the case, we are surely courting economic stagnation and disaster. If in the past we have been overly zealous in applying America's technological genius without sufficient regard for the environment, there is no reason to suddenly become unduly and excessively cautious in our concern for our air, water, and other precious natural resources and completely reject the values of technology.

If the SST has become the first casualty of an undiscriminating environmental myopia, then the Nation will have been done a great and costly disservice. The SST prototype development program was the most prominent example of responsibly applied technology to date. It was pursued with utmost concern for the preservation and restoration of the environment, but the detractors of the SST slandered it with tales of terror and prophesies of horror.

The United States had a chance to prove that this country is equal to the challenge of building a new product that would be profitable to the Nation, but not deadly to the environment. However, the Senate did not reverse the action of the House, and the opportunity was lost.

The opponents of the SST were willing to take no chance that they are wrong. They wanted the SST dead and buried now, before honest environmental research and unbiased scientific examination could put their claims to the test. The long-cherished principle of "innocent until proven guilty" was not honored in the trial of the SST, and the Senate failed to insist that the accused be granted a fair opportunity to stand or fall on its own merits.

Opponents of the SST lobbied sensationally and emotionally, while in the same breath they branded those who supported the SST as lobbyists, self-serving special interests, and propagandists. They accused the administration of deceit, of a lack of concern, and of attempting to stampede the public into a decision based on fears, not facts. But they raised alarms based on unproved speculation, 11th-hour scare stories, charges of gagging, and evidence suppression.

Mr. President, it is unfortunate that opponents of this program resorted to such tactics to crucify a program of such great potential value to our Nation. Though this attack was regrettable, its style was not new, for over the years other scare stories preceded proposed advances in transportation. Before Chuck Yeager flew the X–1 through the sound barrier there were "experts" who predicted his body would disintegrate when he went supersonic. Others said his bone marrow would be affected and he would become a vegetable. To go back further, some people resisted the train because they said passengers would not be able to breathe traveling at the breakneck speed of 30 miles an hour, but in each of those cases the alarmists were overcome, and the interests of progress and national achievement were served.

Mr. President, I do not suggest that the SST's proponents did not also endeavor to influence public opinion. But it is surely clear that they were playing "catch up ball" against this concerted barrage of emotionalism and distortion. I believe the Department of Transportation made a conscientious effort to respond to the allegations that the SST would abuse the environment or be an economic dud. Also in all fairness, both of these matters were open issues. There were no unequivocal answers. There were assumptions on both sides.

Over the course of this controversy, I examined the SST issues in detail and

attempted to keep an open mind on the questions involved. Last October, I distributed to Senators a six-page letter, outlining my findings. I did not then, and I do not now, find any justification for the public or the press to presume arbitrarily that the assumptions of the opponents were right and the assumptions of the proponents wrong. I fully agreed with the administration's consistent position that concerns over noise and possible environmental effects are proper and should be given thorough examination and consideration. I also placed full reliance upon the administration's pledge that the program would never get beyond the prototype and flight test stages if compliance with strict environmental standards were not demonstrated. In any event, we in Congress have the ultimate power to have made sure that such a pledge was kept.

I am, therefore, appalled by the willingness of Congress to overthrow a billion dollar investment—and consign 10 years of the most advanced aeronautical research and development ever performed to the junk heap.

I am dismayed that within a matter of days, a 13,000-man work force will be dismantled, adding to the already critical unemployment situation in America's second largest industry.

I am discouraged that in the face of increasing competition from abroad for American business we should signify a disdain for U.S. aviation leadership and for the one export which in many years has been responsible for keeping our foreign trade balance in the black.

I am distressed that America's option to compete for business in the supersonic air age should be abruptly canceled when the goal of a long-term Government commitment—prototype construction and flight test—was within sight.

I am disturbed that those so eager to shoot down the U.S. SST put so little stock in the ability of other nations to succeed with their own supersonic transports. I find presumptuous and preposterous the notion that the United States can somehow or other dictate what airplanes will or will not be used in international commerce.

The issues surrounding the SST were admittedly, complex, and the objective communication of all the facts relating to this decision was difficult to achieve. It is significant that the Appropriations Committees and subcommittees of the House and Senate, which heard testimony on the SST over the years, in every case voted to continue the program. Those who heard, first-hand, the witnesses for and against the SST opted without exception to proceed with prototype development. The Senate Appropriations Committee this very year, within the last week, voted by a ratio of 2 to 1 to continue funding through fiscal year 1971.

We invested in good faith in a supersonic transport to sustain America's aviation leadership. We had faith that the SST could be everything we wanted it to be and none of the things those who fear it said it would be. The SST this country designed and nurtured almost to prototype completion deserved a chance to prove itself. This termination of the SST is all the more confounding when one considers the comparatively modest cost of going forward in relation to the high cost of wiping out a billion dollar investment and closing the door on the possibilities of billions in assets for the United States in the years ahead. With a successful SST we had the opportunity to achieve supersonic leadership as superior as the leadership we enjoy today in the design, production, and sale of subsonic commercial aircraft.

It was within our power to give the SST a new lease on life. By failing to do so we entered a black mark in the history of American technological achievement. I only hope that this event does not mark the beginning of the end for America as the economic and technological leader of the free world. It would be tragic for the high-flying American eagle to become an ostrich with its head buried in the sand.

FOREST SERVICE MINERAL REGULATIONS

Mr. MANSFIELD. Mr. President, I feel certain that Senators are aware that the matter of environmental degradation as a result of extensive mining in the Western States, and in my State of Montana in particular, has been of grave concern to me.

On March 16, the distinguished Senator from Idaho (Mr. CHURCH) introduced S. 1240, relating to prospecting and exploring for minerals on public lands. At that time, I addressed the Senate, indicating my concern for the need for overhauling the mining laws of the last century.

Recognizing my concern in these areas, Edward Cliff, Chief of the Forest Service, recently forwarded to me a new set of proposed rules and regulations which will affect surface use of the national lands in connection with mineral developments. First, let me offer my congratulations to the Forest Service for their recognition of this most serious problem and for their expeditious attention in upgrading existing regulations to attempt to compensate for the damage being done. The proposed regulations, which I mention, have been made available to elected representatives, Government agencies, conservationist groups, and industrial organizations for their comments prior to official adoption. With this in mind, and with the approval of the Forest Service, I ask unanimous consent to have printed in the RECORD a letter from Chief Cliff, as well as the proposed regulations. I feel it important that all who are interested be given an opportunity to review these regulations. I am confident that the Forest Service will give serious attention to any comments that Senators or others might care to make.

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

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C.

Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: Enclosed for your information and convenience are proposed regulations and an environmental statement concerning mineral development under the authorities of the United States mining laws. These regulations are proposed to set forth rules and procedures through which use of the surface of National Forest lands in connection with mineral development shall be conducted so as to avoid or minimize adverse environmental effects and loss or damage to other National Forest resources. The environmental statement has been prepared in conformance with Section 102(2)(c) of the National Environmental Policy Act of 1969.

Government agencies, industry organizations, and conservation groups have been asked to comment on this proposal prior to publication of the regulations in the Federal Register. Because of your interest in National Forest programs we are advising you of this proposal in its early stage of review.

Sincerely,

EDWARD P. CLIFF,
Chief.

USDA DRAFT ENVIRONMENTAL STATEMENT PROPOSED MINING REGULATIONS

(Prepared in accordance with section 102(2)(c) of Public Law 91–190)

Administrative action is being taken to propose regulations which would amend Section 251.12, Part 251, Title 36 of the Code of Federal Regulations. They provide for the protection and conservation of the surface resources in connection with prospecting, exploration, development, mining, or processing operations and uses reasonably incident thereto on some 140 million acres of National Forest land which are subject to location and entry under the United States mining laws.

ENVIRONMENTAL IMPACT

These regulations would provide that all prospecting, exploration, development, mining, and processing operations carried out on National Forest lands will be conducted to harmonize, insofar as practicable, with the environment by protecting fragile landscapes, important ecological communities, natural beauty, and future productivity of other renewable forest resources.

ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed regulations would have no adverse effects since their primary purpose is to protect and enhance the environment within existing statutes. Regulating use of the surface in connection with mineral development will require planning and design to minimize the physical impact on the environment.

ALTERNATIVES TO THE PROPOSED ACTION

1. Continue current mode of persuading mining claimants to keep necessary surface disturbance at a minimum.

2. New legislation to modify or change the existing location system.

3. Rely on State enforcement of air, water, and solid waste pollution criteria and standards.

NATURE OF LEGISLATION OR ACTION

The increasing national demand for minerals has caused an intensive search for new mineral reserves. The more accessible deposits were discovered years ago, and new deposits must now be found at greater depths, thus requiring larger and more sophisticated equipment to adequately delineate and appraise the value of these hidden ore bodies. Hence, the use and attendant disturbance of National Forest lands in connection with mineral development are now increasing. Such use of the surface of National Forest lands, although authorized by law, can have a serious impact on other National Forest resources.

Section 1 of the Act of June 4, 1897 (30 Stat. 35, 36; 16 U.S.C. 551, 478), provides that persons entering National Forests for the purposes of prospecting, locating, and developing mineral resources must comply with the rules and regulations covering National Forests. Section 4 of the Act of July 23, 1955

(69 Stat. 368, 30 U.S.C. 612) provides that mining claims located after July 23, 1955, are to be used only for prospecting, mining, or processing operations and uses incident thereto, and that rights under such claims are subject to the right of the United States to manage and dispose of the vegetative surface resources, and to manage other surface resources thereof.

Authority to regulate surface use of National Forests in connection with mineral development has existed for many years, but reasonable use and administration has only been achieved by persuasion with responsible mining claimants. This has not been adequate to achieve the best possible uniform protection of important environmental values. A comprehensive and fair set of regulations is needed. Further support for such regulations may be found in Section 102 of the Environmental Policy Act. It directs that to the fullest extent possible the policies, regulations and laws of the United States shall be intepreted in accordance with the policies of the Act.

In order to meet these environmental protection responsibilities and to more specifically define the rights and obligations of miners operating on the National Forests, it is appropriate to provide mining regulations to meet these objectives.

PROPOSED ACTION

The proposed regulations would amend Section 251.12, Part 251, Title 36 of the Code of Federal Regulations to provide for the protection and conservation of the surface resources on National Forest land under the jurisdiction of the Secretary of Agriculture, in connection with prospecting, discovery, exploration, development, mining, and processing operations. These regulations are inapplicable to mining activities in designated wildernesses which are subject to the provisions of 36 CFR 251.70–.84.

I. ENVIRONMENTAL IMPACT

The proposed regulations are applicable to approximately 140 million acres that are open to mining location and entry under the mining laws within the National Forest System. These regulations would provide that all mining and processing operations carried out on National Forest lands be conducted to harmonize insofar as practicable with the environment, by protecting fragile landscapes, important ecological communities, natural beauty, and future productivity of other renewable forest resources. Specifically, the regulations would meet these broad objectives by requiring measures including, but not limited to control of erosion, landslides, contributions to floods and the pollution of waters and air; isolation of toxic materials; reclamation of disturbed areas by shaping, drainage control, and vegetation; proper location of roads and facilities; the protection of fish and wildlife and their habitat; and the prevention of hazards to public health and safety including the prevention and control of fire.

II. FAVORABLE ENVIRONMENTAL EFFECTS

The primary purpose of the proposed regulations is to protect and enhance the environment while conducting operations associated with mineral development. The regulations would foster improved:

(a) *Air quality* by requiring all operations to meet Federally approved standards for clean air by appropriate measures including, but not limited to dust control, treatment of stack gases, and emission control devices on equipment.

(b) *Water quality* by requiring that all water discharge from the operation area into receiving water shall be of the highest possible quality by employing such measures including, but not limited to, effectively designed tailings ponds, settling basins, or treatment facilities of sufficient capacity for the life of the planned operation.

(c) *Solid waste disposal* by requiring that all treatment and storage of solid wastes resulting from the extraction, processing, or utilization of mineral materials or fossil fuels within the area of operations be accomplished in such a manner to prevent or minimize scenic blight, public safety hazards, air and water pollution, create public nuisances, adversely affect land values, or otherwise interfere with community life and development.

(d) *Fisheries habitat* by requiring that in all operations adjacent to or within the watersheds of streams, lakes and ponds valuable or potentially valuable for fish, practicable means will be taken to maintain and protect fisheries habitat including, but not limited to, maintenance of water temperature and unobstructed fish passage and to protection of fish spawning, rearing and feeding areas.

III. ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed regulations would have no adverse effects since their primary purpose is to protect and enhance the environment within existing statutes. Any mineral exploration or mining will disturb the environment for a period of time. Regulating use of the surface in connection with mineral development will require planning and design to minimize the physical impact on the environment.

IV. ALTERNATIVES TO THE PROPOSED ACTION

1. Continue the current mode of persuasion with mining claimants to keep necessary surface use and disturbance at a minimum.

2. New legislation in line with the Public Land Law Review Commission recommendation to modify the mining laws of 1872.

3. New legislation for a full "hard mineral" leasing system such as that suggested in S. 921 introduced by Senator Jackson in the 92d Congress.

4. Rely on State enforcement of air, water, and solid waste pollution criteria and standards.

Alternative 1 is no longer acceptable since protection of the environment is provided by only the more responsible mining claimants. Uniform protection is lacking and since adequate environmental protection is often costly the more responsible claimant is at an economic disadvantage.

Alternatives 2 and 3 are beyond administrative authority. The proposed regulation does not preclude such congressional action but provides the best possible protection until and if such legislation is passed. The regulations are not intended to negate new legislation since present mining statutes limit and departmental regulation to the protection and conservation of only the surface resources.

Alternative 4 by itself would not provide the uniformity of environmental protection on all National Forests. The proposed regulations would not replace but would reinforce State requirements.

V. RELATIONSHIPS BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG-TERM PRODUCTIVITY

Mining itself is a short-term use of a localized resource. Only a definite quantity of a specific mineral or fuel now exists and the resources are non-renewable. However, the environmental impact of the mining or processing operation has both short-term and long-term effects. The long-term effects are most serious because some, such as the complete destruction of an ecosystem from airborne chemicals or a drastic altering of an asthetically pleasing landscape, may persist for several generations. Ecological changes occur over long time periods and recovery from short-term mining operations could span centuries.

By its very nature, mining is an extremely difficult activity to undertake without some adverse influence on the environment. These regulations are intended to minimize both the short-term and long-term effects. The control of on-site erosion, stream sedimentation, chemical quality of waters, air pollution, and solid waste disposal during the mining operation are examples of short-term environmental controls attempted by the regulations. In addition, regulations that protect basic air, soil, and water resources will help maintain long-term productivity of other renewable resources in an acceptable environment. Reclamation practices that reshape the land, establish lake ponds, and restore productive wildlife habitat or tree cover will also produce long-term benefits as well as enhance the beauty of some landscapes.

VI. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

Implementation of the proposed regulations would impose no irreversible and irretrievable commitment of resources except the mineral resource which is nonrenewable. More intensive mining management would result in opportunities to improve upon the management of other resources—roads can be fitted into access plans and benefit wildlife habitat, recreation, fire control, timber management, etc. In some areas mining sites can be reclaimed to enhance recreational activities such as developing ponds and lakes where none existed before, reclaiming certain lands for higher quality forest products, land forming and shaping to benefit wildlife, esthetics, etc.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 251—LAND USES

Prospecting and mineral development under the United States mining laws

Section 251.12, Part 251, Title 36 of the Code of Federal Regulations, is revised to read as follows:

§ 251.12 *Mining Regulations.*

(a) *Authority.* Pursuant to the Act of June 4, 1897 (30 Stat. 35, 36; 16 U.S.C. 551, 478), persons entering National Forests for the purposes of prospecting, locating, and developing mineral resources must comply with the rules and regulations covering National Forests. Section 4 of the Act of July 23, 1955 (69 Stat. 368; 30 U.S.C. 612) provides that mining claims subject to the provisions of that Act are to be used only for prospecting, mining, or processing operations and uses reasonably incident thereto, and that right under such claims are subject to the right of the United States to manage and dispose of the vegetative surface resources and to manage other surface resources thereof. The Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531), authorizes and directs the Secretary of Agriculture to develop and administer the renewable natural resources of the National Forests for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4332) authorizes and directs that to the fullest extent possible the policies, regulations, and laws of the United States shall be interpreted and administered in accordance with the policies of the Act, which include the requirement that environmental amenities and values be given appropriate consideration in decision making.

(b) *Purpose.* It is the purpose of these regulations to set forth the rules and procedures through which use of the surface of national forest lands in connection with operations authorized by the United States mining laws shall be conducted so as to avoid or minimize adverse environmental impacts and loss, damage, or adverse effects on national forest resources.

(c) *Scope.* These regulations provide for the protection and conservation of environmental quality and the surface resources on national forest land under the jurisdiction of

the Secretary of Agriculture which are subject to location and entry under the United States mining laws of May 10, 1872, as amended: *Provided, however,* That any area of national forest lands covered by a special Act of Congress (16 U.S.C. 482a–482q) is subject to the provisions of this section and the provisions of the special act, and in case of conflict the provisions of the special act shall apply. Operations under the United States mining laws in National Forest Wilderness units of the National Wilderness Preservation System are subject to the provisions of sections 251.83 and 251.84 of this Part.

(d) *Definitions.* The following definitions shall apply to all regulations in this section:

(1) The word "operations" means all functions, work, or activities in connection with prospecting, exploration, development, mining, or processing of mineral resources and uses reasonably incident thereto, including roads, conducted on national forest lands whether on or off the claim.

(2) The word "operator" means a person conducting operations.

(3) The word "person" means an individual, corporation, or other legal entity.

(e) *Use of Mining Claims, Vegetative Resources.* (1) All mining claims subject to these regulations shall be used by claimants only for prospecting, exploration, development, mining or processing operations and uses reasonably incident thereto. Except for claims not subject to surface management under the provisions of the Act of July 23, 1955 (69 Stat. 368; 30 U.S.C. 612), other uses of the surface or surface resources are subject to use or occupancy by the United States, its licensees or permittees, so long as the use or occupancy does not endanger or materially interfere with the prospecting, exploration, development, mining, or processing of the mineral resources thereon and uses reasonably incident thereto. (2) All vegetative resources on mining claims subject to these regulations shall be used only for prospecting, exploration, development, mining, or processing operations and uses reasonably incident thereto, and such resources may be severed or removed only when necessary for construction of buildings or structures or for clearance for such operations and uses. Any severance or removal of vegetative resources, except to provide clearance, shall be conducted in such manner as to avoid or minimize adverse effects on national forest resources and environmental and esthetic values, and any severance and removal of timber, except to provide clearance, shall be in accordance with sound principles of forest management.

(f) *Plan of Operations—Requirements.* (1) Any person, before conducting prospecting, exploration, development, mining, or processing operations on national forest lands requiring the use of vehicles or equipment other than non-powered hand tools, shall submit a proposed plan of operations to the District Ranger having jurisdiction over the land involved. Any person conducting prospecting, exploration, development, mining, or processing operations on the effective date of these regulations shall within one year from that date comply with the provisions of this section, including the submission of a plan of operations: *Provided,* That in no event shall the provisions of this section apply to operations concluded prior to the effective date of these regulations. (2) The plan of operations shall include: (i) a description sufficient to identify the area on the ground within which the operations are to be conducted and the estimated period of activity; (ii) means and other conditions of access as set forth in subsection (1) of this section; (iii) the methods of and the type and size of equipment to be used; (iv) the location and size of areas upon which it is expected vegetation or soil will be disturbed; and (v) a description of measures to be taken to meet the requirements of subsection (h).

(g) *Plan of Operations—Approval.* (1) An authorized Forest Officer shall promptly review the proposed plan of operations and shall notify the operator, in writing, within thirty (30) calendar days of the date the plan was submitted of approval or of any changes or additions to the proposed plan of operations, or that it has been determined that the provisions of section 102(2)(c) of the National Environmental Policy Act apply. Where the provisions of section 102(2)(c) apply no operations shall take place until there has been compliance with those provisions. If such a notice is not given within thirty (30) calendar days, the plan shall be deemed to be approved and the person submitting the plan of operations may proceed in accordance with the plan. A plan of operations may be changed by mutual consent of the Forest Service and the operator at any time. (2) If development of a plan of operations for an entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. A plan of operations covering only a defined phase or stages of an entire operation may be approved.

(h) *Requirements for Environmental Protection and National Forest Resources Conservation.* All operations shall be conducted in accordance with the following requirements:

1. *Air Quality.* Operators shall comply with applicable Federal and State air quality standards, but in no event shall operations be conducted in such a manner as to cause air pollution which can be avoided or minimized through such measures as dust control, treatment of stack gases, and emission control devices on equipment.

2. *Water Quality.* Operators shall comply with applicable Federal and State water quality standards, but in no event shall operations be conducted in such manner as to cause water pollution from tailings, dumpage, sedimentation or discharges into receiving waters which can be avoided or minimized through such measures as ponds, settling or catch basins, or treatment facilities of sufficient capacity for the life of the planned operation.

3. *Solid Wastes.* Operators shall comply with applicable Federal and State solid waste disposal standards, but in no event shall operations be conducted in such manner as to cause adverse effects of solid wastes on air and water quality, scenic beauty, and public health and safety which can be avoided or minimized through such measures as careful design and location of tailings, spoil, and trash piles.

4. *Scenic Values.* Operators shall, to the greatest extent practicable, minimize adverse impacts of operations on scenic values of the surface of national forest lands through such measures as the design or locations for roads and facilities, vegetative screening of operations, and use of materials and colors for permanent structures which blend with the landscape.

5. *Streams and Lakes.* If operations in streams and lakes are to be undertaken, they shall be conducted in such manner as to cause the minimum practicable disturbance of the lake or stream bed and to maintain the highest practicable quality of the waters of the lake or stream.

6. *Fisheries Habitat.* If operations adjacent to or within the watersheds of streams, lakes and ponds valuable or potentially valuable for fish are to be undertaken, operators shall take all practicable means to maintain and protect fisheries habitat, including, but not limited to, maintenance of water temperature and unobstructed fish passage, and protection of fish spawning, rearing and feeding areas.

7. *Roads within Mining Claims.* Operators shall construct and maintain all roads within mining claims to assure adequate drainage and to prevent damage to soil, water and other resource values. Unless otherwise requested by the Forest Service, roads no longer needed for operations shall be closed to normal vehicular traffic, bridges and culverts removed, cross drains, dips or water bars constructed, and revegetated or surfaced to provide a permanent protective cover.

8. *Reclamation, Rehabilitation, Restoration.* Except for roads within mining claims, at the conclusion of operations on mining claims, operators shall take measures to promptly stabilize, rehabilitate, and, when practicable, restore disturbed areas. Such measures shall include, but not be limited to:

(i) Control of erosion and landslides.

(ii) Control of storm water runoff.

(iii) Isolation of toxic materials.

(iv) Reshaping of all disturbed areas to facilitate drainage and revegetation or other planned uses.

(v) Revegetation of disturbed areas.

(vi) Elimination of hazards to public health and safety.

(vii) Restoration of fisheries and wildlife habitat in surface water bodies.

(i) *Maintenance during Construction and Operations; Public Safety.* Throughout all construction and operation stages, the operator shall maintain his structures, equipment and facilities in a reasonably safe, neat, and workmanlike manner. Hazardous sites or conditions shall be signed, fenced or otherwise identified to protect other national forest users.

(j) *Removal of Structures and Equipment.* Upon completion of operations, abandonment, loss, or relinquishment of mining claims, operators shall remove within a reasonable time all structures, machinery, equipment, tools, and materials, and shall clean up the site of operations.

(k) *Prevention and Control of Fire.* The operator shall comply with all applicable Federal and State fire laws and shall take all reasonable measures to prevent and suppress fires on the area of operations, and require his employees, contractors, and subcontractors to do likewise.

(l) *Access to Mining Claims.* Any person holding a valid mining claim under the United States mining laws shall be permitted access to such claim, but no road or other means of access, including landing areas for aircraft, shall be constructed or improved on national forest land until he has received authorization in writing. Application for such access shall be filed with the District Ranger and shall include a description of the type and standard of the proposed means of access, and a plat of its proposed location. Authorization for such use shall provide the mode of access, route, location design standards, and other conditions reasonably necessary to protect environmental value and national forest resources, including vegetative screening or other measures to protect scenic values and measures to assure against erosion or pollution.

(m) *Performance Bonds.* (1) To assure the faithful compliance with the regulations of this section and the plan of operation as approved, amended or supplemented, a performance bond shall be required unless waived by the Forest Service. In determining the amount of the bond, consideration will be given to, among other factors, the character and nature of the restoration and reclamation requirements and to the estimated costs thereof in the event that the operator forfeits his performance bond. (2) The authorized Forest Officer shall determine whether the operation has been carried out and completed in accordance with the approved plan of operations and related permit for access insofar as restoration and reclamation aspects are concerned before releasing the performance bond.

HOUSING INDUSTRY MOVING UP

Mr. SCOTT. Mr. President, last week Chairman Preston Martin of the Federal Home Loan Bank Board announced that interest rates on conventional home mortgages declined by a record amount in February 1971 for the second consecutive month.

This welcome news brought out the fact that last month's drop of 26 to 28 basis points—on top of January's decline of 18 to 20 basis points and earlier smaller decreases—brought the total downturn in conventional home mortgage costs on loan closings, since their peak last summer, to about 60 basis points. For those technically and mathematically inclined, a "basis point" is defined as one-hundredth of 1 percent.

Mr. Martin said in his announcement:

> Effective rates on loans closed reached a 20-month low. Availability of funds is growing. The loan-to-price ratio and the term to maturity for mortgage loans were also further liberalized in February. These developments reinforce new, lower, rates on commitments to lend, and should add a further stimulus to housing demand.

Seldom, Mr. President, have so many fundamental forces lined up simultaneously to support a rise in housing. Last year, President Nixon prevented the drop in housing starts from growing larger by giving the building industry massive injections of mortgage credit and subsidies, and this year, the administration expects a 20-percent gain, to at least 1,750,000.

Further, the Commerce Department reported last week that the annual rate of housing starts climbed to 1,715,000 in February, up from 1,306,000 in the same month a year earlier.

And, from a peak of 8½ or 9 percent last summer, rates on conventional home loans have dropped to 7 percent in some cities and 6¾ percent in a scattered few, the swiftest decline in decades.

As Time magazine noted this week, this decline in interest rates has had the double effect of reducing the buyer's monthly payments and enabling people with lower incomes to qualify for mortgages under the usual standards demanded by lenders.

Finally, the Federal Housing Administration gave the market a lift by cutting the ceiling on its home loans from 7½ percent to 7 percent.

Thus to President Nixon, and to his entire housing team, I think we owe a hearty "well done."

PRISONERS OF WAR STATEMENT

Mr. HUMPHREY. Mr. President, having joined in supporting the congressional resolution which led to the President's designation of this week as "National Week of Concern for Prisoners of War/Missing in Action," I should like to reiterate at this time, along with Americans everywhere, my personal concern for American prisoners of war in Vietnam.

I urge once again the Government of North Vietnam to observe the minimum standard of treatment for prisoners of war as it agreed upon with 124 other governments in the Geneva Convention of 1949. And I urge our own Government to disengage completely from Vietnam by the end of this year so that we can obtain the early release of our servicemen and civilians, now being held in Vietnam. The North Vietnamese Government and the National Liberation Front have offered to negotiate the release of these prisoner-hostages once we submit a timetable for the complete withdrawal of American troops from Vietnam. I strongly request that the administration consider this offer seriously before rejecting it as a tactical diversion by the other side.

Until these American citizens are properly cared for according to the minimum standards set by international law and released in a timely fashion, we must all work toward the rapid achievement of these demands. Only through concerted energies can we emphasize the strength of our demands to the North Vietnamese Government and the National Liberation Front as well as to the administration.

In that regard I ask unanimous consent that the statement issued by the Student Association for Freedom of Prisoners of War together with the signatures from leaders throughout the country be printed in the RECORD. This association has worked unceasingly to bring this issue before the public conscience. and I commend the work it has done and will continue to do. It has organized bipartisan support from students and other solicitous citizens and public representatives. For that reason it merits the support of this entire body.

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

> We, the public representatives of the United States of America, differing in our political persuasions and our opinions concerning the conduct and management of the Southeast Asian war by this Government, call upon the leaders of the Communist Forces in that area of the world to respond to our plea for the humane treatment of the United States military personnel and the civilians that those Forces hold as prisoners.
>
> We ask that they not examine this plea for either superficial or hidden motives, for we assure them that we speak from our hearts, without regard to any political label or coloring.
>
> We speak on behalf of the families of the nearly 1,600 American servicemen and the 18 civilians who await word of the welfare, or indeed the existence, of their husbands, sons, brothers and fathers missing in action or captured in Southeast Asia.
>
> Under both Democratic and Republican Administrations, the United States Government has brought the plea for humane treatment under the supervision of the International Committee of the Red Cross to the attention of the Democratic Republic of Vietnam, and to the other Communist Forces in Southeast Asia.
>
> A minimum degree of humanity on the part of the said Forces would require them to fulfill their obligations under the 1949 Geneva Convention relative to the Treatment of Prisoners of War, by identifying each serviceman that they now hold or have held prisoner; a decent respect for the opinion of mankind should compel them to do so.
>
> We further call upon said Forces to assure this nation and to assure the world that they will begin to comply with all provisions of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, by which all parties to the conflict in Southeast Asia are bound. We ask nothing more than these prisoners' rights as soldiers and men, as set down in the long history of civilized mankind, and in the 1949 Geneva Conventions.
>
> The children in our States who are denied fathers, the wives who are denied husbands, the parents who are denied sons, the brothers who are denied brothers, and prisoners of war who are denied life in its most primitive meaning, deserve this simple courtesy and basic right required by international law and protocol.
>
> In the name of simple and basic humanity, we request the Government of the Democratic Republic of Vietnam and all other Communist Forces in Southeast Asia to begin immediate and meaningful negotiations for the release of all prisoners of war, especially the sick and wounded.
>
> The following is a list of those United States Senators who have signed the statement on prisoners of war being circulated by this organization:
>
> AS OF 12 P.M., MARCH 25, 1971
>
> Senator Allen, Senator Allott, Senator Beall, Senator Bellmon, Senator Bennett, Senator Bible, Senator Boggs, Senator Brock.
>
> Senator Brooke, Senator Burdick, Senator Byrd of Virginia, Senator Cannon, Senator Chiles, Senator Cook, Senator Cooper.
>
> Senator Dominick, Senator Ellender, Senator Fannin, Senator Gambrell, Senator Goldwater, Senator Griffin, Senator Gurney, Senator Hansen.
>
> Senator Harris, Senator Humphrey, Senator Inouye, Senator Jackson, Senator Jordan of North Carolina, Senator Jordan of Indiana.
>
> Senator McGee, Senator McIntyre, Senator Metcalf, Senator Miller, Senator Mondale, Senator Montoya, Senator Moss.
>
> Senator Muskie, Senator Nelson, Senator Packwood, Senator Pastore, Senator Pearson, Senator Prouty, Senator Routh.
>
> Senator Saxbe, Senator Sparkman, Senator Stevens, Senator Stevenson, Senator Thurmond, Senator Weicker, Senator Young.
>
> Every Governor has signed this statement. Six hundred forty-three Mayors and forty-seven State Attorneys General, and numerous other public servants on the state, local, and municipal level have added their signatures to the statement.

THE PRESIDENT'S COMPREHENSIVE HEALTH PROPOSALS

Mr. PACKWOOD. Mr. President, an editorial published in the Portland Oregonian lauds the President's comprehensive health proposals stating that other proposals based on a national health insurance would inevitably lead to more Federal control over State and local governments.

Under the President's bold health-care plan the Federal Government would play a comparatively minor role with private insurance companies and the health industry.

I ask unanimous consent to have printed in the RECORD the Oregonian editorial of February 19, 1971, entitled "Reformed Health Care."

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

[From the Portland (Oreg.) Oregonian, Feb. 19, 1971]

REFORMED HEALTH CARE

> President Nixon's health care program, proposed in a message to Congress Thursday, would cover virtually all Americans, as would other plans under consideration by Congress. But in contrast to some proposals, such as Sen. Edward M. Kennedy's and Rep.

Martha W. Griffiths' Human Security Program, the federal government would play a comparatively minor role in cooperation with private insurance companies and the health professions.

Cost of the Kennedy-Griffiths national health insurance has been estimated at from $53 billion to $77 billion a year, financed from increased Social Security taxes and from federal general revenues. Mr. Nixon made no over-all estimate of the cost of his plan, but individual items added up to $2.8 billion.

Under the Administration plan, employers would be required to provide comprehensive private insurance for employees by July 1, 1973. The employer would pay 65 per cent of the premium cost at the start and 75 per cent after 2½ years. Employes would pay the remainder. Full hospitalization, surgical and medical care, laboratory services, maternity and well-child care would be covered.

The government would subsidize family health-care for families earning less than $5,000 a year under a proposal to eliminate most of the present Medicaid program. Familes earning less than $3,000 would pay no premiums and those earning between $3,000 and $5,000 would pay on a sliding scale. The $5.30 monthly contribution now paid by the elderly for supplemental Medicare coverage would be eliminated.

A nationwide network of health maintenance organizations would be encouraged by Federal financial aid. The President said such organizations would reverse the present "illogical incentive" whereby doctors and hosptials are paid in relation to how long a patient is ill. Under his plan, he said, income would grow in relation to how long the patient is well.

A doctor corps would be established at a cost of $10 million to provide care in rural areas and ghettos where there is inadequate care now. Scholarships, totaling $29 million, would be provided for low-income medical and dental students. A similar amount would be budgeted for training physicians' assistants. Medical schools would be eligible for $93 million in grants for expansion. A commission would be set up to study the high cost of malpractice insurance.

Mr. Nixon said that nationalization of health insurance inevitably would lead to federal personnel approving local hospital budgets and setting local physicians fees. He said the better way—"more practical, more effective, less expensive and less dangerous"—is to reform and renew the present health system.

Many Americans will agree. But there is strong support also for nationalization. The Kennedy-Griffiths plan was drafted by the AFL-CIO and the Commitee of 100 for National Health Insurance created by the late Walter Reuther, president of the United Auto Workers Union. A long debate is likely in Congress before an adequate solution is reached to the mounting problem of financing the Nation's health care. The Administration's plan appears at first glance to be adequate.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, an editorial published in the Atlanta Constitution following the American Bar Association's vote on the Genocide Convention is an example of the many fine editorials and stories on this important human rights covenant.

Following World War II, the entire world was shocked by the exposure of the Nazi extermination of over 6 million Jews. Consequently, the United Nations General Assembly adopted the Convention on the Prevention and Punishment of Genocide in 1948.

The Constitution asked why America stands apart from 75 other nations in the world which have ratified the Genocide Convention. The paper pointed out that the human rights treaties of the U.N. would not supersede our own Constitution and that both the President and the Attorney General have urged the Senate to approve the convention.

The paper further stated that the claim that the United States would be charged with genocide by many foreign nations is based on false assumptions:

It seems to suggest that genocide is a terrible crime unless Americans are committing it.

But all rational Americans know that America does not intend to, nor does it commit, genocide anywhere in the world. Unfounded charges can be made at anytime, anywhere, regardless of whether or not we adopt the Genocide Convention. I have been at a loss to understand how our not signing the convention would protect us from unfounded allegations by other nations or people.

The time has come to ratify the Genocide Convention. I urge the Senate to act now.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Atlanta Constitution, Feb. 25, 1970]

THE GENOCIDE CONVENTION

Genocide is an ugly word defined as "the deliberate and systematic destruction of a racial, political or cultural group."

The word came into common usage after World War II when Nazi extermination of some six million Jews and gypsies staggered the conscience of mankind. In 1948 the U.N. General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide. This made mass murder of a people a matter of international concern. The United States signed the convention but has never ratified it, and it has no effect in our country.

Surely Americans are not indifferent to the deliberate mass slaughter of innocents.

Then why haven't we taken a stand with 74 other nations by ratifying the convention?

For a long time it was held that treaties of this sort would supercede our Constitution or interfere with sovereignty. But President Nixon, backed by the Secretary of State Rogers and Attorney General Mitchell, says there is no constitutional obstacle and has urged the Senate to approve the Convention.

One influential organization has opposed ratification from the beginning. The American Bar Association, meeting in Atlanta, has once again gone on record as opposed to ratification, though the vote was close—130 to 126. They argue that Americans could be tried in foreign courts, or that our troops in Vietnam might be accused and tried on charges of genocide.

This attitude, we'd guess, is greatly appreciated by those employed in the propaganda bureaus of America's enemies. It seems to suggest that genocide is a terrible crime unless Americans are committing it. One delegate said quite bluntly that genocide in war is no crime and added: "I wouldn't be in this country if it weren't for genocide. It was either the white man or the Indian and the Indian went down the drain." This memorable quotation is probably framed on the office walls in Hanoi and Moscow right now.

Rational Americans know well enough that we intend no genocide in Vietnam or anywhere. But we're being accused of it. This is unjust, but perhaps it is behind the President's desire to place the nation firmly on record. "I believe we should delay no longer," he told the Senate, "in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."

The enormity of the crime, it seems to us, makes the objections look like petty quibbling over technicalities. We support the President wholeheartedly.

THE SOUTH VIETNAMESE IN LAOS

Mr. SCOTT. Mr. President, this week the London Economist magazine reviewed the effect of South Vietnam's expedition in southern Laos with the clarity of thought, and dispassion of intent for which that journal has long been noted.

The Economist says the South Vietnamese in Laos have probably won a year's quiescence in the war, and that the operation has succeeded in at least two very important things.

First, it demonstrated that—

The North Vietnamese have been unable to prevent the invading force from coming and sitting in their own back yard. They tried to prevent it. The number of North Vietnamese troops in the area between Khe Sanh and Tchepone was doubled after the invasion began, to the equivalent of four or five divisions, and it is pretty clear that General Giap meant to fight a decisive battle to keep open his supply routes to the south. But the actions in the second and third weeks of the operation showed him that, for all his two-to-one superiority in numbers in the area as a whole, he could not concentrate enough men to win a clear-cut victory at any given point without exposing them to devastating losses from air attack.

Second, said the Economist—

The other thing the South Vietnamese have achieved, and which has been made possible by their ability to stay one jump ahead of Giap's men, is to have deprived the communist forces in Cambodia and South Vietnam of a substantial proportion of the supplies they were counting on being able to use between now and May, 1972.

Mr. President, in the belief that frequently we here at home do not see the forest for the trees, I ask unanimous consent that the article entitled "What It Has Bought," published in the Economist of March 20, 1971, be printed in the RECORD.

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

WHAT IT HAS BOUGHT

It is six weeks on Monday since the South Vietnamese went into Laos: six weeks more, and the monsoon will be starting, the gullies of the Annamite chain of hills will be disappearing under anything up to eight feet of water and it will be God, not man, who is cutting the Ho Chi Minh trail. It has not been easy to tell what has been going on in southern Laos these past six weeks. For once the non-communist side of the war has been fought under wraps: the reporters and the cameramen have been escorted to what it was convenient for them to see, the spokesmen have told as much as they wanted to, and each hillside tussle has duly become either a triumph or a rout. Perhaps this is how wars have to be fought. But enough has happened now for the shape of the campaign to be reasonably plain. Even if the South Vietnamese come back out of Laos fairly soon—and provided they come out in reason-

ably good order—the operation has had a major effect. It has made it clearer how this war is likeliest to end: not with a peace, but a pacification. It should also have helped Mr. Nixon to make up his mind how many Americans—above all, how many American helicopters and bombers—he will have to try to persuade the American electorate to let him keep in the war in the months immediately before the presidential election in November next year.

The South Vietnamese army has not done the most it may have hoped to do. It has not beaten the North Vietnamese in a set-piece action, and thereby turned the tables in the battle for morale. It got beaten itself at Landing Zone Ranger, and only just came out on top at Hill 31, which seems to have been a turning-point of the operation. It knows that it could not have fought this campaign without the help of American air power, and the battered helicopters hauled out of the Laotian hills are evidence that American air power has had a rough time against the other side's anti-aircraft guns. It is quite possible that the North Vietnamese will still be able to catch, and hammer, some South Vietnamese units before they pull back over the border as the rains approach. This has not been the stroll across the Ho Chi Minh trails that some of South Vietnam's generals seem to have thought it would be. But neither has it been the flop that so many hand-wringers expected.

The operation has done two things, and these two things are very important. The first is to have demonstrated that the North Vietnamese have been unable to prevent the invading force from coming and sitting in their own back yard. They tried to prevent it. The number of North Vietnamese troops in the area between Khe Sanh and Tchepone was doubled after the invasion began, to the equivalent of four or five divisions, and it is pretty clear that General Giap meant to fight a decisive battle to keep open his supply route to the south. But the actions in the second and third weeks of the operation showed him that, for all his two-to-one superiority in numbers in the area as a whole, he could not concentrate enough men to win a clear-cut victory at any given point without exposing them to devastating losses from air attack. The South Vietnamese were able to move into one section of the trails after another—first east of Tchepone, then around Tchepone itself, and then to the south of it—spend a week or so in blowing up the dumps they found there and blocking the routes to south-bound traffic, and then flit away by helicopter to the next landing-place before Giap's plodding infantry could stop them. It has been an expensive way of doing things, in shot-down helicopters and spiked and abandoned guns. But it has put the squeeze on the trails.

And that is what counts. The other thing the South Vietnamese have achieved, and which has been made possible by their ability to stay one jump ahead of Giap's men, is to have deprived the communist forces in Cambodia and South Vietnam of a substantial proportion of the supplies they were counting on being able to use between now and May, 1972. The trails of the Ho Chi Minh route, running like capillary veins along the limb of the Annamite hills, are the second of Hanoi's two means of keeping the war in the south going. The first was the Sihanoukville route, run by Chinese ships to the port of Sihanoukville and from there by Chinese-owned lorries trucking the guns and ammunition to the South Vietnamese border, and financed through the Bank of China in Hongkong. That route was closed when General Lon Nol threw Prince Sihanouk out of power a year ago this week and when the Americans sent their troops into Cambodia to prevent the North Vietnamese from putting him back again.

Now the Laos operation has cut across the best part of the Ho Chi Minh route. It is around Tchepone that the tracks wind under the thickest canopy of trees; ten miles west of that erased town the last ridge of the hills falls away into relatively open country where the trucks cannot hide from the bombers. The South Vietnamese have found, and destroyed, some of the supplies that had been hidden away along the trails; they have obliged the North Vietnamese to use up other dumps in fighting them; above all, they seem to have stopped about half the south-bound traffic just by being there. The fact that the total amount of traffic on the trails has been cut by less than half is simply a result of the reinforcements that have been pouring down from the north into the fighting zone—and have got not farther.

What this will mean for the war in the south, which is the heart of the matter, had better be judged when the monsoon ends in September or October. The optimists in Washington are saying that by then the communist divisions in Cambodia will have been reduced to tattered bands of men trying to stay alive in the jungle. The optimists about Indochina do not find many people to believe them nowadays. But there are sensible men who think that the trail-cutting operations may already have made it impossible for the communists to launch any major attacks in Cambodia or South Vietnam either during the coming wet season or during most of the dry season that follows it, which goes on until May, 1972; and who believe that a smaller raid on the trails during that dry season might be enough to keep them quiet from then until the beginning of 1973. If these guesses turn out to be right—and if nothing goes bloodily wrong in Laos in the next six weeks—this fighting may have justified the number of men who have died in it. It will have bought a year, and maybe more, of relative quiescence: a year or more in which the armies of Cambodia and South Vietnam will get more arms and better training, and after which it will be that much harder for General Giap to order another attempt to turn the tide.

If this is how it goes, there are two lots of people who will have to draw their consequences from it: the men who run the war in Hanoi, and in Washington. The North Vietnamese have already seen the centre of the war move twice in the past year. Last year it moved westwards from South Vietnam into Cambodia. This year it has moved northwards from Cambodia into southern Laos. One effect of this is that, although a larger part of Cambodia and Laos is now involved in the war, the total proportion of the land area of Indochina in which a significant amount of fighting is taking place is probably smaller than it used to be, and most of this is sparsely populated back-country; in this sense there has actually been a de-escalation of the war.

But there has also been an effect on Hanoi's calculations. The communists have lately been telling a lot of their men in South Vietnam to come back above ground: to hide their guns, apply for identity cards, and blend into the normal life of the country for the time being. This is part of the strategy of lying low in South Vietnam which they fell back on last year. But until now the low-level strategy has been backed up by the belief that the North Vietnamese regiments in Cambodia might be able to start attacking across the border again before long. If that possibility has to be deferred for another year, and perhaps for longer than that, the communists' low-level strategy will have become a very long-term business indeed. Of course, the North Vietnamese are not likely to call the war off by a public admission of defeat, as the Greek communists did in 1949. But the longer the Vietcong have to get along without the support of North Vietnam's regulars, the more the struggle will become a political contest combined with a certain amount of terrorism and only the occasional guerrilla action. It will be a job for the intelligence men and and the police—and the politicians—more than for the army.

The Laos campaign also has its lesson for Mr. Nixon. It is that he has to balance the political necessity to go on withdrawing troops from Vietnam against the fact that the South Vietnamese army will plainly go on needing a certain amount of American help to prevent things coming unstuck again next year or in 1973. It is true that by this time next year the South Vietnamese will have got more helicopters of their own—600 against about 350 now—and more fighter-bombers and more artillery. It is true that there may not have to be another operation on the scale of those in Cambodia and Laos before Mr. Nixon faces his fight for re-election next year. But it is going to be important that Mr. Nixon should leave just enough units in Vietnam to make it possible for the South Vietnamese to enforce the past year's change in the state of the war. He knows that the war is now deeply unpopular in America. His own policy of Vietnamisation is partly to blame for that: the Americans, having thought they were getting out, still see their helicopters being shot down on television. But he also knows that his policy requires him to provide South Vietnam with enough help to make the difference.

CLEANING UP POLLUTION

Mr. HRUSKA. Mr. President, we are treated to countless words and catchy phrases about cleaning up pollution. It is my pleasure today to speak briefly about two organizations which are doing something about it.

The first is the Governor's Council to Keep Nebraska Beautiful. This group is promoting an intensive statewide antipollution effort during the month of April, which it is calling Nebraska Environmental Action Month.

This fine organization is headed by Mrs. Les Anderson, Omaha, who has been very active in fighting pollution—long before it became the popular thing to do.

Mrs. Anderson and her committee have organized a full-scale promotional effort dedicated to securing participation of all Nebraskans in this first comprehensive statewide effort. They have enlisted the help of these individuals and groups: Garden clubs, county extension agents, the clergy, mayors, industrial editors, school principals, and neighborhood improvement groups.

To all of these groups and individuals, Mrs. Anderson's committee has dispatched fact sheets and suggested programs and projects which they can undertake in order to make a constructive contribution to the month's activities.

Mrs. Anderson meanwhile happens to be cochairman of another committee, called the Environmental Control Committee of Downtown Omaha, Inc.

The committee held its first awards luncheon recently and honored several Omaha businesses for their efforts to improve the Omaha environment.

Awards went to these firms.

The Northern Natural Gas Co. for building a plant which heats 34 downtown buildings, cools 12, and reduces pollution by eliminating the need for individual systems.

The Union Pacific Railroad for installing an industrial waste treatment plant.

Safeway Stores for eliminating the use of incinerators and using more ecologically beneficent methods of disposing of solid wastes.

The Omaha Public Power District for early and continuing efforts to abate air pollution.

Mrs. Anderson's comments at the awards luncheon are well worth repeating. She said in part:

American industry is spending over $3 billion a year to clean up the environment, and additional billions to develop products that will keep it clean.

The real danger today is not from the free enterprise establishment that has made ours the most prosperous, the most powerful, and the most charitable nation on earth. The danger today resides in the disaster lobby—those crepe hangers for personal gain or (those who) out of sheer ignorance are undermining the American system and threatening the lives and fortunes of the American people.

This awards luncheon prompted the Omaha World Herald to publish an editorial on her comments and those of James Malkowski, her fellow cochairman.

The World Herald voices a commonsense approach—one I like very much—when it refers to pollution as "a problem that is serious but not as hopeless as it is sometimes made out to be."

I ask unanimous consent that the complete text of the World Herald editorial be printed in the RECORD.

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

SOME GOOD NEWS ABOUT THE ENVIRONMENT

Ready for some upbeat talk, about the environment?

Listen to James Malkowski. As naturalist, forester, ecologist and intensely concerned citizen, he was fighting pollution in this community long before it was the popular thing to do.

On Tuesday, as cochairman of the Environmental Control Committee of Downtown Omaha, Inc., he was passing out awards for business and industrial achievement in cleaning up our surroundings.

He reminded his audience that he had helped to define what was "environmentally degrading" in our way of life and had never spared business and industry. But Tuesday he was helping to honor the Northern Natural Gas Co. and the Omaha Public Power District. Why? In his words:

"These awards do not in any way accept or condone the practices of any business and industry, including any here today, which result in avoidable environmental degradation. Present problems, however serious as they are, do not negate the legitimate efforts to keep our air, water, food, and water, cleaner.

"On the contrary, I believe we should laud, loudly and clearly, the true efforts that are being made by everyone, including business and industry, to keep and improve our environmental quality. This is what we are doing here today."

Or listen to Mrs. Les Anderson, the other cochairman and head of Keep Nebraska Beautiful and Keep Omaha Beautiful. She was honoring the other two winners, the Union Pacific Railroad and Safeway Stores.

She said she was proud of business sponsorship that had made many beautification programs possible, proud of her country, its system and of the overall improvement in the quality of life. Said Mrs. Anderson:

"What was it (life) really like 150 years ago? For one thing it was brief. Life expectancy was 38 years for males. . . . The work week was 72 hours. . . . The average pay $300. The women had it worse. Housewives worked 98 hours a week."

Food was monotonous and scarce. In summer people sweltered and in winter they froze, and—

"Whatever American business has done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back."

The danger, as she see it, lies not in American industry, but in what she called the "Disaster Lobby," made up of crepe hangers who for personal gain or out of ignorance undermine the American system.

Jim Malkowski and Mrs. Anderson may not have precisely the same view of America.

But they do agree that some Americans, including a number of forward looking business firms, are doing their part to make the country cleaner and to keep it beautiful.

And that's our cheering word about a problem that is serious but not as hopeless as it is sometimes made out to be.

THE SELLING OF THE PENTAGON

Mr. TOWER. Mr. President, there has been much controversy lately concerning the documentary "The Selling of the Pentagon." Some serious charges have been raised concerning this matter which should be satisfactorily answered. I have recently read an article published in Air Force Space Digest, written by its senior editor, Claude Witze. I should like to bring this article to the attention of the Senate. It contains some more serious allegations that the originators of the documentary should answer to maintain their credibility.

I ask unanimous consent that the article, entitled "The Wayward Press—Tube Division," be printed in the RECORD.

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

[From the Air Force Space Digest, Mar. 15, 1971]

THE WAYWARD PRESS (TUBE DIV.)

(NOTE.—Following is the complete text of the column "Airpower in the News," by Senior Editor Claude Witze, as it will appear in the forthcoming April 1971 issue of AIR FORCE Magazine, the publication of the Air Force Association.)

The winter issue of the Columbia Journalism Review, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-years-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The rea-

son the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of his was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.' "

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste together of film clips, but he is Col. John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somwhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "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."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it. CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, 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 that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CGS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the 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 we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problems—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers throught that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire

DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

NATIONAL SCIENCE FOUNDATION ANNUAL REPORT

Mr. PACKWOOD. Mr. President, I am pleased to have become a member of the Senate's National Science Foundation Subcommittee and am very much interested in learning more about these important programs.

Last Tuesday, President Nixon submitted NSF's 12th annual report covering the fiscal year 1970. In his message the President said:

> The Scientific research supported by the Foundation reflects our continuing concern for the quality of life in the United States today and in the future. He pointed out that new programs initiated by the Foundation in fiscal year 1970 are designed to promote and encourage the search for solutions to problems of the natural and social environment.

Mr. President, here is another advantage which accrues from the Foundation's flexibility in programing, moving into new directions as new research needs and problems arise. The Foundation will continue its principal mission of supporting basic research, but with an increased and sharpened focus on applying the fruits of that research to improve the quality of our environment. These programs provide important benefits for all Americans—and, indeed, all mankind. I ask unanimous consent to have printed in the RECORD the statement of Dr. W. D. McElroy, Director of the National Science Foundation, introducing the Foundation's Annual Report of 1970.

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

THE TRANSITIONAL DECADE

(By W. D. McElroy)

In the opening year of this new decade, one fact stands out. American society and our Nation as a whole are moving in new directions. Concurrently, science, science education, and the National Science Foundation are entering a significant and distinct period of transition.

This 20th Annual Report—my first as Director of this unique Federal agency—not only highlights the Foundation's activities for fiscal year 1970, but more important, it identifies the benchmarks for future developments.

What will evolve by the end of the decade I cannot say, but I do know the rate of change—and its potential for good and ill—will accelerate at a rapid pace. How we can plan and guide that change to enrich human life is the central question of our era. This question is a special challenge both to scientists, who by the very nature of their training have a responsibility to be both sensitive and responsive to the wants of their fellowman, and also to those institutions like the National Science Foundation whose calling is to support science as it serves society.

I believe it is particularly timely as we begin the new decade to examine the convictions I share with my colleagues at the Foundation underlying new policies and new programs for the 1970's.

Progress in science cannot continue if its foundations—fundamental research—are weakened. This fact must continue to lie at the heart of the Foundation's programs. To tamper or to compromise with a continuing national investment in knowledge would be to cripple future generations by denying them the fruits of today's research.

Science, engineering and technology must be reexamined as basic tools of service to society. The traditional objectives of science can be—and must be—supplemented by research and education responsive to social needs.

What science implies, now and in the future, is rightfully a matter of growing concern to all Americans. Public participation in the making of policy for science must be encouraged.

The Foundation is an appropriate instrument of leadership for a large segment of American science, and we are prepared to accept that leadership.

Since the decisions we make today will set the new directions for the future, I am keenly aware of the critical role the Foundation should and must play in the immediate years ahead. That role will not be a passive one as long as I am Director.

I believe it important to acknowledge as the hallmarks of the Foundation's orientation towards the future, certain new emphases we have or are in the process of refining. Broad as they are, these emphases may best be viewed from the perspective of how NSF invests in people, in knowledge, and in the institutions which bring the two together.

INVESTING IN PEOPLE

Over the years, the Foundation has invested in people primarily through the education of scientists and prospective scientists, and to a modest extent, nonscientists. This is still the case, although numerous adaptations to meet our nation's changing needs are taking place. Among the anticipated program modifications we will stress are:

Alternative doctoral degrees, specialized master degrees, and continuing education programs which will provide training more attuned to the contemporary needs of colleges and industry.

Curricula for students not intending to make science a career.

Institutes for teachers which will better enable science teachers and their local school administrators to develop and adapt new courses, materials, and methods within their own school systems.

Public participation in science policy issues through greater involvement by State and local governments, industrial interests, and private citizens in applying science to their particular problems.

INVESTING IN KNOWLEDGE

The core mission of NSF is, and will remain, to advance the progress of science. One specific and central function is, of course, the support of scientific research; in fact, NSF is the only agency charged with this primary responsibility.

To build on our past scientific accomplishments, research support for the various scientific disciplines should be reasonably adequate. But how is adequacy to be decided? What are the criteria to be used? With the funds available to NSF, in a time of limited funding, we must first allocate our resources to achieve proper balance among the various scientific fields. We then must focus more sharply by considering such factors as the scientific opportunities made possible by the development of new scientific knowledge, instruments, and techniques, the impact of the research proposed on other fields, the applicability of the proposed investigations to societal or environmental problems, and its relationship to other NSF and Federal agency research programs.

I would be less than candid if I implied that these considerations result in any clear-cut answer as to the best program balance for NSF research in the future. But I anticipate increased emphasis in the following areas:

Disciplinary Research Support . . . predictable funding stability at a satisfactory level for disciplinary research support is one of our most important goals; our best scientists much be assured adequate support and we cannot afford to ignore younger scientists of promise.

Interdisciplinary Research . . . expanding problem-oriented research and related training activities is an important step in responding to the Nation's pressing social needs; the program of Interdisciplinary Research Relevant to the Problems of Our Society (IRRPOS) is the Foundation's catalyst effort in this.

Specialized Research Facilities and Equipment . . . increasing capital commitments in specialized research facilities is a must when the economy becomes more stabilized; the frontiers of science can only advance when adequate tools are available.

INVESTING IN ACADEMIC INSTITUTIONS

Given the complex difficulties facing the Nation's colleges and universities, I cannot offer a short answer to the hard problems of maintaining and improving institutional effectiveness. The Foundation and our institutions of higher education are inextricably bound together but, as every college president knows, NSF is not a major benefactor of the institution's general health.

We do help in small ways through the provision of annual formula funds for science

to be used at the discretion of colleges and universities, and increasingly through flexibility given institutional officials in administering research and education programs. Most significantly, NSF has strengthened science on a broad front in more than 30 universities and in individual areas of science at 54 other universities through large-scale development grants. Successful as these programs have been, we believe future emphases should be along somewhat different lines, for example:

Fostering of new multidisciplinary departments and centers with efforts directed toward specific societal problems. A number of problems believed amenable to this approach have already been identified.

Strengthening of investments in institutions planning to improve and expand their social sciences. The national demand for social scientists is expected to exceed the foreseeable supply, especially as to the multidisciplinary specialist with abilities to teach and investigate through a wide spectrum of the social sciences.

Broadening of support to institutions possessing interdisciplinary strengths in scientific research and education with special attention directed toward the improvement of university programs in the computer sciences.

As the new decade unfolds, the Foundation will require a great measure of cooperation and support from the scientific community in handling many of our "new thrust" programs, especially those which relate to the development of problem-oriented institutional capabilities. In addition to support for traditional disciplinary research, NSF will also concentrate other resources upon the solution of acute national difficulties by identifying areas of research, by actively seeking proposals, and by helping to work out new institutional arrangements. The Foundation's additional lead agency responsibilities in national and international research programs, such as Earthquake Engineering, Arctic Research, and the International Decade of Ocean Exploration, will assume a broader role as the decade progresses.

I firmly believe the Foundation is entering "The Transitional Decade" with vigor, imagination, and a new sense of responsiveness. The more subtle events of fiscal year 1970, indicating the probable directions for the future, underscore my belief. In short, I view the years ahead with confidence and optimism—thanks to an immeasurable degree to the leadership and wisdom of my two distinguished predecessors, Alan Waterman and Leland Haworth, and a deeply committed National Science Board, and staff.

BYELORUSSIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, today, the people of Byelorussia, along with her American descendants, will honor the 53d anniversary of Byelorussian Independence Day. This day should serve as a reminder to all free men of the hope and determination of those suppressed people who long to be free.

The years immediately prior to World War I were, for the people of Byelorussia, a time of hardship and discouragement under the dominating rule of czarist Russia.

However, as the Red army became disruptively involved with their own revolutions, the Byelorussian patriots seized upon the opportunity to break away from the Soviet forces and declare their independence. On February 19, 1918, the Byelorussian Congress, aided by the military, gained complete control of the government; and on March 25, 1918, the people of this brave nation declared Byelorussia a free and sovereign nation.

Although the life of the free nation of Byelorussia was just a brief moment in history, the people of this nation demonstrated to the world a determined and courageous capability for self-government. Within less than a year, her citizens had bravely fought for and rewardingly won the grand possession of freedom.

However, by late 1918, the Soviet armies once again invaded and overthrew this democratic government.

Mr. President, on this day, as we honor Byelorussian Independence Day, let us join with all free men in paying tribute to the hope and determination of these brave patriots of Byelorussia.

THE 30TH ANNIVERSARY OF THE USO

Mr. DOLE. Mr. President, yesterday, March 24, the United Service Organizations, Inc.—USO—opened its 3-day national annual conference here in Washington, D.C. A highlight of this conference is the celebration of the completion of 30 years of service to the men and women of our Armed Forces. President Nixon is national honorary chairman of this organization and Harvey S. Firestone, Jr., is chairman of the corporation.

The USO should be commended for its outstanding efforts and accomplishments in serving our servicemen throughout the world. Its single mission has been to provide for the spiritual, recreational, and entertainment needs of the Armed Forces. The USO has been supported entirely by the financial gifts and volunteer help of the American people and foreign nationals.

In the past year alone, our men and women in uniform made over 33 million visits to 124 USO clubs in the United States and 62 USO clubs overseas. These clubs are the servicemen's "home away from home," especially for those who are stationed many miles from their families and friends.

The USO is not resting on its laurels, but is looking to the future. Its annual report to the President contains the following statement regarding the future:

As we look ahead, USO is anticipating helping to serve the needs of the oncoming generation of young Americans who may be called to the colors.

We believe the needs and aspirations of the human heart and spirit remain the same whether a man is in uniform or not. This is especially true of young people who are separated from home by distance and loneliness and, additionally, in foreign lands by barriers of language, money and customs.

We continue to remain in a state of flexibility sensitive to the changing conditions of the times, and ready to curtail, expand or relocate facilities with any re-deployment or reduction of our Armed Forces.

We pledge to you, Mr. President, and to the American people that USO shall remain steadfast in our mission in furthering the welfare and morale of Armed Forces wherever they go.

Mr. President, many of us have spent many happy hours because of the outstanding service provided through this organization. I congratulate the leaders and volunteers for a job well done and wish them success in their continued service. I would also commend the annual report on USO's 30th year of service to the attention of all Senators and ask unanimous consent that it be printed in the RECORD.

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

JANUARY 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of United Service Organizations, Inc., (USO), we have the honor to transmit to you, our National Honorary Chairman, a report about operations on behalf of the morale and welfare of the members of the Armed Forces both within the U.S. and 40 countries overseas during 1970.

At the same time, we would point out that on February 4, 1971, the USO will be commemorating its 30th year of service to the men and women of the last three generations of our fellow countrymen who have been called into uniform in defense of our nation since 1941.

During this three-decade span, it has been estimated that there have been more than 27 million Americans who have been in uniform of the Armed Forces starting in World War II and continuing through the Korean conflict, the Cold War crisis, and in Vietnam in recent years, a majority of whom have enjoyed the services of the USO either at a club or USO Shows overseas.

Because of this, we are inaugurating in the coming year the USO Alumni Association for all those who would like to be reunited in memory and rededication.

Throughout the years, the USO has steadfastly adhered to its single mission of helping to provide for the spiritual, recreational, and entertainment needs of the Armed Forces. As you know, Mr. President, the USO is a "grass roots" expression of the continuing home-town concern of the American people for their sons and daughters in uniform.

USO has neither been given, nor has it requested, any financial subsidy from the Government. Throughout the years. USO has been supported directly by the financial gifts of the American people to maintain its far-flung operations.

Not only have the American people given of their treasure, but also thousands have offered themselves as volunteers. In the past year, for example, the USO was supported by the cooperation of 140,385 volunteers who have assisted our small professional staff by providing hospitality to those who otherwise might have been forgotten.

In the past year, the men and women in uniform made approximately 33,048,000 visits to our USO operations—11,143,000 visits to 124 USO facilities in the continental U.S., and 13,205,000 visits to our 62 points of service overseas. In addition, a total combined audience of 8,700,000 servicemen and women attended 8,100 performances by 1,066 USO Shows entertainers in overseas areas.

A significant factor underlying our overseas activity is USO's contribution to America's international relations. Wherever USO operates overseas, the local USO Council is composed of both American and foreign nationals who are important businessmen and leaders of the community. Many indigenous paid USO staff members and volunteers are also brought into contact with American servicemen and the American way of life under conditions that promote mutual understanding and respect.

The information and services provided by USO help in preventing incidents that might be detrimental to the image of America and America's servicemen abroad. In addition, our overseas club operations stress commu-

nity-related, people-to-people programs with the local populations. The programs include activities for the welfare and entertainment of war orphans, as well as visits between servicemen and local citizens.

Perhaps it would be useful to summarize our operations by overseas areas:

PACIFIC AREA

In Vietnam we have reduced the number of club operations from 17 to 15 as troops have been withdrawn. We are prepared to make further reductions to parallel planned withdrawals of additional troops.

At the same time, USO continues to maintain five club operations in Thailand. In the past year, we opened a new club in the forward area of Taegu, Korea. For a number of years, we have operated a major club in Seoul.

In other regions of the Pacific we maintain clubs in Japan, Okinawa, Guam, Taiwan, and the Philippine Islands. Many clubs throughout this entire area operate on a 24-hour day basis.

One of the attractions of the clubs in Vietnam is that we administer trans-Pacific overseas telephone communication facilities in cooperation with the military, USAID Program, and the South Vietnamese Government. Through these facilities the troops have a direct communication link with loved ones at home. Over 200,000 calls were placed through the USO switchboard in Saigon during the past year.

Toward year's end, Mr. President, USO responded to the need for reliable low-cost charter flights to transport servicemen on 14-day leave from Vietnam to the United States. At the urging of the United States Military Assistance Command in Vietnam, USO made non-exclusive arrangements with one of the nation's largest charter air carriers to transport authorized personnel round trip from Saigon to Oakland, California, for the minimal rate of $350. This is in support of new Department of Defense regulations permitting regular leaves in the United States, and no profit accrues to USO.

EUROPEAN OPERATIONS

In the past year, and for the first time, USO has initiated operations in Frankfurt, Germany, at the request of the Department of Defense. We also operate clubs in Toulon and Paris, France, Naples and Rome, Italy; Athens, Greece; Rota, Spain; and on the island of Malta.

In addition to these permanent clubs, USO operates Recreation Centers during major Sixth Fleet visits to ports along the Mediterranean, responding to requests by Navy Commanders to establish such temporary Centers when the Fleet comes ashore on leave.

CARIBBEAN OPERATIONS

USO maintains facilities in San Juan and Roosevelt Roads, Puerto Rico; Balboa in the Canal Zone; and in St. Thomas and St. Croix, to serve Navy and Marine personnel on training maneuvers and other missions throughout the Caribbean. There is no club at Guantanamo Bay, primarily because personnel there are restricted to the base by the political situation, and there can be no programs planned involving the local community. However, USO does provide diversion and entertainment through the many USO Shows that are booked there. During joint Naval maneuvers between the United States and its Latin American neighbors, the doors of USO are open to Latin American servicemen, as well as our own military personnel. Indeed, Mr. President, foreign military visitors are generally welcomed by USO everywhere, including our clubs and centers in the United States.

DIVERSITY OF PROGRAMMING

We would point out, Mr. President, that in each location—in the Pacific, the Caribbean, and Europe—the type of club operation differs according to the varying needs of military personnel and the cultural background of each country.

At each club there are certain basic services provided such as: snack bars, reading rooms where uniformed personnel may read the newspapers from home, listen to stereo tapes as well as listen to tape-recorded messages from their loved ones and exchange a message in return; lounging and recreation areas, and writing rooms. All the clubs maintain an atmosphere of companionship, friendliness and contact with home.

We are very proud that we have received great numbers of letters, not only from the grateful servicemen and women, but oftentimes from their parents and loved ones.

USO SHOWS IN 1970

In the past year the curtain rose on USO shows 8,100 times, presenting 216 entertainment units comprising 1,066 professionals, college groups, sports figures, and celebrities before a total U.S. military audience of 8,700,000. Every USO show is presented free—without charge of any kind—to members of the American Armed Forces and our allies in uniform.

As you know, sir, this last Christmas Bob Hope, USO's most renowed entertainer, went overseas for the 28th time. This season he visited not only Vietnam and Thailand, but also our troops in England, Germany, Italy and Greece. He is a symbol of the dedication of our American show business to the morale of our Armed Forces under the USO banner.

It is noteworthy, Mr. President, to point out the cooperation of American colleges and universities who last year sent 31 units of entertainers under the USO banner. The groups presented plays, musicals, and choral programs.

It is further significant that the Commissioners of Baseball, Basketball, and Football have joined in our overseas program by sending major sports figures on "hand-shake" tours to our Armed Forces, especially to those in hospitals.

These visitations also include visits by members of the National Cartoonists Society who talk with the wounded and give them individual sketches and caricatures to send home to their families. In addition, mention should be made of the participation of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America who never fail to bring a nostalgic touch of home.

OPERATIONS IN THE UNITED STATES

In the U.S., the USO operates 124 facilities in major cities and small communities near large military installations.

While continuing the basic "home away from home" features which have attracted the servicemen since its beginning 30 years ago, the USO has also augmented its programming by relating it to the Department of Defense's Domestic Activities Program. This is in two general directions: (1) to assist military personnel about to re-enter civilian life to find employment suitable to their skills, and (2) opportunities for those still in uniform to participate in voluntary community service in neighborhood programs designed to aid youth, the underprivileged, the aged, and the needy. As Secretary of Defense Melvin Laird, has said in establishing the program, "this call to social consciousness is being accomplished without impairing our primary mission of military readiness."

In the past, USO has had to relocate into more attractive quarters some of its club operations in large cities where neighborhoods had deteriorated. At the same time, there has been a significant increase in the number of lounges at airports, which handle traveling problems of military personnel and their dependents. Notably these are in Chicago, San Francisco, Cleveland, Seattle, and Dallas.

Again, stressing the diversity of its programming, we would point out that in addition to providing recreational facilities for Armed Forces personnel, we also look after the particular needs of personnel dependent families such as foreign-born wives and a large group who have taken on the title of "waiting wives," those who have husbands overseas.

These are but a few highlights, Mr. President, of our activities in the past year.

We are very pleased to report that the USO for the tenth consecutive year has earned the support of the Advertising Council by way of another major national campaign through print and electronic advertising media, bringing the appeal of USO to the eyes and ears of millions of Americans, and at the same time, urging support of United Funds and Community Chests. We know you are indeed familiar with the great public service provided by advertising and the media through the Advertising Council.

TOWARD THE FUTURE

As we look ahead, USO is anticipating helping to serve the needs of the oncoming generation of young Americans who may be called to the colors.

We believe the needs and aspirations of the human heart and spirit remain the same whether a man is in uniform or not. This is especially true of young people who are separated from home by distance and loneliness and, additionally, in foreign lands by barriers of language, money and customs.

We continue to remain in a state of flexibility sensitive to the changing conditions of the times, and ready to curtail, expand or relocate facilities with any re-deployment or reduction of our Armed Forces.

We pledge to you, Mr. President, and to the American people that USO shall remain steadfast in our mission in furthering the welfare and morale of Armed Forces wherever they go.

Sincerely yours,

HARVEY S. FIRESTONE, Jr.,
National Chairman.
EMMETT O'DONNELL, Jr.,
General, USAF, retired, President.

REFORM OF NATION'S HEALTH CARE DELIVERY SYSTEM

Mr. TOWER. Mr. President, the Health Subcommittee of the Committee on Labor and Public Welfare is now considering various proposals on reform of the Nation's health care delivery system. The distinguished chairman of the House Ways and Means Committee, Mr. MILLS, has anounced that he hopes to begin hearings on similar proposals in the near future.

In a sense, a national debate on national health insurance has already begun. The Dallas Times Herald has recently addressed itself to this debate in an editorial published on March 18. The editorial mentions two of the principal proposals before Congress. As a cosponsor of the medicredit proposal, I found this editorial to be most perceptive. I therefore ask unanimous consent that its text be printed in the RECORD.

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

OF FREEDOM AND PHYSICIANS

Teddy Kennedy not long ago offered us a sweeping proposal to revolutionize American health care. Let us, said Kennedy, have compulsory national health insurance.

Now there's no doubt that Kennedy's plan would make health care available to absolutely everyone. But wouldn't it also destroy a health system that, notwithstanding its ever-rising cost to the public, now offers the best medical treatment in the world? It would.

And this is one of the things that disturbs Americans who want to make this a healthier nation, but without socializing and bureaucratizing our medical system.

There is a way out of the dilemma, however, and the American Medical Association is the latest group to point it out to us.

A couple of days ago, the AMA unveiled its answer to the Kennedy program. It is a reasonable and commonsense approach which merits careful study. The doctors suggest that the government help pay the cost of private health care protection for everyone under 65 (Medicare would be continued as is). The size of the government contribution would depend on one's income. The less you earn, the more help you get in buying a health insurance policy, or a membership in a prepayment plan or a prepaid group practice plan.

This, says the AMA, leaves the health care system with the freedom and flexibility which have made it flourish. The problem of high-priced treatment is met, but without the doctor's becoming a vassal of the state.

Thus free, he can concentrate on the very substantial problems with which national health insurance doesn't at all come to grips.

The maldistribution of health care services, for example, which, according to AMA board chairman Dr. Max Parrot "can be ameliorated through a shift in emphasis in many programs. Scholarships tied to service contracts, income guarantees, and preceptorships will help . . . but more attention should be given to transportation, to the use of more physicians on a part-time basis, to facilities for remote biomonitoring of patients . . ."

What has this to do with health insurance? Not much, except as such initiatives might be stifled by a straitjacket system of federal medicine.

Those initiatives are available now, and the doctors want to act on them. But this might prove a bit difficult should they one day discover the government peering over their shoulders.

It's a good point the doctors have raised. And given the transcendent importance of medican care. Congress ought to lend them an attentive ear.

BYELORUSSIAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, today it is a privilege and a serious duty to join with all Americans in observing the 53d anniversary of the declaration of independence of the Byelorussian Republic.

Since that declaration during the tumultuous period of 1918, Byelorussia has lived under the most cynical sort of Soviet despotism. Denied the substance of freedom, they have been granted the worthless shadows of liberties which Soviet constitutionalism grants.

But the very fact that the Soviet despots must pay even lipservice to the existence of Byelorussia as a sovereign state testifies to the great enduring heritage of the Byelorussian people.

Furthermore, when—as surely it one day must—Soviet despotism is destroyed by the just aspirations of its subject peoples, and by the determined hostility of free people everywhere, then the Byelorussian people will be rewarded for the steadfastness which they and their fortunate brethren living in liberty have shown in the dark and discouraging days of tyranny.

TRADE POLICY QUESTIONS—ADDRESS BY THEODORE R. GATES

Mr. JAVITS. Mr. President, in the present debate on trade policy, the impression is often left that the forest of our widespread commercial interests in Europe and Japan is often overlooked as we narrowly focus on the trees of individual commodity problems.

I suggest that such a narrow focus is as detrimental to our overall foreign economic policies as our excessive focus on Vietnam is detrimental to our broader interests in the world.

I invite the attention of Senators to a recent speech by Theodore Gates, the assistant special representative for trade negotiations, which focuses on our evolving commercial relationship with Western Europe. We would do well to heed Mr. Gates words that—

Europe is at a major turning point. It is once again making rapid, highly significant steps forward in its internal development and in overcoming obstacles to full integration. In its current enlargement negotiations, it may soon be creating further, vast changes in our multilateral trading world. While these are not the only trade policy issues ahead of us, they are certainly among the most important.

I would suggest that the actions the administration and the Congress take in the foreign economic policy area in the months ahead will help determine the future shape of our relations with Western Europe in the decade of the 1970's. In turn, the decisions of Western Europe as they approach a historic expansion of the Common Market particularly as they relate to the access of our exports and capital to European markets will help influence the developing mood of the U.S. administration and Congress.

I ask unanimous consent that Mr. Gates' remarks be printed in the RECORD.

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

A U.S. POINT OF VIEW ON TRADE POLICY QUESITIONS

(Addressed by Theodore R. Gates, assistant special representative for industry and labor, before the German American Chamber of Commerce, New York, N.Y., Mar. 10, 1971)

I hope you will not mind if I tend to concentrate today upon certain European-American aspects of future trade policy questions. Europe is at a major turning point. It is once again making rapid, highly significant steps forward in its internal development and in overcoming obstacles to full integration. In its current enlargement negotiations, it may soon be creating further, vast changes in our multilateral trading world. While these are not the only trade policy issues ahead of us, they are certainly among the most important.

Europe today is both the world's largest trader and a very major political force. Tomorrow it may be even larger and more important in both respects. It already carries great weight and responsibility for world economic development, with all of the broad and complex obligations that its power and position involve. Tomorrow it may carry even more responsibility. Its policies, both domestic and foreign, and the actions it takes will have worldwide effects.

These developments, moreover, are coming at a time when the need for unity and cooperative action is greater than ever before. The problems of modern technology, of our common environment, of the faltering progress in economic growth and development in many regions, and of steadily intensifying competition will require close and real collaboration.

While these events have been transpiring I am sure you all have been equally conscious of growing tensions. Of late, to take but one example, there have been statements and a flow of comments from Europe, even cartoons, suggesting a deterioration of our relations. It has been asserted, among other claims, that we misunderstand economic and political developments in Europe.

I propose today to examine some of these claims, to state what I believe are some basic propositions, and to describe where the United States is heading in its trade policies and where it believes others should also be going. I do not want to add to the volume of rhetoric, but rather try to point to some places where it has been tending to depart from reality.

It must be no secret to a group such as this that some spokesmen in Europe of late have appeared to claim the status of Caesar's wife. Nor that some have gone so far as to see in American concerns over certain developments in European policies evidence of a reversal of our long support for European unity. Our concerns have also been characterized as being based on a narrow point of view—one of pure self-interest—rather than as viewing European evolution in the broader context of its contribution to world political development and strength.

We have been said to be ignoring the subjective political importance of certain economic policies, and even of misunderstanding the purposes of such major features as Europe's agricultural and preferential trade policies. We are also said to be consciously slowing down or even abandoning our efforts to eliminate obstacles to freer trade.

Others have claimed that any problems we here may have with European policies revolve around specific products where, if we can prove damage, specific solutions can eventually be found. Any such specifics, moreover, tend to be considered as mere details. Finally, there are even those who seem to believe the voices here which have been calling for greater protection are expressing only internal American causes and considerations, in no way related to developments abroad.

On the other hand, one also hears today that the European Community has adhered consistently and wholeheartedly to a liberal trade policy. While conceding an unavoidable preoccupation with achieving the internal political compromises necessary to forge each new link in the process of integration and, now, preoccupation with the complex and massive enlargement negotiations, the interests of third countries we are assured are taken care of each step of the way. Any adverse developments, it appears, are either temporary or involve but a small price to pay. The facts that U.S. exports to Europe overall have continued to grow or that our traditional trade surplus remains reasonably intact are often cited as proof positive that our interests are being adequately safeguarded.

Much of such generalization and rationalization is perhaps inevitable in times of rapid and profound change. But it should be recognized for what it is and how it arises. Trade matters traditionally fall midway, if you will, between domestic stresses and urgencies on one side and foreign policy considerations on the other. Let pressures from one side relax or become nonexistent, and considerations from the other will become paramount and determining.

Last year, for example, we saw here in the United States a tipping of the scales in the minds of many toward domestic urgencies.

Across the Atlantic, this should have been a familiar problem. Most of the instruments of European foreign policy are still the province of the Member States—foreign aid, for example. The hammering out of foreign-trade positions is not directly subject to the leavening influences of a comprehensive and unified common foreign policy. On the other hand, trade measures are about all the Community as a single entity can offer to others in the conduct of its foreign relations.

As Professor Joslin has pointed out in his recent study of world agricultural trade, one of the Communities' present combination of high internal support prices and its lack of a unified foreign policy is an agricultural trade policy subject only to domestic pressures. The long, hard process of merging the separate ideologies and patterns of centuries has involved a long series of essentially political negotiations. The overriding priority in each has been compromise in order to establish the new Community. While such compromises are, at least in the first instance, internal matters for the countries concerned, other nations are properly concerned that this process not subordinate their own interests nor those of the world trading system itself.

Obviously, the creation of a new entity of 250 million people includes a vast number of specifics and many complicated issues. I propose to single out but two—agricultural policies and preferential arrangements—for comment. There are more, but these two have perhaps the greatest significance for the world trading order and its future, certainly in the short run, and both have been matters of concern outside Europe.

Community spokesmen point out with reason that agriculture has long been a problem virtually everywhere. They also rightly point out that it is often and largely a socio-economic problem, one difficult to solve working from any international point of departure.

With equal truth, they note that some common agricultural policy is absolutely essential to European integration. Finally, given these facts some then would hold that we are, in effect, misunderstanding the essential purpose of their efforts when we express our concern wth some of the methods they have employed and with present and probable future consequences.

The system they have chosen to adopt, you will recall, operates to keep European prices for grains, meat, dairy, and certain other products above world prices. A variable import levy further operates to insulate Europe from world market forces. When world prices fall, the levy rises to dampen or prohibit imports, and vice versa.

Such a system could, of course, be operated to achieve any desired level of protection or results. Internal prices could be set at or near external prices. As a matter of fact, however, the community has chosen to set them at high levels. They thus now operate to restrict imports and to induce surplus production. Moreover, the continuing political issue for those who set prices, unfortunately, seems to be when and how much to raise them further.

With virtually no limitations on domestic production, high support prices stimulate greater output. They also discourage consumption. The resultant surpluses are then marketed with the aid of export restitutions or subsidy payments, to the disadvantage of other exporters in third market countries. In short, a two-edged sword is being wielded, limiting access to the European market and providing sharp competition elsewhere.

Protection for agriculture, of course, is hardly unique with the Community. We protect our sugar, peanut, and dairy farmers by maintaining our domestic price above world prices. We still make export payments to a shrinking product list which includes wheat and wheat flour, tobacco, rice, cottonseed oil and meal, peanuts and dried milk.

We are currently also making payments on exports of lard and poultry to certain destinations but, in these two instances, for a special reason. Subsidized European exports of lard and poultry to some markets have made such inroads that this has appeared to us to be the only reluctant recourse we had to defend our interests.

At the same time, however, we also subject our agricultural sector to production limitations and disincentives, and have often restrained our exports to avoid disrupting world markets. Moreover, we are moving toward lower domestic price support levels, closer to world levels. There are few if any signs of European movement in the same directions.

In seeking to minimize this problem, spokesmen in Europe often point out that our share of total Community farm-product imports has been stable, that we have a favorable, bilateral balance in such trade, and that nearly 40 percent of Europe's purchases from us are not subject to either tariffs or quotas. Such observations, however, overlook the facts that our exports to the Community of the unrestricted agricultural commodities have grown rapidly while our exports of products subject to variable levies have declined with equal rapidity.

For example, while our soya bean exports to the Community have increased dramatically, our grains exports declined drastically. Common market grains imports from the rest of the world totalled 13.3 million metric tons in 1960 and fell to but 2.1 million tons in 1969. While the Community had a small grain crop in 1970, the outlook is for further production increases. In a few years, if the trend of the 1960's continues, the Community could conceivably achieve an artificial, net self-sufficiency in grains. What was ten years ago the world's largest grain market may soon become a negligible factor in world grains trade.

The lesson we all are or soon will, I hope, be learning is that we must resist the temptation to solve our domestic problems by higher prices and by subsidizing our way into foreign markets—of, one way or another, in effect exporting the problem itself instead of solving it. The need for accepted, observed rules of behavior is critical. Until those rules arrive, preferably in the context of a truly international policy for agriculture—a goal we have long been urging in the GATT and other forums, the present world market system must be carefully preserved and gradually strengthened. It certainly cannot be violated by major countries.

Meanwhile, we cannot be asked to regard the external aspects of a domestic agriculture system as sacrosanct nor an unfit subject for discussion or change. To do otherwise is to risk the possibility of collapse of our present rules and a rapid snapback to the jungle of self-sufficiency of the 1930s, a jungle that has taken so long to find our way out of and from which we have not yet entirely emerged.

The basic concern of the non-European with the second example—the problem of preferential arrangements—is much the same. It stems both from the adverse effects on non-participants' trade and from its deep erosion of a basic principle of the GATT—that all other trading partners be treated on the same basis.

The still growing network of European preferential and association arrangements has been variously justified. For those countries once colonies or dependencies of present Member States it is argued with some plausibility that their weak and dependent economic status is such that suddenly to give up special access to European markets could be disastrous.

For other nations without the same close historical ties it is said that a mutual exchange of reduced tariffs is a form of development or aid policy, in effect, a means of providing additional cash payments to the countries concerned. For still others, largely the traditionally neutral nations of Europe, the discussions underway with them are justified on the basis of the close ties within the European family. One way or another such justifications have been developed to cover the Mediterranean, most of Africa, and virtually all of Europe.

Whatever the justification may be, the fact is that except for genuine free trade areas or customs unions each arrangement involves derogations from the basic principle of the GATT that a concession granted to one country is extended to all. This is the backbone of our present multilateral trading system. Each such arrangement not complying with the rules involves a return to the bilateralism of the 1930s, the straitjacket on trade from which we also slowly emerged, or had hoped we were leaving behind.

Some would defend some of these developments on the basis of overriding political considerations and counter any criticism as only reflecting, again, a misunderstanding of motives. Others pass off any criticism as involving no yet discernible economic justification. They imply, thereby, that a principle can be breached until damage can be proved, or, as we would say, until the horse is out of the barn.

Any issue here does certainly not involve a clash between political considerations. Indeed, we have long sought greater participation and a broader sharing in the responsibilities for closer political ties and for the economic growth of developing nations everywhere. In the critical area of the Mediterranean, too, our general interests coincide with those of Europe. The issue is whether the instrument for such policies must, should, or can only be tariff preferences. This includes in particular whether preferences granted by developing nations to the products of Europe, but not to those of other developed nations, are somehow also essential and unavoidable.

Again, it appears to us that the policy being created not only has a double-edge, but threatens to undermine the progress gradually achieved in creating our present trading system. Better solutions, we feel, can be found to pursue otherwise commendable objectives than by creating a vast new, bloc-trading system with built-in discriminatory features.

Our concern here is more than any stubborn clinging to principles agreed upon at some earlier point in time. Developments such as these not only undermine the present GATT system of multilateral trading rules, but also pose the potential of diverting trade, not expanding it. Our need today is to strengthen the system under which trade moves and nations deal with each other, not fragmenting it. We have long supported regional groupings and the elimination of barriers between closely affiliated states. In each case we have believed that the form and detail of such association are essentially the business of the participants. But we must oppose any results harmful to our interests or to the interests of other third parties to the trading system itself. All countries today share a common, basic interest in expanding trade on a nondiscriminatory basis. They must realize they have as much to gain and as much to lose as any others do under the present system.

This realization will come. It will surely come with the success of integration and with assumption of world-wide responsibility and, more desirably, even before then. As the President said in his recent report on United States Foreign Policy for the 1970s,

"Western Europe is uniting, and will soon be in a position to forge an identity of its own, distinct from America within the Atlantic world. As nations and peoples we in the West now share both the horizons and the burdens of the most advanced modern societies. This challenges us to develop a

partnership engaging the collective energies and wisdom of our fifteen sovereign states."

The alleged misunderstandings I noted earlier can clearly extend in both directions. While it is often claimed that we misunderstand Europe's agricultural and preferential policies, it seems equally clear to us that there can be grave misunderstanding abroad of our directions and goals in foreign trade. It has been said, for example, that we have abandoned our long role of leadership in the removal of barriers to trade, and that we are turning inward.

Nothing could be further from the truth. Let me again quote from the President's message:

"This Administration is committed to the principles of free trade. We recognize that our preponderant size in the world economy gives us an international responsibility to continue on this path just as we have an international responsibility to manage our domestic economy well. I am convinced that liberal trade is in both our domestic economic interest and our foreign policy interest."

In that same message the President went on to detail the steps he has and is taking to continue liberal policies and concluded:

"One conclusion is already clear: Our trade policy problem is not ours alone. It is truly international in scope. We and other countries shall all move toward freer trade together or we shall all retreat to protectionism together. Restrictionist policies in one country reinforce restrictionist pleas in another and weaken the case of those who defend freedom of trade."

He added that we cannot be expected to remove our barriers unless others are equally willing to eliminate theirs, and on a truly reciprocal basis. He further underlined that the failure of the Administration's trade bill in 1970 and the near success of protectionist legislation "were closely related to the slow pace of the international negotiations on trade barriers." "These developments," he stressed, "make clear that other countries can no longer proceed on the facile assumption that no matter what policies they pursue, liberal trade policies in the U.S. can be taken for granted."

Finally, with regard to the European Community, the President stated his policy clearly:

"Our full support for the European Community continues, but its policies—including those related to the expansion of its membership, which we also support—must take full account of our legitimate economic interests. We look to the Community, as the world's largest trading entity, to assume an ever greater responsibility for the maintenance of a liberal world trading order by pursuing liberal policies itself, and by playing a more active leadership role in seeking ways to further reduce the remaining barriers to trade."

From personal experience, if I might, may I add that one of the most common arguments last year for greater protection—and one not always easily met—was the argument that "others are not playing the game." Most responsible Members of our Congress, I submit, are not protectionist, certainly not in the sense of having an all-out desire to add protection to American domestic interests and at any cost. But many last year were ready for change because of their concern that trade was not a proper, fully policed, two-way street. Their mood, in short, was directly related to developments abroad.

Many of them were concerned that certain international rules were being flaunted, thereby offending our traditional sense of fair play, and that loopholes were being found and widened. Observance of the Most-Favored-Nation principle, or lack of it, is for Americans a major, deep-rooted issue. The possible fact that there may be not yet "discernible economic justification" for any concern in some of the present departures from it misses the point. The principle is there; it has a certain wisdom and a body of useful and satisfactory experience to justify it. It cannot be ignored or superseded for purely domestic political considerations with impunity.

There were other elements in the mood of 1970—elements that the world trading community can also do something about. Much of that mood was based on a sense of frustration and an exhaustion of patience with certain other countries. Certainly, the long-standing efforts of Japan to penetrate foreign markets while impeding any access to its own was a large factor in 1970. So were such long-standing issues as the European agricultural policy. Our concerns about its effects have been expressed in virtually every manner possible for better than a half a decade. Or the effects of preferences upon our citrus exports—an issue in one form or another now well past its second birthday. Another gnawing issue which should also be noted for it typifies still another problem is resentment here over quiet arrangements and often hidden restrictions on trade. The methods employed, for example, in restraining Far Eastern textile exports into European markets carried great weight—and not just because such restraints divert textiles to this market—in the decision of many to favor our own restraints on textiles last year.

There were, of course, other, primarily domestic reasons for the 1970 mood. I have taken too much of your time, but some should be mentioned if only in passing. The regrettable failure of the escape clause and adjustment assistance provisions of our existing trade laws was clearly a source of further disillusionment and contributed to over-reaction. The unhappy combination of rising unemployment, prices, and balance-of-payments deficits contributed further.

The conclusion I want to leave with you today is that protectionist sentiment is neither the prevailing nor a persisting mood in America. Nor is it by any means entirely "made in America."

There are problems today in all nations. We must abandon the rhetoric, the public relations devices, and the debating points and approach these problems in partnership as sensible, responsible inhabitants of the same shrinking globe. We need to listen, understand not misunderstand, and give consideration to others' problems and to the broader implications of how we choose to solve our own. We must reject the easy political compromise based on the purely domestic consideration.

There are no simple answers to our common problems. In solving them we must be concerned with our own interests and expect others to do the same. But none of us can afford the luxury of economic nationalism or pursue goals without regard to others. If we give access to our markets, we must have in return equal access to other markets. The strains and stresses in world trade, the inequalities of treatment, must be resolved if our common purpose—a multilateral system of expanding world markets—is to be achieved.

One of the many functions of a hyphenated Chamber of Commerce such as yours is to explain the viewpoints of countries to each other. I hope you can help perform this vital function. Any contribution you can make to improved understanding will be most timely and most welcome.

HANDICAPPED DESERVE FIRST-RATE EDUCATION

Mr. DOLE. Mr. President, education has become the major route to full participation in our society. Our Nation's schools have done a commendable job of preparing our youth to meet the challenges of today's society. However, nearly 7 million handicapped children suffer with conditions which limit their ability to profit from regular education programs. Failure to guarantee adequate instruction services to these handicapped children imposes undue and costly hardships upon the child, the family, and the Nation as a whole.

Only one-third of the handicapped children in the country are receiving an education that will provide them with the basic skills they need to become active, productive citizens. It cannot be denied that progress has been made. In the last decade, the number of handicapped youth receiving educational services has more than doubled. Still, two out of three lack any kind of educational services. The number of teachers of the handicapped has increased dramatically in the last 10 years. Yet we need to more than double the present number of trained teachers for this work.

I believe we must all bear the guilt for the present lack as we must all share the responsibility of realizing the goal of an adequate education for every child.

Mr. President, an article written by Louis Cassels, senior editor of United Press International, is at present appearing in newspapers throughout the country. The article very effectively states the current problems concerning special education today. I ask unanimous consent that it be printed in the RECORD.

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

HANDICAPPED CHILDREN CAN LEARN, GIVEN A CHANCE

WASHINGTON.—"I'm biased on this subject," admitted Dr. Edwin W. Martin Jr. "I don't claim to be an impartial source."

The subject on which Martin acknowledges bias is handicapped children. He thinks they deserve a first-rate education. This is not an inappropriate prejudice for the man who heads the Bureau of Education for the Handicapped in the U.S. Office of Education.

He said in an interview the present situation is either very depressing or very hopeful, depending on which set of statistics you choose to emphasize.

The depressing facts are these:

America has 7 million children whose ability to learn in ordinary classrooms is handicapped by blindness, deafness, speech defects, mental retardation, physical abnormalities, emotional disturbances, minor brain injuries or a combination of these things. Nearly all of them could be helped through special education programs. But only 2.2 million are being helped at present. The other 4.8 million do not have access to the kind of classes and teachers that would enable them to surmount their handicaps and realize their potential as human beings.

HOPEFUL FACTS

The hopeful facts are these:

The nation's conscience is belatedly awakening to the needs of handicapped children. Ten years ago, the federal government was spending less than $1 million a year to promote special education services. This year, it's spending $170 million for that purpose. And Congress has displayed a willingness to vote more if the White House and Budget Bureau will allow the extra money to be spent.

State and local school boards also are displaying a greater willingness to invest in special education. Martin estimates state and local outlays will approach $3 billion this year.

To provide adequate programs for all of the

7 million handicapped children would cost, Martin figures, in the neighborhood of $10 billion a year.

"But this should not be regarded as a spending program," he said. "It's an investment that will save the taxpayers a lot of money in the long run."

A handicapped child who does not receive special education is likely to wind up in an institution or on the welfare rolls, he said. The cost to the public of maintaining him in that dependent status may total, in a normal lifetime, around $300,000.

The same child could grow up to be a responsible, self-supporting adult if he had the benefit of 15 years of special education at an average cost of $2,000 per year, or $30,000 in all.

EDUCATION COSTS LESS

In other words, educating a handicapped child costs only one-tenth as much as neglecting him.

There are, of course, better reasons for educating handicapped children than saving money. The best reason of all, in Martin's opinion, is the simple fact that "it can be done."

"We've made tremendous progress in recent years in developing new techniques and special kinds of equipment that enable trained teachers to accomplish near-miracles in educating even severely handicapped children," he said.

One of the first needs is to help parents of handicapped children locate schools or training centers where the right kind of special education is available.

Martin's bureau has moved to meet this need by establishing a computerized national information center. Any parent who suspects that his child may have a learning disability is invited to write to this center. He will receive without charge a list of all appropriate facilities in his area, plus helpful guidance on how to tell when a child needs special help.

The address is Box 1492, Washington, D.C., 20013.

PRISONERS OF WAR

Mr. ROTH. Mr. President, the events of this week have not been humdrum in any way. The SST has been defeated, the 18-year-old vote has successfully crossed its first hurdle toward passage, and the District of Columbia at long last has a voice in Congress. These are a few items which have made a significant mark on the historical calendar for the week of March 21, 1971. All of them, however, tend to pale in light of the issue for which this week has been designated: "National Week of Concern for Prisoners of War/Missing in Action." It is an honor for me to be a cosponsor to Senate Joint Resolution 10 which sets this week apart from all others by asking the American people to give special recognition to the plight of our more than 1,500 prisoners of war and men missing in action.

The North Vietnamese have proven their prowess and their ingenuity to us many times over. They have also proven their inhumanity. It is incomprehensible to me to think that the leaders of the National Liberation Front and the North Vietnamese Government could condone and bear witness to the atrocities inflicted on our prisoners of war. The slow and steady torture to which these men have been subjected is a fate not fit for any living creature. Any man, be he North Vietnamese or American, should have no trouble in reaching that same conclusion. I appeal to the basic instincts of the leaders of North Vietnam and beseech them to restore their own dignity and set these men free.

RAILPAX ROUTE DECISIONS

Mr. ALLOTT. Mr. President, the long-awaited route decisions by the National Railroad Passenger Corporation—Railpax—have now been made, and for the first time since the end of World War II we appear to be on the threshold of major improvement in rail passenger service.

Although the number of intercity, and especially long-distance passenger trains has been drastically reduced, the remaining routes, for the most part, appear to be capable of an eventual self-sustaining status.

Speaking first as the senior Senator from Colorado, I cannot be too displeased with the route decisions. Along with Gov. John Love and other members of the delegation, I had long fought for retention of the California Zephyr. It has been retained. In 1967, when the Santa Fe Railroad announced its intention to seek major passenger service cutbacks, I indicated we should at least be willing to fight for the Chicago-Los Angeles "Super Chief" route, which operates through the southern part of Colorado. Railpax has also maintained that service.

These two positive points are tempered somewhat by the Railpax decision to make the Denver-San Francisco service triweekly rather than daily as promised by Secretary Volpe when he announced the original system. I am confident, however, that when renewed equipment, reliable scheduling, efficient ticketing, and reservation service, and adequate marketing are applied to the Zephyr route, enough traffic will be justified to restore service to a daily basis. I am also somewhat disappointed that the entire front range will be left without rail passenger service. I hope that some type of service there will be possible in years to come.

Speaking now as a member of the Transportation Subcommittee of the Appropriations Committee and as a Senator who has had a long and abiding interest in the development of our Nation's transportation system, I believe the Railpax incorporators have, for the most part, done a fair and reasonable job considering the enormity of their task, the seriousness of the problems involved and the limited funds available.

I would say, as an overview, that perhaps the incorporators gave a bit too much weight to existing ridership patterns and existing service in determining what trains should be operated. It is true that where railroad passengers still persist after years of bad service and poor equipment there is probably a good base market which is capable of sustaining continuing service. It is also true, however, that in some areas of the Nation, service has been so poorly operated and passengers so completely discouraged that the lack of ridership today cannot necessarily be taken as an absolute sign that people in that region are not interested in passenger trains.

I hope Railpax will initiate market surveys to determine where else service might be used if provided. This has not been done to date, and it should be done before large areas of the Nation or various long distance routes are eliminated from the thinking of the corporation.

I must admit I have not taken the train at various times because of the kind of service which was available, and I know there must be millions like me who would use trains at least from time to time if these trains were fast, clean, and dependable.

The elimination of Cleveland and of the whole Northern Chicago-New York route from the Railpax system is a good illustration of my point. Surely that area of the country ought to have some kind of service. The service they have had has been poor enough to destroy the present ridership base. Yet if good service were provided on such a route with a very impressive population base, I think it is reasonable to assume that it could attract riders back to the rails.

In my examination of the national system I have noted a few other curious decisions as well. The Milwaukee-Chicago service uses the route which bypasses all of the major cities between Milwaukee and Chicago. Instead, the route selected operates through flagstop-type villages, which is fine for through passengers between Milwaukee and Chicago, but not so fine if one happens to live in one of the major cities along the lakeshore.

People in Detroit, as an example, can get to Chicago via the new system, but cannot get to the East Coast. Also, the amount of corridor service, especially between Los Angeles and San Diego seems to be somewhat inadequate considering the market potential.

I cite these few points simply to express the hope that as the system develops it will be adjusted and expanded where feasible. Again, I hope that market potential, rather than existing service, will serve as a greater factor in future decisions on the system.

In any case, the incorporators and Secretary John Volpe deserve great praise for doing a difficult job well, and doing it on time.

May 1 is fast approaching. I know that Railpax intends to do as much work on equipment prior to that time as possible. I know that Railpax will attempt as completely as possible to make the public aware of the system, its routes, fares, through services, ticketing operation and schedules. If the people really know about the kind of service that is offered, I cannot help thinking they will avail themselves of it. I do not believe we can say we really did an adequate job unless the system is advertised and promoted in every way possible.

All of us concerned with transportation will look forward to continued progress under Railpax.

THE PRESIDENT'S PROPOSED HEALTH INSURANCE PLANS

Mr. DOMINICK. Mr. President, some 61 million Americans under the age of 65 have no insurance covering in-hospital medical expenses, and more than 102 million have no coverage of office visits to doctors. President Nixon in his recent health message recommended a new National Health Insurance Act, and a new family health insurance plan, both of which would alleviate the dire plight of

our millions of citizens in desperate need of better health care.

In Atlanta, Ga., President Nixon's new plan has been called the best we've seen so far.

I ask unanimous consent to have printed in the RECORD the Atlanta Constitution editorial of February 19, 1971, entitled "National Health Plan."

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

[From the Atlanta (Ga.) Constitution, Feb. 19, 1971]

NATIONAL HEALTH PLAN

President Nixon has sent the Congress a national health plan that is basically workable within our economic framework, undoubtedly constructive, and sorely needed.

As things stand now, the federal government underwrites medical care for the aged and gives some assistance to state programs for the indigent. The rest of the population is either covered by private insurance or not covered at all. Some 61 million Americans under the age of 65 have no insurance covering in-hospital medical expenses, and more than 102 million have no coverage of office visits to doctors.

Central to the President's plan is a proposal to require all employers to furnish their employes with health insurance covering up to $50,000 of medical expenses for office visits as well as in-hospital care for each worker and each member of his family. The program would go into effect in July 1973 and costs of the insurance would be split between employers and employes.

Initially, employers would pay 65 per cent of the premium, but by 1976 this proportion would rise to at least 75 per cent.

And although the federal government would not contribute directly to the national plan, employers' payments would be deductible for income tax purposes. The potential loss in federal revenue from such a move is estimated at $1.5 billion to $2.5 billion a year by Health, Education, and Welfare experts—Which is considerably cheaper than any alternate plan yet proposed.

Still to be answered by the Administration, however, is what new federal controls will have to be imposed on the insurance industry itself.

Obviously for such a plan to work there will have to be some control over premium rates, profit margins and disclosure of company ownership or control.

But just as obvious to us is the fact that there is no longer any question as to whether the United States must have a national health program. The only question is whether we are to have a good one or a bad one.

We think President Nixon's plan is the best we've seen so far.

MISCONCEPTIONS ABOUT THOSE ON WELFARE

Mr. RIBICOFF. Mr. President, no issue is more clouded with misconceptions and oversimplifications than welfare reform. We will never develop adequate public assistance programs and policies if our judgments are based on myths rather than reliable information regarding the nature and causes of poverty in the United States.

One of the greatest misconceptions is that millions receiving public assistance are loafers who should be put to work. In fact, only a relative handful of those now on welfare would be able to work if we had the jobs to provide them.

This entire question is explored in William Raspberry's column entitled "All Poor People Are Not Bums," published in the Washington Post of March 23, 1971. I ask unanimous consent that Mr. Raspberry's column 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, Mar. 23, 1971]

ALL POOR PEOPLE ARE NOT BUMS

(By William Raspberry)

One reason why there is so much opposition to the President's welfare reform proposal is that a lot of Americans are convinced that the welfare rolls already are filled with bums too lazy to work.

Even Mr. Nixon, in the August, 1969, speech in which he first proposed his Family Assistance Plan, spoke of "those who can work but choose not to."

No hardworking taxpayer wants to underwrite someone else's laziness. And so there are constant efforts to write work requirements into the proposed legislation or in some cases to kill the proposal outright.

But to what extent are the beneficiaries of either the present welfare system or the proposed Family Assistance Plan in fact lazy bums?

To start with, only about half the nation's poor people are on welfare. The rest work full time.

But of those who do receive welfare grants, an estimated 64 per cent are children, another 10 per cent are old folk and approximately 15 per cent work at least part time.

The bums, obviously, must be in the remaining 11 per cent. But this 11 per cent includes mothers of young children for whom full-time work may be impracticable, it includes the disabled who cannot work and it also includes people who simply can't find work—the unemployment figures we keep hearing about.

The lazy bums we are so loath to support constitute perhaps 1 per cent of the present welfare load—hardly enough to warrant killing a program that could help so many people who desperately need help.

Nor are the welfare recipients the only ones who would be helped by the Nixon proposal.

Nearly half of the nation's poor people work hard every day. The problem is that the general economic situation and their lack of skills force them into work that is ill-paid.

Between 3.5 and 4 million jobs, for instance, pay less than $1.60 an hour—$64 a week. No matter how hard you work at such a job—particularly if you have a family to support—you will remain poor.

Without the Family Assistance proposal, or something like it, there is no relief in sight for these working poor. And yet the prospect of supplementing the income of even this group raises shouts of opposition.

The reason, I think, is that we have a distorted view of our Land of Opportunity. No matter what our knowledge of the *facts*, the *feeling* persists that anyone who really wants a job can get one. Moreover we feel, the facts again notwithstanding, that anyone who works hard at a bad job will be rewarded with a better one.

It is this Horatio Alger view that leads so many of us to suppose that the jobless on our welfare rolls are mainly people who don't want to work. (And many of us can "prove" it by pointing to the welfare mother who turned down an offer of a $60 a week maid's job.)

What we forget to ask ourselves is what does $60 a week do for a woman that would warrant removing her and her family from the welfare lists?

By the same token, we look at non-welfare recipients who work full-time at lousy jobs as people who are simply too lazy or too ambitionless to better themselves through hard work.

The feeling persists that a busboy who works hard and keeps his nose clean will wind up owning the restaurant. The truth is that about the only thing that working hard as a busboy will produce is a very tired busboy.

It is time we stopped deluding ourselves that poverty is the result of personal moral flaws of the poor or that America cannot afford to guarantee the right of its people to live in decency.

The truth is that we cannot afford not to. The Nixon proposal is recognition of this truth.

It will work no great harm—and may make some puritans feel better—to build into the legislation some insistence that participants (excluding mothers of young children) indicate their willingess to accept suitable employment or training opportunities.

But whether you call it welfare reform or by some less palatable names as guaranteed income or redistribution of wealth, some version of the President's plan ought to be enacted—and by this Congress.

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD testimony given by me on March 24, 1971, at a hearing before the Committee on Foreign Relations on S. 731, a bill to regulate undeclared war.

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

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

(Testimony of Senator JAVITS, a member of the Foreign Relations Committee, prepared for delivery at the committee's hearing on S. 731, a bill to regulate undeclared war, room 4221 NSOB, Wednesday, March 24, 1971, 10 a.m.)

In the opening sessions of these hearings on S. 731 which I have introduced with Senators Mathias, Pell and Spong—a bill to regulate undeclared war—three distinguished national authorities established the historical and constitutional imperatives for this legislation. In my testimony today I shall draw upon the lessons, themes, and principles of that testimony. But first I will address myself to the present situation—the contemporary imperatives for legislation as embodied in S. 731.

Our nation today is facing perhaps the greatest crisis of its history since 1865—and the Vietnam war is the core of that crisis. The Vietnam war has strained to the breaking point the political, social and economic fabric of our national life. It has introduced in our nation a divisiveness and erosion of spirit not seeen in this century.

It is essential that we devise a national means to prevent other Vietnams, and no one has a higher stake in this task than the President of the United States.

Soon, I hope, the Secretary of State will testify before us on S. 731, along with the measures suggested by Senators Taft and Eagleton.

Secretary Rogers' testimony could well be a historic turning point for our nation and for the Nixon administration.

In his February 25, 1971 "State of the World" message, President Nixon stated:

"This Administration must lead the nation through a fundamental transition in foreign policy . . . we are at the end of an era. The postwar order of international relations—the configuration of power that emerged from the Second World War—is gone. With it are gone the conditions which have determined the assumptions and practice of United States foreign policy since 1945."

The President further stated:

"Our experience in the 1960's has underlined the fact that we should not do more abroad than domestic opinion can sustain."

In my judgment, the President is right in his diagnosis; there is urgent need for a fundamental updating of U.S. foreign policy principles and procedures—and especially is this right in recognition of the perils of trying to fight undeclared wars which domestic opinion will not sustain.

This is the fundamental rationale for S. 731. My cosponsors and I regard this bill as basic national legislation. It is legislation essential to our security and well being. It is legislation in the interest of the President as well as the Congress. By joining us in support of this legislative approach the Administration would be seizing an opportunity to transform into creative partnership its embattled relationship with Congress over Vietnam—and it would open an opportunity to clear the turgid and oppressive political atmosphere created in this country by the Vietnam war.

The President on many recent occasions has expressed his fear of what he calls "neo-isolationist" trends. The best way for him to arrest any such trend would be to join in legislation to establish a role for Congress and the people in controlling undeclared wars.

Conversely, opposition to this type of legislation can only exacerbate the situation between the Congress and the President over undeclared wars.

For, undeclared wars have been Presidential wars. Such wars—while seeming to have so vastly expanded Presidential power—have in fact done more to undermine the Presidency than any development in modern history.

In his projection of the international security situation in the years ahead, the President placed major emphasis on the importance of conventional forces—the kind of forces which get involved in Vietnam-type wars. In his "State of the World" message in this regard he stated:

"The change in the strategic situation in recent years profoundly enhances the importance of our general purpose forces. . . . General purpose forces, therefore, now play a larger role in deterring attacks than at any time since the nuclear era began."

While we move heaven and earth to avoid a nuclear confrontation, in the decade ahead, and no one can rule it out, the more likely prospect is a continuation—perhaps acceleration—of the brush fire and guerrilla wars of the recent past. Asia, Africa and Latin America all have the seeds for potential wars of this nature. The great challenge for American statesmanship will be, therefore, to avoid being sucked into the quagmire of another Vietnam.

We became involved in Vietnam incrementally, in an off-hand and almost absent-minded way. S. 731 would prevent that from happening again because it requires a deliberate, joint national decision taken by the President and the Congress.

Thus far I have emphasized the prudential and restraining aspect of S. 731, for these considerations are now uppermost in our minds. But I know of no Senator who is not keenly aware of the potential dangers to American security and American interests in many parts of the globe. And I know of no Senator who wants a President and Commander-in-Chief unequipped to safeguard U.S. security and the national interest with vigilance and dispatch.

I believe that S. 731 gives the President more authority to do what is necessary and proper in an emergency than he now possesses.

Under S. 731 the President for the first time would have statutory authority to take emergency protective actions in defense of American lives and American interests—in areas where Presidents previously have acted solely on the basis of unilatrally asserted authority which faced many subsequent challenges.

The four categories specified in Section A of S. 731 are compiled from historical precedents which have acquired the quasi-legal sanction of tradition. It is high time that tradition and practice of this nature be codified into law. The President will know where he stands. The Congress and the people will know where they stand. And the world will know where America stands.

I take this opportunity to express my conviction that S. 731 fully accommodates the need for Presidential authority to act with flexibility and discretion in emergency situations. I certainly recognize that need and made every effort to see that it was accommodated in the drafting of this legislation.

Indeed, I may have gone too far in this regard, for the previous witnesses and several members of the Committee have questioned the propriety of authorizing, in Section A (3), the use of the armed forces "to protect the lives *and property*" of U.S. nationals abroad. I believe that the words "and property" can probably be deleted when the bill is marked-up. Let me make it clear that I did not intend this to be interpreted as authority to intervene militarily on behalf of American business or property interests in the commercial sense. I had intended to authorize the protection "as may be required" of the immediate personal property—such as the house or automobile—of endangered U.S. nationals when such property is integral to their personal safety and survival. I had also intended to authorize the protection of official United States government property and installations such as the American Embassy compound (where U.S. citizens usually are gathered in moments of danger) or U.S. military facilities such as Guantanamo Bay. However, in view of the potential for misinterpretation I am prepared to delete the words "and property" from Section A (3).

I wish now to refer back to the testimony of the three previous witnesses—Professors Henry Steele Commager, Richard B. Morris and Alfred H. Kelly. That testimony—and the supplement we will hear tomorrow from Professor Alpheus T. Mason, a preeminent authority on Constitutional law and the Supreme Court—established beyond any question the Constitutionality of the legislative approach of S. 731. My own research has convinced me of this from the outset. But it was very important and very illuminating to have their testimony on this score. Their testimony of course went far beyond this point. One member of the Committee called it a memorable seminar in our national history. A salient point of that "seminar" was that not only the letter—but preeminently the spirit and intent—of the Constitution cries out for legislation such as S. 731.

We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. That danger now permeates the political climate beyond the immediate issues of the war per se.

The stress of the imbalance has reached proportions where the very credibility and bona fides of our Constitutional form of government has been called into question in the minds of many Americans, particularly younger Americans. They see the unchecked power of a President to prosecute an undeclared war as a barrier to their most fundamental aspirations and ambitions for the nation they will inherit. Many members of my own generation are also deeply disturbed by the unresponsiveness of our last two Presidents to Congressional and public pressures to control war and to give the nation the means to redirect our national energies and resources to even higher priority issues at home and abroad.

The legislation before us today is a crucial first step in reestablishing the Constitutional balance so essential to the survival and proper functioning of our democratic political system.

S. 731 is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional Power—the exclusive authority of Congress to "declare war"; the power to change the nation from a state of peace to a state of war.

The framers of the Constitution took pains to reinforce the central power of Congress to "declare war" by surrounding it with the power of Congress to "raise and maintain" the armed forces and "to make rules for the government and regulation" of these forces. The Founding Fathers did not contemplate the existence of anything more than minimal standing armies. Consequently, they did not foresee the possibility of a President/Commander-in-Chief having the wherewithal at hand to engage in warfare without prior action by Congress (except in emergency defensive actions).

The foresight of the framers is reinforced in the crucial final clause of Section 8, Article I, which goes beyond the comprehensive and carefully specified war powers reserved to the legislature. That final clause gives to Congress the unequivocal authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

S. 731 will, after almost 200 years, do exactly that in regard to the most decisive power dealt with under the Constitution.

Mr. Chairman, to help complete the record being compiled in these historic hearings—a record which I believe will be a major source of information on this topic in years ahead—I ask unanimous consent to have the following material be included as appendices to my remarks. (A) My remarks of February 10, 1971 introducing S. 731 on the Senate floor; (B) A speech titled "Who Makes War" which I delivered at Princeton University on December 8, 1970; (C) A legal brief in support of S. 731 which appeared in the Congressional Record of March 5, 1971; (D) Letters in support of S. 731 which I have received from Professor Irving Brandt. Professor Benjamin Wright, Professor Alexander M. Bickel, Professor Merrill Jensen and Professor Phillip Jessup; (E) A letter from James Madison to Thomas Jefferson dated April 2, 1798 and record of a debate in the House of Representatives in March, 1798, concerning "Relations With France;" (F) An extract from Madison's notes on the debates of the Constitutional Convention, concerning treaties of peace, dated September 7, 1787.

PRISONERS OF WAR/MISSING IN ACTION

Mr. DOMINICK. Mr. President, as a cosponsor of proposed legislation to authorize the President to designate this week as "National Week of Concern for Prisoners of War/Missing in Action," I join Senators in urging a continued, unified commitment to the freedom and safety of these brave men while continuing to register our protests over the inhumane treatment they are receiving from the North Vietnamese.

The adminstration's determination in pursuing humane treatment and eventual release of our men should be reassuring to the friends and families of the prisoners and missing men. A very strong component of the administration's commitment to these men is provided by the Veterans' Administration. The VA has pledged itself to offer a well rounded program which provides not only specialized health care and rehabilitative services for the returning men, but also an interim program of housing and educational benefits for their dependents.

As the author of the legislation providing such necessary assistance to the families of these brave men, I am proud to note the progress of such program, and confirm the Veterans' Administration's pledge to the men and the families of the men who are missing in action or prisoners of war in Southeast Asia.

I ask unanimous consent that the telegram sent by Veterans' Administrator, Donald E. Johnson, to all Veterans' Administration field stations on March 23, 1971, be printed in the RECORD.

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

The President and Congress have designated this week as a "National Week of Concern for Prisoners of War or Missing in Action."

I urge all of our Veterans' Administration installations and our more than 170,000 employees across the land to give full and active support to the President's call "upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end."

I know that the President in his proclamation speaks for all his countrymen when he says of the 1,600 Americans missing in action or known to be captured, "even in captivity, they continue to serve our Nation in the highest sense of honor and duty to country. We owe them in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandon them."

The Veterans' Administration has a special interest in these men. When they return they will need specialized health care and rehabilitative services. It will be our privileged responsibility, undertaken with thanks for their return, to aid them in their transition back to full participation in the mainstream of American life.

And not only this week, but every week, the Veterans' Administration has a signal opportunity to translate the compassion of all America into benefits action on behalf of the families of these brave men.

Under recent law, the Veterans' Administration has been able thus far to provide educational training for more than 90 wives. Some 60 college age children have been assisted in continuing their schooling, and over 30 familes are being assisted in securing Veterans' Administration home loan guaranties.

I call on all Veterans' Administration field stations to continue giving prompt and dedicated attention to the needs of the families of these men we honor, and to accelerate these programs where possible. I urge you to seek out each of those families residing in your area to apprise them of the rights they now have under law, and to provide all possible assistance.

Although Veterans' Administration financial aid cannot begin to compensate for the pain of separation from their loved ones, we can and we must try to ease the burden these families must bear by providing all possible Veterans' Administration assistance.

DONALD E. JOHNSON,
Administrator.

SETTING THE NETWORK CREDIBILITY GAP STRAIGHT

Mr. HANSEN. Mr. President, unfortunately the distinguished junior Senator from South Dakota (Mr. MCGOVERN) did not advise me that he intended to have printed in the RECORD yesterday some material that concerned me and was critical of me.

Following his remarks, the Senator from South Dakota placed in the RECORD a March 22, 1971, letter from Mr. Julian Goodman, the president of National Broadcasting Co., Inc. Contrary to the representations made by the junior Senator from South Dakota, Mr. Goodman's letter did not deal with what the South Dakota Senator called "administration attacks," but rather with the program hosted on March 12, 1971, by the junior Senator from Wyoming. Mr. Goodman's letter was aimed specifically at the actions of the junior Senator from Wyoming. Mr. Goodman's letter did not refer to the administration at all.

The distinguished Senator from South Dakota entitled his remarks "You Shall Know the Truth: A Reply to Criticism of the Networks." Had the junior Senator from South Dakota informed me of his intent to present Mr. Goodman's letter for the RECORD, I would have been glad to be present yesterday to help him establish the truth.

I made known to the distinguished Senator from Wyoming's neighboring State that I intended to deal with this matter today—to establish the truth of this matter. The Senator from South Dakota regretted that he could not be present today because of other commitments.

Judging from the use of Mr. Goodman's letter yesterday, I am not sure that my distinguished colleague realized the subject of which Mr. Goodman wrote his letter—a letter that it is important to note, contained some serious inaccuracies.

I ask unanimous consent that at the completion of my remarks my letter responding to Mr. Goodman, and pointing out his errors, be printed in the RECORD.

Now I would refresh the memory of the distinguished junior Senator from South Dakota. On March 11, 1971, a member of my staff hand-delivered an invitation from the junior Senator from Wyoming to the junior Senator from South Dakota, and the same invitation to the office of every Member of the Senate. The invitation also went to every Member of the House of Representatives. I will read the invitation:

As you know, in recent days, there has been some criticism of the news media, especially television, for its coverage of South Vietnam's limited invasion of Laos.

Fortunately, we can now judge for ourselves whether there is any bias to that coverage.

Vanderbilt University, one of the great universities of the nation, in recent years has been collecting news television tapes as part of an effort to preserve the history of this nation.

The man who is responsible for this effort is Mr. Paul Simpson of Nashville, Tennessee.

He has graciously agreed to provide an hour and a half's worth of TV tape for showing in Room 457 of the Old Senate Office Building from 9:30 a.m. to 4 p.m., continuously, today.

I do not know whether the junior Senator from South Dakota was able to view the evidence presented in the videotape record made available by Vanderbilt University of the coverage by the National Broadcasting Co. and the Columbia Broadcasting System of the Laos incursion from evening newscasts of those two networks during the period February 25, 1971, through March 5, 1971. I do know that the Senator was invited to view the facts and make his own judgment. I hope that he did, with other Senators, take advantage of that opportunity to know the truth, and I hope that he will make known whatever conclusions he reached after that examination.

Mr. Goodman's letter, a copy of which I received this week, and which the Senator from South Dakota placed in the RECORD was a far cry from a letter Mr. Goodman wrote to me on March 13, 1970—a little over a year ago. In his 1970 letter to me, Mr. Goodman said:

NBC News has never felt itself immune from responsible criticism. We expect it and frequently profit from it.

Somehow, Mr. Goodman's 1971 letter to me, or perhaps more accurately, about the junior Senator from Wyoming, does not seem to indicate that NBC News still welcomes an examination of its newscasts.

In 1970, the NBC president welcomed a review of NBC news reporting, but this year when the Vanderbilt University record of NBC and CBS is examined by Members of Congress, the welcome mat is no longer out.

All of the media in the Metropolitan Washington area were invited by notice to the galleries and by notification to the Associated Press and United Press International city wire to attend the Vanderbilt presentation. I know that some camera crews were present at least briefly, including one from CBS, but to my knowledge this coverage has not been broadcast by the network. I wrote to the president of CBS on March 17, asking why the decision was made to withhold this information that the network must have gone to some expense to film with a five-man crew, but have received no response.

Mr. President, this is a copy of my recent response to Mr. Goodman:

Your letter is at hand. It was first brought to my attention by several reporters and by a member of the Senate to whom the letter was addressed.

First, I want to make it clear that I believe we in the United States are privileged to have the best news media in the world. It is because of this generally excellent record of fairness and objectivity that many Americans are saddened when these news media fail to deliver what we have grown to expect

from them—fair and unbiased reporting of the facts.

Second, your letter contains several statements that are not factual, and I refer specifically to the third paragraph. You allege that I "extracted excerpts dealing on a day-by-day basis with the Laos operation" and that I "assembled these excerpts into a running presentation for showing in the Senate." This work was done by Vanderbilt University, which keeps a videotape record of television newscasts. The University offered no judgment as to whether the material lacked objectivity. The material was not "extracted excerpts," but was represented to me as a complete record of the portions of the evening newscasts dealing with the Laos incursion during the period February 25, 1971, through March 5, 1971.

Third, I invited every member of Congress to view this material and make his own judgment. The news media were invited also, both through advance announcements to the galleries, and through the facilities of United Press International and the Associated Press.

You state that "The news material itself does not support these charges . . ." and further you state "The charges of bias are not only unsupported, but dangerous, because they seek to interfere with the free flow of information essential to the public."

Both of these statements reflect your opinion and your conclusions. You are entitled to both. But I believe the public also is entitled to make its own judgment. I made mine on the basis of seeing these video tapes. I am disappointed in NBC's failure to measure up to the standards we expect of it.

CONSTITUTIONAL CRISIS IN 1971: THE UNCERTAIN CONTINUANCE OF REASON

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement entitled "Constitutional Crisis in 1971: The Uncertain Continuance of Reason," given by Alpheus Thomas Mason before the Committee on Foreign Relations on March 25, 1971.

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

CONSTITUTIONAL CRISIS IN 1971: THE UNCERTAIN CONTINUANCE OF REASON

(Statement of Alpheus Thomas Mason)

America is in the midst of a grave constitutional crisis. The closest parallels are the Civil War and the economic depression of the nineteen thirties. The Javits bill, S. 731, represents a significant effort, among others, including John Gardner's *Common Cause*, to meet it. Even if S. 731 wins enactment, the present Court would perhaps refuse to sustain it. A recognized scholar, no cynic, commented: "Courts love liberty most when it is under pressure least."[1] At home and abroad liberty is endangered. It is, indeed, under pressure. Except among our youth, apathy is widespread. Recalling Justice Brandeis' reminder, "the greatest danger to liberty is an inert people," I accepted the invitation of Senators Fulbright and Javits to appear before this Committee.

The Founding Fathers feared, above all, unchecked appetite for power. "The truth is," Madison remarked, "that all men having power ought to be mistrusted." "Confidence," Jefferson declared, "is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions, to bind down those we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. . . ."[2]

Our political system reflects distrust—written Constitution, a detailed Bill of Rights, separation of powers, federalism, judicial review. American history features a running debate concerning the relative value of these safeguards. During the formative years, James Wilson and Alexander Hamilton took up the cudgels in favor of structural checks—federalism and separation of powers. These, they argued, precluded necessity for a Bill of Rights.[3] Jefferson disagreed, insisting on additional binders. "A bill of rights," he argued, "is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference."[4] Jefferson carried the day. In certain quarters, the first eight amendments—our Bill of Rights—(in 1789 an almost forgotten appendage) is now considered "the heart of any Constitution."[5]

Thanks to this joint concern for freedom, the Constitution embodies both these safeguards.

Debate concerning the priority of structural vis-a-vis bill-of-rights checks continues in the councils of the Supreme Court. Justice Black and Douglas are in the Jeffersonian tradition, stressing bill-of-rights freedoms. Justice Harlan, echoing Wilson and Hamilton, highlights structural safeguards.

"We are accustomed," Harlan observes, "to speak of the Bill of Rights and the Fourteenth Amendment as the principal guarantees of personal liberty. Yet it would surely be shallow not to recognize that the structure of our political system accounts no less for the free society we have." The Founding Fathers, he continues, "Staked their faith that liberty would prosper in the new nation not primarily upon declarations of individual rights but upon the kind of government the Union was to have." No view of the Bill of Rights or interpretation of any of its provisions," the Justice warns, "which fails to take due account of [federalism and separation of powers] can be considered constitutionally sound."[6]

Among the checks against abuse of power, none was relied on with greater confidence than separation of powers. Inherited from Montesquieu, Madison said of it: "No political principle is certainly of greater intrinsic value."[7] To what expedient," Madison asked, "shall we finally resort for maintaining in practice the necessary participation of power among the several departments, as laid down in the constitution?" "The only answer that can be given is," he retorted, "that as all these exterior provisions [dependence on the people, designated the "primary control"] are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. . . . [T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be commensurate to the danger of attack. Ambition must be made to counteract ambition. . . . [T]he constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public rights."[8] Quoting Montesqieu, Madison concluded: " 'There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates.' "

Separation of powers, as inherited from Montesquieu, and interpreted by Madison, did not preclude all power blending; this did not mean that the various departments "ought to have no partial agency in, or no control over, the acts of each other." Quite the contrary. "The fundamental principles of a free constitution are subverted," Madison wrote, "where the *whole* power of one department is exercised by the same hands which possess the whole power of another department. . . ."[9]

Structural limits and the Bill of Rights, though essential, do not constitute the primary control. "A dependence on the people," Madison wrote in *Federalist* 51, "is, no doubt, the primary control on the government; but of auxiliary precautions."[10]

The irony of our present situation is that all these checks—structural, bill of rights, "dependence on the people"—are in jeopardy. Separation of powers in war-making, constitutionally shared by Congress and the President, has all but vanished. The President is in complete, unqualified control. Though the Congress may withhold appropriations, it has, for whatever reason, refused to do so. The enormity of our present situation indicates that Congress should seek means of exercising the power the Framers had the wisdom to confer upon it. Even the primary control—"dependence on the people"—is delusive or non-existent. In the last two presidential elections, the voter enjoyed no choice. As to the war-making power, our two party system did not exist. There looms before the voter in 1972 the same Hobson's choice.

The most ominous erosion is that of Bill-of-Rights freedoms. Examples of repressive action occur almost daily. Under "Presidential prerogative," or the inherent powers doctrine, Mr. John Mitchell tells us, that "The President, acting through the Attorney General, may constitutionally authorize the use of electronic surveillance in cases where he has determined that, in order to preserve national security, the use of such surveillance is reasonable." Advice of the Attorney General thus replaces the Constitution. Gone is the Fourth-Amendment mandate against "unreasonable searches and seizures," and the Supreme Court's ruling of 1967 that "Searches conducted outside the judicial processes, without prior approval of judge or magistrate, are *per se* unreasonable under the Fourth Amendment . . ."[11]

The Framers, with deliberate care, made war-making a joint enterprise. Congress is authorized to "declare war"; the President is designated "commander-in-chief." Technology has expanded the President's role, and correspondingly curtailed the power of Congress. Unchanged are the joint responsibilities of the President and Congress. The fact that a congressional declaration of war is no longer practical does not deprive Congress of constitutionally imposed authority in war-making. On the contrary, it is under obligation to readjust its power position. S. 731 and S.J. Res. 59 are encouragingly significant steps in this direction.

The President is under a positive obligation "to take care that the laws be faithfully executed." His power must be adapted to changed and changing conditions. But in fulfilling this responsibility, he must also take into account those principles and provisions of the Consitution which restrict as well as enlarge his powers. As Commander in Chief, he cannot pick and choose the provisions of the Constitution he executes.

Of course the Framers could not have foreseen conditions as they exist today, but the underlying principles of their handiwork is clear. As to war-making, they intended Congress to participate. Early in the Philadelphia Convention debates, Madison observed: "A rupture with other powers is among the greatest national calamities. It ought therefore to be effectually provided that no part of a nation shall have it in its power to bring them [wars] on the whole."[12] Madison was referring to the possibility that individual states might unwittingly involve the country

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Footnotes at end of article.

in war, but his conviction that the war-making power should be shared is clear.

Responsive to changed conditions, Presidents have greater willingness to carry their constitutional powers to the limit (some might say even beyond) than has Congress. Accordingly presidential power expands while congressional influence declines. Would it not seem to follow that as presidential practice diverges from the established course, it is incumbent on Congress to seek ways of maintaining the constitutional partnership? In a dynamic world of instant mobility, the President's consttutional obligation to report on the state of the union is not fulfilled by the Annual Message to Congress or televised talks to the nation. Nor need Congress await presidential initiative. It might utilize more fully its investigative function, streamline its procedures, implement its constitutional share in war-making.

"Taken by and large," the late Professor Corwin wrote, "The history of the Presidency has been a history of aggrandizement." [13] In recognition of vastly changed conditions, Congress itself has endorsed Executive aggrandizement. Presidential power must be enlarged and delegated to meet altered circumstances. By the same token, Congress' share in war-making should also be adapted to unforeseen developments. Otherwise technological evolution alone makes emergence of a totalitarian system inevitable.

Sharing power in this sensitive area was not meant to cripple and impede; it was designed to produce a wiser course of action. Sound in 1787, it is no less so in the 1970's. Walter Lippman puts it this way:

"The executive is the active power in the state, the asking and the proposing power. The representative assembly is the consenting power, the petitioning, the approving and the criticizing, the accepting and refusing power. The two powers are necessary if there is to be order and freedom. But each must be true to its own nature, each limiting and complementing the other. The government must be able to govern and the citizens must be represented in order that they shall not be oppressed. The health of the system depends on the relationship of the two powers. If either absorbs or destroys the functions of the other power, the Constitution is deranged." [14]

American history could be written in terms of an unending series of revolutions—1776, 1787, 1800, the Jacksonian revolution, the Civil War, the Constitutional revolution of the 1890's, the Roosevelt revolution. Revolution. Revolution of varying orientations is the most conspicuous aspect of our time. With one tragic exception—the Civil War—all were peaceful. all have been accommodated by the Constitution. The Civil War demonstrated the limits of reason in politics; the New Deal revolution proved its potentialities.

In the nineteen thirties an awkward impasse between Congress and the President, on the one hand, and the Supreme Court on the other, precipitated F.D.R.'s disingenius Court-packing proposal. In ths conflict, both sides won, both lost. Court-packing was defeated, but the President gained judicial endorsement of his program. The beneficiaries were the American people and their system of free government.

Peaceful change was not a happenstance: the Framers planned it that way. In supporting ratification of the proposed Constitution, Hamilton and Madison argued that, while not turning their backs on our birthright—the moral right of revolution—they insisted that the Constitution of 1787 was designed to reduce the danger of violent revolution to the minimum. They hoped to achieve this happy result by providing within the political system itself the means whereby the grievances of individuals and minorities could be heard and perhaps vindicated.[15] Such a system would, in Jefferson's words, "render unnecessary an appeal to the people, . . . rebellion on every infraction of their rights." [16]

The closest parallel with the constitutional crisis we face today is the Civil War. In this conflict two issues—slavery and the nature of the Union—entangled in economics, ethics, and politics, were at stake. Neither lent itself to resolution by recourse to reason. Two generations of debate in the halls of Congress, in the hustings, in public and private forums were of no avail. Hence resort to force. The parallels today are the Indo-China War and Separation of Powers. Now, as in the Civil War, both moral and constitutional issues agitate public concern. Just as slavery and nature of the Union did not yield to prolonged debate and discussion, so the issue of Vietnam and Separation of Powers appears not to respond to reason. Presidents Johnson and Nixon have made almost a virtue of unresponsiveness. As James Reston put it, both seem determined to perpetuate what the people condemn. Extremes on both sides, therefore, resort to the politics of unreason—force and violent retaliation.[17]

Nor is the President the only organ of our government turning a deaf ear to those who challenge the wisdom and constitutionality of what we are doing in Indo-China. In the crises of the 1860's and the present impasse, one difference stands out sharply—the role of the Supreme Court. In an effort to resolve the slavery-union issue, the Taney Court intervened with disastrous consequences. Twentieth-century Supreme Court Justices are more cautious. On the narrow issue of the President's power to wage war, the Supreme Court has repelled every effort, including one specifically contrived—the Massachusetts Shea Bill—to evoke a decision. The Justices, three dissenting, not only refused to decide the case but also declined to give any reasons for not doing so.[18] Protestors are driven to other forums and solutions.

In the present constitutional crisis, certain Americans find themselves in the unenviable position John Locke postulated in his *Civil Society*. Let no one say the aggrieved have no appeal, Locke reassured. For them, he declared, "the appeal lies nowhere but to Heaven, . . . the injured party must judge for himself when he will think fit to make use of that appeal and put himself upon it." [19]

I have never been quite sure whether *Heaven* in this context is an euphemism for prayer or force. In any case, Locke's solution for those opposing the existing order did not satisfy America. Among the arguments in favor of a Bill of Rights, the one Jefferson singled out as carrying "great weight" was "the legal check it puts in the hands of the Judiciary." [20] In presenting Bill-of-Rights Amendments to the First Congress, Madison invoked Jefferson's argument, declaring that "independent tribunals of Justice will consider themselves in a peculiar manner the guardian of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or the executive. . . ." [21]

In the abstract, our political system provides within itself a forum where alleged invasion of individual and minority rights can be voiced and perhaps remedied. "No government," Chief Justice Marshall declared, "ought to be so defective in its organization as not to contain within itself the means of securing the execution of its own laws against other dangers than those which occur every day." [22] Moreover, through the years, our system has made it possible, with one exception, to accommodate change, drastic transformation, without resort to violent revolution. In the 1970's this vital aspect of free government is challenged as never before.

Three administrations, two headed by Democrats, one by Republicans, embarked on a course which countless citizens, including those of highest competence, consider immoral, barbaric, and unconstitutional. Yet protestors and dissenters are not only faced with an unresponsive government but also humiliated, stigmatized as un-American—Communists, traitors. The penalties they suffer are both physical and psychological. The police club them; hardhats assault them; [23] the National Guard murders them—second degree.

There is another parallel between the present constitutional crisis and that which led to the Civil War. Just as abolitionists were subjected to physical and psychological violence, so today protestors against the Indo-China war suffer the same fate. Paying tribute to the abolitionists, in 1836, William Ellery Channing noted that "the greatest truths are often the most unpopular and exasperating." Continuing, Channing wrote:

"In regard to the methods adopted by the Abolitionists of promoting emancipation, I might find much to censure; but when I regard their firm, fearless assertion of the rights of free discussion, of speech and the press, I look on them with unmixed respect. I see nothing to blame, and much to admire. To them has been committed the most important bulwark of liberty, and they have acquitted themselves of the trust like men and Christians. No violence has driven them from their post. Whilst, in obedience to conscience, they have refrained from opposing force to force, they have still persevered amidst menace and insult, in bearing their testimony against wrong, in giving utterance to their deep convictions. Of such men, I do not hesitate to say, that they have rendered to freedom a more essential service than any body of men among us. The defenders of freedom are not those who claim and exercise rights which no one assails, or who win shouts of applause by well-turned compliments to liberty in the days of her triumph. They are those who stand up for rights which mobs, conspiracies, or single tyrants put in jeopardy; who contend for liberty in that particular form which is threatened at the moment by the many or the few." [24]

Today, as in 1836, there is much to deplore in the methods of those who assert their constitutional rights to oppose and dissent, just as there is much to condemn in the methods of those professing to promote national security, unity in the face of a common danger. Certain protestors against the Indo-China War carry the flag of Hanoi. Certain dissidents, protesting the protestors, display the American flag. Both strike at the jugular vein of a free society.

Judge Learned Hand reminds us that "All discussion, all debate, all dissidence tends to question and in consequence to upset existing convictions and institutions: that is precisely its purpose and justification." [25] Said Justice Holmes "We do not lose our right to condemn either measures or men because the country is at war." [26]

In his State of the Union message, President Nixon called for "a new American revolution" that would direct the flow of power back to the people. Surely this is long overdue. Equally necessary is a reversal of trend, especially in war-making, that would channel the flow of power to Congress. This aspect of a new revolution is all the more urgent in an era in which war has become the normal rather than an abnormal condition.

Lenin used to say that peace is but a pause between two wars. In the foreseeable future no pause is in sight. Even when there is no "actual fighting" there is, as Hobbes observed, "the known disposition thereto, during all the time there is no assurance to the contrary." [27]

In the present constitutional crisis our commitment of 1776, the faith that government could safely rest on reason and con-

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Footnotes at end of article.

sent rather than on coercion and force, is at stake. Looking back in 1825 on this wager, Jefferson called it "the bold and doubtful election we were to make for our country." [28] At home and abroad, the future of free government is still uncertain. One observes an unwitting conspiracy in which extremes, Right and Left (perhaps also "the silent majority") substitute the politics of unreason for the politics of reason and consent. The Right resorts to repression and violence to maintain the status quo; the Left uses violence and sabotage to destroy the so-called Establishment. Both employ the self-defeating means they profess to deplore. Anticipating our dilemma, Dr. Samuel Johnson's philosopher in *Rasselas* observed: "Of all the uncertainties of our present state, the most dreadful and alarming is the uncertain continuance of reason." It would indeed be ironical if in our desperation to save freedom from external forces, it should succumb at our own hands.

FOOTNOTES

[1] John P. Frank, "Review and Basic Liberties," in Edmond N. Cahn, ed., *Supreme Court and Supreme Law* (1954), p. 114.

[2] Quoted in A. T. Mason, *Free Government in the Making* (1965), p. 371.

[3] A. T. Mason, *The Supreme Court: Palladium of Freedom* (1962), pp. 49–51, 55–56.

[4] Mason, *Free Government in the Making*, p. 319.

[5] Earl Warren's characterization in 1947, six years before he became Chief Justice of the United States. H. Christman, ed., *The Public Papers of Chief Justice Earl Warren* (1959), p. 7.

[6] Address of John M. Harlan at the Dedication of the Bill of Rights Room, New York City, Aug. 9, 1964.

[7] E. G. Bourne, ed., *The Federalist*, vol. 1, p. 329.

[8] *Ibid.*, pp. 353–55.

[9] *Ib.*, p. 331.

[10] *Ib.*, p. 355.

[11] Alan Barth, "Wiretapping: Too Much Power to the President," *Los Angeles Times*, Feb. 28, 1971.

[12] Quoted in W. Taylor Reveley, III, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 *Virginia Law Review* (Nov., 1969), pp. 1243–1305, at 1284. See also John J. Abt, *Who Has the Right to Make War: The Constitutional Crises* (1971).

[13] E. S. Corwin, *The President: Office and Powers* (3rd revised edition, 1948), p. 366.

[14] Quoted in Reveley, *op. cit.*, p. 1300.

[15] Mason, *The Supreme Court: Palladium of Freedom*, pp. 40–45 *passim*.

[16] Mason, *Free Government in the Making*, p. 168.

[17] Seymour M. Lipset, *The Politics of Unreason: Right-Wing Extremism in America, 1790–1970 (1971)*.

[18] *New York Times*, Nov. 19, 1970. See, in this connection, Anthony A. D'Amato, "The Massachusetts Antiwar Bill," *New York State Bar Journal*, vol. 421 (Nov., 1970), pp. 639–49, and A. T. Mason, "Judicial Activism: Old and New," 55 *Virginia Law Review* (1969), pp. 406–07.

The Court has not always considered itself powerless in this area. Amid the undeclared Korean war, the Justices blocked President Truman's seizure of the steel mills. Rejecting the familiar argument that national security requires presidential hegemony, Justice Jackson declared that this would justify the President's authority to do "anything, anywhere, that can be done with an army and navy." *Youngstown Sheet and Tube Co.* v. *Sawyer*, 353 U.S. 579, 641–42, Justice Jackson, concurring. See Reveley, *op. cit.*, p. 1277.

[19] Quoted in Mason, *Free Government in the Making*, p. 37.

For America, Locke's constitutionalism was wanting on the institutional side. Parliament being supreme, enjoying both constituent and law-making power, individuals and minorities, alleging that their rights had been invaded, could turn to no forum, within the government itself for protection. Locke does not minimize their plight:

"But if the unlawful acts done by the Magistrate, be maintained (by the Power he has got) and the remedy which is due by Law, be by the same Power obstructed; yet the Right of *resisting*, even in such manifest Acts of Tyranny, *will not* suddenly, or on slight occasions, *disturb the Government*. For if it reach no farther than some private Men's Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the Right to do so, will not easily engage them in a Contest, wherein they are sure to perish; it being as impossible for one or a few oppressed Men to *disturb the Government*, where the Body of the People do not think themselves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well-settled State; the People being as little apt to follow the one, as the other."

Two Treatises on Government, a critical edition, Peter Laslett, ed. (1960), paragraph 208.

[20] Mason, *Free Government in the Making*, p. 323.

[21] *Ibid.*, p. 327.

[22] *Cohens* v. *Va.*, 6 Wheat. 264 (1821).

[23] *U.S. News and World Report*, June 1, 1970, p. 89.

[24] Mason, *Free Government in the Making*, p. 516.

[25] Address before Forty-Eighth Annual Meeting of the American Jewish Committee. *New York Times*, Jan. 30, 1955, p. 68, col. 4. Compare Justice Douglas in *Terminello* v. *Chicago*, 337 U.S. 1, 4 (1949).

[26] *Frohwerk* v. *U.S.*, 249 U.S. 204, 208 (1919).

[27] Thomas Hobbes, *Leviathan* (London, 1651), chapter 13, p. 84.

[28] Mason, *Free Government in the Making*, p. 371.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. One minute remains.

ORDER FOR EXTENSION OF THE PERIOD FOR THE FURTHER TRANSACTION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes with statements therein limited to 3 minutes, that at the end of that time the Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 30 minutes, and at the conclusion of that time the period for the transaction of routine morning business be again resumed, with a 3-minute limitation on speeches, for a period not to exceed 30 minutes.

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

FREE SKI TRIPS FOR WELFARE RECIPIENTS

Mr. BYRD of Virginia. Mr. President, it has come to my attention that a number of welfare recipients in New York City have been sent on ski trips to Massachusetts, Vermont, and upstate New York.

Radio station WCBS of New York has revealed that these trips have been financed with funds provided by the Bronx model cities program.

These funds come from hard-working American taxpayers. They are a public trust.

The model cities program is administered by the Department of Housing and Urban Development, and last Thursday I sent a telegram to HUD Secretary George W. Romney asking for the facts in connection with the ski-trip program and for his own views on this matter.

I want to read the text of my telegram to Secretary Romney:

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

WCBS Radio of New York City reports that 150 welfare recipients in N.Y. have been taken on ski trips with funds provided under the Bronx Model Cities program. I understand the program called for expenditure of $30,000 for trips for 600 people.

I would appreciate your advising me:

1. Whether the facts as reported by WCBS are correct;

2. Whether you would regard this as an appropriate use of federal tax funds;

3. Whether tax funds are being used for similar purposes in other areas of the country, and if so, what areas;

4. What action if any your department has taken in connection with the situation in N.Y.C. and any similar situations.

HARRY F. BYRD, Jr.,
United States Senator.

To date I have received no reply from Mr. Romney—and I have again communicated with him.

I have no reason, however, to doubt the authenticity of the information broadcast by WCBS, especially since part of the program consisted of an interview with Mr. Hugh Lewis, director of the Bronx model cities project, who affirmed and defended the ski-trip program.

I ask unanimous consent that at the conclusion of my remarks there be inserted in the RECORD the text of the February 10 broadcasts by WCBS on the subject of the ski trips.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, to use public funds for frills such as ski trips is to take money away from people truly in need.

The New York ski-trip program should be thoroughly investigated.

The rationale of the director of the antipoverty project, Mr. Lewis, is that such trips have a "therapeutic" effect on many family problems.

Undoubtedly true.

But should the taxpayers foot the bill?

What about the "family problems" of the children of the hard-working wage earners who pay the taxes—the children of clerks, taxi drivers, mechanics, policemen, firemen, construction workers, and stenographers?

I hope that the members of the Appropriations Committees of the Congress who pass upon HUD budget requests will look into this matter closely.

In fairness, it must be said that HUD is by no means alone in the practice of squandering tax dollars.

In January a mother and her four children were put up at the Waldorf-Astoria Hotel in New York, at a cost to the txpayers of $76 a day, with the full approval of welfare officials in New York City.

And it has also recently come to light that under a loophole in Pennsylvania laws, a man who earns $21,853 a year qualifies for a monthly cash grant of $250.40 under the welfare program and an additional monthly payment of $26 in food stamps. Both these payments are in part furnished by the Federal Government—which means that taxpayers throughout the Nation are helping to support this man whose income is over $21,000 a year.

I think that the American people are getting fed up with this kind of abuse of trust by public officials—for it is an abuse of trust when officials permit the waste of tax dollars.

Officials in charge of all social welfare programs should keep constantly in mind that their mission is to help those who truly need help.

I want to say that I recognize the obligation of the Government toward those who are physically or mentally incapable of earning a living.

But I also want to say that I oppose turning over the tax dollars of hard-working Americans for such activities as ski trips.

Americans today realize that widespread abuses in welfare programs in any State affect citizens all over the country.

The people are coming to understand that they are paying the bill for shocking mismanagement.

It is time for Congress to heed the sentiment of the people, and to make sure that officials entrusted with tax dollars use them in a responsible way.

If officials charged with direction of social welfare programs continue to fund ski trips and suites at the Waldorf-Astoria, then these programs are going to lose the support of the Congress and the people.

EXHIBIT 1

TRANSCRIPT OF FEBRUARY 10, 1971, BROADCASTS ON WELFARE STORY, WCBS NEWSRADIO 88

Intro. Winter ski trips for welfare families? CBS Newsman Dave Marash says they're part of an experimental program being conducted by a Federal anti-poverty agency in New York City.

Reporter DAVID MARASH. For young people, the summer heat of the ghetto is often relieved by camp, rural experiences provided by private charities, or public welfare money. This winter, the Bronx Model Cities Agency has extended that program to include winter weekend trips for poor families. Hugh Lewis, camp program director for the Federal anti-poverty agency, says families selected by Bronx community organizations have traveled to three New England resorts.

HUGH LEWIS. The winter experiences that most white families have are the thing that black and Puerto Rican families don't ordinarily have. To them it's kind of an inaccessible luxury. And we got very reasonable rates. We did a tremendous amount of research—checking out lodges, camps, that had winter facilities, and in terms of the prices that we're paying, they're about as reasonable as we could possibly find along the Northeast coast—upper Northeast coast, that is.

MARASH. What sort of facilities do these camps offer?

LEWIS. Some of them offer room and board and have recreational game rooms, and then, of course, the outdoor activities: skiing—some skiing. They get two trips—two trips when they're skiing for the first time. And usually it's just sleigh riding, tobogganing, ice skating, hiking.

MARASH. Lewis said the trips have had a therapeutic effect on many family problems. But the program's projected $30,000 expenditure is currently being re-evaluated by Federal officials.

This is Dave Marash.

Intro. A weekend ski trip is a very "in" thing for New Yorkers if they can afford it. But how about people who can't? How about people on welfare? For them it's out! At least it is now. Dave Marash has the story.

Reporter DAVID MARASH. Almost everyone will agree that a weekend in the country away from the tensions and pollutions of city life can be physically, morally and psychologically invigorating. But many New Yorkers don't take such jaunts for one reason or another. In the Bronx, a Federal poverty agency has been providing such trips for some families who cannot afford them; providing them out of Federal OEO funds. The cost of the package projected to provide weekend trips for 600 people is $30,000. Hugh Lewis, director of the program for the Bronx Model Cities Agency, said this represents careful shopping at rock-bottom bargain rates. Lewis says the program is having all the good effects it was hoped to have.

HUGH LEWIS. I can tell you offhand from the reports I've gotten, from the leaders of these trips—especially from families that have gone—that it's been—the weekend program has been a—has done a tremendous amount of work in bringing families together. We've had—It just increases interpersonal communication between families—just having, you know, parents going ice skating and sleigh riding with their kids. And these are the kinds of things black and Puerto Rican people don't ordinarily do and it's—In terms of a social program for improving family relations, it's done—we've just gotten tremendous reports. It's been very successful.

MARASH. Still the program has been challenged both inside and outside the Model Cities organizational structure. Its budget is currently under review and the program itself has temporarily been halted.

This is Dave Marash.

INTRO. A number of welfare families in New York City have been enjoying some new fringe benefits and here to tell us about it, WCBS Newsman Dave Marash.

Reporter DAVID MARASH. For some welfare families in the Bronx this winter has been different from all other winters before. This winter, these selected families have left New York for a winter weekend in snow country. The families were picked by the Bronx community agencies and referred to the Bronx Model Cities Agency. Hugh Lewis, camp program director for the agency, says these weekends are a kind of extension of his summer camp activities.

HUGH LEWIS. We've had four trips so far and it involved about 150 people.

MARASH. Where have these trips gone?

LEWIS. To Pine Hill, New York; to Killington, Vermont, and South Lee, Massachusetts.

MARASH. What are the financial arrangements on this?

LEWIS. The estimated cost is about $14.00 per person per day. The places that have been working with us have given us a considerable discount. In some instances, it's almost half.

MARASH. Lewis says the total budgeted cost of the winter weekend program is $30,000, and that he hopes eventually to involve 600 people. The weekends of family fun and togetherness, Lewis says, have a therapeutic effect—bringing together family members who may have had difficulties in the cramped life of a ghetto apartment.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Chair recognizes the Senator from Tennessee for not to exceed 30 minutes.

THE PRESIDENT'S GENERAL REVENUE-SHARING PROPOSAL

Mr. BAKER. Mr. President, when I introduced President Nixon's general revenue-sharing proposal in the Senate on February 9, I made a determined effort to make it very clear that the President wants a program and not an issue.

I said at that time that "simple arithmetic makes plain the fact that enactment of a revenue-sharing program will require bipartisan support in a Congress controlled by the Democratic Party." I have repeatedly solicited—in public and in private—the support of members of the Democratic Party for the concept of general revenue sharing with State and local governments.

Prior to introducing the administration bill, I sought the cosponsorship of every Member of the Senate. I was extremely gratified by the cosponsorship of the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. SPARKMAN), and other Democratic Senators who joined with us. But the number is small. And since that time, unfortunately, very little concrete support for the proposal has been forthcoming from the majority party. I am discouraged, I must confess, but not by any means at the point of despair.

In fact, several events and news reports in recent days have given me renewed cause for cautious optimism about the prospects for significant Democratic support for general revenue sharing. Not the least of these is the interest generated by a speech delivered to a special conference of city officials by our distin-

guished colleague from Maine (Mr. MUSKIE) on March 22.

When I first came to the Senate in 1967, I was assigned to the Committees on Public Works and Government Operations. I sat at that time on two subcommittees chaired by Senator MUSKIE—the Subcommittee on Air and Water Pollution, of which I am still a member, and the Subcommittee on Intergovernmental Relations. It was during those early days of my term that I became familiar with the remarkable work that Senator MUSKIE had done in the area of the complex relationships between Federal, county, and city governments. As a former State legislator and Governor, Senator MUSKIE was well aware of the need for revitalizing our federal system, and he was in the vanguard of efforts to do just that, by providing incentives for the training of State and local personnel, by pressing for uniform relocation assistance, and by becoming an early champion of the concept of sharing Federal revenue sharing with the States. As a member of the Advisory Council on Intergovernmental Relations, Senator MUSKIE had an additional forum from which to pursue his great and creative interest in strengthening the Federal nature of our Republican system of government.

Even in our work on the Subcommittee on Air and Water Senator MUSKIE has pursued a set of policies that emphasizes the primacy of State and local responsibilities. In each of the major programs designed by that subcommittee for pollution abatement and control, it is always the States which are encouraged to act first, to set their own standards and design their own plans for implementation of those standards. Some States have been slower in acting than we had hoped, but the principle of State responsibility is so strong that we have endeavored to preserve it.

It was in light of Senator MUSKIE's preeminent reputation as an innovative intergovernmentalist that his remarks on March 22 about revenue sharing generated such surprise among the assembled city officials, who had come together for the explicit purpose of supporting the President's proposal.

It has been pointed out—and should be pointed out—that in his speech Senator MUSKIE reiterated his longstanding commitment to the concept of revenue sharing. He said to the city officials:

> I know that many of you support the concept of revenue sharing, and so do I.

He went on to say that he intends to introduce a revenue-sharing proposal of his own, similar to the one that he introduced in the last Congress. I am encouraged by this restatement of his support for the concept itself, and I look forward to seeing his bill. As devoted as I am to the concept of revenue sharing—and as little concerned as I am about who gets credit for its ultimate enactment—I may very well decide to support parts of or all of the Senator's proposal where I find it sound.

There were elements of the Senator's speech that I did not find so encouraging, however. Perhaps most disturbing to me was what appeared to be a surprising misreading of the President's bill. If Senator MUSKIE finds—for substantive or political reasons—that he cannot support the President's proposal, that is most certainly his prerogative. But it is not characteristic of my good friend, ED MUSKIE, to dismiss the bill with sweeping generalities unsupported by a careful analysis of the bill itself.

The Senator dismissed the President's proposal in three short sentences. He said:

> I do not support a revenue sharing plan which would gut essential categorical aid programs. I do not support a revenue sharing plan which fails to allocate funds for the cities that need them most. I do not support a revenue sharing plan which provides inadequate safeguards against the use of funds to perpetuate discrimination.

Now let us take a look at each of these three statements. As to the first—that the President's bill would "gut" essential categorical aid programs—the Senator is perfectly well aware of the fact that no general revenue-sharing proposal would have any effect on categorical grant-in-aid programs. It is certainly true that the President's so-called "special" revenue-sharing proposals would involve grant consolidation. But that is a wholly separate set of policy considerations. The Senator appears to have confused in his own mind the quite different concepts of general and special revenue sharing. Or perhaps he seeks to promote such a confusion in the general mind. But whatever the case, general revenue sharing would have no impact whatsoever on categorical grants-in-aid, unless one wants to argue that the funds proposed to be shared under general revenue sharing could otherwise be spent on existing or new categorical aid programs. And that would be true of any general revenue proposal, presumably even that to be offered by Senator MUSKIE.

On the second point—that the President's bill fails to allocate funds to the cities that need them most—I would make several observations. First, the formula contained in the President's bill providing for direct aid to county and city governments—the so-called "pass-through" provision—was worked out through months of negotiations with representatives of State, county, and city officials of both major political parties. Second, in recognition of the many different fiscal arrangements between the various State, county, and local jurisdictions across the country, the President's bill proposes an imaginative feature called the "local option," which provides a bonus for those States and local governments that can agree on an alternative "pass-through" formula that meets the unique and individual needs of their own internal fiscal interrelationships.

Third, I would suggest that the revenue sharing bill introduced by Senator MUSKIE in the last Congress hardly met his own objection to the President's bill on this point. The Senator's bill in the 91st Congress provided that only some 35 percent of each State's allocation be passed through to the cities and counties, whereas the President's bill requires a passing through of roughly 50 percent of the State allocations. The Senator's bill in the 91st Congress excluded cities and counties with populations of less than 50,000 from the receipt of any funds at all. This could hardly lead to balanced economic growth and an intelligent policy for the development and growth of rural America. The Senator's bill in the 91st Congress provides for local allocation on the basis of revenues raised locally, essentially the same approach taken by the President's bill but without the local option feature to encourage State and local initiative.

As to the Senator's third objection to the President's bill—that it does not provide adequate safeguards against the use of the funds to perpetuate discrimination—I confess a degree of astonishment. Section 1101 of S. 680, the administration bill, establishes the most elaborate defenses against the discriminatory use of the funds, including a cutoff of such funds by direct reference to title VI of the Civil Rights Act of 1964. The Senator's revenue sharing bill in the 91st Congress contained no mention of the discrimination question. Some have even objected to the provision in the President's bill on the grounds that it would greatly extend the Federal jurisdiction under title VI, because of the wide variety of uses that the shared revenues would be put, many of which are now funded entirely by State and local revenues.

It is by no means my intention to argue with my distinguished colleague about the relative merits of various revenue sharing proposals. On the contrary, it is my explicit intention to put such arguments behind us. My most sincere and earnest hope is that those of us who believe deeply in the concept of general revenue sharing can resolve our differences on technical points—as important as they may be—and come together in a great bipartisan effort to enact a revenue sharing bill in this Congress.

I assume that in drafting his new revenue sharing proposal to be introduced next month, Senator MUSKIE will repair the seeming deficiencies of his earlier measure. I look forward to seeing the bill and would even welcome a role in the drafting of it, if he were so inclined.

I want a revenue sharing bill. Senator MUSKIE wants a revenue sharing bill. Senator HUMPHREY wants a revenue sharing bill. Congressman REUSS wants a revenue sharing bill. President Nixon wants a revenue sharing bill. The Governors and mayors and county officials of this country want a revenue sharing bill. George Gallup reports that 77 percent of the American people want a revenue sharing bill. Surely, surely we can have a revenue sharing bill, if only we can come together and work cooperatively toward our common goal.

Senator MUSKIE said in his March 22 speech:

> As a practical matter, I have serious doubts that a meaningful program of revenue sharing has as good a prospect in this session of the Congress as other measures which are also worthwhile. I therefore urge you to consider federal assumption of welfare.

It may well be that Federal assumption of welfare would be good policy. I reserve judgment on that question. But it is not an alternative to general revenue sharing. Welfare assumption—as compared to revenue sharing—would benefit only 11 States and penalize the remaining 39. It would provide virtually no relief to the hard-pressed cities and counties. It is no alternative.

And why must we make the "practical political" judgment that revenue sharing cannot be enacted by the 92d Congress? Must 77 percent of the American people, State and local elected officials, and scores of Members of the Congress bow to the intransigence of a small group of admittedly powerful but mortal men? I will not make this "practical political" judgment, because it only tends to shore up this arbitrary exercise of power on the part of a few, in a situation where the country requires something better.

When I introduced the administration bill on February 9, I said the following:

> No one would be more surprised than the President if this bill were enacted line for line and word for word. If during the course of close congressional examination, improvements are indicated, they should and will be made.

Senator HUMPHREY is quoted as having said yesterday that he was willing to work out some accommodation with the Nixon proposal and be "willing to call it a Nixon-Humphrey bill." That would be just great, and I hope it can happen.

As far as I am concerned, it does not bother me one iota if it is called a Nixon-Humphrey bill, or a Muskie bill, or a Mills-Byrnes bill. We can call it anything we want to call it, Mr. President, as long as the concept of general revenue sharing is enacted into law by this Congress, to meet the urgent requirements and demands of the elected officials and the population of this country.

I want to cooperate. The President wants to cooperate. Senator HUMPHREY wants to cooperate. Senator MUSKIE wants a bill. Let us get going on all of this cooperation and come up with a single bill that we can all agree on, or at least a majority of us, and enact it in this Congress.

I hope that the Senate Committee on Government Operations will hold early hearings on the Humphrey bill or the Muskie bill or both. Such early hearings would provide a useful forum for the airing of all the issues. I have no doubt that support for the concept of revenue sharing at such hearings would overwhelm what little opposition there might be to it.

Mr. President, I have tried as hard as I know how to keep this vitally important issue of bipartisan origin and bipartisan support from becoming a political football in the preliminary skirmishing for the presidential campaign. I confess that I have not been wholly successful in that respect. But it is not too late for the Senate of the United States to say, clearly and unequivocally, "We will respond to the legitimate needs and requirements of the people of this Nation, and to local government in the United States, and we will do it on a bipartisan basis, before it is too late."

It may be later than we think as far as local government at the county and city levels is concerned. I admonish my fellow Senators to realize that it is later than many think, and to recall a quotation attributed to an official in the State of Pennsylvania, in trying to point up the extreme economic exigencies of that State's situation, when he remarked solemnly, "Would the last man out of Pennsylvania please turn out the lights?"

Mr. President, we must do something. This is one of those rare instances in the history of the Republic and the history of the U.S. Senate when we have got to lay aside our native instincts and tendencies to make political capital out of minor variations, and enact the basic proposal. It is time to act, and act now; and I signify my willingness to do my part.

Mr. President, I yield the floor.

SUBMISSION OF COMMITTEE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees be authorized to submit reports during the adjournment of the Senate until 12 o'clock meridian on Monday next.

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

PROGRAM FOR MONDAY, MARCH 29, 1971

Mr. BYRD of West Virginia. Mr. President, there is only one bill presently on the calendar. That is Calendar Order No. 49, S. 789, a bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

It is hoped that action may be taken on that bill on Monday next. Between now and then, it is hoped that committees will report bills and resolutions which may be taken up on Monday or later next week.

ADJOURNMENT UNTIL MONDAY

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 adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 12 o'clock and 45 minutes p.m.) the Senate adjourned until Monday, March 29, 1971, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 25, 1971:

U.S. CIRCUIT COURT

William E. Doyle, of Colorado, to be a U.S. circuit judge, 10th circuit, vice Alfred P. Murrah, retired.

James E. Barrett, of Wyoming, to be a U.S. circuit judge, 10th circuit, vice John J. Hickey, deceased.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service information officers of class 1:

Darrell D. Carter, of Illinois.
Terrence F. Catherman, of the District of Columbia.
Glenn Lee Smith, of California.

Foreign Service information officers of class 2:

Brian Bell, of Nevada.
Peter F. Brescia, of Maryland.
Dean O. Claussen, of Washington.
Alvin H. Cohen, of Massachusetts.
Gerhard J. Drechsler, of the District of Columbia.
George D. Henry, of Pennsylvania.
Max W. Kraus, of Texas.
Joseph I. Krene, of California.
Edwin C. Pancoast, of California.
Leon Picon, of Maryland.
Roger P. Ross, of California.
G. Frederick Stutz, of Massachusetts.
Paul E. Wheeler, of Maryland.

Foreign Service Information Officers of class 3:

Thomas G. Allen, of New Hampshire.
James M. Ascher, of Illinois.
Bruce Ian Bertram, of Wisconsin.
Robert A. Cattell, of Virginia.
John R. Challinor, of Illinois.
Frank A. Chiancone, of New York.
John D. Clayton, of Oklahoma.
Charles E. Courtney, of California.
Charles H. Dawson, of Tennessee.
Samuel P. Dieli, of Michigan.
Thomas C. Dove, Jr., of North Carolina.
Roburt Andre Dumas, of Pennsylvania.
Robert P. Ebersole, of Florida.
James H. Feldman, of Tennessee.
Frederic A. Fisher, of Michigan.
John P. Foster, of New Hampshire.
Jack W. Gallagher, of Pennsylvania.
Norris D. Garnett, of California.
Robert W. Garrity, of Massachusetts.
Laurence Garufi, of New Jersey.
Robert V. Gildea, of Maryland.
David L. Gray, of Illinois.
Geoffrey Groff-Smith, of Michigan.
Allen C. Hansen, of the District of Columbia.
Howard W. Hardy, Jr., of New Jersey.
James A. Jensen, of Illinois.
Robert F. Jordan, of Maryland.
William R. Lenderking, Jr., of Connecticut.
Frenise A. Logan, of North Carolina.
Miss Margaret F. MacKellar, of California.
Harrington E. Manville, of Colorado.
James D. McHale, of Massachusetts.
Donald E. McNertney, of California.
William F. Miller, of Pennsylvania.
James L. Morad, of California.
Herwald H. Morton, of Illinois.
Edgar E. Noel, of the District of Columbia.
Eugene Frederick Quinn, of California.
John H. Scanlon, of California.
Eugene M. Schaeffer, of Tennessee.
Edward H. Schulick, of New Jersey.
Christopher L. Sholes, of New Jersey.
Edward J. Slack, of South Dakota.
Douglas H. Smith, of the District of Columbia.
William N. Wagley, of Florida.
George G. Wynne, of North Carolina.

Foreign Service Information Officers of class 4:

Bruce Albright, of California.
Robert J. Baker, of the District of Columbia.
Barry E. Ballow, of California.
Charles L. Bell, of Ohio.
Richard A. Boardman, of New York.
Philip C. Brown, of Pennsylvania.
Sigmund M. Cohen, Jr., of Maryland.
George Deligianis, of New York.
Edward J. Donovan, of Florida.
Lawrence D. Estes, of California.

Joel Anthony Fischman, of Massachusetts.
Donald A. Foresta, of New York.
Edward D. Franco, of Colorado.
John D. Garner, of Arkansas.
Ronald L. Humphrey, of Washington.
John M. Keller, of Minnesota.
John F. Kordek, of Illinois.
A. Frank Lattanzi, of Pennsylvania.
John R. Lepperd, of the District of Columbia.
Alan M. Lester, of Louisiana.
Colburn B. Lovett, of Virginia.
Lewis R. Luchs, of Virginia.
Gary G. Morley, of Texas.
Kent D. Obee, of Idaho.
Charles C. Ransom, of New York.
John M. Reid, of Virginia.
Frank W. Scotton, of Massachusetts.
Leon M. S. Slawecki, of Pennsylvania.
Christopher Snow, of Utah.
Elton Stepherson, Jr., of the District of Columbia.
Jon W. Stewart, of Washington.
Miss Marie Louise Telich, of California.
Miss Virginia L. Warfield, of California.
Jan R. Zehner, of Ohio.
Foreign Service Information Officers of class 5:
Sheldon H. Avenius, Jr., of New York.
Robin A. Berrington, of Ohio.
Russell T. Campbell, of Colorado.
Ronald D. Clifton, of Florida.
Donald B. Cofman, of Colorado.
Miss Frances D. Cook, of Florida.
Robert T. Coonrod, of New York.
Miss Victoria R. Cordova, of Washington.
R. Don Crider, of Florida.
Tabor E. Dunman, Jr., of Virginia.
Miss Cynthia J. Fraser, of Texas.
John A. Fredenburg, of New York.
Miss Mary E. Gawronski, of New York.
David D. Grimland, of Texas.
Dell J. Hood, of Texas.
Larry J. Ikels, of Texas.
Seth Robert Isman, of the District of Columbia.
Miss Louise E. Kelleher, of Massachusetts.
Terrence H. Kneebone, of Utah.
Frederick E. V. LaSor, of California.
William U. Lawrence, of Michigan.
Michael K. Lewis, of the District of Columbia.
Jeffrey H. Lite, of Illinois.
Miss Jean Elizabeth Mammen, of New York.
H. James Menard, of California.
Miss Caroline Dunlop Millett, of California.
Steven J. Monblatt, of New York.
Gary R. Nank, of Ohio.
Robert J. Palmeri, of Massachusetts.
Dell F. Pendergrast, of Illinois.
Darryl L. Penner, of Michigan.
Robert Petersen, of Ohio.
Ross E. Petzing, of New Jersey.
Robert David Plotkin, of California.
James C. Pollock, of Pennsylvania.
Miss Ellen L. Robbins, of Illinois.
Christopher W. S. Ross, of the District of Columbia.
Michael R. Saks, of Indiana.
Daniel Scherr, of New York.
E. David Seal, of Missouri.
Arnold J. Silverman, of California.
Miss Mary C. Smith, of California.
Frank C. Strovas, of Colorado.
A. Stephen Telkins, Jr., of Pennsylvania.
Ernesto Uribe, of Texas.
Harvey M. Wandler, of New York.
William J. Weinhold, of Wisconsin.
Michael M. Yaki, of California.
Foreign Service Information Officers of class 6:
Raymond D. Anderson, Jr., of Florida.
Miss Beverly H. Brock, of California.
Miss Elizabeth A. Cain, of Pennsylvania.
Mrs. Susan C. Copin, of Missouri.
James A. Edris, of Pennsylvania.
Miss Katherine Hashmall, of New York.
William H. Maurer, Jr., of Pennsylvania.
Michael Patrick Phelan, of Michigan
Boyd Poush, of Virginia.
Miss Joanne A. Rinehart, of Pennsylvania.
James E. Smith, of Ohio.
Kenneth A. Yates, of Connecticut.
Mrs. Katherine K. Young, of the District of Columbia.
The following-named Foreign Service officers for promotion in the Foreign Service to the classes indicated:
Foreign Service officers of class 1:
John George Bacon, of Washington.
William D. Calderhead, of Texas.
Frank C. Carlucci, of Pennsylvania.
Christian Addison Chapman, of the District of Columbia.
Miss Eileen R. Donovan, of Massachusetts.
Donald B. Easum, of Virginia.
Richard K. Fox, Jr., of Minnesota.
Samuel R. Gammon III, of Texas.
Anthony Geber, of Illinois.
William H. Gleysteen, Jr., of Pennsylvania.
Abraham Katz, of Maryland.
Samuel W. Lewis, of Texas.
John S. Meadows, of Massachusetts.
Francis J. Meehan, of the District of Columbia.
Miss Mary S. Olmsted, of Tennessee.
Mathias J. Ortwein, of Pennsylvania.
Thomas R. Pickering, of New Jersey.
Robert L. Yost, of California.
Foreign Service Officers of class 1 and Consular Officers of the United States of America:
Manuel Abrams, of Florida.
Robert M. Beaudry, of Maine.
Josiah W. Bennett, of Maryland.
Samuel D. Eaton, of New York.
Robert C. F. Gordon, of California.
J. David Linebaugh, of the District of Columbia.
John W. McDonald, Jr., of Illinois.
George F. Muller, of Maryland.
Parker D. Wyman, of Maryland.
Foreign Service Officers of class 2:
Leo Arel, of Maryland.
Julio Javier Arias, of the District of Columbia.
George T. Churchill, of Virginia.
Robert A. Deitchman, of Virginia.
James A. Dibrell, of Texas.
John T. Dreyfuss, of California.
Lawrence S. Eagleburger, of Wisconsin.
Harry H. Pollak, of New Mexico.
Roger A. Provencher, of Colorado.
Miss Nancy V. Rawls, of Georgia.
Foreign Service Officers of class 2 and Consular Officers of the United States of America:
Williams Beal, of Michigan.
Slator C. Blackiston, Jr., of North Carolina.
Roger C. Brewin, of Ohio.
John A. Brogan III, of New Jersey.
Edward R. Cheney, of New Hampshire.
William F. Courtney, of Michigan.
Morris H. Crawford, of Virginia.
Michael J. Dux, of Florida.
Lawrence B. Elsbernd, of North Dakota.
Harry Feinstein, of Georgia.
Thomas W. Fina, of Florida.
Weikko A. Forsten, of Florida.
Norman W. Getsinger, of Michigan.
Lindsey Grant, of Georgia.
Charles M. Hanson, Jr., of New York.
Harry W. Heikenen, of Virginia.
Edward W. Holmes, of Maryland.
Gordon D. King, of the District of Columbia.
Paul H. Kreisberg, of Pennsylvania.
Verne L. Larson, of Washington.
Stephen Low, of Ohio.
George C. Moore, of California.
John A. Moran III, of New Jersey.
Laurent E. Morin, of New Hampshire.
Howard F. Newsom, of Indiana.
Christopher A. Norred, Jr., of the District of Columbia.
Herbert S. Okun, of New York.
Richard W. Petree, of Colorado.
Hugh C. Reichard, of Virginia.
Irving I. Schiffman, of Maryland.
Ray Sena, Jr., of New Mexico.
J. Harlan Southerland, of the District of Columbia.
Francis R. Starrs, Jr., of California.
Theodore A. Tremblay, of California.
Harold C. Voorhees, of Connecticut.
Robert H. Wenzel, of Florida.
Guy A. Wiggins, of the District of Columbia.
Foreign Service Officers of class 3:
Natale H. Bellocchi, of New York.
Harry E. Bergold, Jr., of Florida.
Paul H. Boeker, of Ohio.
Michael P. Boerner, of New Jersey.
Thomas D. Boyatt, of Ohio.
Frederick Z. Brown, of Pennsylvania.
John C. Dorrance, of California.
Robert W. Duemling, of California.
William L. Dutton, Jr., of Iowa.
Raymond C. Ewing, of California.
Robert L. Flanegin, of Illinois.
Robert L. Gingles, of Florida.
John C. Griffith, of Connecticut.
Stanley P. Harris, of Maryland.
Samuel F. Hart, of Rhode Island.
Roy T. Haverkamp, of Missouri.
Henry A. Holmes, of Kansas.
John W. Holmes, of Massachusetts.
Edward E. Keller, Jr., of California.
Edson W. Kempe, of California.
Anthony S. Kochanek, Jr., of New Jersey.
Paul L. Laase, of Virginia.
Clint A. Lauderdale, of California.
Gerard J. Levesque, of South Dakota.
Mrs. Marcia L. Martin, of Florida.
James K. Matter, Jr., of Michigan.
Elwood J. McGuire, of Connecticut.
William H. McLean, of Texas.
J. William Piez, of Colorado.
Samuel M. Pinckney, Jr., of Connecticut.
Richard C. Scissors, of Missouri.
Peter Semler, of Virginia.
Goodwin Shapiro, of Texas.
John P. Shumate, Jr., of California.
Michael B. Smith, of Massachusetts.
James Stromayer, of Illinois.
James L. Tull, of Iowa.
Ronald A. Webb, of California.
Mrs. Melissa F. Wells, of New York.
James W. White, of Florida.
Dawson S. Wilson, of Florida.
Foreign Service Officers of class 3 and Consular Officers of the United States of America:
Edward H. Brown, of Pennsylvania.
Joseph D. Capri, of Florida.
Miss Alice W. Clement, of Pennsylvania.
John G. Day, of New Hampshire.
Stephen A. Dobrenchuk, of Maryland.
Harvey J. Feldman, of Illinois.
George O. Huey, of Illinois.
George W. Jaeger, of Missouri.
Burton Levin, of the District of Columbia.
Anthony F. O'Boyle, of Pennsylvania.
Miss Nancy Ostrander, of Indiana.
Arthur W. Purcell, of Massachusetts.
Denman F. Stanfield, of Texas.
Foreign Service Officers of class 4:
Raymond J. Alvarez, of California.
George Aneiro, of New Jersey.
Merle E. Arp, of Iowa.
Kenneth H. Bailey, Jr., of the District of Columbia.
G. Paul Balabanis, of California.
Bradford Bishop, Jr., of California.
Norman M. Bouton, of Indiana.
Alfred P. Brainard, of Washington.
Kenneth L. Brown, of California.
James A. Budeit, of Nebraska.
Pierce K. Bullen, of Florida.
Miss Ann P. Campbell, of Connecticut.
John W. Campbell, of California.
Thomas J. Carolan, Jr., of Maryland.
George F. Carr, Jr., of Texas.
Louis N. Cavanaugh, Jr., of Pennsylvania.
Timothy W. Childs, of Connecticut.
Harry E. Christie, of California.
William P. Clappin, of Virginia.
Walter S. Clarke, of the District of Columbia.
George W. F. Clift, of California.

Robert P. Coe, of Massachusetts.
Stephen P. Dawkins, of New Jersey.
Wilfred F. Declercq, of Missouri.
Richard A. Dugstad, of Florida.
Charles F. Dunbar, Jr., of the District of Columbia.
Adolph H. Eisner, of Florida.
Charles Edward Emmons, of California.
Henry A. Engelbrecht, Jr., of Virginia.
David Meredith Evans, of Pennsylvania.
Edward M. Featherstone, of Pennsylvania.
David J. Fischer, of Texas.
Patrick E. FitzGerald, of Virginia.
Ronald D. Flack, of Minnesota.
Robert A. Flaten, of Minnesota.
Myles R. René Frechette, of Washington.
Peter F. Frost, of Connecticut.
Roger R. Gamble, of New Mexico.
Paul John Glasoe, of Ohio.
Robert P. Goold, of California.
James J. Gormley, of New York.
Richard C. Graham, of Virginia.
James T. Hackett, of California.
Alan M. Hardy, of Ohio.
M. Charles Hill, of New Jersey.
David Bruce Jackson, of California.
Don C. Jensen, of California.
Philip K. Johnson, Jr., of Ohio.
George Lockwood Kelly, of Georgia.
Edward Kreuser, of Pennsylvania.
John J. LaMazza, of New York.
Melvyn Levitsky, of Maryland.
Matthew T. Lorimer, of New Hampshire.
Hallock R. Lucius, of Ohio.
Edward Marks, of California.
Douglas G. Marshall, of California.
Jim B. Marshall, of Tennessee.
James Richard Matz, of Texas.
John T. McCarthy, of Pennsylvania.
Gerald Joseph Monroe, of New Mexico.
Robert J. Montgomery, of Texas.
Ambler H. Moss, Jr., of Maryland.
Coleman J. Nee, of Massachusetts.
Edward V. Nef, of the District of Columbia.
William V. P. Newlin, of Pennsylvania.
Robert F. Ober, Jr., of Illinois.
F. Pierce Olson, of California.
Allan W. Otto, of Illinois.
Edmund M. Parsons, of Texas.
Robert H. Pelletreau, Jr. Connecticut.
William Polik, of New York.
Ralph C. Porter III, of New Jersey.
Lawrence R. Raicht, of New York,
Walter G. Ramsay, of the District of Columbia.
John E. Reinertson, of Wisconsin.
Thomas J. Roesch, of Ohio.
Alan D. Romberg, of Maryland.
Lawrence D. Russell, of Florida.
Edward Michael Sacchet, of Maryland.
Irving L. Sanders, of Washington.
P. Peter Sarros, of New York.
Norman T. Shaft, of Minnesota.
David G. Shaw, of New York.
Thomas W. Simons, Jr., of the District of Columbia.
Robert R. Strand, of Ohio.
William L. Swing, of North Carolina.
Daniel Taher, of New Jersey.
Maurice M. Tanner, of Utah.
Rush W. Taylor, Jr., of Texas.
George A. Trail III, of Pennsylvania.
George Peter Varros, of Connecticut.
Erwin W. von den Steinen, of California.
Paul V. Ward, of Florida.
Stephen B. Watkins, of Connecticut.
William B. Whitman, Jr., of Illinois.
Frank G. Wisner II, of Maryland.
Wilbur I. Wright, of Michigan.

Foreign Service Officers of class 4 and Consular Officers of the United States of America:
Coradino E. Gatti, of Connecticut.
Marion L. Gribble, of New York.
James E. Kerr, Jr., of the District of Columbia.

Foreign Service Officers of class 5:
Bruce A. Abt, of Massachusetts.
John H. Adams, of California.
John K. Atchley, of Virginia.
Alfred R. Barr, of California.
George T. Basil, of New York.
Dan E. Bean, of Tennessee.
Robert W. Becker, of Maryland.
Charles G. Billo, of New York.
Miss Dorothy Jean Black, of California.
John W. Bligh, Jr., of New York.
David Bloch, of New York.
J. Richard Bock, of Washington.
Richard Thomas Booth, of Michigan.
Thomas J. Burke, of New York.
Albert Peter Burleigh, of California.
David H. Burns, of Massachusetts.
Weldon D Burson, of Texas.
William S. Butcher, of Ohio.
Michael Carpenter, of Virginia.
Robert J. Carroll, of Connecticut.
Leo F. Cecchini, Jr., of Maryland.
Charles O. Cecil, of California.
James H. Cheatham, of Tennessee.
Bruce W. Clark, of California.
Henry L. Clarke, of South Carolina.
James K. Connell, of Connecticut.
Alford W. Cooley, of Connecticut.
Arthur B. Corte, of New York.
Charles B. Cuenod, Jr., of California.
Hilary J. Cunningham, of Michigan.
Miss Mary Teresita Currie, of New York.
Timothy E. Deal, of California.
Rust M. Deming, of the District of Columbia.
Richard N. Dertadian, of California.
Robert S. Driscoll IV, of New York.
Gordon J. DuGan, of the District of Columbia.
John David Forbes, of Pennsylvania.
Galen W. Fox, of Hawaii.
Jon M. Gibney, of New York.
Frank Ralph Golino, of Pennsylvania.
Dennis C. Goodman, of Ohio.
Robert F. Gould, of Ohio.
Larry C. Grahl, of Ohio.
Robert J. Gross, of New York.
Donald A. Guerriero, of New Jersey.
George H. Haines III, of Rhode Island.
Thomas P. Hamilton, of Hawaii.
Thomas M. Harrington, of Rhode Island.
F. Allen Harris, of Texas
William B. Harris, of California.
Robert Y. Hayashida, of Hawaii.
Donald Furse Herr, of Ohio.
Miss Eleanor Hicks, of Ohio.
Brooke C. Holmes, of California.
Richard A. Holmes, of Michigan.
Michael M. Hornblow, of New York.
William Edwin Humphrey, of Oklahoma.
Stanley R. Ifshin, of New York.
Louis F. Janowski, of Illinois.
Mrs. Jo Ann M. Jenkins, of Massachusetts.
Robert D. Johnson, of Missouri.
Peter Edward Jones, of Maryland.
Raymond C. Jorgenson, of North Dakota.
John J. Kadilis, of Maryland.
Mrs. Arma Jane Karaer, of Minnesota.
Thomas B. Killeen, of Pennsylvania.
Bruce Kinsey, of Illinois.
Harry Kopp, of New York.
Stephen L. Lande, of New York.
Warren A. Lavorel, of California.
Terry Lee Leitzell, of Pennsylvania.
Philip Thomas Lincoln, Jr., of Michigan.
Stuart H. Lippe, of Michigan.
Ralph L. Lowry, of Pennsylvania.
Thomas E. Macklin, Jr., of California.
Nicholas C. H. MacNeil, of New Jersey.
Peter S. Maher, of Illinois.
John F. Maisto, of Pennsylvania.
Gene B. Marshall, of New Hampshire.
Charles A. Mast, of South Dakota.
Miss Lois Jean Matteson, of Virginia.
James N. May, of North Carolina.
Miss Stephanie Mayfield, of California.
Howard L. McGowan, of Ohio.
Richard M. Miles, of South Carolina.
Robert Wesley Miller, of California.
Richard H. Milton, of West Virginia.
Paul D. Molineaux, of New York.
Ned E. Morris, of Tennessee.
Donald E. Mudd, of Florida.
Richard W. Mueller, of Connecticut.
James P. Nach, of New York.
John L. Nesvig, of Minnesota.
David C. Norton, of Florida.
Walter M. Notheis, of California.
Charles T. Owens, of California.
Thomas Parker, Jr., of North Carolina.
B. Lynn Pascoe, of New York.
Miles S. Pendleton, Jr., of Washington.
Philip E. Penninger, of North Carolina.
Robert M. Perito, of Colorado.
B. Donovan Picard, of Alabama.
Charles J. Pitman, of Iowa.
William B. Pogue, of California.
Arnold L. Raphel, of New Jersey.
Jonathan B. Rickert, of Michigan.
Wilson A. Riley, Jr., of Connecticut.
Lionel A. Rosenblatt, of Pennsylvania.
Herman J. Rossi, III, of Washington.
William R. Salisbury, of New York.
Miss Eleanor Wallace Savage, of California.
David L. Schiele, of California.
Thomas A. Schlenker, of California.
Raymond G. H. Seitz, of Texas.
Andrew D. Sens, of the District of Columbia.
Jack M. Seymour, Jr., of Pennsylvania.
Seton Shanley, of New Jersey.
Edric Sherman, of Washington.
Mrs. Katherine H. Shirley, of Illinois.
John F. Simmons, Jr., of the District of Columbia.
Thomas W. Sonandres, of Texas.
Seton Stapleton, of New Jersey.
Robert H. Stern, of New York.
William W. Struck, of Kentucky.
James Tarrant, of California.
J. Clagett Taylor, Jr., of Florida.
James E. Taylor, of California.
Douglas K. Watson, of California.
Donald B. Westmore, of Washington.
Peter D. Whitney, of New York.
Richard H. Williams, of Virginia.
Miss Joanna W. Witzel, of California.
Lacy A. Wright, Jr., of Illinois.

Foreign Service Officers of class 6:
Ward Davis Barmon, of New York.
Clifford Lloyd Brody, of New York.
William Ross Creach, of Missouri.
Thomas P. Doubleday, Jr., of New York.
Miss Katherine M. Durkin, of Virginia.
Richard Lewis Fenton, of New York.
Robert S. Gelbard, of New York.
Daniel V. Grant, of North Carolina.
John Christopher Grigassy, of Texas.
Sherman N. Hinson, of Vermont.
Nicholas R. Lang, of New York.
Harlan Y. M. Lee, of California.
John P. Lyle, of New York.
John R. Malott, of Illinois.
George E. Moose, of Colorado.
John G. H. Muehlke, Jr., of New Hampshire.
Eric David Newsom, of California.
Peter S. Perényi, of Connecticut.
Robert C. Reis, Jr., of Missouri.
Miss Judith Rodes, of Texas.
Miss Barbara L. Schell, of Pennsylvania.
Miss Lange Schermerhorn, of New Jersey.
Miss Barbara Jane Schrage, of Wisconsin.
Robert E. Snyder, of Massachusetts.
E. Michael Southwick, of California.
Edward Richard Stumpf, of New York.
Randolph A. Swart, of Maryland.
Robert A. Tsukayama, of Hawaii.
Matthew P. Ward, Jr., of Pennsylvania.

The following-named person for appointment as a Foreign Service Officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:
J. Donald Blevins, of Virginia.

For appointment as Foreign Service Information Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:
A. T. Falkiewicz, of Florida.
G. Richard Hopwood, of Vermont.
Leonard L. Lefkow, of Washington.
William Dews Miller, Jr., of North Carolina.

G. Michael Razi, of Maine.

For reappointment in the Foreign Service as a Foreign Service Officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Arthur L. Price, of Illinois.

For appointment as Foreign Service Information Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Louis E. Polichetti, of New York.
Sherman H. Ross, of California.
Raymond L. Spencer, of Virginia.
Norman Ziff, of California.
Herman Zivetz, of California.

For appointment as a Foreign Service Officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Dan J. Thal, of California.

For appointment as a Foreign Service Information Officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Miss Linda A. Buggeln, of Florida.

For appointment as Foreign Service Officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Walter B. Lockwood, Jr., of Connecticut.
Miss Jane Whitney, of Washington.

For promotion from Foreign Service Officers of class 7 to class 6:

Douglas B. Archard, of Wisconsin.
Gary S. Basek, of New York.
Bruce Anthony Beardsley, of Nevada.
Robert W. Beckham, of Florida.
John Eignus Clark, of Maryland.
James F. Collins, of Illinois.
Louis Creveling, Jr., of California.
Jeffrey Davidow, of Minnesota.
Daniel Linus Dolan, of Maryland.
G. Gene Griffiths, of Tennessee.
Richard W. Hoover, of Ohio.
Robert F. Hopper, of Virginia.
Charles Bowman Jacobini, of Illinois.
Ralph R. Johnson, of Washington.
James D. Lee, of Virginia.
D. Thomas Longo, Jr., of the District of Columbia.
Bruce Malkin, of Pennsylvania.
John Egan McAteer, of West Virginia.
Alan R. McKee, of New Hampshire.
Harold Edward Meinheit, of Illinois.
Joseph Hanthorn Melrose, Jr., of Pennsylvania.
Mark E. Mohr, of New Jersey.
David Richard Moran, of Nebraska.
Miss Alynn Joelle Nathanson, of New York.
V. Edward Olson, of Minnesota.
David A. Pabst, of Washington.
David R. Patterson, of Arkansas.
Anthony Carson Perkins, of the District of Columbia.
John L. Pitts, of Washington.
Mark J. Platt, of Connecticut.
Laurence E. Pope II, of Massachusetts.
Craig Emerson Richardson, of Ohio.
William vanB. Robertson, Jr., of California.
Gerald W. Scott, of Oklahoma.
Douglas K. Stevens, Jr., of Florida.
Richard L. Stevens, of Iowa.
Daniel Anton Strasser, of California.
Lawrence Palmer Taylor, of Ohio.
Albert A. Thibault, Jr., of Pennsylvania.
William H. Twaddell, of Rhode Island.
Stanislaus R. P. Valerga, of Texas.
Miss Mary von Briesen, of Wisconsin.
Paul H. Wackerbarth, of New Jersey.
George F. Ward, Jr., of New York.
Reed T. Warnick, of Colorado.
Geoffrey E. Wolfe, of Maryland.
Frank Joseph Zambito, Jr., of Florida.

For promotion from Foreign Service information officers of class 7 to class 6:

John L. G. Archibald, of the District of Columbia.
Edward J. Hinker, of Minnesota.
J. Michael Houlahan, of Iowa.
David L. Jamison, of Maryland.
Anthony A. Markulis, of Virginia.
Michael J. Nugent, of Maryland.
Roger C. Rasco, of Texas.
Miss Cornelia M. Sheahan, of New York.
Thomas W. Switzer, of Colorado.
David P. Wagner, of Florida.
John David Watt, of Texas.

For promotion from Foreign Service officers of class 8 to class 7:

Paul H. Blackburn, of New Hampshire.
Miss Ann S. Carroll, of the District of Columbia.
Daniel Chester Cochran, of Illinois.
Richard Arthur Coulter, of Oregon.
Jan de Wilde, of Virginia.
Donald Lee Field, Jr., of California.
Allen McDowell Hale, of Virginia.
Albert Lee Haliff, of Texas.
Miss Carolee Heileman, of Nebraska.
Frederic William Maerkle III, of California.
William Morris Pollack, of New York.
Clement Laurence Salvadori, of Massachusetts.
Jeffrey R. Siegel, of New Jersey.
Charles B. Smith, Jr., of New York.
James W. Swihart, Jr., of the District of Columbia.

For promotion from Foreign Service information officers of class 8 to class 7:

Michael L. Braxton, of the District of Columbia.
Mrs. Victoria B. Jacqueney, of New York.
Miss Susan Davis Todd, of Virginia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Miss Elizabeth B. Bollmann, of Missouri.
Kenneth W. Chard, of Virginia.
Philip Lawrence Christenson, of Virginia.
Donald R. Cleveland, of Oregon.
Lee O. Coldren, of California.
Michael J. Duffy, of Virginia.
Craig G. Dunkerley, of Massachusetts.
Miss Judith I. Hughes, of Utah.
Mark Johnson, of Montana.
Miss Melinda L. Kimble, of Arizona.
Russell August LaMantia, Jr., of Illinois.
Lann A. Malesky, of North Carolina.
Walter H. Manger, of Pennsylvania.
Edward J. Marcott, of Massachusetts.
Pedro Martinez, of Texas.
Gregory Lynn Mattson, of New Jersey.
Steven McDonald, of Missouri.
Brunson McKinley, of Pennsylvania.
Joseph G. McLean, of Montana.
Clarence M. Nagao, of Hawaii.
John M. O'Brien, of Pennsylvania.
Philip Dudley Oliver, of Alabama.
Gordon Brent Olson, of Washington.
Allen R. Overmoyyer, of the District of Columbia.
William Christie Ramsay, of Michigan.
John W. Salmon, Jr., of North Carolina.
L. Gordon Shouse, of Indiana.
Leo R. Wollemborg, of New York.

For appointment as Foreign Service Information Officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Parker J. Anderson, of California.
Miss Sarah R. Anderson, of West Virginia.
Peter T. Becskehazy, of Ohio.
Fredric A. Emmert, of Michigan.
Richard F. Hayse, of Kansas.
Thomas A. Homan, of Illinois.
William P. Kiehl, of Pennsylvania.
Paul D. Panaccione, of New Hampshire.

For appointment as Foreign Service Officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Marc Allen Baas, of Michigan.
Russell Barbour, of Pennsylvania.
Miss A. Elizabeth Jones, of Maryland.
Brian Michael Patrick McNamara, of Connecticut.
Christopher T. Seaver, of California.
Gregory D. Strong, of Montana.
Arthur M. Weisburd, of Arkansas.

For appointment as Foreign Service Information Officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

George P. Bonjoc, of California.
Theodore A. Boyd, of Ohio.
Miss Sarah S. Bush, of Washington.
Arthur E. Green, of New York.
Hugh H. Hara, of Illinois.
Miss Jeanne M. Rogge, of Minnesota.
Paul J. Saxton, of New York.

Foreign Service Reserve Officer to be a Consular Officer of the United States of America:

Paul V. Harwood, of Pennsylvania.

Foreign Service Reserve Officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

James E. Anderson, of Washington.
Michael E. Berg, of Virginia.
Michael A. Burns, of Connecticut.
John L. Capurso, of Virginia.
Paul H. Clarke, of Maryland.
Melvin F. Collins, Jr., of the District of Columbia.
Raymond Eveland, of Iowa.
Philip F. Fendig, of the District of Columbia.
David W. Herpy, Jr., of Virginia.
Robert L. Hirshberg, of the District of Columbia.
Stanley W. Kylis, of Virginia.
David C. Lamoureux, of Ohio.
Michael McGinnis, of Maryland.
Michael L. Milligan, of New York.
Robert D. Murphy, of the District of Columbia.
Miss Arlene Render, of Ohio.
Joseph I. Saltsman, of Montana.
James M. Senner, of Wisconsin.
Robert Earl Watkins, Jr., of Tennessee.
John F. Webb, of Virginia.
John H. Wilson, of Maryland.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

L. Paul Oechsli, of Virginia.
Raymond A. Warren, of New Jersey.
Miles G. Wedeman, of Maryland.

Foreign Service Staff officers to be consular officers of the United States of America:

Curtis W. Bartholomew, of California.
John F. Charlton, of California.
William E. Handford, of Oregon.
Joseph A. Keaton, of Indiana.
Donald J. Leahy, of Illinois.
Miss Carol A. Roehl, of Texas.
Michael M. Sherman, of California.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1971:

SECURITIES AND EXCHANGE COMMISSION

William J. Casey, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1974.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Stephen Kurzman, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Robert O. Beatty, of Idaho, to be an Assistant Secretary of Health, Education, and Welfare.