

these people have not tried to help themselves. Let me assure you neither is the case. The reason for this talk is to ask your help, to strongly recommend that the several agencies revise their programs, and if necessary, recommend corrective legislation.

This is to respectfully ask you my colleagues, to look to the plight of rural America and to let us join the problems of our city brothers in order that we might work together to make truly a better life for all Americans.

#### REPORT TO NINTH DISTRICT CONSTITUENTS

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the first of two reports on rural development in the United States:

#### REPORT ON RURAL DEVELOPMENT IN THE UNITED STATES

Rural America is a region so large that if it were a separate country, it would rank in area as the world's ninth largest. At the same time, however, it is a region so low in income, it would rank as the world's sixth underdeveloped nation.

While the Nation's attention has been riveted to the problems of the cities, the economic stagnation of rural America has become more and more visible. It is seen in

empty stores, trash-filled lots, weathered and unrepaired schools, collapsed barns, boarded houses, unkept farms and eroded fields.

Because of years of neglect, there is now an urgency for action in rural America. If we do not act, the rural poor will continue to flood the central cities of America, coming without training and skills, without housing, but wanting employment. The end will be frustration and despair.

Most Americans simply don't understand, or realize, the depth and complexity of the problems of rural America. The list of reasons for these problems would seem almost endless, but among the major ones are:

#### POPULATION IMBALANCE

The Census Bureau reports that the proportion of the Nation's rural population fell to 26 percent in 1970, down 30 percent from 1960. In 1920, the Nation was divided roughly between rural and urban residents. But today, there are 150 million residents in urban America, and just over 50 million in rural areas. If the present trend continues, by the year 2000 we will have added another 100 million Americans and some 240 million will be crowded into urban areas occupying only 4 percent of our total land area.

#### DEPENDENCY RATIO

The exodus from rural America has been largely working-age people, who represent the area's best hope, and carry with them a considerable investment in education and training. The people left behind include a higher-than-average ratio of those under 18 and over 65 years of age. This non-working ratio often is 20 percent higher for rural counties than for urban counties.

The out-migration of productive, tax-paying residents erodes the tax base of rural communities and leaves behind a high proportion of residents who require a higher level of tax-supported assistance, such as education and old age care.

#### POLITICAL POWER

Rural depopulation is emerging as an important political concern at all levels of government. It has played a major role in political redistricting, and if the trend continues, it will pose a challenge to the county system of government.

In the Congress, the era of the farm bloc is gone—probably forever. As the Congress has become increasingly urbanized, Members from rural areas have an increasingly difficult time in gaining support for rural programs. Of the 435 Members of the House, only 31 have districts in which at least one-fourth of the constituency is involved directly in farming. Indiana, considered a farm state, does not have a single Congressman representing a district in which one-fourth of the residents are directly involved in farming.

#### LACK OF ATTENTION

The rural people have few spokesmen to bring the Nation's attention to their problems. Frequently, I am visited by the Urban Coalition, the Urban Institute or the Urban League, but there are no rural institutes, or rural league delegates to press for help for the small town residents.

#### COMPLEXITY

It is obvious that the problems of rural America cannot be solved with a single approach or a single program. Some argue for the growth center, believing that concentration of investment in rural areas will spread. Others say a single plant in a single town may be the most productive way to promote economic growth. And still others say the best solution is to improve community service, especially education and training, to provide the skills rural people need to migrate out successfully.

These approaches illustrate the complexity of the theory of rural development, let alone the practice.

## SENATE—Thursday, April 15, 1971

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

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

Eternal Father, send forth Thy light and truth upon this body that we may pursue the right in things both great and small. May our might be in the might of the spirit, our strength be in Thy law, our power be in the way of love. May only truth be uttered and may the quest for justice be the motivation of all Thy servants. Deliver us from all guile hypocrisy, resentment, and fear, that all who serve in the Government of this Nation may do those things which bring Thy peaceable kingdom on earth. May goodness and mercy be in us and follow us all our days that we may be worthy to dwell with Thee eternally.

We pray in the name of our Servant Lord. Amen.

#### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., April 15, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 14, 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 be authorized to meet during the session of the Senate today.

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

#### ORDER FOR RECOGNITION OF SENATOR ALLEN ON MONDAY, APRIL 19, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. ALLEN) be recognized for 15 minutes on Monday next, April 19, 1971, after disposition of the Journal and the recognition of the joint leaders.

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

#### REOPENING OF TRADE WITH THE CHINESE PEOPLE'S REPUBLIC

Mr. MANSFIELD. Mr. President, the President of the United States has taken a commendable initiative in seeking to reopen trade with China in nonstrategic goods. It is the latest in a series of thoughtful steps by which the President has sought a progressive restoration of a degree of civility between the two countries.

The lifting of the embargo, properly interpreted, will permit companies to trade in nonstrategic goods without interference by the Federal Government. At the same time the United States will expedite visas for Chinese who wish to come to the United States for official, commercial, or cultural purposes. Cur-

rency controls will be relaxed. U.S. fuel sales will be permitted to ships and planes headed to or from China. Commercial carriers—ships or planes—will be allowed to transport Chinese cargo between non-Chinese ports.

The change is long overdue. For 20 years, this Government has persisted in the treatment of the China trade as though the importation of silk, rattan, chopsticks, or whatever from the mainland of China would somehow undermine the strength of the Nation or contaminate its inhabitants.

In the meantime, this U.N.-recommended embargo—that is what it was originally—has been long since abandoned by the rest of the world and, for years, Western European and Japanese traders have been working vigorously to extend their trading relationships with the Chinese People's Republic.

So, again, I want to commend President Nixon for his initiative. I would hope that the followthrough in the executive departments will be vigorous, purposeful, and devoid of petty bickering. There ought to be a minimum of delay in carrying into effect this new trade approach which has been set by the President.

Too much ought not to be expected in the way of diplomatic consequences either from the President's latest initiative or from the cordial reception of the ping-pong players in Peking. These developments, indeed, have opened a new page as the Chinese Premier put it. As desirable as are the reciprocal acts in themselves, however, there is still a long way to go. We would do well to avoid an excessive beating of gongs and crashing of cymbals. Rather, in this Government, and in the Senate, we ought to submit to thorough and sober examination of the grave obstacles lodged either in antiquated policies or current expediency which might still stand in the way of a stable relationship between the two countries and a stable peace in the Western Pacific.

What the President has done is to put the Chinese People's Republic on something of the same footing as the Soviet Union and certain other countries in Eastern Europe.

Some years ago, I sought to examine these questions in a lecture at the University of Montana. I ask unanimous consent that the text of this lecture be printed in the RECORD. It covers the range of Chinese-United States problems, including the trade embargo which has just been lifted by the President's order. I also ask unanimous consent that the text of the President's announcement be printed in the RECORD.

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

#### CHINA: RETROSPECT AND PROSPECT

(Lecture by Senator MIKE MANSFIELD sponsored by the Mauren and Mike Mansfield Endowment (The University of Montana Foundation) at the University of Montana, Missoula, Mont., Friday, March 29, 1968, 10:30 a.m., MST)

Viet Nam is heavy on the heart of the nation. The Vietnamese war is a tragedy. It is a tragedy in the American lives which it claims. It is a tragedy in the death and devas-

tation which, in the name of salvation, it has spread throughout Viet Nam.

My views on United States policy respecting Viet Nam are no secret. I have stated them, restated them, and elaborated them many times. I have cautioned against an ever-deepening military involvement in that conflict. I am opposed to any increase in it today. I believe that the way out of a barbarous situation is not to go further into it.

The first step towards peace, in my judgment, is to concentrate and consolidate the U.S. military effort and to escalate the peace-effort, looking towards the negotiation of an honorable end of the conflict.

That, in brief, is the way I feel about Viet Nam. That is the way I have felt about it for a long time. The President knows it. The Senate knows it. Montana knows it.

What I have to say to you, today, touches only indirectly on Viet Nam. My remarks are intended to go beyond Viet Nam to what may well be the roots of the war. In this first lecture of the series on international affairs, I wish to address your attention to what is the great void in the foreign relations of this nation—to the question of China.

As a nation, we have lived through a generation in only hearsay association with a third of the entire human race. At the inception of this void, we were engaged in a costly and indecisive conflict in Korea—on China's northeast frontier. Two decades later, we are engaged once again in a costly and indecisive conflict, this time on China's southeast frontier. These two great military involvements on the Chinese periphery are not unrelated to the absence of relevant contact between China and the United States.

Sooner or later a tenuous truce may be achieved in Viet Nam even as a truce was achieved in Korea. In my judgment, however, there will be no durable peace in Korea, Viet Nam, or anywhere else in Asia unless there is a candid confrontation with the problems of the Sino-U.S. relationship.

China needs peace if the potentials of its culture are to be realized. This nation needs peace for the same reason. In this day and age, the world needs peace for civilized survival. You young people have the greatest stake in peace. For that reason, I ask you to look beyond Viet Nam, behind Korea, to what may well be the core of the failure of peace in Asia—to the U.S.-Chinese estrangement of two decades.

In 1784, Robert Morris, a signer of the Declaration of Independence, sent the first American clipper ship to trade with China. The year that President George Washington took the oath of office, 1789, fourteen American ships were riding at anchor in the Pearl River off Canton in South China.

There are no American ships in Chinese ports today. There have not been for almost twenty years. In twenty years, hardly an American doctor, scientist, businessman, journalist, student, or even a tourist has set foot in China.

Across the Pacific Ocean, we and the Chinese glare at one another, incomprehensibly, apprehensively, and suspiciously. In the United States, there is fear of the sudden march of Chinese armies into Southeast Asia. In China, there is fear of a tighter American encirclement and American nuclear attack.

We see millions of Chinese soldiers poised on China's frontiers. We see leaders who threaten in a most violent way. We see an internal Chinese turmoil to confirm our fears of irrationality and recklessness. Finally, we see a growing nuclear power, with the looming spectre of a full-fledged Chinese intercontinental ballistic missile force.

On the other hand, the Chinese see themselves surrounded by massive American military power. They see U.S. naval, ground, and air bases scattered through Japan, Korea,

Taiwan, Okinawa, Guam, the Philippines, and Thailand. They see over half a million American troops in neighboring Viet Nam and hundreds of thousands more nearby. They see tremendous nuclear capability with missiles zeroed in on Chinese cities. They see the United States as "occupying" the Chinese island of Taiwan and supporting a Chinese government whose declared aim is the recapture of the mainland. And they see, too, what they describe as a growing collusion between the United States and the Soviet Union, a country which they believe infringes China's borders, threatens to corrupt the Chinese revolution and exercises an unwelcome influence throughout Asia.

We and the Chinese have not always looked at one another with such baleful mistrust. The American images of China have fluctuated and shifted in an almost cyclical way. There has been the image of the China of wisdom, intelligence, industry, piety, stoicism, and strength. This is the China of Marco Polo, Pearl Buck, Charlie Chan, and heroic resistance to the Japanese during World War II.

On the other hand, there has been the image of the China of cruelty, barbarism, violence, and faceless hordes. This is the China of drum-head trials, summary executions, Fu Manchu, and the Boxer Rebellion—the China that is summed up in the phrase "yellow peril."

Throughout our history, these two images have alternated, with first one predominant and then the other. In the eighteenth century, we looked up to China as an ancient civilization—superior in many aspects of technology, culture, and social order and surrounded by an air of splendid mystery. Respect turned to contempt, however, with China's quick defeat by the British in the Opium War of 1840. There followed acts of humiliation of China such as participation in extra-territorial treaty rights and the Chinese Exclusion Act of 1882.

Attitudes shifted again in the early twentieth century to one of benevolence largely in consequence of the influence of missionaries. There were more missionaries in China from the United States than from any other country. More American missionaries served in China than anywhere else in the world. The Chinese became, for this nation, a guided, guarded, and adored people.

Chinese resistance to the Japanese invasion in 1937 produced another shift from benevolence to admiration. At the end of the Second World War, admiration was displaced by disappointment and frustration, as the wartime truce between Nationalist and Communist forces collapsed in cataclysmic internal strife. This nation became profoundly disenchanting with China, a disenchantment which was replaced abruptly in 1949 by hostility.

The hostility was largely a reaction, of course, to the coming to power of a Communist regime on the Chinese mainland. We did not interpret this event as a consequence of the massive difficulties and the vast inner weaknesses of a war-torn China. Rather, we saw it almost as an affront to this nation. We saw it as a treacherous extension of the Soviet steam-roller policies which had reduced Eastern and Central Europe to subservience at the end of World War II.

Then, in 1948, came a Communist coup in Czechoslovakia and the Soviet attempt to blockade Berlin. The triumph of a Communist government in China followed immediately after these events in Europe. The nation was shaken to its fingertips.

Still, the press of events continued relentlessly. In June 1950, the North Koreans launched a sudden attack on South Korea. The Chinese forces intervened in the war in November of that year. The United States was brought into a major military confrontation in which, for the first time, the Chinese were enemies and not allies.

After these events, the assumptions of American policy towards China were revised. An effort was made to meet both the concern and outrage respecting China which existed in this nation and the revolutionary militancy of the new Chinese regime in Asia. Policy was cast anew on the premise that the government on the Chinese mainland was an aggressor which, subject to directions from Moscow, would use force to impose international Communism on Asia. Conversely, it was assumed that if the endorsement of the free nations were withheld, this regime which was said to be "alien" to the Chinese people—some sort of overgrown puppet of Moscow—would wither and eventually collapse.

On this basis, recognition was not extended to Peking. The official view was that the National Government, which had retreated to the island of Taiwan, continued to speak for all of China. We cut off all trade with the mainland and did what could be done to encourage other countries to follow suit. In a similar fashion, we led a diplomatic campaign year after year against the seating of the Chinese People's Republic in the United Nations. We drew an arc of military alliances on the seaward side of China and undergirded them with the deployment of massive American military power in bases throughout the Western Pacific.

Much has happened to call into question the assumptions in which these policies towards China have been rooted. In the first place, the People's Republic has shown itself to be neither a part of a Communist monolith nor a carbon copy of Soviet Russia. The fact is that, of the numerous divisions which have arisen within the Communist world, the differences between Moscow and Peking have been the most significant. They so remain today although the more rasping edges of the conflict appear somewhat tempered by the war in Viet Nam.

At the same time, the government on the mainland has not only survived, it has provided China with a functioning leadership. Under its direction, Chinese society has achieved a degree of economic and scientific progress, apparently sufficient for survival of an enormous and growing population and sophisticated enough to produce thermo-nuclear explosions.

In the last two years, the so-called Cultural Revolution in China has rekindled what has been a periodic expectation that the Peking government is on the verge of collapse and the way is open for a military return to the mainland of the National Government on Taiwan. There seems to be little doubt that the turmoil in China has caused serious disruptions. What appears in conflict in the cultural revolution, however, is not the Peking structure as such but the adequacy of its ideological content. That would be a far cry from the kind of popular revolution which might be expected to open the doors to a new regime.

In any event, the worse of the upheavals within China appear to have ended months ago, without any irreparable break in the continuity of the government or the operations of the economy. It is the height of folly to envision, in the present situation, an occasion for the overthrow of the Peking government by external military pressures. Indeed, what would be better calculated to end, overnight, the remaining ferment on the mainland than a plausible threat to the security of China or an actual attack on Chinese territory?

If the People's Republic, then, is here to stay, what of the other assumption on which this nation's policy respecting China has long been based? What of the assumption that the Chinese government is an expanding and aggressive force? That it is restrained from sweeping through Asia because we have elected to meet its challenge along the 17th

Parallel which divides the Northern and Southern parts of Viet Nam?

In recent years, the present Chinese government has not shown any great eagerness to use force to spread its ideology elsewhere in Asia although Chinese armies have been employed in assertion of the traditional borders of China. To be sure, China has given enthusiastic encouragement and has promised to support wars of national liberation. However, China has not participated directly in these wars and support, when it has been forthcoming, has been limited and circumspect.

In Viet Nam, for example, there is certainly Chinese encouragement and aid for the North Vietnamese and the Viet Cong. Chinese involvement, however, has been far more peripheral than our own. The enemy soldiers with whom we are compelled to grapple are all Vietnamese and, in fact, mostly South Vietnamese. At every stage of the war, the assistance we have provided to South Viet Nam has far exceeded the aid from China and from all outside sources to the Viet Cong and North Viet Nam—both in terms of men and materiel. There is Chinese equipment in South Viet Nam but there are no Chinese battalions. Even in North Viet Nam, Chinese manpower is reported to amount, at most, to one-tenth of our forces in Viet Nam, and the great bulk of these Chinese are labor troops, some involved in air-defense but most of them engaged in repairing bomb damage to roads, railroads, bridges, and the like.

Chinese actions in Tibet, and along the Himalayan frontier of India, are often cited as evidence of militant Chinese Communist aggression. The fact is, however, that Tibet has been regarded, for many decades, as falling within China's over-all boundaries. Not only the Peking government but also the Chinese National Government on Taiwan insists that Tibet belongs to China. India also acknowledges such to be the case. Indeed, American policy has never recognized Tibet as other than Chinese territory.

In the case of the border war with India in 1962, the Chinese Communists occupied territories which, again, not only they, but also the Chinese Nationalists, consider to be Chinese. It is not precisely characteristic of a militant expansionism, moreover, for a government to withdraw its military forces from a territory which they have invested. Yet, the Peking government did so from parts of India which were occupied in 1962 as well as from North Korea.

As for indirect aggression through economic means, China has been able to exert only a limited influence, either through aid or trade. In Africa and, indeed, in Southeast Asia, where attempts have been made to use trade and aid for political ends, the results have not been conspicuously successful. The fact is that most of China's trade today rests on a commercial-economic base. It is carried on largely with the non-Communist countries, including, may I add, many of our closest allies.

In short, to speak of China, today, as aggressively expansionist is to respond to Chinese words rather than Chinese actions. That is not to say that China will not pose all manner of threats tomorrow. If there are not enough nightmares already, consider the prospects when China's nuclear capabilities will have been extensively developed, along with a full-fledged intercontinental ballistic missile force.

Of course, there is an immense potential danger in China; but there is also an immense potential danger in every other powerful nation in a world which has not yet learned how to maintain civilized survival in a nuclear age except on the razor's edge. Insofar as China is concerned, the fundamental question for us is not whether it is a danger, real or potential. The fundamental question is whether our present policies act to allevi-

ate or to exacerbate the danger. Do we forestall the danger by jousting with the shadows and suspicions of the past? Do we help by a continuance in policies which do little if anything to lift the heavy curtain of mutual ignorance and hostility?

Like it or not, the present Chinese government is here to stay. Like it or not, China is a major power in Asia and is on the way to becoming a nuclear power. Is it, therefore, in this nation's interest and in the interest of world peace to put aside, once and for all, what have been the persistent but futile attempts to isolate China? Is it, therefore, in this nation's interest and in the interest of world peace to try conscientiously and consistently to do whatever we can do—and, admittedly, it is not much—to reshape the relationship with the Chinese along more constructive and stable lines? In short, is it propitious for this nation to try to do what, in fact, the policies of most of the other Western democracies have already long since done regarding their Chinese relationships?

I must say that the deepening of the conflict in Viet Nam makes more difficult adjustments in policies respecting China. Indeed, the present course of events in Viet Nam almost insures that there shall be no changes. It is not easy to contemplate an alleviation with any nation which cheers on those who are engaged in inflicting casualties on Americans. Yet, it may well be that this alleviation is an essential aspect of ending the war and, hence, American casualties. That consideration, alone, it seems to me, makes desirable initiatives towards China at this time.

There are several obvious areas in which these initiatives would have relevance. Discriminatory restriction on travel to China, for example, is certainly one of these areas. The Chinese may or may not admit Americans to their country, as they choose. But it is difficult to understand why our own government should in any way, shape, or form, seek to stand in the way of the attempts of American citizens to breach the great wall of estrangement between the two nations. It is, indeed, ironic that during the past three years there have been more visits of Americans to North Viet Nam, a nation with which we are at war, than to China in the past thirteen years.

On the question of travel, it should be recalled that the Chinese were the first to suggest in 1956 that American journalists visit China. The suggestion was summarily rejected by the then Secretary of State. When, later, it was decided to accept the suggestion, the Chinese had changed their minds. Since that time, this nation has been more inclined to ease the travel barriers, on the basis of official agreement for exchanges of persons, but the Chinese have shown no disposition to enter into agreements or, for that matter, to admit Americans on any basis.

In any event, it seems to me that it is in the positive interest of this nation to encourage Americans, if they can gain entry, to travel to China. May I add, I refer not merely to the travel of selected journalists, doctors, and other specialists, as is now the policy, but to the travel of any responsible American. In the same fashion, it seems to me most appropriate to admit Chinese travelers to the United States under the same conditions that pertain to visitors from other Communist countries.

Trade is another area in which longstanding policies respecting China are open to serious question. Technically, this country still maintains an embargo on all trade with China. The basis for this policy is compliance with a voluntary resolution of the United Nations which was adopted at our behest at the time of the Korean conflict. It is doubtful that the resolution ever carried much weight among the trading nations of the world. In any case, it has long since been forgotten. Today, the principal nations

in the China trade in rough order of importance are the United Kingdom, Japan, the Soviet Union, West Germany, Australia, Canada, Italy, and France. Of all the great maritime nations, the United States alone clings to a total trade embargo with China. Moreover, we are also the only nation in the world which makes an effort to enforce what can best be described as a kind of secondary boycott of re-exported Chinese products.

These policies have had little visible economic impact, but they have had the most serious political repercussions. It is conceivable that, to the Chinese, the policies are something of an irritant. To friendly nations, however, they have been a source of constant friction. Most serious, their continuance over the years has injected unnecessary venom into the atmosphere of U.S.-Chinese relations.

Nor can it be said that the situation in Viet Nam has compelled the pursuit of the embargo and boycott. The fact is that these restrictions were in place before most Americans ever heard of Viet Nam, and, certainly, long before Americans became involved in the war. If the Vietnamese conflict is now seen as justification for leaving these policies undisturbed, what is to be said of the existing attitude toward trade with other Communist countries?

The fact is that the European Communists are providing North Viet Nam and the Viet Cong with sophisticated military equipment which, from all reports, exceeds in value the assistance which comes from China. On what basis, then, is it meaningful to permit and even to encourage non-strategic trade with the European Communist countries while holding to a closed-door policy on trade with China? What constructive purpose is served by the distinction? Any rationalization of relations with China, it seems to me, will require an adjustment of this dual approach. We need to move in the direction of equal treatment of all Communist nations in trade matters, whatever that treatment may be.

In any event, problems of travel and trade are secondary obstacles in the development of a more stable relationship between China and the United States. There are other far more significant difficulties. I refer, principally, to the question of Taiwan and to the war in Viet Nam.

There is no doubt that the Chinese government seeks in Viet Nam a government which is friendly, if not subservient. Peking has not concealed, moreover, its desire for the withdrawal of American military power from Southeast Asia. It does not follow, however, that the price of peace in Southeast Asia is either Chinese domination or U.S. military intervention. That is a black and white oversimplification of a gray situation. The fact is that neither Burma on China's border nor Cambodia have been "enslaved" by China, despite an association of many years, despite periodic difficulties with the great state to the north and despite an absence of U.S. support, aid, or protection.

These two nations have managed to survive in a state of detachment from the power rivalries of the region. Furthermore, China is a signatory to the settlements which emerged from the Geneva Conferences of 1954 and 1962 and which contain at least a hope for a middle way to peace in Indo-China. So far as I am aware, the Chinese have not been found in direct or unilateral violation of these agreements. It is not impossible that a similar settlement, with Chinese participation, might be reached on Viet Nam.

Indeed, it is to be devoutly hoped that there can be a solution along these lines. Unless it is found, there is a very real danger—as the Korean experience shows—that the prolongation of war on China's frontiers may well bring about another U.S.-Chinese armed confrontation.

Perhaps the most important element in the rebuilding of stable relations with China is to be found in a solution of the problem of Taiwan. It may help to come to grips with this issue, if it is understood at the outset that the island of Taiwan is Chinese. That is the position of the National Government of the Republic of China. That is the position of the People's Republic of China. For a quarter of a century, this common Chinese position has been reinforced by the policies and actions of the United States government.

Since that is the case, I do not believe that a solution to the Taiwan question is facilitated by its statement in terms of a two-China policy, as has been suggested in some quarters in recent years. The fact is that there is one China which happens to have been divided into two parts by events which occurred a long time ago. Key factors in the maintenance of peace between the separate segments have been the interposition of U.S. military power in the Taiwan straits, and the strengthening of the National Government of China by massive injections of economic and military aid.

This course was followed by the United States for many reasons, not the least of which was that it made possible a refuge for dedicated allies and associates in the war against Japan. Most of all, however, it was followed because to have permitted the closing of the breach by a military clash of the two opposing Chinese forces would have meant a massive bloodbath and, in the end, the rekindling of another great war in Asia.

However, the situation has changed in the Western Pacific. Taiwan is no longer abjectly dependent for its survival on the United States. Some of the passions of the deep Chinese political division have cooled with the passing of time. Another generation has appeared and new Chinese societies, in effect, have grown up on both sides of the Taiwan straits.

Is there not, then, some better way to confront this problem than threat-and-counter-threat between island Chinese and mainland Chinese? Is there not some better way to live with this situation than by the armed truce which depends, in the last analysis, on the continued presence of the U.S. 7th Fleet in the Taiwan Straits?

The questions cannot be answered until all involved are prepared to take a fresh look at the situation. It seems to me that it might be helpful if there could be, among the Chinese themselves, an examination of the possibility of improving the climate. As I have already indicated, the proper framework for any such consideration would be an acceptance of the contention of both Chinese groups—that there is only one China and Taiwan is a part of it. In that context, the questions at issue have to do with the dichotomous situation as between mainland and island governments and the possibility of bringing about constructive changes therein by peaceful means.

There is no cause to be sanguine about the prospects of an approach of this kind. One can only hope that time may have helped to ripen the circumstances for settlement. It is apparent, for example, that the concept which held the Chinese government on Taiwan to be the sole hope of China's redemption has grown less relevant with the years. For Taiwan, therefore, to remain isolated from the mainland is to court the risk that the island will be left once again, as it has been on other occasions, in the backwash of Chinese history.

The removal of the wedge of separation, moreover, would also seem to accord with the interests of the mainland Chinese government. It does have a legitimate concern in the reassertion of the historic connection of Taiwan and China. It does have a concern in ending the hostile division which has been costly and disruptive both within China and in China's international relationships.

From the point of view of the United States, too, there is an interest in seeking a less tenuous situation. Progress in settling the Taiwan question could contribute to a general relaxation of tensions in the Western Pacific and, conceivably, even to resolution of the conflict in Viet Nam. Certainly, it would make possible a reduction in the enormous and costly overall defense burdens which were assumed in Asian waters after World War II and which, two decades later, still rest on the shoulders of this nation.

To sum up, then, it seems to me that the basic adjustment which is needed in policies respecting China is to make crystal clear that this government does not anticipate, much less does it seek, the overthrow of the government of the Chinese mainland. In addition, there is a need to end the discrimination which consigns China to an inferior status as among the Communist countries in this nation's policies respecting travel and trade. Finally, it ought to be made unequivocal that we are prepared at all times to meet with Chinese representatives—formally or informally—in order to consider differences between China and the United States over Viet Nam or any other question of common concern.

Adjustments of this kind in the policies of the nation, it seems to me, require above all else a fresh perspective. We need to see the situation in Asia as it is today, not as it appeared twenty years ago in the Himalayan upheaval of the Chinese revolution. We need to see the situation not through the fog of an old and stagnant hostility but in the light of the enduring interests of the United States in the Western Pacific.

In this context we will better be able to find appropriate responses at appropriate times to the specific problems of the Sino-U.S. relationship, whether they have to do with U.N. representation or diplomatic recognition or the offshore islands or whatever. Without prior adjustment in perspective, however, to seek to deal definitively with these questions would be, to say the least, an exercise in futility.

I should emphasize before concluding that it is unlikely that there will be any eager Chinese responses to initiatives on our part. Nevertheless, I see nothing to be lost for this nation in trying to move along the lines which have been suggested. Chinese intransigence is no license for American intransigence. Our stake in the situation in the Western Pacific is too large for that sort of infantile indulgence.

I see great relevance in thinking deeply of the issues which divide China and the United States to see if they can be recast in new and uncluttered molds. There is every reason, especially for young people, to examine most closely the premises of policy regarding China which were enshrined almost two decades ago. The fact is that the breakdown in Chinese-U.S. relations was one of the great failures of my generation and it is highly doubtful that its full repair shall be seen in my lifetime. The problem, therefore, will fall largely to you. It is not a particularly happy inheritance, but there is reason to hope that it may fare better in your hands.

Unlike my generation, you know more about Asia. You have a greater awareness of its importance to this nation and to the world. In 1942, four months after Pearl Harbor, for example, an opinion poll found that sixty percent of a national sample of Americans still could not locate either China or India on an outline map of the world. Certainly that would not be the case today. Furthermore, you have not had the experience of national trauma in moving abruptly from an era marked by an almost fawning benevolence toward China to one of thorough disenchantment. You were spared the fierce hostilities which rent this nation internally, as a sense of warmth, sympathy, and security regarding China gave way to feelings of revulsion, hatred, and insecurity.

Your Chinese counterparts, the young people of today's China—they are called the "Heirs of the Revolution"—have a similar gap to bridge as they look across the Pacific. Your generation in China, too, has been contained and isolated, and its view of the United States has been colored with the hates of another time. It has had no contact with you or, indeed, with much of the world outside China.

On the other hand, those young people have grown up under easier conditions than the older generation of Chinese who lived their youth in years of continuous war and revolution. It may be that they can face you and the rest of the world with greater equanimity and assurance than has been the case at any time in modern Chinese history.

I urge you to think for yourselves about China. I urge you to approach, with a new objectivity, that vast nation, with its great population of industrious and intelligent people. Bear in mind that the peace of Asia and the world will depend on China as much as it does on this nation, the Soviet Union, or any other, not because China is Communist but because China is China—among the largest countries in the world and the most populous.

Mao Tse-Tung remarked in an interview several years ago that "future events would be decided by future generations." Insofar as his words involve the relationship of this nation and China, whether they prove to be a prophecy of doom or a forecast of a happier future will depend not so much on us, the "Old China Hands" of yesterday, but on you, the "New American Hands" of tomorrow.

#### TEXT OF ANNOUNCEMENT BY PRESIDENT NIXON

Washington, April 14.—Following is the text of President Nixon's statement today on trade with and travel to Communist China.

In my second annual foreign policy report to the Congress on Feb. 25, 1971, I wrote: "In the coming year, I will carefully examine what further steps we might take to create broader opportunities for contacts between the Chinese and American peoples, and how we might remove needless obstacles to the realization of these opportunities."

I asked the Under Secretaries of a committee of the National Security Council to make appropriate recommendations to bring this about.

After reviewing the resulting study and recommendations, I decided on the following actions, none of which requires new legislation or negotiations with the People's Republic of China:

The United States is prepared to expedite visas for visitors or groups of visitors from the People's Republic of China to the United States.

U.S. currency controls are to be relaxed to permit the use of dollars by the People's Republic of China.

Restrictions are to be ended on American oil companies providing fuel to ships or aircraft proceeding to and from China except on Chinese-owned or Chinese-chartered carriers bound to or from North Vietnam, North Korea or Cuba.

U.S. vessels or aircraft may now carry Chinese cargoes between non-Chinese ports and U.S.-owned foreign-flag carriers may call at Chinese ports.

I have asked for a list of items of a non-strategic nature which can be placed under general license for direct export to the People's Republic of China. Following my review and my approval of specific items on this list, direct imports of designated items from China will then also be authorized.

After due consideration of the results of these changes in our trade and travel restrictions, I will consider what additional steps might be taken.

Implementing regulations will be announced by the Department of State and other interested agencies.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished majority leader for his statement concerning the new developments with regard to our widening and opening relations with mainland China.

In his usual, statesmanlike way, the distinguished majority leader has commended the President of the United States for what he has done and for what this latest move means.

I share his view that we do not want to ring the gongs too loudly and we do not want to crash the cymbals too much.

I think it is not too much to say that the ping-pong game which recently took place will undoubtedly go down in history as one of the most important ping-pong games that has ever taken place.

The distinguished majority leader is a serious student of Chinese-United States problems, and I am very glad that he is including in the RECORD the thoughtful speech which he has previously delivered on this subject.

Once again, I commend the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished acting minority leader for his comments.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the remarks just made by the distinguished majority leader in respect to the more recent developments incident to the relationship of this country with the People's Republic of China.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Missouri (Mr. SYMINGTON) is now recognized for not to exceed 15 minutes.

#### THE GOVERNMENT AND THE NEWS MEDIA

Mr. SYMINGTON. Mr. President, several weeks ago, before the Senate Armed Services, Appropriations, and Foreign Relations Committees, an able and articulate lieutenant general described why Laos was invaded. He told of the goals it was intended for that invasion to achieve.

We also heard the same officer give the same briefing at a meeting in the White House.

Some days later, another representative of the executive branch presented to the Foreign Relations Committee the results of this Laotian effort; and this later briefing made it clear that the military operations had not gone in accordance with the goals which were laid down in the four previous briefings.

This would have come as no surprise to any American citizen who had read, looked at, or listened to reports by a variety of news correspondents.

Nevertheless various people, including some of our colleagues here in the Senate, have disapproved the reports of U.S. cameramen and correspondents, and

have charged bias and distortion in the reporting of this war.

One observation was to the effect that network coverage was being distorted "to project a particular point of view or a particular philosophy."

Such charges by Federal officials against the only federally licensed medium of journalism could prejudice the very function the press is supposed to have in our society. It could reflect a "calculated effort" to pressure the broadcast media into presenting only those views of events with which the Government agreed, rather than the information and background to which the public is entitled; for the public has the right to participate in any "broad discussion" that is pertinent to what priorities should be allocated our increasingly limited resources.

With that premise, it is our considered opinion that the freedom of the broadcast press is emerging as one of the most critical issues in the country at the moment.

In its way, that freedom is as important as the war in Vietnam, the state of the economy, the cities, crime, the Middle East, and so forth, because it involves a "fundamental underpinning" of a democratic society.

Without the free exercise of journalistic enterprise and judgment, all information can become suspect; rumors can achieve the currency of facts and propaganda can be pawned as truth.

Broadcast journalism is the immediate issue, because it is currently under attack from Members of the House and Senate as well as members of the executive branch.

It is the issue because television is pervasive, popular, and, according to some surveys, the most credible of all the media.

If the credibility of any news media can be shaken, however, a major obstacle to acceptance by the public of all that a government wishes to be believed is removed.

To be sure, the press has its responsibilities as well as its rights. We do not minimize its obligations to be fair and accurate, but we do place great stress on the importance of news organizations maintaining their independence.

In a democracy, the press serves as a balance against unlimited government, an independent "audit on power." As Justice Sutherland once wrote, it serves, "as one of the greatest interpreters between men and government and the people." Its function is to hold up government policies for public examination and discussion.

No one has ever said that the press was perfect in its reporting, at all times, on all issues. No one claims that an editorial opinion, or an interpretative news report, is one that should claim universal support or approval. What the Constitution does say, however, is that the press must be free to speak.

But with broadcasting there can be special restraints. Broadcasting is the only medium of journalism that is licensed by the Government it is supposed to examine. Broadcasting licenses come

up every 3 years for review and renewal, that renewal depending on the judgment of the Federal agency as to how each broadcaster has performed in "the public interest."

Through its authority to grant or withhold a license to broadcast, the Government has the power, if not the authority, to judge a news medium. Inherently, the existence of that power can have an impact on what is broadcast.

Most broadcasters will "stand fast" against such pressures. But some may compromise; and if this occurs, the long-term consequences to the country could be dangerous in deed.

Government officials including Members of Congress, therefore, should exercise both care and prudence in criticizing broadcasting for its reporting on government, lest they impair a function that is basic to our democratic system.

This does not mean that the press—including broadcasting—is immune from criticism. Far from it. The press is as fallible as any institution run by human beings, including government itself. But the power of the Government—including the power of punishment—is so great that broadside efforts to discredit the press carries alarming overtones.

When Government officials criticize any segment of the press, they should be specific, and should support their charges by particulars. If facts are misrepresented, or issues misstated, the errors should be called to public attention.

If an official disagrees with the point of view presented in an editorial or a documentary, he can challenge the substance of the opinion expressed.

When an attack is general, and partisan and defensive of a particular course of action, however, the suspicion grows that this is an exercise in effort to transfer a credibility gap from the makers of Government policy to those who report and analyze it; and neither the press nor the Government is strengthened by such a maneuver.

What makes this concerted attack even more questionable is the fact that, in its reporting, broadcasting has not presented a single fact, or stated a single issue that has not been covered at least as extensively by newspapers and news magazines.

That observation refers particularly to Laos, one of the causes of the present uproar. Television was not responsible for the abandonment of a single South Vietnamese position or the shooting down of a single American helicopter. But positions were abandoned and helicopters were shot down.

Would any responsible person suggest that this should not have been reported to the American people; or that it should have been reported as a victory?

The function of the press is to bear witness to all the acts of government—its accomplishments as well as its shortcomings, its failures as well as its successes. And, by and large broadcasting and other media have done so—honestly, fairly, and professionally.

The Vietnam war is the first war ever to be covered by television. It is a new kind of actuality reporting, presenting to the entire public the immediate realities of battle, the reactions of troops in

the field, the unofficial as well as the official versions of strategies, tactics, and their effects; the version of events given by military and Government officials compared with actual results.

The novelty of this type of presentation, that is, placing the unfiltered view of events on a level with the official picture, may be unsettling to policymakers who have never confronted this problem before. But it meets a basic principle of our system; namely, that the right of the public to independent information about Government action is superior to the desire of Government officials to protect their policies.

This issue will not be resolved by criticizing the media. In due course the facts invariably turn up to speak for themselves, and such criticism will not make the public more willing to believe the Government. The Government will be believed only when it demonstrates that it is willing to be exposed to the light of honest, independent journalism—to accept the criticism as well as to seek the praise.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Jersey (Mr. CASE) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. CASE. I yield.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Missouri has used only 8 minutes of the 15 minutes allotted to him. I ask unanimous consent that I have 2 minutes and that my remarks appear in the RECORD following the remarks of the Senator from Missouri. I want to make my remarks while the Senator from Missouri is still on the floor.

Mr. CASE. Mr. President, I have no objection.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Missouri be restored the remainder of the time he did not use under the previous order and that it be without prejudice to the able Senator from New Jersey.

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

Mr. GRIFFIN. Mr. President, I was glad to note that the distinguished Senator from Missouri said that the broadcasting media should not be immune from criticism. It should not be overlooked that some of the criticism, particularly of network presentations, has come not only from those in government and politics, but also from within the profession of journalism itself. I believe the Senator from Missouri would agree that such criticism from within the profession is healthy.

Mr. President, I ask unanimous consent to have printed in the RECORD several items which appeared recently in the Washington Post, an article written by Claude Witze which appeared in the Air Force magazine, and several other articles.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1971]

MR. AGNEW VERSUS CBS VERSUS THE DOD

The serialized dispute between CBS News, the Pentagon, Congressman Hébert and Vice President Agnew now shows every sign of enjoying the longest airwave run since "One Man's Family." In the beginning, there was only the CBS filmed documentary, "The Selling of the Pentagon," which dealt with the public relations apparatus of the Department of Defense and some highly questionable uses to which it has been put. Since then there have been reruns, rebuttals and rebuttals of rebuttals, and no one can think the dispute is ended yet.

Since threading one's way through the charges is difficult business at best, one point—and a large one—seems worth making at the outset. It is that the documentary film itself constituted a highly valuable and informative exposition of a subject about which the American people should know more—not less.

That some of the criticism of the documentary in terms of production techniques and occasional inaccuracies—is valid, seems evident to us. It also seems evident that Vice President Agnew, as is his custom, has once again managed to obfuscate and all but wreck that part of the case against CBS that was (and is) based on serious and legitimate questions. In a Boston address last week, the Vice President made his case to rest chiefly on the fact that the writer of one previous CBS documentary and the executive producer of another had each been involved in the same capacity in the production of this one. And each of those two documentaries, Mr. Agnew argued at some length, had had more than an innocent share of subterfuges, falsehoods and/or intentional deceptions behind it. However, even where he was able to raise valid objections to aspects of each production, he so overstated and slanted his case as to render it pointless.

As an example of Mr. Agnew's own production techniques, we will offer you some of his comments in relation to one of the offending documentaries, "Hunger in America." It was the subject of an investigation by the Federal Communications Commission, and Mr. Agnew, quoting from the FCC's report, made much of evidence that had been submitted to the FCC such as that "the CBS crew requested that the doors of the commodity distribution office be closed to allow a line of people to form." However, Mr. Agnew gave his Boston audience not the merest hint that this and other evidence of wrongdoing had been dismissed by the FCC in the same document. Thus, the FCC on the hooked-up commodity line:

"In view of the statements of the Welfare Department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients, and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect."

In our judgment, all this establishes the Vice President as something of an expert on questionable editing; but it does little for his credentials as a critic of the practice. And it is on the subject of editing that we believe CBS may be most vulnerable. That the line between reporting and staging events in this kind of television program is a fine one and also one that is all too easily crossed is a proposition with which we tend to agree. And we think this line in fact is crossed when taped interviews are edited in such a way as to alter the actual response of those of whom questions are asked. Such was the case, for example, in the responses—as they were given and as

they appeared—of Assistant Secretary of Defense Daniel Z. Henkin.

Now there are several things to be said about this practice. One is that it is apparently common and customary television procedure to foreshorten and rearrange interviews, to reduce a prolonged interview to a few minutes TV time, and to take considerable liberties with such an interview in terms of both completeness and sequence. And among those who have a hand in these televised documentaries, the procedure is explained as both a necessity of production and a boon to the subject who—it is alleged—generally benefits from the editing in terms of the clarity and relevance of his response.

In our estimation, none of this—the commonness of the practice, the exigencies of production, the effort to “improve upon” a given response—will do to make the practice acceptable or one that anybody should be comfortable with. People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark merely by focusing cameras on the one or failing to provide sufficient context for the other. These dangers are of course multiplied in the production of a televised documentary. The massive presence and the mechanical requirements of TV filming and taping equipment necessarily introduce an element of distortion, and the need to boil down material to make it suitable in terms of time and format introduce the constant danger of another kind of distortion.

Given these built-in problems, the TV producers, it seems to us, should go out of their way to preserve intact and in sequence the response of those they interview, or, at the very least, indicate that something in the sequence has been dropped and/or give the subject of the interview an opportunity to see and approve his revised or altered remarks. To do otherwise does in fact result in a material distortion of the record, especially when the viewer is under the impression that what he is watching is what actually and exactly occurred. It seems a great pity and a waste to let a documentary on such an important subject as that with which “The Selling of the Pentagon” dealt be undermined in terms of credibility and public confidence by these editing techniques—innocent or not.

[From the Washington Post, Mar. 30, 1971]

#### MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term “editing” with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences*, two sets of standards *already exist*—and that what he and others in television appear to regard as simple “editing” seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course

exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space; deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, “Vice President Agnew said last night . . . Mr. Agnew also said . . .” and so on; it is a formulation basic to both the daily paper and the televised newscast.

That band and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of “editing” is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six sentence quotation from a colonel, a “statement” composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in “The Selling of the Pentagon,” and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not “editing” in any conventional sense and 2) likely to undermine both the broadcast credibility and public confidence in that credibility.

The point here is that “The Selling of the Pentagon” presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

ROGER MUDD. What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

MR. 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 are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin *actually* answered the question.

MR. 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.

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was “the sort of information that gets passed at state fairs by sergeants who are standing next to rockets.” To which Mr. Henkin replied:

MR. HENKIN. No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

MR. MUDD. Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

MR. HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this.

The part about discussing “speeches and all” had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the “increasing Soviet threat” as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this “editing” practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

[From the Washington Post, Mar. 30, 1971]

#### CBS REPLIES TO EDITORIAL ON PENTAGON DOCUMENTARY

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, “The Selling of the Pentagon,” a “highly valuable and informative exposition of a subject about which the American people should know more,” and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page—and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques “innocent or not.”

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your

senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher or our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as yours stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,  
President, CBS News.

NEW YORK.

[From Air Force magazine, April 1971]

THE WAYWARD PRESS (TUBE DIV.)

(By Claude Witze, senior editor, Air Force magazine)

WASHINGTON, D.C., March 15, 1971.—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-year-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 ex-

amined 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 of 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 reason 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 this 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 for 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 US 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 somewhat 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 CBS 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 inter-

view 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 problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought 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 the 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.

[From the Flint Journal, Apr. 12, 1971]

#### ADVOCACY JOURNALISM IS SHOWING AT CBS

The Flint Journal has criticized some of the critics of the news media from time to time for attempting to diminish free exchange of opinions and inhibit criticism of government and aspects of society of which they approve.

We have always stoutly defended freedom of speech and of the press as being essential ingredients for democracy.

Which does not mean that The Journal believes the press, television or radio news presentation itself is above criticism. On the contrary, bad journalism is as detrimental to a free press as unfounded criticism and should be revealed and reproved.

That is why The Journal joins those who have expressed concern over certain aspects of the controversial television "special" by Columbia Broadcasting System entitled "The Selling of the Pentagon."

The Pentagon is as open to criticism as any single agency of government, and since it spends so great a share of tax money, should be subject to an especially close scrutiny.

Furthermore, it is our opinion the Pentagon was particularly vulnerable to well aimed barbs in the field in which this broadcast delved, the spending of money to create a favorable image. (All departments of government are entitled to put their best face to the people, but in question was the manner and the extent of this "selling" by the military.)

Unfortunately, it is now all too evident that the creators of this special broadcast became so caught up in this "mission" to uncover what they believed to be wrongdoing by the Pentagon that they forgot some basic rules of fair news presentation.

Beyond some questionable "slanting" of some aspects of the materials was the offense which can only be considered unethical doctoring of a tape of one of the interviews broadcast. In this instance, a Pentagon spokesman was on the screen in what appeared to be a continuous interview. Yet, without any indications, portions of a previous statement from an earlier interview were worked into the broadcast and appeared to be answers to questions posed during the interview. It presented a different response than the speaker gave or intended.

Accused of this, CBS attempted to defend the presentation as being legitimate "editing." The case is too weak to hold up. What is needed is not a defense of this misguided act but a flat apology and a promise to avoid further such actions.

It is not the first time CBS has been found guilty of going too far in trying to make a point. Certainly some of the network's activities in the abortive "Haiti invasion" project are open to censure and any honest appraisal must now concede that the widely acclaimed documentary "Hunger in America" is guilty of distortion at least.

It is possible some of this "policy" is traceable to the fact that television is part information, part entertainment and part

drama and it is all too easy to confuse the ingredients. If this is so, it is time the industry learns to separate them and create preventive guidelines before government attempts the job with all the possibilities for evil that presents.

It is not merely for peculiar qualities of the medium of television that creates such confusion, however. We are convinced that a good share of it is the poison of what is euphemistically known as "advocacy" journalism.

This is the theory that it is up to the news media to determine what is right and what is wrong and then support the right and attack the wrong without regard to objectivity in presenting the news.

This is not a new theory. For many years it was almost the only kind of journalism and advocacy has always been the basis for the journalism of the far left and the far right. Today it is the prime factor in the Communist press and the press of all dictatorial governments.

The theorists argue it is impossible to achieve objectivity and therefore best to slant the news the "right way." The catch is that it is "advocacy" journalism if it advocates what you want and it is on the other side of the fence.

It is our conviction that an aspiration for objectivity and a dedication toward achieving it—no matter how unattainable perfection may be—still provides the only good hope for democracy.

[From the San Diego Union, Mar. 26, 1971]

#### THE SELLING OF INTEGRITY: CBS BROADCAST DISTORTS FACTS

President Nixon last November directed the Defense Department, as well as other branches of the federal government, to cut down on public relations programs that are "wasteful," "self-serving" or "inappropriate." In producing what might have been a worthwhile television documentary to show what the President had in mind, the Columbia Broadcasting System has left itself open to charges that it distorted and manipulated facts to make a case against the Pentagon's public information activities.

The controversy over "The Selling of the Pentagon" leads us to the conclusion that the Defense Department can well afford to re-examine some of its informational programs—and CBS can well afford to re-examine its own credibility.

There is a legitimate need for military public relations programs, both as part of the recruiting effort and because taxpayers have a right to know what their defense dollars are buying. It is an abuse of these programs, however, when they seek to influence public opinion on controversial issues.

Since public relations efforts are, by definition, carried on in public, it should be easy enough to survey what the Pentagon is doing in this field and to conclude whether there are any abuses. It appears that producers of the CBS documentary were not content with this approach. As Vice President Agnew and others have pointed out, they employed a sleight-of-hand with film and sound to lend weight to their charges that the armed forces have improperly tried to influence public policy.

By chopping and splicing, for instance, it was made to appear that a U.S. officer quoting some remarks of a foreign statesman was actually expressing those views as his own. The chairman of the House Armed Services Committee was in effect misrepresented by having an old interview quoted out of context. An assistant secretary of defense, himself a former newsmen, was interviewed by CBS for the documentary and had the meaning of his remarks distorted by the scrambled "editing" of questions and answers.

Because of these departures from good journalism, what CBS intended to be an in-

dictment of armed forces public relations emerges more as an indictment of its own standards.

The Pentagon should be called to account in cases where its informational programs become exercises in opinion-making, and when information with no significance to national security is given a "secret" label simply to ward off inquiries by the press. This can be accomplished by vigilant reporting, by newsmen and commentators asking probing questions and demanding candid answers.

It is not accomplished by launching broadside attacks based on doctored evidence. The questionable inferences made in "The Selling of the Pentagon" can create only doubt and confusion. This is a grave disservice to the public.

[From the Washington Evening Star, Mar. 30, 1971]

#### CBS MISSED THE PENTAGON MARK (By Orr Kelly)

Almost all the television critics, columnists and others who saw and commented on the CBS program, "The Selling of the Pentagon," covered it with praise, hailing it as a courageous revelation of the military's multi-million-dollar effort to propagandize the American people.

Most of the reporters who cover the Pentagon regularly, on the other hand, were shocked by what appeared to them to be the shallowness of the program.

The natural reaction of those who like the program would be to say that those who cover the Pentagon regularly are tainted by their association with the beast, and that their views should be discounted.

It is not as simple as that, however.

One of the few articles criticizing the program appeared in *Aerospace Daily*, a journal serving a part of the military-industrial complex. It was written by Hugh Lucas, one of the regular Pentagon reporters and one of the more irritating bristles in the hair shirt worn by the Pentagon.

"TV had a chance to give the taxpayer a glimpse of how little he is actually told by the military and how suspect the 'facts' are when released by the Pentagon," he wrote. "It failed miserably. And TV may have compounded the problem if the program has, as (Defense Secretary Melvin R.) Laird suggests, 'increased our support in the Congress many times...'"

"The general feeling among the dozen or so newspapermen who cover the Pentagon daily is one of amazement. How, they wonder, could CBS have missed such a large target?"

"The salient point about Pentagon public relations is that the Defense Department lies and spies and sometimes it even lies when spying. CBS never once touched on this," Lucas added.

How can we explain this discrepancy between the views of those who are familiar with the operations of the Pentagon from daily personal experience and the views of those who know it somewhat more remotely?

Part of the answer, certainly, is that old problem faced by every news gathering and reporting agency: The same event, seen through different eyes, looks different.

In this case, there is something more to explain this difference in views.

Clearly, those critics who praised the program did so because it reinforced their view of reality. It appeared to them to be telling it like it is. To those more familiar with the Pentagon public affairs apparatus, the program seemed not so much to distort reality as simply to miss it almost altogether.

Perhaps the basic reason the program seemed to miss the mark is that it set out to prove something, rather than simply to gather the facts and see what they showed. The producers either missed or carefully ig-

nored the evidence which would indicate that the Pentagon does not run a gigantic propaganda machine.

Instead of at least examining such contrary evidence, the producers pulled together film of colonels traveling the country to support the nation's military policy—the colonels, undoubtedly, who are responsible for the great ground swell of public opinion that has made this the most popular war in U.S. history.

They also got some film of children imitating the soldiers they had seen demonstrating hand-to-hand combat—part of the Pentagon's skillful effort to instill a military spirit in the young and which has forced the Army to propose a \$3,000 bounty to get young men to join the infantry.

They found, somewhere in the files, some decade-old Cold War film, but little film designed to glorify the Vietnam war. In the process, they missed a beautiful piece put together a couple of years ago by the Air Force, in which the bombs rain endlessly on the tropic greenery of Vietnam.

Strangest, of all, the producers of "Selling of the Pentagon" failed to find out how much this effort costs—whether it is \$30 million a year or \$190 million—a lapse unworthy of a cub reporter.

Television has no responsibility to the Pentagon or to anyone else in government to "be fair," but it does have the responsibility to its viewers to come just as close as humanly possible to reflecting reality as it is. Unfortunately, CBS didn't come very close.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Missouri yield back the remainder of his time?

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

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from New Jersey is recognized for not to exceed 15 minutes.

#### THE VIETNAM DISENGAGEMENT ACT

Mr. CASE. Mr. President, I have long advocated putting a deadline on our participation in the war in Vietnam. Today, I announce my support for the Vietnam Disengagement Act. I do this with the understanding that the date set for withdrawal is subject to adjustment before the act comes to a vote. I am advised that the bipartisan sponsors of the act visualize that the final withdrawal date should be about a year after Congress takes final action. I believe that the middle of next year would be an appropriate time to fix the end to our involvement, and by this I mean a complete end to our involvement.

The important thing is to let the American people, the South Vietnamese, and indeed the world know that there is a deadline to our participation in Vietnam. This is the principle that I support and have supported for sometime, and this is why I join, on the basis I have stated, as a cosponsor of the Vietnam Disengagement Act. I voted last year with the bipartisan forces supporting the Hatfield-McGovern measure, and the reasons that prompted me to do so, if anything, hold more true today.

I wholeheartedly support the President's stated intention of winding down the war and reducing American troop

levels. We have made progress in this direction but we have not gone far enough.

An announced timetable will require the Saigon government to decide whether it can achieve military success on its own or whether it can work out a peaceful solution. The problem in Vietnam is essentially a Vietnamese one, and any final settlement will have to be found in terms of the relative strengths of the various indigenous forces involved there.

As long as American forces remain in Vietnam the incentive for Saigon to shape up or negotiate is very slight, since its leaders realize all too well that American power keeps them secure. Only when they understand that the Americans will depart on a definite date, with no ifs, ands, or buts about it, with no residual forces left, will the South Vietnamese face up to the job they alone can do.

I feel very strongly that by mid-1972 the United States will have done everything that can be done in direct military support of our Saigon allies. In fact I think it is quite clear that in many ways we have already done too much and by our overhelpfulness we have prevented the South Vietnamese from developing their own capacities. Nevertheless we have given South Vietnam a fighting chance for life. But, only when Saigon faces a final deadline on U.S. military support, will it take those actions which are necessary for its survival.

Here I wish to emphasize again that, as my colleagues know, I have never been one who felt that the Vietnam effort on the part of the United States was ab initio inherently evil, that our motives were not good motives, or that we were impelled by some unworthy imperialistic desire to rule the world.

As everyone who is aware of my views knows, I have not felt we were doing anything but our best to try to maintain stability in that part of the world and, although we found it enormously difficult, we nevertheless pressed on in the attempt. It was only 2 or 3 years ago, somewhere around 1967, that I came to realize that the effort we were making had become counterproductive, that we were doing more harm than good, and that no more could be done; but rather harm would be done if we continued. So I came to the conclusion, and it is a matter of public record that we must disengage. I have not ever thought we should leave precipitately so as to pull the rug out from under the people who have come to rely upon our aid. I would have been grossly unfair and unwise to do so.

Since the time I reached the conclusion we should disengage, I have advocated that a definite deadline be fixed and publicly announced.

A matter that deeply concerns me and all Americans is the fate of our prisoners in Indochina. I have roundly condemned the lack of humanity in Hanoi's treatment of these men and Hanoi's failure to live up to the clearly defined rules of the Geneva Convention. Yet, for the United States to declare that it will remain in Vietnam until the prisoners are released gives Hanoi the ability to keep us there indefinitely. To concede this veto power

to Hanoi is intolerable in terms of our own national interests.

If we withdraw and Hanoi does not return the prisoners, then we will do whatever we must do to get them back. This purpose will not be advanced, however, by our keeping indefinitely a residual force of some 50,000 men or any other amount in Indochina.

The distinguished senior Senator from New York (Mr. JAVITS) cannot be here this morning but he has previously made quite clear his views on the Vietnam question. He is firmly committed to the idea of a deadline being set on American involvement in Vietnam, and he has already gone on record as a cosponsor of the Vietnam Disengagement Act.

Accordingly, at his request, I ask unanimous consent that the excellent remarks of the Senator from New York (Mr. JAVITS) made at the time of his announcement in favor of the Hatfield-McGovern measure be entered in the RECORD at the conclusion of these remarks.

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

#### AN AMENDMENT TO END THE WAR

(Statement by Senator JAVITS)

Mr. JAVITS. Mr. President, I have come to my decision on the so-called McGovern-Hatfield amendment very slowly, after much thought, and only based on its complete redrafting. To me it is a very basic decision and I think the individual terms are designed only in order to demonstrate the impact of that decision.

The basic decision between ourselves and the President is: Shall we fix a date for withdrawal from Vietnam or shall we leave it open? By leaving it open we would leave it to the President, giving him the benefit of all good faith, feeling, in terms of withdrawal, that we would do it "as soon as it possibly could be done." That, to my mind, is the issue.

Mr. President, in coming out for the McGovern-Hatfield amendment, I have come down on the side which says "fix a date." That is the real issue here.

Mr. President, during this legislative session the Senate has had its mettle challenged on numerous grueling occasions. There have been debates and decisive votes on many of the key issues of domestic policy. In the international sphere, classic struggles have been waged concerning policy in Cambodia, over the ABM and the nuclear arms race. Now, the Senate is being called upon to face up to its most important duty. That duty, simply, is to fulfill its constitutional responsibilities with respect to the war in Vietnam.

In my judgment, however, there is a great deal potentially to be concerned about if the Senate does not act positively by adopting this amendment. In a policy sense, the defeat of this amendment leaves up in the air possible further U.S. involvement in Indochina.

The Vice President already has asserted that:

"We are going to do everything we can to help the Lon Nol Government."

He is further quoted as warning that—

"It would be impossible for United States combat troops to pull out of South Vietnam if the Communists overthrew the Government of Lon Nol and took over Cambodia."

Mr. President, I am greatly concerned that this school of thought will be greatly strengthened in the councils of the Nixon administration if a date is not fixed for getting out of Vietnam.

Also, there is, in my judgment, a constitu-

tional danger which might threaten the very foundations of our system of government and liberties; and that is the implication that the President is beyond the control of Congress in the exercise of the Nation's war powers and the conduct of its foreign policy.

Within the course of this very year, it has been asserted that it is desirable that the President be deemed to have the power to acquire foreign bases without reference to Congress, to deploy the Armed Forces abroad without reference to Congress, and to take whatever action he feels necessary to protect these forces wherever he has deployed them—all without reference to Congress. It has been asserted, too, that the President may take these actions without the advice of the Senate and that he may withhold pertinent information concerning those negotiations from the Senate on security grounds, although details may be freely communicated to foreign governments who are not a party to the negotiations.

Recent remarks of the Vice President even have hinted that the President is not bound by congressional action and appropriation in the expenditure of public funds. In commenting on the possibility of the Cooper-Church amendment becoming law, the Vice President is quoted as stating:

"There are many ways to bring about financial assistance to a friendly nation."

Mr. President, there has been considerable public comment about recent efforts within the Congress to reassert the war powers reserved to the Congress in the Constitution. I am a participant in this on-going effort and I believe that my oath of office requires me to do this.

What has been noticed, Mr. President, is that the reassertion of congressional authority has led to a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has produced a reaction. The situation is now a dynamic one, in which it is impossible for us to stand still. If we back off now, we may not be able to preserve even the position we now hold, because of the counter pressure of claims for the Presidency.

A further expansion of the powers of the Presidency, in present circumstances, could leave the nation dependent solely upon the good judgment and benign intent of the incumbent. And, though we have a high standard for eminence in the Presidency in our history, the centuries of the struggle for freedom teach us that our liberties require firmer institutional safeguards if they are to survive. This is the basis of our constitutional system of checks and balances.

To some of my colleagues who are most illustrious captains of earlier battles I would like to borrow a most apt exhortation from Shakespeare: "Once more into the breach, dear friends, once more."

The question before the Senate is amendment 862, principally sponsored by Senators MCGOVERN and HATFIELD, along with Senators GOODELL, HUGHES, and CRANSTON and a considerable number of other Senators. As everyone knows, the language to be voted on today differs very significantly from the language of the original "end-the-war" amendment language first introduced on April 30. I commend the sponsors for the sincerity they manifested in their willingness to go that extra mile—by again revising their amendment—so as to make it conform to the approach of a broader group in the Senate.

And, I am gratified to have been able to join in bringing about the final revisions which are embodied in the amendment now to be voted upon. In my judgment we now have a formula which meets the basic criteria in a situation such as this. In a most responsible and carefully considered way, it says something significant while preserving flexibility and taking due account of the President's responsibility and prerogatives.

I did not support the original version of the McGovern-Hatfield amendment because I did not think it met those criteria. I have cosponsored the present amendment because I am confident that it does.

The amendment is no longer structured in a way which suggests that the Senate has only the alternatives of declaring war or bringing about an abrupt end of military operations through a denial of further appropriations at the end of 1970. In my judgment, the differences between the present amendment and the original "end-the-war" amendment are well expressed in the editorial of the Washington Post on August 28.

To me the most significant difference between the original and the present amendments is in the difference in the views they articulate of the responsibility of the Senate with respect to the Vietnam war and the exercise of the Nation's war powers. Amendment 862 is a positive amendment. It is an affirmative assertion of the will and the authority of the Senate in conjunction with the President's exercise of his authority. It is not a dissenting amendment. It is not an "opposition" amendment telling the President that we are going to cut off money because we do not like what is happening.

This amendment presents the Senate with a unique opportunity with respect to the war in Vietnam. In adopting this amendment, the Senate will have asserted a national policy for ending the war through the establishment of a terminal target date for the disengagement of U.S. military forces.

This would be an exercise of the Senate's constitutional role of advise and consent in its highest sense.

The Senate has voted twice to repeal the Gulf of Tonkin resolution, by which it gave the President the broad authority to wage war in Southeast Asia without any time limitation. The Senate must now give its advice and consent to a policy of terminating the war in Vietnam. In doing this we are not opposing the President, we are sharing with him, through a positive action in our own right, the responsibility for bringing an end to the Vietnam war.

In its most important provision this amendment established by statute the national objective of: "the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971."

These are objectives—omitting the date—which the President himself has proclaimed publicly to the Congress and to the American people. The President is given great flexibility in achieving these objectives. In the final "proviso" clause there is a built-in mechanism which enables the President to extend the terminal date for military disengagement by 60 days, if this should be warranted by circumstances for a new termination date altogether.

In saying that this amendment does not oppose the President, I was not trying to gloss over the difference of approach which undoubtedly exists between the administration and the supporters of this amendment concerning the Vietnam war. The virtue of this amendment is that it enables the Senate to express effective opposition to the war, without placing itself in a position of confrontation with the President. This is how our constitutional system is designed to work. The exercise of the Senate's constitutional responsibilities to declare war through this amendment in no way impedes the President's exercise of his constitutional responsibilities as Commander in Chief. The President may not be happy with the national policy of fixing a withdrawal date contained in this amendment, but he has no grounds for feeling that the Presidential power is invaded.

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

Mr. JAVITS. I yield.

Mr. MCGOVERN. Is it not a fact that the President's function is Commander in Chief so long as there is one single American soldier in Indochina, up until December 31, 1971, or if it is extended, up until the end of that extension. The President is in total command, is he not, of any American forces that remain in the theater of operations?

Mr. JAVITS. That was my motive in selecting the language which I did. I must pay tribute here to my colleagues who are sponsoring the amendment for their willingness to amend their language, once convinced, and without being rigid adherents to their own draftsmanship.

I would like to make clear that the President remains Commander in Chief, but the power of Commander in Chief, and this is a constitutional question, does not include the power to declare war or to make war of a kind which can only result from a declaration of war. That is what we have here.

Mr. MCGOVERN. Or to provide money for the war.

Mr. JAVITS. That is exactly right.

Mr. MCGOVERN. If the Senator will yield further, I just want to take a moment to express the appreciation that I know every cosponsor of the amendment feels. The senior Senator from New York was a principal draftsman in improving the language of the amendment. He has worked very closely, patiently, and helpfully with the cosponsors of the amendment from the very beginning, and has given us generously of his legal and constitutional knowledge and his experience as a member of the Committee on Foreign Relations. I know I speak for many Members of the Senate in expressing the appreciation we feel for the leadership he has provided.

Mr. JAVITS. I am grateful to my colleague for his very kind remarks.

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

Mr. JAVITS. May I have 5 minutes?

Mr. MCGOVERN. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. We know that no general has ever had enough troops. No general ever had enough transport. No general ever had enough time to deal with a military operation, whether it was for an attack or defense. Never in the history of warfare has any general conceded that he was completely ready.

The same thing is true for Vietnamization, which is finally under the control of the government of Saigon. Therefore, until they say they are ready, there is no completion of Vietnamization. If that is going to be our timetable, then it is without end. It has no date at all.

I do not think the President feels that way. I think the President has a date in mind. I am sure of that. He is intelligent and sensitive, a human being of high distinction. But unless that date is shared with the American people and the Congress, unless Saigon knows that is the end of the road, it is not going to pay attention. One can always talk with the President, which is a private matter. There is no desire to have an operation in Vietnam that is discreditable. If I were Mr. Thieu or Mr. Ky I would advise the President that, as between a published date and an unpublished date, the published date is worse for them—but better for us.

The veto in the hands of Hanoi is similar. Hanoi has taken the position that this is a civil war and as long as there are American troops in Vietnam, there is a foreign military power at work and the civil war cannot be settled between the parties.

In view of the fact that the President has announced withdrawal anyway, we might just as well give notice in the most effective way possible that we are ready to see a political settlement, this time between North Vietnam and South Vietnam, and just as South

Vietnam could not exercise the veto on Vietnamization because there was a fixed date, so there would be an enormous inducement, both to Hanoi and Saigon, to negotiate a political settlement precisely because there was a fixed date.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. McGOVERN. The Senator has made reference to the fact that there are really two vetoes over our policy in Vietnam now, one of those votes being held by Hanoi and the other by Saigon.

If what the Vice President told us a week or so ago is correct, that the whole thing is off if the Lon Nol government falls, that both Vietnamization and assured American withdrawal are ended if Lon Nol—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 minutes.

If all of that is true, that Vietnamization and the withdrawal timetable that we are presently on depend on the capacity of the Lon Nol government to survive, have we not now added a third veto that hampers the control of our policy?

Mr. JAVITS. We may very well have done so, except that, frankly, I can hardly believe that American policymakers, aside from general remarks to buck up the Lon Nol government, are really engaged in such a commitment which, as the Senator properly says, if made would build yet a third veto into the situation, and keep us there perhaps even longer than the first two.

Mr. McGOVERN. I think the Senator has underscored, in his remarks today, a problem that has for years bedeviled us in Vietnam, and that is that there is a difference between our interests and the interests of our ally in South Vietnam.

The President has said, if I read him correctly, that we would be willing to consider a coalition government—I think he referred to it as a government representative of the major political interests in the South—but General Thieu says he will never consider that, he will never share his power with his challengers in the South.

I think the Senator is correct in saying that President Nixon is looking toward withdrawal at some time, but Mr. Thieu says it is ridiculous to talk about that now. When the President expressed the hope to the American people that the South Vietnamese forces would come out of Cambodia when we did, Mr. Thieu said, "That is silly talk from silly people."

I think all of this—and the thrust of the Senator's remarks makes this very clear—shows that we are involved in a situation where, until we do take control of our own policy, we are going to be tied to the government in Saigon, which has interests far different from our own.

Mr. JAVITS. Mr. President, I think that is of extreme importance. But it seems to me that we need not discredit the government in Saigon to make that acknowledgement. I have no desire to tear them down. When we leave, I hope they make it. As I say, I have no desire to tear them down; there is no need for it.

But let us face the issue that if they are ever going to have any political relationship with their own people who are fighting them—and there are plenty of those in addition to the North Vietnamese—we must provide a timetable within which they will have to do it.

Mr. McGOVERN. Is it not true that there is an army of some 1 million men under the command of General Thieu?

Mr. JAVITS. There is a million-man army, and they are beginning to develop an air force. They are showing considerable signs of self dependence in Cambodia, where some of their forces are now, and certainly in Vietnam.

It seems to me that every nation which goes in to do what we wanted to do, which was to help a small people achieve the right to determine its own future, must have some terminal point for its efforts. Really, on moral grounds, we had the same reason for going into Czechoslovakia under the United Nations Charter, or Hungary. Obviously, those would have been insane commitments. We took this one, which in my judgment was very improvident.

But, Mr. President, there must be some terminal point, some conditions, some outside parameter to that effort and Congress has a role in defining what it is.

That leads me to this question, which I think is basic here: the question of defeat as far as the United States is concerned. It reminds me, in the reverse, of what Senator ARKEN said one day, "Let us just say we won, and get out." We may as well say we lost and get out. The point is, we never went in to win or lose; we went in to give a small nation an opportunity to seek its own solution, its own way out. Our commitment was always limited, in many ways. We could wipe out North Vietnam in two afternoons; everyone knows that. But no one would want us to do that, in the beginning or now.

Besides that, we are not there to win and we are not there to lose; we are there to do a particular thing in terms of assisting the right of a small people to find its own place in the world. The President himself has now decided that issue. He himself says he is going to withdraw. So all we are talking about is what shall be the timetable, and shall it be in his mind or shall it be written into the laws?

In my judgment, that is the central issue. There is no other issue involved. He himself says he is getting out as soon as he possibly can. The central issue is, shall we set a date? On that issue, I believe the weight of the evidence is now on the side of the proponents of the amendment, and that is why I have joined in supporting it.

Mr. McGOVERN. As far as simply saying we have won and getting out is concerned, it is my view that we have applied that doctrine in Cambodia, and I hope we can sustain it there.

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

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 additional minutes to yield to the Senator from Oregon.

Mr. HATFIELD. Will the Senator from New York yield at this time?

Mr. JAVITS. Oh, yes.

Mr. HATFIELD. Will the Senator comment a little further on the question about our commitments in Vietnam, as to the legal aspect of them, under President Eisenhower? Are we under an irrevocable and clearly defined legal responsibility, upon which we would be reneging to withdraw at this time?

Mr. JAVITS. No, I have never thought that. I do not think President Eisenhower thought that. He rejected that proposition himself, in refusing to send troops in to bail the French out of Dienbienphu.

I doubt that we ever subscribed to any proposition which took us beyond our national interest or our constitutional processes, both of which are basically built into the American freedom of action in respect of this situation.

The implication of the commitment was contained in a protocol to the Southeast Asia Treaty. Indochina was not even a party to that treaty in any affirmative sense of being a contracting party. It was a kind of third party beneficiary, to use a legal term, and always on the basis of the volition of the United States, plus obedience to American constitutional processes.

On both grounds, the interests of our country and the right of our country to determine

when it would or would not act in a given situation, and the assertion now of the congressional authority, seeking that it be joined with the Presidential authority, I see no legal basis which could lock us into Vietnam as against an exercise of the authority by the President and Congress which would be represented by this enactment.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HATFIELD. The Senator is a member of the Committee on Foreign Relations, where he has been serving with great distinction. In view of that service and his long involvement in concerns throughout the world of problems that lead to peace and war, would the Senators not agree that those who say that this is a neoisolationist move or a neoisolationist trend in this country are completely in error, because among other sponsors and supporters of this amendment are men who are well known for their concern about international commitments and international involvement? Would the Senator not agree that this kind of tiedown to an interminable period in Southeast Asia actually creates a possibility of less likelihood for the United States to assume its rightful role in other parts of the world, where there is a greater threat to the peace existing even today?

Mr. JAVITS. I agree with that, and I would like to make just one brief observation on that point. There is a lot of speculation in the world that the American people have somehow relinquished their interest in the world and are no longer concerned with playing an activist role in peacekeeping in the world. That does not mean we have withdrawn, but just that we will carry only our share.

I think the events in Vietnam and the terrible division in this country which they have engendered have intended to magnify that. I do not believe that the fundamental feeling of responsibility of the American people has changed, but I think it has been inhibited by the way in which events in Vietnam have gone. I believe that we would tremendously free America to take its role in the world in terms of building peace elsewhere, if we would end this particular involvement.

Mr. HATFIELD. I thank the Senator.

It seems to me, both from the standpoint of the statement made today on the floor of the Senate and the very outstanding contribution made by him on a national television program last Saturday night, the Senator from New York speaks not only as an authority with much background from the Committee on Foreign Relations and other involvements, but also as one of the outstanding constitutional lawyers in the Senate. Therefore, I think his testimony and his comments should weigh heavily in the minds of those who are uncommitted. I do not think anyone could charge the Senator from New York with being other than intimately and deeply concerned about all our involvements in the world, our leadership in the world, for the cause of peace and the upholding of our legal commitments and our legal responsibilities.

I thank the Senator from New York for his contribution in helping to revise the language of the amendment and the leadership he has given on the floor of the Senate and elsewhere on behalf of this amendment at this time.

Mr. JAVITS. I thank both my colleagues.

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

Mr. CASE. Yes; I am happy to yield to my colleague from Maryland.

Mr. MATHIAS. I am wondering whether the Senator would define for the Senate his concept of withdrawal. He refers

to his support for the fixing of a withdrawal date, but I think it is very important that we understand exactly what we mean by withdrawal. There was withdrawal in Korea, but in spite of that withdrawal we have substantial military forces and we have constant casualties there, and this has gone on for a period of almost 20 years. Could the Senator define "withdrawal"?

Mr. CASE. Withdrawal, as I understand it, means complete withdrawal of American troops; and cessation of further activity, whether in the air, on the sea, or on the ground; removal of American advisers; and the discontinuation of logistics assistance. That is what I mean by withdrawal. I mean complete disengagement. I mean that I am not in favor of attempting in South Vietnam what has been called a Korean solution.

I do not think Korea and Vietnam are in any way comparable. I feel that for us to attempt to do what was done in Korea in South Vietnam would be merely to continue an endless war, rather than to end it. So I mean complete withdrawal.

Mr. MATHIAS. I thank the Senator for that answer. I thank him for making very clear what he feels, and I thank him because I agree so totally that this is not the kind of situation that calls for a Korean solution; that when we talk about withdrawal, we have to talk about the pullback of all American military power and our understanding that we are not going to attempt to force military solutions in that area by any form of military power.

I know the Senator from New Jersey, in his entire record in this whole area, has been as concerned as I think most Members of the Senate have been that we work out these solutions in a coordinated way with the executive branch of Government, with the President.

I am interested that the Senator has defined "withdrawal" as he has, and as I would define it.

I am interested also that in the President's radio and television address of April 7, he spoke of "total withdrawal." He spoke of the goal of the American people as a total withdrawal of all our forces, and I am quoting the President's words.

I hope that indicates that in this area there is some meeting of minds between the Members of the Senate and the President. When we talk about withdrawal, whether we do it by the method that the Senator from New Jersey and I agree on, on a fixed deadline policy, or some other policy, I hope that at least we can agree that withdrawal means total withdrawal.

Mr. CASE. I appreciate what the Senator from Maryland has said, and I am grateful for his intervention here, because I think one of the important matters to be served by congressional consideration of this measure is, as the Senator suggests, the resolution of the confusion that has existed—confusion that I think is most unfortunate.

The Senator correctly points out what the President said, and I am all for it, but I remind the Senator—and he does not need to be reminded—that the Secretary of Defense said something quite different more recently in regard to the

continuation of American air and other support for an indefinite period. The Senator is aware of those remarks; is he not?

Mr. MATHIAS. I am aware of them, and that is the reason why I think it is important to surface the fact that there is confusion. If there is confusion in this country and in Washington as to what we mean by "withdrawal," there must be confusion in the minds of other parties with whom we hope to negotiate an end of the war. How can there be a meeting of the minds when there is not any agreement on the meaning of the term we are using here?

Mr. CASE. The Senator is making a very good point.

May I call attention to another recent incident that has not served to clarify the situation in this regard. Several of our congressional leaders were in the White House, I understand, and heard the President and other high officials in the administration talk. They came back with a quite different view of what actually was said in the matter of whether we are going to withdraw or not, and in the matter of whether the President had in mind, though he was not going to announce it publicly, a definite date for full withdrawal. That has never been clarified as far as the Senator from New Jersey is concerned; but, rather, the confusion has been deepened by that additional incident. Does the Senator agree?

Mr. MATHIAS. I do agree completely. I think it would be so important if those questions could be resolved. I know the Senator from New Jersey has always, in his dealings with the executive branch, shown the utmost respect for the President and the President's judgment. I think all Senators do. I think he shares with me a feeling that it would be much better if we could agree with the President on a deadline rather than have the Congress simply finally resort to the ultimate use of the legislative power of the purse to impose a deadline. I think it would be much better for the country—

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from New Jersey has expired.

The Chair will now recognize the Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes.

Mr. CASE. Mr. President, would the Chair permit me to yield to the Senator on his time?

Mr. MATHIAS. Mr. President, if I may just complete my thought, I think it would be so much better for the country, for the climate of opinion in the country, if the coordinate branches of government could agree on a deadline. I would think that would promote chances of our negotiating an end of the war and a political settlement, without which there cannot but be continued, further tragedy.

Mr. CASE. I thank the Senator. I am not quite sure who controls the floor at this time—

Mr. MATHIAS. I am delighted to yield to the Senator.

Mr. CASE. I join with him fully in this thought. All along, those of us who have been endeavoring to discover the right course and then to put our shoulder

to the wheel behind the effort to pursue that course have wanted to do it in cooperation with the executive branch. This was true during the Johnson administration. This was true during the Nixon administration. It is true today.

If this is to be done really satisfactorily, it has to be done in cooperation with the executive branch and with the President. With all my heart, I second what the Senator from Maryland has said when he expressed the hope that the President and Congress could come together on this issue. This is the way to present a united front in clarification of American purpose both at home and abroad. It is the only way in which solutions are ever really found in a democracy.

During discussion of the Hatfield-McGovern amendment last year, I remember saying that we were working with the President, that we had to work with him, and that if the date we proposed to fix at that time proved too close, or if the other provisions of the act proved unwise in their operation, the President could always come to Congress and, in cooperation with Congress, make such changes in time or otherwise as might seem necessary.

This principle would still obtain here. What we would like to see happen, however, is for the American people and their Government in all its branches to unite upon a clear course of action. That is the purpose which we hope to accomplish in a spirit of cooperation and harmony. That is my hope and purpose in adhering to this measure. I thank the Senator from Maryland for permitting me to conclude my remarks on his time.

Mr. MATHIAS. Mr. President, I acknowledge with a great deal of thanks the leadership the Senator from New Jersey has shown in this matter. I do not think there is any Member of the Senate who has given more searching attention to the problem, or has approached it with more conscience and more anguish, than the Senator from New Jersey. I think what he has done here today will help to clarify this difficult issue. He has added his weight to the voice of the Senate on this question of the wisdom of setting a deadline. I think that by clarifying the issue here, he is helping to bring this country closer to some sense of national unity, national agreement, and national determination, and I think he is also helping in our negotiating with the other side in this conflict, because if there is this much confusion about what we are talking about here in Washington, it is pretty hard to see how there really could be any progress in negotiations in Paris or anywhere else.

I think the Senator from New Jersey, as always, in his thoughtful and careful way, has shed further light on a very murky subject. In support of what the Senator from New Jersey has done, I should like to call the attention of the Senate to a rather remarkable and unusual statement made over the past weekend by Charles Yost, the recently retired Ambassador of the United States to the United Nations—a man who served President Nixon and the whole American

people in one of our most sensitive and important diplomatic posts; a man who has had a long and distinguished diplomatic career in Asia, and a man who, because he is in every sense of the word a professional diplomat, is highly attuned to all the issues involved in the war in Indochina.

He has offered to the American people a rather remarkable personal summary of the situation as he sees it, which supports exactly the proposition that the Senator from New Jersey has offered to the Senate today. I ask unanimous consent that Ambassador Yost's article, entitled "A Way to Disengage From Vietnam," be printed in full in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MATHIAS. What I should like to say about that, very briefly, is that he has outlined a precise plan of action which the United States can undertake now to get out of Southeast Asia with the best possible advantage. It encompasses the following basic points: First, fix a date for total withdrawal of all U.S. Forces—subject only to North Vietnamese agreement to begin releasing our prisoners; second, propose a general cease-fire but not make it a condition of our withdrawal; third, before announcing a fixed date for withdrawal, urge the South Vietnamese Government to negotiate a political settlement; fourth, propose a renewal of the Geneva accords of 1954 and 1962 to all participants; and fifth, reiterate our past offer to contribute substantially to a program of economic rehabilitation for both parts of Vietnam and for Cambodia and Laos.

I hardly need say, Mr. President, that this brief summation does very little credit to the strength and the eloquence of Ambassador Yost's proposal; but I do wish to call the attention of the Senate to this rather remarkable document, coming from one of our most respected professional diplomats and one who I think is totally disinterested. He is, I hope not at the end, but at the climax of a remarkable career. Only his love of his country and his desire that this country should prosper and succeed could have motivated this statement. I think it comes from his heart and his conscience, and it is one to which we should all give close attention. I believe it is entirely complementary to the proposals and the thoughts that have been expressed today by the Senator from New Jersey.

#### EXHIBIT 1

[From the Washington Post]

#### A WAY TO DISENGAGE FROM VIETNAM

(By Charles W. Yost)

(EDITOR'S NOTE.—Yost was chargé d'affaires at Bangkok in 1945-6, ambassador to Laos in 1954-6 and capped his Foreign Service career with two years as ambassador to the United Nations. Since February, he has been associated with the Columbia University School of International Affairs.)

In 1968 I prepared for the Carnegie Endowment on International Peace and the Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would

require "substantial and painful concession" by both sides.

It was perfectly clear that Hanoi would not accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which both the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper not be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon

government or to fix a proximate date for the total withdrawal of U.S. forces, the North Vietnamese would be only too willing substantially to reduce hostilities, as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

#### AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception, stamped on their minds in their politically formative years and never relinquished, of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam, after the expenditure of so much American blood and treasure in its defense, would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast build-up of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion" this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so indiscriminating between combatant and

noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

#### AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do now about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of all U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of all prisoners before withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should not, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of all foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam,

Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

#### EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communists China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an indiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take

the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of U.S. forces, no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly after our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

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

Mr. MATHIAS. I yield.

Mr. CASE. I agree fully about the significance and importance and the rightness of Mr. Yost's statement, and I am very happy to have it included as a part of the colloquy we have been engaged in here.

I am happy also to see that our colleague from Massachusetts (Mr. BROOKE) is now in the Chamber. Yesterday he made a splendid contribution on this same subject, and it is a pleasure to be associated with him on this matter.

Mr. BROOKE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Massachusetts, after associating myself with the Senator from New Jersey in expressing our appreciation for the stand taken by the Senator.

Mr. BROOKE. Mr. President, may I inquire how much time is left to the Senator from Maryland?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. BROOKE. Mr. President, I am sorry that I was unable to hear the entire colloquy of the distinguished Senators from New Jersey and Maryland. I was somewhat surprised, as perhaps my distinguished colleagues were, when I read last week in the newspaper that our distinguished minority leader (Mr. SCOTT), our assistant minority leader (Mr. GRIFFIN), and our assistant majority leader (Mr. BYRD) had all said that the President had a timetable for withdrawal. The suggestion was even made that perhaps it was election day of 1972.

I bring this point up at this time that I might inquire further as to the flexibility that my distinguished colleagues see insofar as the establishment of a time certain is concerned. I know that both Senators McGOVERN and HATFIELD have at all times spoken of flexibility with regard to a withdrawal date. As we know, they have talked most recently about December 31, 1971. But do the Senators who are engaged in this colloquy think that if the President were

to set June 1, 1972, this might be acceptable as a date certain for withdrawal of American forces from Southeast Asia?

I raise this question for a specific reason. Some time ago I introduced resolution calling for joint hearings—for which we have precedent—by the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations, so that we could look into the requirements and the consequences of an orderly withdrawal from Southeast Asia.

This procedure would enable us to share the responsibility with the Chief Executive for the extrication of American forces from Southeast Asia. It could also bring about the accommodation between the Congress and the Chief Executive to which my distinguished colleagues have referred.

I have heard very little since the statements by our distinguished leaders and I ask either of my colleagues whether they have heard any more as to the possibility that the President may be considering a date certain for the withdrawal of all American forces, which he may be willing to announce to the world.

Mr. MATHIAS. In response to the Senator from Massachusetts, I have to say very frankly that I have not heard one word along this line. I wish that we would hear something.

As we said earlier today, it would be very desirable if the President could join Congress in setting a date, so that we understand what we are talking about, and so that the people with whom we have to deal on the other side know what we are talking about. It would be helpful for us to come to this agreement in a coordinated and a friendly way. I think it would enhance the chance of achieving a negotiated end of the war.

Mr. CASE. If the Senator will yield, I, too, have not heard anything that gives me the right to say that I believe up to now that this is likely.

As indicated by our previous discussion, I believe it is most desirable, and I hope that this initiative may be of importance in bringing it about.

Mr. BROOKE. It seems obvious to me that what we have been attempting to do is to reach an accommodation with the President. We are not privy to all the information on which the Chief Executive is basing his decisions. We do not know all the intelligence which comes from Southeast Asia. I think it is also fair to say that we are not informed as to what private—as opposed to public—proposals are being made either by Washington or by Hanoi.

But it seems to me, in all fairness, that we want to assure the President that we are not trying to dictate a date certain. I, for one, would like to see the 31st of December 1971, as a practical date by which we could achieve this result. But, perhaps the President may have reasons why it could not be December 31, 1971, but could be some later date. If that is true, it seems to me that Congress could be informed of that date and the reasons why it should be some other date, which would enable us to work together with

the President for the extrication of American forces.

Mr. MATHIAS. Mr. President, the Senator from Massachusetts has expressed exactly what I feel, and what the Senator from New Jersey has said as to the importance and desirability of coordinate action by both the President and the Congress in fixing a realistic and final schedule for withdrawal from Indochina. It would contribute so much to the unity and cohesion of the American people. It would contribute equally to a general understanding around the world of American intentions and could not fail to help clear the air in Paris.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the Senator from Wisconsin (Mr. NELSON) for not to exceed 15 minutes.

(The remarks of Mr. NELSON when he introduced S. 1550 are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Senate will proceed now to the transaction of routine morning business for a period of not to exceed 30 minutes with the statements therein limited to 3 minutes.

#### FBI SURVEILLANCE

Mr. GRIFFIN. Mr. President, I have listened with interest and attention to the remarks of the distinguished Senator from Wisconsin (Mr. NELSON). He referred to a statement made on yesterday by our distinguished friend, the Senator from Maine (Mr. MUSKIE), in which the Senator from Maine complained that FBI agents apparently had under surveillance a particular Earth Day program last year in which the Senator from Maine participated.

I have no doubt that the FBI was there. However, Mr. President, it should be obvious to anyone who reads the FBI memorandum which was attached to a statement by the Senator from Maine released to the press that the FBI was present at that particular Earth Day program, not because of the attendance of the Senator from Maine (Mr. MUSKIE), but because of the presence on the same platform of such persons as Rennie Davis, one of the convicted defendants in the Chicago 7 trial.

Mr. President, at 11:36 a.m., today, the UPI wire carried an interesting item.

It reads in part as follows:

DURHAM, N.H.—Antiwar Leader Rennie Davis says thousands of demonstrators planning to march on Washington May 1 will occupy the Halls of Congress and stay in the nation's Capital "until the war is ended."

"If the Government of the United States does not stop the war in Vietnam, we will stop the Government of the United States," Davis told students at the University of New Hampshire yesterday.

Mr. President, the FBI has a duty and a responsibility to keep track of those who have the avowed purpose of destroying our system of government. I for one am glad to know, based on the information put in the RECORD on yesterday by the Senator from Maine, that the FBI is doing its job.

In recent weeks, a number of charges have been made against the FBI. Certain charges, coming from the other side of the Capitol, have been backed up by no evidence whatsoever that the FBI has either refused or neglected its responsibilities. Indeed, all of the evidence so far, indicates that the FBI is performing its function and responsibility, as expected of it.

There have been calls recently for investigations of the FBI. Frankly, I would be for an investigation if there were evidence that the FBI was not doing its job. However, as one citizen and as one representative of the people, I am very glad to learn that the FBI has been, and is, doing its job in every respect.

#### ELECTION OF DR. THOMAS N. BONNER AS PRESIDENT OF THE UNIVERSITY OF NEW HAMPSHIRE

Mr. COTTON. Mr. President, during my quarter of a century in the House and Senate of the United States, I have devoted my best efforts to my duties and responsibilities here and have scrupulously refrained from suggesting, commenting, or, in any other way, involving myself in decisions that are purely in the jurisdiction of the elected and appointed officials of the State of New Hampshire. Furthermore, I have at all times and under every State administration, regardless of party, sought and welcomed the advice and counsel of the Governor, the heads of departments, and others on any and all Federal legislation affecting the State I represent.

On the other hand, I never expected that the time would arise when a State administration would take action that would be nothing less than a stab in the back for me and many of my associates who are fighting for principles in which we believe and in which, I am confident, the majority of the people of New Hampshire believe.

However, this has now happened, and I am not going to mince words in expressing my amazement and dismay when I learned through the public press that Dr. Thomas N. Bonner has been elected the 15th president of the University of New Hampshire.

Dr. Bonner is a former aide and a longtime, close associate of Senator McGOVERN, who is an avowed candidate for President and will soon be campaigning in New Hampshire. Senator McGOVERN is one of a group of Senators who have constantly addressed, encouraged, and incited Washington demonstrators whether they were invading the Pentagon, marching on the Capitol, or burning draft cards at the Washington Monument. Undoubtedly, when the demonstrators again move on Washington starting April 24 and running through May Day, McGOVERN or his associates will be on the steps of the Capitol to wel-

come and encourage them. Almost invariably, these demonstrations end up in some form of violence.

It is not for me to question the patriotism and sincerity of Mr. McGovern and his associates, but whatever may be their motives, they are, in my opinion, and in the opinion of many of my associates in the Senate, promoting disrespect for the Congress of which they are Members, impeding the President in his efforts to end the war, and encouraging our enemies to refuse to negotiate for peace.

To me, it is incredible that the Governor and the trustees of the University of New Hampshire should, at this of all times, take action capable of such far-reaching interpretations. I regard it as a blow to the President of the United States and to every one of us here who is striving desperately to promote peace and a decent respect for authority.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

##### REPORT ON CONCLUSION OF JUDICIAL PROCEEDINGS REGARDING AMERICAN INDIAN TRIBAL CLAIM

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a final report on the final conclusion of judicial proceedings regarding docket No. 13-N, James Strong, Elmer B. Simonds, William Robert Warren, Margaret Arvold, Julia Potter, Betty Ann Norwall, Stanley A. Nordwall, Edwin Carl Lerke, Jr., and others, as the Representatives and on behalf of all Members by Blood of the Chippewa Tribe of Indians, Plaintiffs, against the United States of America (with an accompanying report); to the Committee on Appropriations.

##### PROPOSED LEGISLATION TO AMEND THE FEDERAL CROP INSURANCE ACT

A letter from the Under Secretary, Department of Agriculture, submitting a draft of proposed legislation to amend the Federal Crop Insurance Act, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

##### PROPOSED FISCAL YEAR 1972 MILITARY PAY INCREASE

A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), reporting, pursuant to law, the calculation of proposed fiscal year 1972 military pay increase (with accompanying papers); to the Committee on Armed Services.

##### REPORT OF PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT BY OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending March 31, 1971, and items acquired pursuant to the authority transferred to the Secretary of Defense by Executive Order 10952, effective August 1, 1961 (with accompanying papers); to the Committee on Armed Services.

##### REPORT OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

A letter from the president, Federal National Mortgage Association, transmitting, pursuant to law, the 1970 annual report of the Federal National Mortgage Association (with an accompanying report); to the Com-

mittee on Banking, Housing, and Urban Affairs.

##### REPORT ON DOD MILITARY PROCUREMENT ACTIONS FOR EXPERIMENTAL, DEVELOPMENTAL TEST OR RESEARCH WORK

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test or research work negotiated under the provisions of 10 U.S.C. 2304(a) (11), July through December 1970 (with an accompanying report); to the Committee on Armed Services.

##### REPORT OF THE FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the 1970 annual report of the Federal Trade Commission (with an accompanying report); to the Committee on Commerce.

##### PROPOSED LEGISLATION TO REGULATE EMPLOYMENT OF MINORS WITHIN THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner, the District of Columbia, submitting a draft of proposed legislation to amend the act entitled "An Act to regulate the employment of minors within the District of Columbia," (with accompanying papers); to the Committee on the District of Columbia.

##### PROPOSED DISTRICT OF COLUMBIA EDUCATION ACT

A letter from the Assistant to the Commissioner, the District of Columbia, submitting a draft of proposed legislation relating to education in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

##### LAWS ENACTED BY THE LEGISLATURE OF THE VIRGIN ISLANDS IN 1970

A letter from the Secretary of the Interior transmitting, pursuant to law, a list of laws enacted by the Legislature of the Virgin Islands during 1970 (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### PROPOSED LEGISLATION RELATING TO INDIANS

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to amend certain laws relating to Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### PROPOSED LEGISLATION TO ESTABLISH AN ADDITIONAL POSITION OF ASSISTANT SECRETARY OF THE INTERIOR

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### PROPOSED EXTENSION OF TWO CONCESSION CONTRACTS

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed extension of two concession contracts under which the Utah Parks Co., will be authorized to continue to provide accommodations, facilities, and services for the public in Grand Canyon (North Rim) National Park, Arizona, Bryce Canyon, and Zion National Parks, Utah, and Cedar Breaks National Monument, Utah, for a 1-year term from January 1, 1971, through December 31, 1971, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### SOIL SURVEY AND LAND CLASSIFICATION, JENSEN UNIT, CENTRAL UTAH PROJECT

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on certification as to adequacy of soil survey

and land classification as required by the 1954 Appropriation Act, Jensen Unit, Initial Division, Central Utah project, Utah (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### REPORT OF THE BOYS' CLUBS OF AMERICA

A letter from the National Director, Boys' Clubs of America, transmitting, pursuant to law, the Boys' Clubs of America Report on Examination, year ended September 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

##### PROPOSED LEGISLATION TO AUTHORIZE WAIVER OF CLAIMS ARISING OUT OF CERTAIN ERRONEOUS PAYMENTS

A letter from the Assistant Secretary of the Air Force, submitting a draft of proposed legislation to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

##### REPORT OF THE CIVIL AIR PATROL

A letter from the National Commander, Civil Air Patrol, transmitting, pursuant to law, the Civil Air Patrol Report to Congress for the year 1970 (with an accompanying report); to the Committee on the Judiciary.

##### REPORT OF THE RAILROAD RETIREMENT BOARD

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the 1970 annual report of the Railroad Retirement Board, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Armed Services:

##### "SENATE CONCURRENT RESOLUTION No. 563

"A concurrent resolution expressing sympathy to Lieutenant William L. Calley, Jr., and requesting that the President of the United States intervene to grant redress to Lieutenant Calley

"Whereas, the freedom enjoyed by every citizen of the United States of America was purchased by fighting men who cherished liberty enough to risk and give their lives if need be; and

"Whereas, this freedom has been preserved throughout the several wars by men willing to fight and die to insure that no citizen of the United States of America would have to live in bondage; and

"Whereas, all men who have worn the uniform of this country in battle have individually and collectively made enormous sacrifices to insure the preservation of the union of the states and the sovereignty of this nation; and

"Whereas, the hundreds of thousands of Americans who have been engaged in the present war in Vietnam have given no less than their predecessors in uniform for the preservation of life, liberty and the pursuit of happiness; and

"Whereas, Lieutenant William L. Calley, Jr. was called upon by the President and Congress to lay his life upon the altar of freedom and under orders was placed in situations very similar to those situations experienced by many officers and men in previous wars wherein America's youth were required to follow the American flag; and

"Whereas, the said Lieutenant Calley performed his duties as ordered by his superiors and as the situation of war dictated during

close combat with a known and insidious enemy of freedom; and

"Whereas, the State of Mississippi and the citizens of this state believe that freedom can only continue to exist so long as men like Lieutenant Calley are willing to give their lives and follow the orders and dictates of their superior military leaders:

"Now, therefore, be it restored by the Mississippi State Senate, the House of Representatives concurring herein, That we do hereby offer our deepest sympathies to Lieutenant William L. Calley, Jr. personally; that we regret the action of the United States Army in ordering the court-martial trial of this young American officer and other members of the Armed Forces for conduct arising from their efforts to defend this nation against its enemies and we do hereby solicit the assistance of all citizens of this state and nation, of the public officers of the State of Mississippi and of the United States to solicit the intervention of the President of the United States in bringing about a reversal of the conviction of Lieutenant Calley.

"Be it further resolved, That copies of this resolution be sent to Lieutenant William L. Calley, Jr., President Richard M. Nixon, Vice-President Spiro T. Agnew, U.S. Senator James O. Eastland, U.S. Senator John C. Stennis, the Judge Advocate General of the United States, and to the Press."

A concurrent resolution of the General Assembly of the State of Arkansas; to the Committee on Commerce:

#### "HOUSE CONCURRENT RESOLUTION 49

"House concurrent resolution urging the U.S. Congress and the various agencies of government concerned with the disposal and utilization of organic wastes to provide funds for expanded research in the area of organic waste disposal and utilization

"Whereas, many billions of tons of organic wastes, ranging from barnyard drainage to phosphate detergents enter our natural water annually causing enrichment and degradation of the water to such an extent that the natural ecosystems are drastically altered; and

"Whereas, in many cases the organic wastes results in the oxygen in the water being reduced below acceptable levels causing our streams to become open sewers, or results in excessive growth, death and decay of plant life thereby reducing the value of our waters for recreation and other useful purposes; and

"Whereas, Arkansas alone produces annually more than one billion pounds of such wastes in the form of chicken litter, rice hulls and other organic wastes in addition to the million of pounds of other organic wastes from homes and industry; and

"Whereas, biological evidence indicates that there exists many species of fish and shell fish which are economically valuable and which can directly or indirectly utilize such organic waste or plant life resulting from such wastes, thus recycling them into products useful to mankind, and the harvest of these fishes for human or animal foods serves to reduce the amount of nutrients in the water thereby affecting the cleansing of our waters; and

"Whereas, it is natural law that environmental change is followed by biological change, biological change is followed by environmental change and that it is forever impossible to move back the process of evolution to affect biological and environmental changes that would restore our natural waters to the condition existing on this continent prior to its habitation by man; that it is necessary to consider methods which would utilize the nutrients in advance of releasing them in natural waters including techniques of stocking and rearing valuable fish and shell fish that are capable of utilizing such nutrients; and

"Whereas, it is essential to any such program that considerable and extensive research be performed to determine what fish or shell fish or other methods can best solve the problem of excessive organic wastes in our waters and the natural results thereof; and

"Whereas, the Arkansas Game and Fish Commission and the U.S. Fish Farming Experimental Stations of the Bureau of Sport Fisheries and Wildlife at Stuttgart, Arkansas, have already begun research in this area and plan to expand its research as funds become available therefor; and

"Whereas, such research has included studies of various fishes including the Tipapia, the Israeli carp, the buffalo fishes, the white Amur, and other valuable plant eating fish which thrive on aquatic vegetation; and

"Whereas, the Commission and the experimental station at Stuttgart plan to expand their research greatly in coming years, to include studies of silver and spotted Amur, as well as other fish and aquatic organisms, including fresh water shrimp, clams and crayfish and other fishes, to effect biological control of organic enrichment of our waters; and

"Whereas, both the Arkansas Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife have competent personnel to supervise the research and have the necessary laboratory facilities for proper evaluation of research findings, and are located in the center of farmer owned controlled reservoirs and ponds in excess of 100,000 acres in area which can be utilized for such research; and

"Whereas, the United States is presently importing one billion dollars worth of fish protein and this research could produce valuable information on utilization of wastes for production of high grade animal protein and thereby fill the protein deficiency gap which exists in our country today; and

"Whereas, billions of dollars will be spent in the next few years in attempts to destroy or neutralize the enormous amounts of organic wastes which will be continuing environmental problem; and

"Whereas, continued and increased research in this area could produce valuable information in the field of pond fish culture that would lead to better utilization of our land and water resources, to increased farm income and to the development of aquacultural methods for species of fishes better suited to our changing environment and to making more fish available for recreational use in both private and public waters; and

"Whereas, considerable funds are needed by the Arkansas Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife to conduct and expand extensive research and to provide facilities for the same, now therefore, be it

*"Resolved by the House of Representatives of the sixty-eighth General Assembly of the State of Arkansas, the Senate concurring therein:*

"Section 1. The Arkansas General Assembly hereby respectfully urges and request the Congress of the United States and all agencies of government concerned with disposal and utilization of organic wastes to make available additional funds for continued and expanded research in the area of disposal or useful utilization of organic wastes in the waters of this State and other states.

"Section 2. Upon adoption of this Resolution the Chief Clerk of the House shall transmit an appropriate copy hereof to each member of the Arkansas Congressional Delegation and to the presiding officer of each House of the United States Congress."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Commerce:

#### "CONCURRENT RESOLUTION

"A concurrent resolution memorializing the Congress of the United States to take such action as is necessary to require credit cards to contain the addresses of persons to whom issued

"Whereas, credit cards are being used more and more in interstate commerce; and

"Whereas, the number of company and organization credit cards has become voluminous; and

"Whereas, this saturation is causing many problems and hardships on persons honoring the various cards in that they are mistakenly impressed on the charge slips of the wrong company or organization; and

"Whereas, this problem is compounded as most, if not all, credit cards do not have the addresses of the persons named on the cards; and

"Whereas, when the error is ultimately detected the person honoring the credit card is often without recourse as the whereabouts of the card holder are unknown; and

"Whereas, if those issuing credit cards were to be required to include the address of the holder this problem would be alleviated; and

"Whereas, the Congress is the proper body to make such requirement as the problem transgresses state lines; and

"Whereas, the General Assembly of this State, in the interest of fairness, would like to memorialize the Congress to take such action as necessary to require all credit cards to include the address of the holder. Now, therefore, be it

*"Resolved by the House of Representatives, the Senate concurring, That the Congress of the United States is hereby requested to take such action as is necessary to require that all credit cards contain the addresses of the persons to whom they are issued.*

*"Be it further resolved, That a copy of this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives and to each member of the Congressional Delegation representing South Carolina."*

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Finance:

#### "CONCURRENT RESOLUTION

"A concurrent resolution to memorialize the Congress of the United States to share its revenue derived from the operation of the Clark Hill electric generating facility with McCormick County in an amount equal to the county's tax loss resulting from the creation of the project

"Whereas, the Clark Hill hydroelectric facility on the Savannah River in McCormick County generates an enormous amount of electricity which is sold to both private and public power companies; and

"Whereas, the creation of this worthwhile project has required the acquisition and use on a tax-free basis of thousands of acres of land in McCormick County; and

"Whereas, removal of this acreage from the McCormick County tax rolls has seriously diminished the revenue of that county and required increased millage to be levied against the taxpayers who are residents therein. Now, therefore, be it

*"Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States be and hereby is memorialized to consider legislation which will permit McCormick County, South Carolina, to share in the revenue derived from the sale of electric power generated at the Clark Hill hydroelectric facility in an amount equal to the revenue that the county would realize if the acreage in such project were subject to county real property taxes, and further provide for the county an amount equal to such sharing, retroactively for the past ten years.*

"Be it further resolved that copies of this resolution be forwarded to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, the Secretary of the Interior and each member of the South Carolina Congressional Delegation."

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

**"RESOLUTION**

"Requesting the United States Congress to withdraw the United States' military forces from Viet Nam

"Whereas, the Viet Nam War has resulted in the unjustifiable and unnecessary expenditure of billions of dollars each year by the United States on war materials and equipment; and

"Whereas, thousands of loyal courageous American soldiers have lost their lives as a result of this futile War; and

"Whereas, the exorbitant cost of maintaining the status quo in Viet Nam has resulted in the drastic curtailment of many essential and worthwhile domestic projects and programs for the American people; and

"Whereas, under the circumstances United States military activity in Viet Nam has been unduly and unnecessarily prolonged; and

"Whereas, continued United States participation in this War has sharply divided the American people and threatens to bring chaos to our Nation, it has caused the disaffection of a large number of the youth of our Nation; and

"Whereas, the loss of troops and the expenditures of billions of dollars should be curtailed by the United States by the withdrawal of American troops from Viet Nam by January 1, 1972.

"Whereas we understand that Senators Church and Cooper plan to introduce legislation which would cause the withdrawal of United States troops from Viet Nam by January 1, 1972, and

"Whereas we understand that in the House Democratic Party Caucus on Wednesday a similar motion is to be introduced; and

"Whereas we feel that any such legislation, motion, resolution, etc., is desirable;

"We, the undersigned members of the Arkansas House of Representatives, therefore, do encourage and support you in your decision to vote in favor of any such legislation, resolution, motion, etc., which would cause withdrawal of United States troops from Viet Nam by January 1, 1972."

(Signed by 47 members of the Arkansas House of Representatives.)

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Government Operations:

**"CONCURRENT RESOLUTION**

"A concurrent resolution to memorialize the Congress of the United States to consider legislation to make available the unused property acquired to establish Clark Hill Reservoir for development as a recreational area

"Whereas, in the acquisition, by the United States of America, of real property to create the Clark Hill project on the Savannah River in South Carolina and Georgia, extensive areas of land in McCormick County, constituting a substantial portion of the total of land area of the county, were acquired by purchase and condemnation; and

"Whereas, the project has been completed for many years and is in full operation with maximum water levels definitely determined; and

"Whereas, there are large land areas in McCormick County in South Carolina which were acquired for the Clark Hill project which are not being used and are obviously not needed for its operation, now or in the future; and

"Whereas, vast areas of similarly acquired

land in Georgia on the Clark Hill Reservoir were declared surplus to the needs of this project by the Corps of Engineers several years ago and were subsequently sold at public auction, thereby resulting in substantial revenue to the United States Government, the return of such land to the tax rolls of the several Georgia counties affected and the opportunity for private development and use of such released areas; and

"Whereas, the declaration of such surplusage was not declared with respect to the actual surplus lands in McCormick County except with regard to the very minuscule acreage; and

"Whereas, the land-taking policy with respect to the subsequent development of the Hartwell project also on the Savannah River was restricted to land actually needed for the creation of the reservoir, generating facilities and administrative facilities, thereby allowing free development of recreational, housing and commercial ventures, all of which have prospered and benefited the counties affected and the citizens thereof; and

"Whereas, the excessive taking and retention of lands in McCormick County for the Clark Hill project have contributed to the out-migration of its people and a diminution of population and has further created a barrier to the full development and use of the Clark Hill Reservoir and deprived the county of the use of such area for farming, commerce and industry. Now, therefore, be it

*"Resolved by the House of Representatives, the Senate concurring:* That the Congress of the United States be and hereby is memorialized to consider appropriate legislation to release and make available for use by the public the excess real property in McCormick County in South Carolina acquired for the Clark Hill power project and thereby aid in the economic development and the development of recreational facilities in the areas which such unused and unneeded lands are located and to restore to the tax rolls of McCormick County such acreage thereby providing desperately needed tax revenue.

*"Be it further resolved,* That the Corps of Engineers be requested to designate immediately additional areas for the development and sale of residential cottage sites.

*"Be it further resolved,* That copies of this resolution be forwarded to the Clark Hill Authority, the Corps of Engineers of the United States Army, the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the South Carolina Congressional Delegation."

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

**"LEGISLATIVE RESOLUTION 31**

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

**"JOINT RESOLUTION**

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**"ARTICLE**

*"SECTION 1.* The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or

abridged by the United States or by any State on account of age.

*"Sec. 2.* The Congress shall have the power to enforce this article by appropriate legislation."

"Now, therefore, be it resolved by the members of the eighty-second legislature of Nebraska, first session, 1971:

"1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

"2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislative Assembly of the State of Montana; to the Committee on the Judiciary:

**"JOINT RESOLUTION**

"A joint resolution of the Senate and House of Representatives ratifying the proposed amendment to the Constitution of the United States relating to the right to vote at 18 years of age.

"Whereas, the ninety-second congress of the United States of America at its first session, in both houses, by a constitutional majority of two-thirds (2/3) thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words:

**"JOINT RESOLUTION**

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**"ARTICLE**

*"SECTION 1.* The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

*"Sec. 2.* The Congress shall have the power to enforce this article by appropriate legislation."

"Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana: That the proposed amendment to the Constitution of the United States of America be and the same is hereby ratified;

"Be it further resolved, that certified copies of this Resolution be forwarded by the secretary of state to the administrator of general services, Washington, D.C., and the president of the senate and the speaker of the house of representatives of the congress of the United States."

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

**"SENATE JOINT RESOLUTION No. 14**

"Senate joint resolution memorializing the Congress of the United States to enact legislation to halt certain abuses in bankruptcies

"Whereas, The incidence of bankruptcies has become more marked in recent years; and

"Whereas, The Federal Government has exclusive jurisdiction of proceedings in bankruptcy; and

"Whereas, Creditors of and investors in business ventures have sustained severe losses; and

"Whereas, Certain business projects essentially sound have failed and the community

in which the business was located has been economically adversely affected; and

"Whereas, Promoters of and prime movers in such business ventures, by use of corporate structures or other devices limiting personal liability have emerged in apparently affluent circumstances; and

"Whereas, State legislatures and courts are powerless to act to protect the people of the state; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That this legislature on behalf of the people of the State of Nevada respectfully memorializes the Congress of the United States to enact legislation in bankruptcy proceedings designed to curb the practices described and to prevent the few from profiting from a business venture in which creditors and other investors sustain losses; and be it further

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

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

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ALLOW GREATER IMMIGRATION TO THE PEOPLE OF IRELAND

"Whereas, Unfortunately, there seems to be a part of the new United States immigration policy which is neither just nor equitable toward the Irish, and, as a practical matter, the average Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present immigration law had been in effect one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1955 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers have, for many years, staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turns because of this new Immigration Act; and

"Whereas, In nineteen hundred and sixty-five, the Irish ranked fifth among the nationals immigrating to the United States and, since then, they no longer rank fifth or even tenth. Irish immigration is at an all time low. In nineteen hundred and sixty-seven, two thousand six hundred and sixty-five were admitted. Since the enactment of the new law in July of nineteen hundred and sixty-eight, a total of one thousand and seventy-six persons applied for visas and through November the thirtieth, nineteen hundred and sixty-eight, only seventy-two were issued; now, therefore, be it

*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

*Resolved,* That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

## REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PELL from the Committee on Labor and Public Welfare:

S. 1557. An original bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes (with individual views) [Rept. No. 92-61].

## BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. TALMADGE (by request):

S. 1545. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 1546. A bill for the relief of John Bonfigliano. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1547. A bill relating to compensation in the case of disability or death of marine petroleum workers. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 1548. A bill for the relief of Victoria J. Bushman; and

S. 1549. A bill for the relief of Teresa deJesus Acevedo. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1550. A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1551. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage. Referred to the Committee on Finance.

S. 1552. A bill to amend the act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site. Referred to the Committee on Interior and Insular Affairs.

S. 1553. A bill to amend section 455 of title 28, United States Code. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. BURDICK, Mr. INOUE, Mr. MONDALE, Mr. PASTORE, Mr. MCGOVERN, and Mr. HARRIS):

S. 1554. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 70 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 70 years of age or older. Referred to the Committee on Commerce.

By Mr. HUMPHREY (for himself and Mr. NELSON):

S. 1555. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

By Mr. ALLEN:

S. 1556. A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1557. An original bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes. Ordered placed on calendar.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 1547. A bill relating to compensation in the case of disability or death of marine petroleum workers. Referred to the Committee on Labor and Public Welfare.

### DEATH OR DISABILITY COMPENSATION FOR MARINE PETROLEUM WORKERS

Mr. TOWER. Mr. President, I am reintroducing a bill relating to compensation in case of disability or death of marine petroleum workers and ask that it be appropriately referred. This bill extends and makes exclusive the provisions of the Longshoremen's and Harbor Workers' Compensation Act for injuries or death of an employee which occur while working in a marine extractive operation.

This bill is intended to implement a recommendation included in the "Panel Reports of the Commission on Marine Science, Engineering and Resources"—volume 2, pages V-17 and V-18, February 1969. As reported by the panel, the cost of personal injuries in the offshore areas is extremely high and for some small companies prohibitive. The major reason is that considerable unpredictability exists respecting the legal remedy, which an offshore worker may choose, when seeking recovery for injury. At the present time, the choice of remedy ranges from a number of types of litigation, such as the doctrine of unseaworthiness, the Jones Act, Death on the High Seas Act, and State Wrongful Death Statutes to compensation procedures, both Federal and State.

Litigation awards range from some that are extremely high to substantially reduced recoveries or perhaps nothing at all, if the employee is proved negligent. This type of adversary proceeding is expensive and protracted both for the employee and employer. It has resulted in an abnormally large amount of funds being devoted to claim investigation, court costs, legal and expert witness fees. In addition, this litigation constitutes a heavy workload for our Federal court system.

Recovery under the compensation systems is, of course, not as great as some of the higher litigation awards, but it is awarded irrespective of fault or negligence.

Under the present state of affairs, employees seek whichever remedy they feel will produce the greatest recovery. Em-

ployers have not, as yet, exercised their option to force these claims into which-ever remedy will produce the smallest recovery in a particular case.

The affected industries are compensation oriented and have voluntarily maintained compensation as a floor for benefits. However, a continuation of the high costs and numerous available remedies will undoubtedly produce a different attitude if corrective legislation is not enacted.

The previously stated variety of available remedies and wide range of benefits, together with the high investigation and litigation expense of faultfinding procedures, have resulted in an unstable insurance market and rate structure for the affected industries. As a result, domestic insurers have allowed many of these risks to be insured wholly or in large part by foreign underwriters. Such practices have caused a substantial outflow of cash to the foreign market which could be stemmed by a more stable system.

The bill, as stated, extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees working offshore in a marine extractive operation for work-connected injuries or death. It expressly makes such act the sole and exclusive remedy for such injuries. Other remedies, such as the Jones Act, Death on the High Seas Act, and the doctrine of unseaworthiness for work-connected injuries in this field of endeavor are barred.

The bill specifically defines a marine extractive operation. This is an undertaking for the purpose of exploring for, drilling, developing, producing, or transporting by pipeline the natural resources of the subsoil when conducted upon, over, or under the navigable waters of the United States, its territorial waters or the high seas. It includes the transporting, erecting, constructing, operating, servicing, maintaining, repairing or dismantling of structures utilized in such operations, as well as the furnishing of food and lodging in connection with such an undertaking and the transportation of personnel and raw or refined minerals to, from or between such locations.

The bill defines the terms "employee" and "employer" for the purposes of this act only. The nonapplicability of the Longshoremen's and Harbor Workers' Compensation Act to the master or member of a crew of a vessel is expressly eliminated respecting employees under this bill unless they are solely and exclusively so engaged under manning requirements set forth by the U.S. Coast Guard.

This bill will also provide a remedy for a number of American nationals presently employed in over water locations, far removed from our shores, who now have no certain method of recovery.

Mr. President, in addition to meeting the recommendations as contained in the previously mentioned panel reports, it will, in my opinion, clarify and confirm the intent of the Congress to extend the jurisdiction of the Longshoremen's and Harbor Workers' Compensation Act to cover these operations, as endeavored in the Outer Continental Shelf Lands Act.

This congressional intent has been greatly clouded, if not destroyed, by the judicial decisions rendered since the passing of that act.

I believe this is necessary, basic legislation to establish or restore a workmen's compensation system of benefits and procedures for occupational disabilities, without regard to fault, in this area of industry. It would restore the basic objectives of such a system for both employees and employers in the marine extractive industries as it exists for the vast majority of all other industries.

Mr. President, I urge the members of the Senate Labor and Public Welfare Committee to give this bill every possible consideration when the Committee holds hearings on bills previously introduced to amend the Longshoremen's and Harbor Workers' Compensation Act. Two major bills have previously been introduced in the Senate to make basic changes in the compensation benefit system for permanent or temporary disability coverage under this act, and as the committee studies these proposals, I hope it will see fit to include this particular measure in the final version of the bill.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

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

S. 1547

A bill relating to compensation in the case of disability or death of marine petroleum workers

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Marine Petroleum Workers' Compensation Act of 1971".

APPLICATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

SEC. 2. (a) EXTENSION OF ACT.—Except as otherwise provided in this Act, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, including all amendments which may hereafter be made to such Act, shall apply in respect of the injury or death of an employee which results from an injury (as defined in paragraph (2) of section 2 of such Act) which occurs while working or performing duties in the furtherance of a marine extractive operation.

(b) MARINE EXTRACTIVE OPERATION DEFINED.—For purposes of this Act, the term "marine extractive operation"—

(1) means any undertaking conducted for the purpose of exploring for, drilling, developing, producing, or transporting by pipeline the natural resources of the subsoil when such undertaking is conducted upon, over, or under the navigable waters of the United States, its territorial waters, or the high seas, or from an artificial island or structure erected on or resting on any of such waters or seas;

(2) includes transporting, erecting, constructing, operating, servicing, maintaining, repairing, or dismantling any fixed, movable, floating, or floatable structure or artificial island used in such an undertaking while at such a location or while being transported to, from, or between such locations; and

(3) includes the furnishing of food and lodging in connection with any such undertaking and the transportation of personnel, and raw or refined minerals, to, from, or between such locations.

(c) OTHER DEFINITIONS.—When applying the Longshoremen's and Harbor Workers' Compensation Act for the purposes of this Act—

(1) The term "employee" means any individual in the service of any person under a contract of hire, express or implied, oral or written, who is engaged in any work or in the performance of any duties in the furtherance of a marine extractive operation.

(2) The term "employer" means any person who makes a contract of hire, express or implied, oral or written, with any individual to work, or perform any duties, in the furtherance of a marine extractive operation.

(d) EXCEPTION.—In applying the second sentence of section 3(a) of the Longshoremen's and Harbor Workers' Compensation Act, paragraph (1) of such second sentence shall not apply, but no compensation shall be payable under this Act in respect of the disability or death of any individual solely and exclusively engaged in full-time duty as the master or member of a crew of a vessel provided for in the manning requirements as set forth by the United States Coast Guard.

SOLE AND EXCLUSIVE REMEDY

SEC. 3. (a) PURPOSE OF ACT.—It is the purpose of this Act to restrict the remedy of an employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages on account of the injury or death which results from an injury (as defined in paragraph (2) of section 2 of the Longshoremen's and Harbor Workers' Compensation Act) while working or performing duties in the furtherance of a marine extractive operation to the compensation provided by such Act pursuant to this Act.

(b) OTHER REMEDIES BARRED.—Such remedy shall be in lieu of, and an absolute bar to, all other claims of the employee, and those claiming through or by virtue of him—

(1) against the employer in respect of injury or death under section 20 of the Act of March 4, 1915, as amended (Jones Act; 46 U.S.C., sec. 688), or the Act of March 30, 1920 (Death on the High Seas Act; 46 U.S.C., sec. 761 et seq.), or arising from the unseaworthiness of any platform, artificial island, barge, rig, vessel, or other floating equipment in use by such employer at the time of such injury or death in connection with a marine extractive operation (whether or not such platform, artificial island, barge, rig, vessel, or other floating equipment is owned by the employer); and

(2) against the platform, artificial island, barge, rig, vessel, or other floating equipment in use by such employer in respect of injury or death arising from unseaworthiness when the platform, artificial island, barge, rig, vessel, or other floating equipment is owned by the employer at the time of the accident.

By Mr. NELSON:

S. 1550. A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution. Referred to the Committee on the Judiciary.

THE CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES PROTECTION ACT OF 1971

Mr. NELSON. Mr. President, I introduce a bill to establish a commission, entitled "The Constitutional Rights and

Civil Liberties Protection Act of 1971," and I ask that it be appropriately referred.

I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in this country toward the use of police-state tactics. Just over 4 years ago on February 23, 1967, I spoke on this issue on the Senate floor specifically directing attention to the disclosures of CIA subsidization of domestic organizations; the widespread use of wiretapping; the Government funding of propaganda books for the U.S. Information Agency; and the growing abuses of private and corporate spying.

Since that time, such activities have quite obviously expanded and proliferated within the Federal bureaucracy as evidenced by such recent disclosures as the widespread Army spying and FBI surveillance of Earth Day events last year.

This type of activity, carried out under a cloak of secrecy, is contrary to the public interest. Clandestine intelligence operations constitute a continuing threat to our existence as a free and open society and this threat is amplified so long as Congress—as the representative of the public—has no suitable mechanism or capability to continually and accurately monitor the activities of governmental intelligence agencies. Congress must be in a position to assure the public that the interests of national security are balanced by constitutional guarantees of political freedom and individual civil liberties.

The necessity for this type of over-view capability, particularly for the Congress of the United States, has been accentuated and made abundantly clear. Revelations have been made during the past year of an extensive, apparently uncontrolled network of Government military and domestic gunshoes who have been feverishly and indiscriminately collecting and storing a mountain of data on the private and public thoughts, utterances, and activities of individual U.S. citizens and organizations within this country.

This domestic surveillance and intelligence operation has grown secretly. It has spread its eyes and ears into the far corners of American life without the knowledge, much less the assent, of Congress. This type of mass governmental snooping into the private affairs of her citizens impinges upon some of the most vital constitutional guarantees of this country—the right of free and open political expression. Yet, Senators and Representatives have had no more information about the authority and extent of this domestic spying operation than their constituents. The Congress and the public have shared the same shocked reaction when the bits and pieces of this creeping domestic spy network have been exposed in the journals, through Senator ERVIN's persevering questioning in his Constitutional Rights Subcommittee hearings and now in the disclosures of FBI surveillance of last year's Earth Day activities which involved tens of millions of citizens and thousands of communities all over the United States.

In order that Congress may prosecute its legislative duties on an informed basis and responsibly act to protect the public's guaranteed rights of full political thought, expression, and activity, and to guard against unilateral and unwarranted governmental invasions of privacy, I am introducing legislation to create a Congressional Commission on Domestic Surveillance and the Constitutional Rights and Civil Liberties of Individuals. This commission will be comprised of 24 members, six members to be selected from the House of Representatives and six members to be selected from the Senate on an equal bipartisan basis by the Speaker of the House and the President pro tempore of the Senate respectively. These congressional members will in turn select 12 members from the public who are representative of the broad interests to be served by this commission. The chairman shall be selected from the public members by the entire commission.

This Congressional Commission on Domestic Surveillance Activities will be mandated to investigate the entire range of domestic surveillance and intelligence activities in this country and the impact upon constitutional rights to determine:

First, the agencies, offices, and departments of Government which are conducting surveillance and intelligence activities domestically;

Second, the legal authority upon which these activities are based;

Third, the methods by which domestic surveillance is conducted;

Fourth, the range of people and organizations who are subject to any aspect of surveillance;

Fifth, the type of intelligence information which is being collected;

Sixth, the use that is made of collected and stored data;

Seventh, the extent that Government agencies and departments cooperate in surveillance activities and share collected data;

Eighth, the impact of such activities upon the constitutional rights and civil liberties of individuals; and

Ninth, the administrative, executive, and legislative controls which are exercised, or should be exercised, to insure that domestic surveillance activities do not infringe upon the constitutional rights of individual citizens or legitimate organizations.

The Commission will be staffed and funded at a level of \$5 million, will have the power to subpoena persons and records, and will be authorized to receive information and the assistance of all departments and agencies upon the request of the chairman.

The Commission will be directed to report back to Congress within 1 year with its findings and recommendations for actions and legislation that will enable the Congress to bring these activities under appropriate control and supervision on a continuing basis so as to protect the public interest and rights and liberties guaranteed to individuals by the Constitution.

The American public has a valid right to expect its elected representatives to be in the forefront of all efforts to halt

excesses of governmental intervention into the lives of its citizens. Passive acceptance of police-state tactics by the Federal legislature will not only see a continual erosion of individual rights and free expression, it will see the further abdication of the congressional role in constitutional democratic government. In a system dependent upon the checks and balances between branches of Government to assure an open society, this abdication by Congress contributes to the growing lack of confidence in our Government which is spreading across the country.

Albert Camus, the famous writer philosopher and leader in the French underground during World War II, commented upon the Resistance's passionate struggle for liberty in a 1943 letter to a German friend. In his letter Camus said:

This is what separated us from you; we made demands. You were satisfied to serve the power of your nation and we dreamed of giving ours her truth.

It is time that the U.S. Congress started to acknowledge some of the truths and historical principles which have nurtured and sustained this country since its birth. It is imperative that Congress begin to act to preserve these visions that were incorporated into our Constitution and Bill of Rights. Democratic self-government demands that vigilance be exercised before special, secret powers that infringe upon freedom are handed out and become firmly entrenched. The preservation of constitutional form will never be served by the erosion of vital constitutional substance.

Congressmen and the country alike first learned of the operation Conus Intel, or Continental U.S. Intelligence, through a magazine article by Christopher H. Pyle in the January 1970, issue of Washington Monthly. When finally unveiled, Conus Intel turned out to be a 2-year operation from the summer of 1967 through the fall of 1969 that was conducted by the U.S. Army and employed some 1,000 Army agents to conduct domestic intelligence activities and collect personal and political data on citizens ranging from prominent politicians to pacifists, on organizations that spanned the gamut from the Daughters of the American Revolution to environmental groups.

Although it sometimes appeared to resemble a script for a Peter Sellers' English comedy, the activities of Army agents posing as newsmen, infiltrating groups under surveillance, acting as innocent bystanders, and assuming a variety of covers, enabled the omnipresent Conus Intel to turn out 1,200 spot reports a month during 1969 on various incidents throughout the Nation. As reported in the New York Times, Conus Intel also fed the names of about 18,000 Americans into its files during the 2-year period of its existence.

Much of the justification for the current expansion of the Government's power to gather information about its citizens and tuck it away in computers without full public knowledge or congressional authorization is based upon the Justice Department's interpretation of a 1940 Presidential order authorizing the use of wiretaps against "persons sus-

pected of subversive activities." Claiming the inherent power of the executive to "authorize the use of electronic surveillance where the use of such surveillance is reasonably required in the interests of national security," the Justice Department has apparently expanded this power from an authority to stop foreign subversion to an unlimited right to use all forms of domestic surveillance, without seeking the permission of Congress or the courts, against any U.S. citizen or organization which the executive, by its own determination, considers a threat to the national security.

To my mind the Justice Department's reading of President Roosevelt's 1940 memorandum to his Attorney General is fallacious. There is no justification for extensive Government snooping into domestic political activities based on this 1940 order. In the first paragraph of his order, President Roosevelt recognized the danger of widespread Government spying when he agreed with the Supreme Court that it was—

Also right in its opinion that under ordinary and normal circumstances wire-tapping by government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

President Roosevelt went on to limit wiretapping in the national security interest to "grave matters involving the defense of the Nation," to "persons suspected of subversive activities against the Government of the United States, including suspected spies," and specifically requested his Attorney General to "limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." The exigencies of subversion, treason, espionage, and sabotage during World War II conducted by agents of foreign powers are a far cry from the political protests and expressions of political freedom and dissent during the late 1960's and 1970's by U.S. citizens who hold views contrary to those of established "powers" in Washington.

The Justice Department not only assumes the power to drastically expand the definition of "national security," but claims that Congress should not be concerned about possible abuses of this intelligence activity because such excesses of authority will be controlled by "self-discipline on the part of the executive branch." As Tom Wicker noted on March 10:

They are asking us to set a goat to guard the cabbage patch.

The initial fallacy of the Justice Department's apologia is their failure to note the important distinctions between the Government's rights of action in domestic and foreign affairs. As the courts have repeatedly explained, the Government is limited in the actions it can take in the area of domestic politics. Unlike the area of foreign affairs, the Government can act only to prevent or punish unlawful acts in the domestic arena, not unpopular acts or iconoclastic thoughts.

To permit Government surveillance of lawful activity would have a chilling effect upon the willingness of individual citizens and organizations to exercise their constitutional freedoms of speech, expression, and association and their

right to petition their Government for the redress of grievances.

As U.S. District Judge Warren J. Ferguson pointed out in a recently decided case in this field which is currently being appealed:

The government seems to approach these dissident domestic organizations in the same fashion as it deals with unfriendly foreign powers. The government cannot act in this manner when only domestic political organizations are involved, even if those organizations espouse views which are inconsistent with our present form of government. To do so is to ride roughshod over numerous political freedoms which have long received constitutional protection.

There is no doubt that national security must be protected and is a vital and necessary function of this Government. The Constitution was written, however, with a purposeful balance drawn between the protection of national security and the protection of political freedom for U.S. citizens. As Judge Ferguson concluded:

To guarantee political freedom, our forefathers agreed to take certain risks which are inherent in a free democracy. It is unthinkable that we should not be required to sacrifice those freedoms in order to defend them.

It is equally fallacious for the Justice Department to conclude that the balance between national security interests and political freedom set up in the Constitution will be guaranteed by executive self-discipline. Strengthening and preserving this balance is everyone's business and specifically it is the business of the elected representatives of the people of this Nation.

Yesterday Senator MUSKIE produced documentary evidence that the FBI conducted surveillance activities over the peaceful, constructive antipollution events of Earth Day last April 22. As the one who initiated and planned the organization of Earth Day last year and Earth Week this year, I am astonished that the FBI could conceivably dream up any legitimate excuse for conducting surveillance over these activities. If the FBI asserts this kind of political activity to be within their jurisdiction then no political activity in the Nation is beyond their reach including the annual meetings of the chamber of commerce and the manufacturers association.

Certainly the framers of our Constitution did not contemplate that the normal political activities of this free Nation would be routinely and secretly monitored by an arm of the Federal Government. Just as certainly, this Congress cannot condone such surveillance and still claim to represent the interests and welfare of the people of this country.

Earth Day was a dramatic and massive event through which the people expressed their concern over the status of our environment in a peaceful, democratic, uniquely American way. It involved millions of people from all walks of life and all age groups from school children to elder citizens. Thousands of grade schools, high schools and colleges participated. At least 150 Members of Congress, numerous Governors, and 100 representatives of the Nixon administration gave speeches at these events. By

what constitutional or statutory authority do these events come within the jurisdiction of the Federal Government for surveillance?

All of these questions are difficult if not impossible to answer because neither the Congress nor the public knows the extent or the dimension of these activities. It is time we found out. However well intentioned these surveillance activities may be, if left uncontrolled and the jurisdiction undefined, they will eventually deprive us of more liberty than they will give us.

Congress is as much at fault as the Federal agencies involved, if not more so, because we have defaulted in our own fundamental responsibility to debate, examine, test, and evaluate these activities. We cannot plead ignorance because we all know that it is the very nature of every bureaucracy to expand its jurisdiction and power as far as it is permitted to do so by the authority that has the power to control their activities. The Congress is that authority and it is time for us to act.

This proposal for a commission of citizens and Members of Congress to study, evaluate, and make recommendations to Congress may or may not be the best approach. In my office we have been working on a proposal for the past 3 months. We finally concluded that insufficient information was available to draft a bill to deal specifically with the numerous difficult problems raised by this issue. We concluded, therefore, that the commission approach was the most logical.

Some thoughtful people have suggested that this whole problem be handled by Executive order. The President after all, does have authority over executive agencies and can set guidelines for their activities. In my judgment, to leave this matter exclusively in the hands of the executive branch would be a grave mistake. The Congress has its own responsibility and is not entitled to default in the exercise of it. We have done that for years in respect to foreign policy and military budgets. It certainly is not necessary here to discuss the catastrophic consequences of our default in those areas.

Two further points are pertinent. The surveillance activities we are now concerned about have all grown up under a system which left their control exclusively within the executive branch. In fairness, I might add, most of these activities started and expanded under previous administrations. If left exclusively to the executive branch, what is to prevent some future administration from dramatically expanding these activities far beyond current practices? And finally, how would Congress find out about it since we cannot secure the necessary information in the face of an assertion of executive privilege?

I want to take a moment, finally, to say to the Senate that the Congress' most distinguished constitutional lawyer, Senator SAM ERVIN, has been doing a magnificent job in his Constitutional Rights Subcommittee. The distinguished Senator from North Carolina has been diligent in revealing this maze of domestic governmental spy operations. The Senate and the country is indebted to him

for the important and constructive work he is doing in this field. He deserves the support and cooperation of every Member of the Congress and the executive branch.

Mr. President, I ask unanimous consent that a copy of the Constitutional Rights and Civil Liberties Protection Act of 1971 be printed in the RECORD.

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

S. 1550

A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution

*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 "Constitutional Rights and Civil Liberties Protection Act of 1971."

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established in the legislative branch of the Government a commission (hereinafter referred to as the "Commission") to investigate domestic surveillance and intelligence-gathering activities being carried out by the Government and the impact of such activities on the constitutional rights and civil liberties of individuals. The Commission shall be composed of 24 members as follows:

(1) 6 Senators, to be appointed by the President pro tempore of the Senate—

(A) 3 of whom shall be from among individuals recommended by the Majority Leader of the Senate; and

(B) 3 of whom shall be from among individuals recommended by the Minority Leader of the Senate;

(2) 6 Representatives, to be appointed by the Speaker of the House of Representatives—

(A) 3 of whom shall be from among individuals recommended by the Majority Leader of the House; and

(B) three of whom shall be from among individuals recommended by the minority leader of the House; and

(3) twelve members not otherwise employed by the Federal Government to be selected by the Senators and Representatives appointed to the Commission from among persons who, as determined by such Senators and Representatives, are qualified to serve on the Commission and who are representative of the broad public interest to be served by the Commission.

(b) For the purpose of selecting members of the Commission under paragraph 3 of subsection (a), six members of the Commission shall constitute a quorum. For any other purpose, twelve members of the Commission shall constitute a quorum.

(c) The Commission shall elect from among its members not otherwise employed by the Federal Government a Chairman and a Vice Chairman, who shall serve as Chairman in the absence of the Chairman.

(d) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(e) (1) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(2) Members of the Commission not otherwise employed by the Federal Government

shall receive compensation at a rate which is the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel-time) they are engaged in the performance of their duties as members of the Commission, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall investigate the domestic surveillance and intelligence-gathering activities of the Government and the impact of such activities on the constitutional rights and civil liberties of individuals in order to determine—

(1) which Government agencies are conducting domestic surveillance and intelligence-gathering activities;

(2) under what authority of law such activities are being carried out;

(3) the manner in which, and methods by which, such activities are being carried out;

(4) the activities and persons who are the subjects of domestic surveillance and intelligence-gathering activities;

(5) the type of information which is being gathered and compiled through such activities;

(6) the manner in which information gathered through such activities is stored, the uses made of such information, and the persons to whom such information is made available;

(7) the extent of cooperative domestic surveillance and intelligence-gathering activities carried out by the agencies of the Government;

(8) the impact of such activities upon the constitutional rights and civil liberties of individuals; and

(9) what measures are undertaken, or should be taken, in connection with such activities to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission is authorized—

(1) to hold such hearings, take such testimony, and sit and act at such times and places as it deems advisable in order to carry out its duties;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies as may be necessary for the proper performance of its duties;

(3) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(4) to obtain the services of any organization (contracts entered into under the authority of this paragraph shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any provision of law requiring advertising), and

(5) to use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States.

(b) Each department, agency, and instrumentality of the Government is authorized to furnish to the Commission, upon request of the Chairman, such information as the Commission considers necessary to obtain in order to carry out its duties.

(c) (1) The Commission shall have power to require by subpoena, signed by the Chairman, the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation. Members of the Commission and employees of the Commission designated by the Chairman may administer oaths and affirmations, examine witnesses, and receive evidence.

(2) Subpenas issued by the Commission

under this subsection may be enforced, depositions taken, and witness fees paid in the manner provided in section 9 of the Federal Trade Commission Act (15 U.S.C. 49) and the provisions of section 10 of such Act (15 U.S.C. 50) are made applicable to the jurisdiction, powers, and duties of the Commission, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State in which such evidence is kept.

(d) With the consent of the head of the department or agency concerned, the Commission may use, on a reimbursable basis, the services of personnel, information, and facilities of any department or agency of the Government.

REPORTS

SEC. 5. Within 1 year after the date of enactment of this Act, the Commission shall report to the Congress its findings, conclusions, and recommendations, including any recommendations for legislation it may have. The Commission is authorized to make such interim reports and recommendations as it deems appropriate. All reports of the Commission shall be made public. The Commission shall terminate 30 days after the date on which it submits its final report to the Congress.

PAYMENT OF EXPENSES

SEC. 6. All expenses and salaries of the Commission shall be paid by the Secretary of the Senate, from funds appropriated for the Commission, upon vouchers signed by the Chairman.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated to the Commission \$5,000,000.

Mr. NELSON. Mr. President, I ask unanimous consent that the text of my speech delivered on February 23, 1967, entitled, "The Alarming Trend Toward Police-State Tactics" be printed in the RECORD.

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

THE ALARMING TREND TOWARD POLICE-STATE TACTICS

Mr. NELSON. Mr. President, I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in this country toward the use of police-state tactics.

I refer to the following developments:

First. The lavish subsidization of the National Student Association and other private domestic organizations by the Central Intelligence Agency.

Second. The widespread use of wiretapping and eavesdropping by Government agencies.

Third. The subsidization of supposedly legitimate books by the U.S. Information Agency, primarily for propaganda purposes.

Fourth. The use of private detective agencies by large corporations such as General Motors to harass a private citizen such as Ralph Nader.

Fifth. The widespread practice of industrial spying to discover competitor's corporate secrets.

Sixth. The use of a private detective agency by the State of Florida, allegedly to conduct a widespread investigation into crime and corruption.

All of these developments have provoked considerable publicity, and most of them have been criticized in one way or another. When we view all of these developments and others like them as a developing trend or pattern in our society, I think we have reason to be gravely concerned as to whether the United States of America, perhaps unwillingly and unwittingly, is veering away from its traditional role as a free society and drifting

toward a passive acceptance of the repulsive practices of a police state.

All of these disturbing developments have certain things in common.

In the first place, all have been carried out under a cloak of secrecy. That alone raises grave questions of public policy. Although there might be a few selected instances where secrecy can be justified by Government agencies or by giant corporations dealing with public questions, as a general rule secrecy is inevitably contrary to the public interest and a step toward corruption and tyranny.

Even more important than their common cloak of secrecy, all of these six activities have involved an element of dishonesty.

When our world-famed intelligence service took over the largest student organization in America, it was not merely an act of secrecy. It was an act of out and out dishonesty. Time after time our Government has denied Communist charges that American students abroad were being used as spies. Now it appears possible or even probable that these statements issued by our Government by students themselves and even their parents were lies. Note that the CIA urged the NSA to deny it was subsidized—in other words, to state that Ramparts magazine, rather than the NSA or the CIA, was lying about this secret arrangement. This was a clearly dishonest arrangement.

When Federal agencies tap telephones and bug hotel rooms, they are not merely acting in secret—they are acting dishonestly. For the law, Government regulations, and the comments of high Government officials have all reassured us that these things were not being done. These assurances, it now appears, were lies.

The subsidizing of books by the U.S. Government is more than an act of secrecy. It is an act of dishonesty, for anyone buying such a book without knowing that it is paid, Government propaganda, is being cruelly deceived.

In the Ralph Nader case, neither General Motors nor the private detective which it hired, Vincent Gillen, seemed to understand that one of the most loathsome aspects of this case was its dishonesty—not just its secrecy.

Detective Gillen lied repeatedly in conducting his investigation; he lied about his name, he lied about his purpose, and he lied about his sponsors. Gillen now tells us that General Motors also lied in saying that the purpose was to find out if Nader was behind lawsuits involving Corvair automobiles. Documentary evidence plus Gillen's own testimony now indicate that dishonesty prevailed throughout this sordid case.

Now the same secret, reprehensible tactics are being employed on a grand scale in the State of Florida. The newly elected Governor has engaged a close personal friend, George R. Wackenhut, and directed him to unleash his detective agency throughout Florida in search of "corrupt officials."

The Wackenhut Corp. has 5,000 employees in 28 offices stretching from Puerto Rico to Hawaii, with subsidiaries in several Latin American countries. Mr. Wackenhut, himself, is deeply involved in politics, both National and at the State level. His firm reportedly does \$23 million a year in business. In 1955 he was cited for contempt of court in Dade County circuit court and fined \$100 for intimidating a witness. In this case, Wackenhut reportedly lied in telling the witness that Wackenhut had secretly recorded a conversation with the witness through use of a concealed dictaphone. Wackenhut's board of directors include members of the John Birch Society and a number of persons active in national political organizations.

According to the Washington Post, Wackenhut's firm is paid \$3 million a year by the Atomic Energy Commission.

Now this gigantic organization, with its

tentacles involved in politics and other affairs over much of the globe, has gone to work for a high public official. Presumably it will have access to all manner of official documents, police files, FBI files and other material generally available only to responsible public officials.

I have said that all of these deplorable developments have in common the elements of secrecy and dishonesty. Yet they have in common something even worse.

Mr. President, the worst thing about all of these practices is that the main victims are our own citizens and in many cases these victims are citizens completely innocent of any wrongdoing. Furthermore, these innocent American citizens in many cases will find themselves completely unable to make a satisfactory defense against these secret, police-state tactics.

That is what makes these practices so un-American, and that is why they should not be tolerated by the American people.

The most important answer which applies to all of these practices is this:

"We cannot conquer communism or crime by adopting Communist or criminal tactics."

Also, it must be remembered, in every one of these cases, as I have said, the probable victims are not Communists and criminals, but innocent citizens. The whole purpose of the U.S. Constitution and its world-famed Bill of Rights is to protect innocent citizens from arbitrary tactics by the agencies of government. If a citizen does commit a crime, specific constitutional procedures are spelled out under which the charges must be documented and filed against him and he must have an opportunity to confront his witnesses and defend himself in a court of law. The Constitution specifically forbids that any citizen be deprived of his constitutional rights without due process of law.

Wiretaps and microphones hidden behind family portraits or in a martini olive are not a part of what the Constitution means when it talks of "due process of law." In fact, these are tactics which are used to get around due process.

Since the Constitution says you cannot make a man testify against himself, government and private detective agencies try to secretly record his conversations with his wife, his children, his neighbors, and his business associates to get information which they can use against him and which they cannot obtain in a constitutional manner.

Wiretaps and bugs have not yet been invented which will record only the conversations of the guilty. They record far more conversations of the innocent. Yet even the most innocent conversation, placed in the hands of government agencies or private detectives, can be used to destroy the reputation and the economic standing of almost any citizen in this Nation.

When the Central Intelligence Agency moved in on the National Student Association with its bulging suitcase filled with taxpayers' dollars, it was not damaging international communism—it was damaging an important American institution—a free association of college students. Without the knowledge of most of the students themselves, the CIA transformed this free student association into a Government-operated spy nest and destroyed the value of almost everything these idealistic students strove to accomplish over a 15-year period.

The only basis for holding our young people up as examples to the world is the fact that they are free. They are not the paid stooges of the Government as many Communist students are. By infiltrating the National Student Association with CIA agents and taxpayers' dollars, we have undermined the most important thing that our students stood for. The next time our students cite their all-important American freedom, they will receive smirks from the other side of the aisle.

You cannot adequately judge the evil of

any of these practices I have cited if you think of how they affect only Communists and criminals. One must consider first of all how they affect innocent American citizens, how they tarnish the American ideal, how they corrode the free society of our ancestors so valiantly fought to create.

Secret slush funds such as the CIA used, wiretapping devices such as Government agencies use, secretly subsidized American books and cloak-and-dagger private detective agencies are not subject to the checks and balances so cherished by free American citizens.

If you should be one of those who think it all right for the CIA to finance the NSA, then what conceivable check would you provide on such activity? Would you allow an individual agent to pass out \$400,000 a year to such an association in any way he saw fit? Could he bestow such funds on his friends within the organization? Could he use them conceivably for immoral purposes? Since we did not know that this was being done in the first place, how would we know that the amount of money poured into this sordid scheme was a wise investment? In other words, what kind of budget review could a free society carry out on this secret operation? We have already read how CIA money was used to finance a ludicrous book-selling operation run by a group of high living, naive young businessmen.

Police officers are subjected to strict rules and regulations. Many of them serve heroically for a lifetime at low pay, even in the face of great danger. They live in a goldfish bowl because society holds them to high standards of conduct. What standards do we apply to private detectives and secret agents who are now padding about the country, financed by taxpayers' dollars, subjected to none of the rules and regulations applied to policemen, with virtually no budget review as to how they spend the taxpayers' money, free to operate in almost any way it suits their purpose and the purposes of their far-flung clients?

I think it is worthwhile considering for a moment what happened in Germany.

After World War I, Germany was a defeated nation suffering from severe economic problems and political disunity which bordered on anarchy. The problems of the nation were so great and the morale of its people was so low that they put themselves into the hands of a dictator who promised to correct the greatest problems. By crusading against what he described as corrupt and sinister minority forces—primarily communism and members of the Jewish faith—he managed to unite much of the nation. By constructing a mighty war machine he managed to put the German factory and workers back to work again. So the great concerns of the German public appeared to have been met. Yet he did this at a terrible cost. He instituted police-state terrorism. He abolished the constitutional guarantees such as we have in our Constitution and Bill of Rights. He developed propaganda into an art form. In his case too, the intelligence service, the wiretapping, the propaganda publications and the cloak and dagger investigations were aimed at Communists and criminals—at least as he defined them.

The United States of 1967 is by no means the Germany of 1933; I do not mean to exaggerate. But if the people of America tolerate the intrusions of the CIA into free domestic institutions such as the National Student Association, if they tolerate indiscriminate wiretapping and electronic eavesdropping by Government agencies, if they allow their taxes to be spent to corrupt authors and subsidize what appear to be legitimate books, if they allow private detectives to silence those who would criticize our society, we will have gone a long way toward embracing the police-state psychology which gripped Germany following World War I and sowed the seeds of disaster.

It is not enough to say that "it could not happen here." These recent developments have shown that it can—without our knowing it. It may be that the last several Presidents and a few selected congressional leaders were aware that the National Student Association was a front for our international, secret intelligence operation. But most Congressmen and Senators were unaware of it; certainly the press was not aware of it nor was the public and, therefore, this secret intelligence service was in a position where it could have done grave harm to American democracy without our even knowing it.

It may be that the last few Presidents and a few key Government officials are aware that Federal agencies are tapping telephones, bugging offices and homes, but Secretary of the Treasury Dillon assured Senator Long of Missouri on July 13, 1965, that wiretapping was absolutely banned by the Internal Revenue Service. To his embarrassment, the Secretary's own counsel informed him that the IRS was tapping public telephones in the IRS building in Washington. It was revealed later that the Internal Revenue Service and the Treasury Department had been conducting a course for agents in the art of electronic snooping.

The president of General Motors has assured us that he did not know that his firm had hired Vincent Gillen to probe into every aspect of the personal life of Ralph Nader in an obvious attempt to silence him. I am sure we will soon hear of something done by the Wackenhut Corp. of which the Governor of Florida was blissfully unaware.

What this shows is that democratic institutions cannot control police-state tactics once they are set in motion. If secret agents are given millions of dollars to dispense in secret, if investigators are allowed to break into homes and install eavesdropping devices, then the people given these special, secret powers become a kind of new government all their own. That is why the secret police in Germany and Russia become so powerful, once they were allowed to do things which were outside the law and forbidden to other agencies. Once they acquired these powers and gathered their secret information, they became a law unto themselves.

Once we embark upon the use of police-state tactics, even if we piously protest that we are using these tactics only on Communists and criminals, we take a long step away from democratic self-government.

I think the time has come to call a halt. I think that the President of the United States, the Congress, the Federal agencies, State and local government and large corporations, which carry heavy public responsibility should all pledge themselves to abstain from such practices in the future.

I do think the Congress should inquire into this whole sordid business and find out just how widespread and just how vicious it has become. I think that kind of catharsis would be helpful. But I am primarily concerned about the future. Even if we cannot purge ourselves of all that has happened before, we should make a clear, firm promise that these things will not be done again. If government and the public does not insist upon such a promise, I fear for the future of democracy in these United States.

Wiretapping by Government should certainly be limited to cases involving national security.

All private bugging should be outlawed with stiff penalties.

The CIA's jurisdiction and method of supervision should be overhauled.

The employees of the CIA are certainly dedicated American citizens. The organization has a critical intelligence gathering function. The national security must be protected by the effective performance of that function. However, recent events would seem to clearly indicate that the limits of its role must be more clearly delineated and its activities more carefully supervised.

Wiretapping and electronic eavesdropping should be used only in the interest of national security. This should apply to subversion and organized crime, under court authorization with annual review by Congress.

By Mr. HOLLINGS:

S. 1551. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefits amounts to which a woman is entitled if she has 120 quarters of coverage. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I am today introducing legislation which will allow women with 30 years of social security coverage to retire, with full benefits, at age 62. This bill is timely in two ways. First, it recognizes the special contributions of the American woman to the growth of our trillion dollar economy, and in so doing it helps to right some long-standing wrongs. There are over 30 million women employed outside the home in the United States—they comprise over 38 percent of the total work force. Yet over the years, there have undeniably been salary and job discriminations against women. Pay has been lower, promotions have been more difficult to come by, opportunities for meaningful employment have been more scarce. It is long since time to give some encouragement to the working woman, instead of a constant diet of discouragement and discrimination.

My second reason for bringing this measure to the attention of the Senate at this time concerns practical economics. Six percent of the Nation's work force is today unemployed. By allowing older women to retire earlier with full benefits, this bill will open up thousands of jobs for workers who are at this very moment out of work. It would be a needed shot in the arm for the ailing American economy. My bill also has a longer range significance. With a rising population and the increasing productivity of each individual worker, earlier retirement patterns will no doubt be the wave of the future. Government statistics estimate that by 1990, just 10 percent of our population will be capable of producing 100 percent of our goods. If this be true, then our work and leisure patterns will have to undergo significant change. Passage of the bill I am introducing will help us take an important first step in the transition to the new day ahead.

Mr. President, this bill is as economically sound as it is socially desirable. It is not in any shape, manner or form a giveaway. It would apply only to those women who have been in the work force for 120 quarters—30 full years. Such workers have contributed far more to the social security trust fund than they will ever receive from it. They have been working since before the Second World War to make ours the most powerful Nation on earth. They are due some consideration for those long years of service, and we can acknowledge our debt by passage of this legislation. It is time to remove the financial penalty for retiring before age 65. Under the system I seek to change, a woman retiring at age 62 is entitled to only 80 percent of normal benefits. This new legislation would pro-

vide her with full, 100 percent, benefits. The social security trust fund can finance this change with no jeopardy to itself, and the economy will benefit greatly from the change. Therefore, I urge my colleagues to give this measure their most serious and prompt consideration.

By Mr. HOLLINGS:

S. 1553. A bill to amend section 455 of title 28, United States Code. Referred to the Committee on the Judiciary.

Mr. HOLLINGS. Mr. President, today I am introducing a bill which would clarify and establish into law a principle concerning the Federal judiciary which heretofore has been disastrously ambiguous. The absence of clarity on when a member of the Federal judiciary should disqualify himself from a case contributed largely to the rejection of Judge Clement F. Haynsworth, Jr., to become a member of the Supreme Court of the United States. Since the vote on the Haynsworth nomination in November of 1969, the issue has been raised several times within the Federal judiciary. I believe the time has come to correct this problem, in fairness to the members of the Federal judiciary.

There are basically two sources of law regarding the issue of disqualification. First is the common law and the second is the statutory law. In common law, a judge was bound to disqualify himself only for interest in the litigation. Today by decision and statute we have three grounds for disqualification—bias, interest, and a direct relationship. We have two Federal statutes that directly involve this point:

Interest of justice or judge. Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein—28 USC Sec. 455.

Bias or prejudice of judge. Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding—28 USC Sec. 144.

Major in the consideration of the Haynsworth nomination was the point that the judge has a duty to disqualify when he should, but has an equal duty to sit when he should.

In all of these cases, the investigation was thorough. The finding under existing law was that the judge had a duty to sit rather than disqualify himself because the financial interest was so small. The American Bar Association, which promulgated the Canons of Judicial Ethics, absolved Judge Haynsworth of any suspicion. However, the cloud of doubt created by his opponents became so dark that it hid all of his distinguished qualifications and he was defeated.

In my judgment, Judge Haynsworth never violated the statutes or the Canons of Judicial Ethics, but the fact that this issue caused weeks of debate on the Senate floor clearly underscores the problem. During this debate, I introduced a

bill which would amend title 28, section 455 of the United States Code to make clear when a judge should disqualify himself.

The decision when a judge should disqualify himself has been left to his discretion. In the Haynsworth case, however, the judge was assailed for exercising discretion, which his opponents disliked. The amendment I introduce today is an improved version of my previous bill. I have consulted with members of the Federal judiciary, the legal profession—both in practice and in education—and officials of the Justice Department. This bill combines their joint thinking on this subject.

As the Supreme Court of the United States is presently constituted, there is no doubt that further nominations will take place in the not-too distant future. I believe it is extremely important that we correct the obvious deficiency caused by Congress and make certain that there is no question regarding the exercising of discretion of a member of the judiciary on this point. I ask unanimous consent that a copy of this bill be printed in the RECORD in its entirety.

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

S. 1553

A bill to amend section 455 of title 28, United States Code

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 455 of title 28, United States Code, is amended by striking the entire section and adding in lieu thereof:*

"SEC. 455. INTEREST OF JUSTICE OR JUDGE.—Any justice of the United States shall disqualify himself in any proceeding where—

"(1) He has a fixed belief concerning the merits of the matter in controversy or personal knowledge of material facts concerning it.

"(2) He has previously served as counsel in the matter in controversy, or has been a material witness concerning it.

"(3) He is within the fourth degree of relationship by blood or marriage to a person who—

"(a) Is a party to the proceeding or an officer or director of a party;

"(b) Is acting as counsel in the proceeding;

"(c) To the judge's knowledge has a substantial interest in the matter in controversy or the affairs of a party to the proceeding;

"(d) Will likely be a material witness in the proceeding.

"(4) He knows that he, individually or as a fiduciary, has a financial interest in the subject matter in controversy, or in a party to the proceeding. A judge should make reasonable effort to inform himself about his personal and fiducial financial interests and those of the members of his family residing in his household. For the purposes of this subsection:

"(a) 'Fiduciary' means executor, administrator, trustee, guardian, and the like.

"(b) 'Member of his family residing in his household' means any relative by blood or marriage, or a person treated in fact as a relative, who resides permanently in the judge's household.

"(c) 'Financial interest' includes any legal or equitable economic interest, however small, and any relationship as director, advisor, or other active participant, except that—

"(i) ownership in a mutual or common investment fund that holds securities is not a 'financial interest' in such securities;

"(ii) ownership of government bonds is not a 'financial interest' unless the proceeding involves the validity of the bonds or could substantially affect their value.

"(5) A judge disqualified by the terms of subdivisions (3) or (4) of this subsection may, if he chooses to do so, disclose to an appropriate court officer, fully and in writing, the basis of his disqualification. The court officer shall transmit the statement to all parties. If all parties and counsel thereupon agree in writing to remit the judge's disqualification, the judge may participate in the proceeding. The judge's statement and the consents of the parties and counsel shall be incorporated in the record of the proceedings."

By Mr. HUMPHREY (for himself  
Mr. BURDICK, Mr. INOUE, Mr.  
MONDALE, Mr. PASTORE, Mr. Mc-  
GOVERN, and Mr. HARRIS):

S. 1554. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 70 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 70 years of age or older. Referred to the Committee on Commerce.

TRAVEL FOR ELDERLY AND HANDICAPPED

Mr. HUMPHREY. Mr. President, on behalf of Senators BURDICK, INOUE, MONDALE, PASTORE, MCGOVERN, HARRIS and myself, I introduce legislation to permit the Nation's commercial air, rail, and buslines to offer free or reduced travel rates to the elderly and the handicapped.

This will help both the industry, with its growing numbers of empty seats, and the elderly and handicapped, with their critical mobility problems.

Specifically, this legislation will:

Permit elderly persons to travel at free or reduced fares on airlines, railroads, and buslines, and

Offer the same discounts to the blind, the physically and mentally handicapped, and persons traveling in their attendance on airlines. Existing law already applies to the railroads and buslines.

This legislation would be permissive, allowing the carrier to decide for itself how much, if any, discount to offer.

I would recommend, however, that the discount for such passengers be at least 33 to 50 percent, the amount the airlines now give to certain young passengers. The purpose of that program is to encourage young people to fly now and develop the aviation habit so that they will continue to be airline passengers as adults.

The Nation's railroads and buslines have offered reduced fares for more than three decades to the blind and their sighted guides as well as to handicapped persons and their attendants.

I would hope they would expand this policy by extending similar fare concessions to the elderly and that the airlines would do likewise.

The legislation I propose today would be of benefit to the carriers as well as the elderly and the handicapped.

A great many of these are persons on fixed incomes. Every fare hike—and we

have seen quite a few lately—strikes them more severely than anyone else.

Meaningful fare concessions could well encourage such persons to travel more often. This would relieve some of the misery and boredom of advanced age and infirmity, permitting them to visit friends, family and relatives more easily and more economically.

As for the carriers, there is not a single one that could not use the business. Some airlines are flying half empty; buses have their share of unsold seats and the railroads are practically deserted.

In response to the decline in passengers, airlines are increasing their fares, despite the old economic axiom that when demand goes down you lower the price, not raise it, to attract more customers.

Airline industry studies reveal that only 47 percent of the adult population of this country has ever flown, including 28 percent in the 12 months prior to June 1970.

In the 21-to-34 age bracket, only 54 percent had ever flown. That figure dropped to 50 percent for the 35-to-49 group and 40 percent of the 50-and-over set. If they had continued to age 65 to 70 and above, the researchers would have learned that far fewer had ever bought an airline ticket.

But that does not mean that they did not want to. Fewer and fewer persons are afraid to fly any more, but one big reason they do not is lack of opportunity and proper encouragement.

The airlines of this country have a whole repertoire of promotional fares, but none specifically for the elderly.

If a person is between the ages of 12 and 22, he can fly at a 33 percent discount in a reserved seat or at half-price on standby basis. The airlines like this because, and rightly so, they feel that these are their future customers and they want to condition the Pepsi generation to get into the flying habit.

Unfortunately, they apparently do not feel there is much future in trying to attract the older generation.

Yet, as I said, multi-million-dollar jetliners are flying half empty, and there are thousands of grandparents and other elderly persons who would like to fly to visit family and friends. But, all too often the cost of air transportation is too high for their meager income.

The airlines offer their youth discounts, as I said.

Servicemen get a similar deal, and they, too, deserve the break. And many adults can get large discounts of 30 to 50 percent on some routes at certain times.

Canadian airlines offer discount fares for their elderly passengers—everyone over 65 and over can fly at half-fare on a space-available basis. The only airline in the United States offering such a discount, according to the Air Transport Association, is in Hawaii.

But many elderly persons will not wish to travel by air, and they should have the same reduced-fare opportunities on whatever mode they prefer.

The purpose of this bill is to provide that opportunity and to help the elderly and the handicapped get more pleasure out of life.

By Mr. HUMPHREY (for himself and Mr. NELSON):

S. 1555. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

TAX EQUITY FOR THE SINGLE TAXPAYER

Mr. HUMPHREY. Mr. President, the social, economic, and family structures of America continue to change. Government also must change in its efforts to provide services to the American people and raise revenues fairly for these services.

One of the most glaring present inequities in our tax structure is taxation of single persons at a different rate and by different tax schedules than married couples.

The split income taxation of married couples became law when the Federal Government permitted joint returns on family income. This was done to provide national uniformity, since some States had enacted laws which, in effect, said that the husband's income was to be considered as having been earned equally by both husband and wife.

This was an understandable move to provide uniformity in the taxation of couples from State to State. However, in lowering the effective rate for them, the Government penalized the single taxpayer.

Certainly, there should be some means of providing tax relief for families. Raising a family these days, particularly when the wife does not work, is extremely difficult. Prices continue to rise. However, the proper way to work this factor into the tax equation is through personal exemptions that are realistic. The Tax Reform Act increases the personal exemption to \$750 by 1973. This is clearly insufficient. The \$600 deduction is decades old. It was meant initially to reflect the cost of raising a child for 1 year. We must increase the personal exemption substantially this Congress. This will provide both a spending stimulus to the economy and a means of recognizing, in a realistic manner, the increased costs of raising a family.

I introduce legislation today to give relief to unmarried taxpayers. The Tax Reform Act narrowed the equity gap so that the unmarried now pay only 20 percent more than what married persons pay. The Congress must act soon to remove the remainder of this gap.

Mr. President, there is much to do in achieving a truly progressive and equitable tax structure. However, right now we can begin by erasing this obvious inequity. I shall, in the near future, introduce the other side of this legislative coin—increasing the personal exemption to a figure that reflects the cost of living in the 1970's rather than the 1930's.

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

Mr. HUMPHREY. I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I had the privilege of cosponsoring similar legislation on a previous occasion some years ago. I commend the Senator for introducing it again at this time. I think it

would correct a serious inequity in the law.

I ask the Senator if he will add my name as a cosponsor of the legislation.

Mr. HUMPHREY. I am happy to do so.

Mr. President, this bill has been introduced in other Congresses, as the Senator has recalled, by the former Senator from Minnesota, Mr. McCarthy. I introduce this bill today on behalf of the Senator from Wisconsin and myself. I do so because one of the most glaring inequities in our present tax structure is taxation of single persons at a different rate and by different tax schedules than married couples.

Today is the final date for final tax returns. Inasmuch as it is April 15, I can think of no better date to introduce a bill to bring equity to the tax structures. This bill should meet with warm and generous reception in light of what most people are going through today.

By Mr. ALLEN:

S. 1556. A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce for appropriate reference a bill in the nature of a one-sentence amendment to section 5 of the Voting Rights Act of 1965. For the purpose of brief discussion, I request unanimous consent that the text of the bill be printed in this place in the RECORD.

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

S. 1556

A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply with respect to any annexation, merger or consolidation of political subdivisions or incorporation of new political subdivisions in any State if any such annexation, merger, consolidation or incorporation is accomplished pursuant to State law enacted prior to November 1, 1964."

Mr. ALLEN. Mr. President, this amendment is necessary because the issue of the legality of annexations, mergers or consolidations, which may be accomplished by political subdivisions in every State in the United States may now be contested in appropriate State or Federal courts by reason of recent U.S. Supreme Court decisions.

It is a paradoxical irony that the decisions were handed down in cases which required the U.S. Supreme Court to determine congressional intent in the enactment of the Voting Rights Act of 1965—originally intended to apply only to certain States primarily in the South.

The Supreme Court, motivated by what I believe a misguided zeal to give the act the broadest possible scope, found it necessary to close its eyes to the 15th

amendment predicate stated in the preamble to the act. In any event, the Court determined, the preamble notwithstanding, that Congress really intended to exercise 14th amendment powers. In this connection, the Court said in Perkins against Matthews, decided January 14, 1971:

Congress intended to adopt the concept of voting articulated in *Reynolds v. Sims*, 377 U.S. 533 (1964) and protect Negroes against a dilution of their voting power.

Proceeding from the 14th amendment rationale, the Supreme Court equated annexations, mergers, and consolidations with legislative redistricting and invoked 14th amendment principles established in the reapportionment decisions. For example, the Court said in *Allen v. State Board of Election*, 393 U.S. 544, 569:

The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot. Citing *Reynolds v. Sims*.

In Perkins against Matthews, decided January 14, 1971, the Court said:

In term of dilution of voting power, there is no difference between a change from district to at large elections and an annexation which changes both the boundaries and the ward lines of a city to include more votes.

One result of equating annexation, mergers, and consolidations with legislative redistricting and applying principles enunciated in the reapportionment cases is to subject annexations, mergers, and consolidations in any place in the Nation to racial criteria with particular reference to dilution of voting power. This result is in sharp contrast to the regional application which Congress intended by enactment of the Voting Rights Act of 1965. In this connection, Justice Harlan said in Allen:

The statute, as the Court now construes it, deals with a problem that is national in scope. I find it especially difficult to believe that Congress would single out a handful of States as requiring stricter federal supervision concerning their treatment of a problem that may well be just as serious in parts of the North as it is in the South.

Indeed, I would have very substantial constitutional difficulties with the statute if I were to accept such a construction.

Indeed, if Congress intended to adopt the concept of voting articulated in the reapportionment decisions, then it must follow that an annexation which results in dilution of the weight of votes of a racial minority in any multiracial political subdivision in the Nation is open to attack on the same constitutional grounds and in the same manner as reapportionment and redistricting legislation was attacked in every State.

Mr. President, some Members of Congress may be under the mistaken impression that annexations, mergers, and consolidations accomplished by political subdivisions in their respective States are immune from attack because such States were not originally covered by provisions of the Voting Rights Act of 1965. Private citizens have a standing to invoke 14th amendment protections in all States.

Under authority of 28 U.S.C. 1343:

District courts . . . have original jurisdiction of any civil action authorized by law to be commenced by any person: . . .

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights including the right to vote. (Emphasis added).

Let me repeat that the Supreme Court has held that a dilution of voting power is the equivalent to an absolute prohibition on casting a ballot.

I suggest that the right to cast a ballot is protected in every jurisdiction of the United States. The problems presented are national—not regional. If an annexation, merger, or consolidation is accomplished by any political subdivision in the Nation, the question of its effect on dilution of voting power is necessarily raised.

Mr. President, let us consider for a moment whether or not Congress intended to open this can of worms in enacting the Voting Rights Act of 1965. Members of Congress know that the principal reasons for extending municipal boundaries by annexations, consolidations, and mergers are: to extend police jurisdiction and thus the power to tax; the addition of new or the extension of existing municipal services; to effect economies in the operation of Government by avoiding overlapping and duplication of services; or to increase the number of inhabitants in order to more fully participate in per capita distribution of State and Federal funds and services. Members of Congress also know the compelling need today to annex territories or to merge and consolidate political subdivisions. Such knowledge suggests that Congress did not intend to enact legislation to impede annexations, mergers, and so forth. Yet, who can doubt that the Supreme Court has invited lawsuits in every multiracial community of the Nation by raising questions relating to the effect of such annexations, mergers, consolidations from the standpoint of diluting the weight of votes? And who can doubt that the possibility of costly litigation on these actions will impede, discourage, and otherwise have an adverse effect on attempts to annex, merge, or consolidate?

This problem can become extremely acute in many multiracial municipalities throughout the Nation most of which desperately need to annex territory, merge or consolidate. Given the number of "poverty lawyers" at work and the large number of "Community Law Firms" actively seeking issues, it seems reasonable to expect lawsuits and costly and time-consuming delays from increased litigation on these subjects unless something is done to discourage it.

Mr. President, the proposed amendment which I have introduced will do much to discourage such litigation by clarifying the intention of Congress in enacting the Voting Rights Act of 1965. Congressional intent is determinant in resolving this nationwide problem. To illustrate this point, the Supreme Court said in *Allen* (ante 570):

In these cases, as in so many others that come before us, we are called upon to determine the applicability of a statute where the

language of the statute does not make crystal-clear its intended scope. (Emphasis added).

It will be remembered that the Supreme Court found an intent on the part of Congress to adopt the 14th amendment rationale articulated in *Reynolds* against *Sims* ante; hence, Congress intended to protect citizens from a dilution in the weight of their votes such as might result when a multiracial community accomplishes an annexation, merger or consolidation.

Mr. President, I think that Congress has a duty and a responsibility to clarify this point and in this connection several things can be said with certainty. It must be assumed that law follows the dictate of reason; it is not concerned with trifles and it does not require impossibilities.

Reason dictates that Congress would not and did not intend to throw a roadblock in the path of municipalities which are continuously seeking to annex, merge, or consolidate.

Reason dictates that Congress did not intend to inundate Federal courts with literally thousands upon thousands of cases involving trifling but necessary changes in voting procedures which are incident to annexations, mergers or consolidations.

Reason dictates that Congress did not intend to compel political subdivisions of a State to go through the time-consuming and costly procedures such as surveying by metes and bounds territory to be annexed; preparing plats and maps; advertising notices of proposed annexations; announcing the date of referendums and undertaking the expense of conducting elections only to leave the result in doubt until the U.S. Supreme Court finally decides whether or not a particular annexation dilutes the weight of votes of a racial minority or majority in a community.

Mr. President, there are several additional important problems created by the Supreme Court determination of congressional intent in this subject area. These problems need careful examination which can be provided only by conducted hearings, which I trust will be scheduled at an early date, to provide State and national leagues of municipalities an opportunity to testify concerning the potential for chaos inherent in the present situation.

For one thing, the Court sharply departed from common law and precedent in giving retrospective application to the act beyond the date of November 1, 1964, as specifically fixed by the statute. Untold potential for mischief lies in this departure.

The validity of ad valorem tax levies are in doubt and restitution of taxes, fines, and other funds is a possibility if an annexation, merger or consolidation is judicially declared invalid by reason of a dilution of the weight of votes and thus violative of the 14th amendment.

Civil and criminal jurisdiction may be challenged by individuals residing in territory previously annexed or merged.

A shadow of doubt is cast upon ad valorem levies on annexed properties the proceeds of which may have been appro-

riated to retire bonds to finance capital improvements.

Prudent investors in municipal bonds are not likely to invest a penny until challenges have been previously determined by the highest court of appeals, the Supreme Court itself.

Such questions will be raised throughout the United States if an annexation, consolidation or merger has even an incidental effect of diluting the weight of the vote of Negroes whether they be in a majority or in a minority in a multiracial community.

Mr. President, these few remarks do not begin to exhaust the potential for harmful consequences which can reasonably be anticipated by the Supreme Court determinations of congressional intent. Neither is it possible to adequately describe within the limitations of these remarks the near limitless number of laws, ordinances, and rules which are involved in accomplishing annexations, mergers, and consolidations by municipalities and other political subdivisions of a State.

A slight indication of the magnitude of the problems confronting municipalities and other political subdivisions of a State can be gained from a glance at an index of procedures required by Alabama laws which laws are applicable to a single category of municipalities classified by population.

Mr. President, for purposes of illustration, I ask unanimous consent that a copy of the index of subjects contained in the Code of Alabama—recompiled 1958—title 37, article 2, be printed in the RECORD.

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

CODE OF ALABAMA, RECOMPILED 1958

ARTICLE 2. EXTENSION OF LIMITS OF CITIES OF 25,000 INHABITANTS OR MORE; RIGHTS, POWERS, AND DUTIES OF CITIES SO EXTENDED

Sec.

138. Power to extend corporate limits.
139. Resolution to extend corporate limits.
140. Copy of resolution and map or plat of proposed territory certified to probate judge.
141. Probate judge orders election.
142. Notice and publication of such election.
143. Probate judge designates places for holding elections and territory of voters.
144. Probate judge appoints managers and officers of elections.
145. Qualification of voters.
146. Election conducted under general election law; exceptions.
147. Ballot; character and preparation of.
148. Result ascertained and certified.
149. Canvassing returns; orders and decrees relating to.
150. Contest of election.
151. Costs of election.
152. Plat or map of annexed territory.
153. Property of annexed territory exempt from taxation.
154. Property of annexed territory subject to taxation after five years.
155. Mining, manufacturing, or industrial plants exempt from taxation.
156. Resolution declaring property subject to taxation.
157. Notice to owners of property to show cause why property should not be taxed.
158. Joint or several notices or resolutions.
159. Contest of right to tax property.

160. Decree of court adjudging property subject or not subject to tax; contents of.
161. Hearing and proceedings on contest of right to tax.
162. Appeal by property owner to circuit court provided for.
163. Notice of appeal.
164. Papers transmitted and certified on appeal.
165. Judgment or decree on appeal.
166. Clerk of circuit court certifies back to probate judge.
167. When property becomes subject to taxation.
168. Annexed territory subject to municipal laws.
169. Wards created; aldermen and councilmen provided for.
170. Wards divided into voting precincts.
171. Wards changed and rearranged.
172. Persons exempt from taxes not entitled to benefits, except as to police and fire protection.
173. Sanitary sewers and local improvements provided.
174. Sidewalks; curbing; assessments against abutting owners for.
175. Street and road tax.
176. License or permits for dance halls, pool-rooms, etc.
177. Local improvements and betterments in exempt territory.
178. License or privilege tax for doing business; limitations upon.
179. Privilege or license tax of quasi public or utility corporation; limitations upon.
180. License or privilege tax to exempt territory.
181. Schools; funds and management of within extended territory.
182. Cities of exempt territory may apply to be attached and taxed as other territory.
183. Fees or compensation of probate judge under this article.
184. Provisions of this article held to be contract between city and property owners.
185. Two or more extensions allowed.
186. Records of proceedings must affirmatively show that extension was had under this article.
187. Subsequent election not held within twelve months of preceding.

Mr. ALLEN. Mr. President, in conclusion, let me ask Senators this question. Is it reasonable to assume that Congress intended that every multi-racial community in the United States should go through elaborate, costly, and time-consuming procedures listed in the subject index or similar procedures in all States, only to leave the result in doubt until cleared by the Supreme Court of the United States?

Mr. President, I repeat—the problems are not regional—they are national. The proposed amendment is urgently needed.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1148

At the request of Mr. MATHIAS, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 1148, a bill to provide for the continued operation of the Public Health Service general hospitals.

S. 1435

At the request of Mr. STEVENSON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1435, to amend the Communications Act

of 1934 to ban sports from closed-circuit television.

#### SENATE JOINT RESOLUTION 5

At the request of Mr. BROOKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Joint Resolution 5, designating January 15 of each year as "Martin Luther King Day."

#### SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Michigan (Mr. HART) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to authorize display of the flags of each of the 50 States at the base of the Washington Monument.

#### SENATE JOINT RESOLUTION 77

At the request of Mr. MANSFIELD, the name of the Senator from Virginia (Mr. SPONG) was added as a cosponsor of Senate Joint Resolution 77, proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States.

#### SENATE CONCURRENT RESOLUTION 21—SUBMISSION OF A CONCURRENT RESOLUTION CALLING FOR SUSPENSION OF MILITARY ASSISTANCE TO PAKISTAN

Mr. CASE, Mr. President, Senator MONDALE and I are today introducing a concurrent resolution that calls for the suspension of military sales and military aid to Pakistan until the conflict in East Pakistan is resolved. Joining us as cosponsors are Senators BAYH, MCGOVERN, MUSKIE, and SAXBE.

We strongly regret the tragedy of the present conflict in East Pakistan, and we support the stated policy of the administration not to interfere in the political or military aspects of the quarrel. But we feel that the United States must be neutral in deed as well as word.

We are deeply disturbed by the prospect of American arms or other military materiel being used in the strife, and we feel this is inconsistent with our policy of noninvolvement. There is obviously little the United States can do to prevent American weapons already in the hands of the Pakistanis from being used, but we can make perfectly clear that no more military supplies will be forthcoming.

The United States is currently selling Pakistan replacement parts for lethal and nonlethal military equipment. This includes ammunition. Moreover, in October 1970 the administration announced a "one shot" sale of military equipment to the Pakistani Government which involved armored personnel carriers, modified patrol aircraft, fighter planes—F-104's—and bombers—B-57's. None of this equipment has yet been delivered, but our offer to sell it has not been rescinded although we reportedly are not presently talking to the Pakistanis about delivery.

The only military assistance currently being granted to Pakistan is a training program for Pakistani officers in the United States.

Senator MONDALE is unable to be here

today, so I ask unanimous consent, Mr. President, that his recent statement on the Pakistan question be printed in the RECORD. I also ask unanimous consent, Mr. President, that an April 14, 1970, article in the New York Times by Benjamin Welles about the sale of military equipment to Pakistan be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL). The concurrent resolution will be received and appropriately referred; and, without objection, the article and statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 21), which reads as follows, was referred to the Committee on Foreign Relations:

#### S. CON. RES. 21

Whereas the Congress of the United States deeply regrets the conflict that has occurred in East Pakistan; and

Whereas the Congress of the United States opposes the use of American military materiel to increase the level of violence in East Pakistan;

Be it resolved by the Senate (the House of Representatives concurring), That—

(1) All American military assistance to Pakistan should be suspended until the conflict in East Pakistan is resolved;

(2) All licenses for military sales to Pakistan should be suspended until the conflict in East Pakistan is resolved.

The article furnished by Mr. CASE follows:

#### U.S. ACKNOWLEDGES SALES OF AMMUNITION TO PAKISTAN

(By Benjamin Welles)

WASHINGTON, April 13.—The State Department conceded today that the United States had been selling approximately \$2.5-million worth of ammunition yearly to Pakistan since 1967 as "nonlethal" equipment.

Until now, the Administration has insisted that only minimal amounts of "nonlethal" military supplies have been furnished to Pakistan. It has described such supplies as military personnel carriers and communications equipment.

Robert J. McCloskey, the State Department spokesman, disclosed in response to questions that sales of military items to Pakistan—both on commercial and on credit terms—had in fact been running at "just under" \$10-million a year.

About 25 per cent of this—or about \$2.5-million—has been in the form of ammunition, he said.

Mr. McCloskey explained that United States supplies of both lethal and nonlethal equipment had been embargoed when the India-Pakistani fighting erupted in 1965.

"In 1966 and 1967 the embargo was lifted to permit sales of what we have described as nonlethal equipment," Mr. McCloskey said, "although I acknowledge that to some extent it included ammunition."

#### PROTESTS IN U.S.

Since March 25 when the Pakistani Government used troops to suppress a movement for political autonomy sponsored by the Awami League, the predominantly Bengali political party of East Pakistan, there have been protests in the United States Congress, the press and among the public that the Pakistani forces were using United States-supplied arms.

Despite Pakistan's expulsion of American and other foreign newsmen and her tight censorship, there have been widespread reports of killing and damage in East Pakistan.

Mr. McCloskey said that the State Department was unable to ascertain when the last United States arms deliveries were made

to Pakistan, what was now en route or what was being prepared for shipment.

Defense Department sources said that intensive efforts began last weekend to assemble from Army, Navy, Air Force and commercial records a composite picture of what the United States military items had been sold to Pakistan in the last four years. However, they warned, it will require "more computer runs" and possibly two more days before the full facts are known.

At the same time Mr. McCloskey was able to furnish figures from the Agency for International Development showing that there were 700,000 tons of American wheat—or a four months' supply—now available in East Pakistan for civilian needs.

There are an additional 200,000 tons abroad ships awaiting unloading in East Pakistani ports, he said, and 300,000 tons more have been authorized for shipment as soon as delivery bottlenecks can be eliminated.

Mr. McCloskey said that the United States had stressed to the Pakistani Government that the current problem was not one of supply but of distribution. Ports, roads and railways have been disrupted, he said, and port labor in East Pakistan is unavailable—presumably because of widespread fighting.

Mr. McCloskey acknowledged that President Agha Mohammad Yahya Khan had still not responded to proposals by the United Nations and the United States for an international relief effort in East Pakistan. He reiterated the willingness of the United States to assist in such an effort.

Meanwhile, the State Department disclosed that the United States was selling to Ceylon—via Britain—six Bell OH-133-H, or "bubble" type, helicopters to help suppress the left-wing guerrilla uprising in that country.

In 1969, it was said, Ceylon bought—on military-credit terms—three Bell helicopters, each valued at \$125,000 new. The actual sales price was not disclosed although the State Department said that spare parts for the craft were flown to Colombo, yesterday in an Air Force jet transport.

The six smaller Bell craft—a type widely used in this country for police surveillance—are being sold at "nominal" costs, sources said. They pointed out that Ceylon had asked for helicopters from both the United States and Britain although Britain had none available.

Because Britain was the traditional arms supplier to Commonwealth countries, they said, the sale of the helicopters was a "sensible triangular arrangement."

The statement by Senator MONDALE follows:

Like so many civil wars, the conflict in East Pakistan is a complex tragedy.

If we are not to repeat costly mistakes of the past, the United States must refrain from any judgments or intervention with regard to the two sides in this strife. For that reason, I strongly support the stated policy of the Administration that the United States will not interfere in the political or military aspects of the quarrel.

But non-interference must be more than diplomatic rhetoric. There is something very wrong when guns, tanks, and planes supplied by the United States are used against the very people they are supposed to protect. There is something very wrong with a military aid policy which lends itself to this travesty in so many countries around the world.

It is one thing for the State Department to declare our neutrality. But if you are a Bengali, a Greek or a Brazilian being fired at by an American weapon or strafed by an American jet, the United States has already very much intervened in your life.

We should ask why this happened in Pakistan. But frankly, there is little our government can do now to prevent American

weapons from being used as they now are being used in that country.

We can take steps, however, to prevent the future use of American-supplied weapons in such situations.

We should look again at the whole range of our military aid programs. We should ask whether they are really serving the interests of U.S. security—or are they instead merely being used by one faction or another in internal disputes which do not affect our security.

We may well discover that most of our military aid is not only a waste of the taxpayer's money, but does more harm than good. The events in East Pakistan are one more compelling reason why the Congress must re-examine our entire military aid program.

Finally, it is inexcusable that the United States has been so long in expressing its concern to the Government of Pakistan over the hideous loss of civilian life in the East.

A nation founded on the basis of decent humanitarian principles should express such concern as a matter of course. But when weapons supplied by that nation are being used to kill and maim—by either side in an internal conflict—then that nation has an inescapable responsibility to speak out.

When bureaucratic inertia or political equivocation silence basic humanitarian concern, we lose what could be best and most honest about America's foreign policy.

#### ADDITIONAL COSPONSORS OF RESOLUTIONS AND CONCURRENT RESOLUTIONS

##### SENATE RESOLUTION 73

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. CHILES) and the Senator from Utah (Mr. BENNETT) be added as cosponsors of Senate Resolution 73 to amend rule XVI of the Standing Rules of the Senate.

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

##### SENATE RESOLUTION 87

Mr. HUMPHREY, Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of Senate Resolution 87 relating to armament limitations.

The PRESIDING OFFICER. Without objection it is so ordered.

##### SENATE CONCURRENT RESOLUTION 4

At the request of Mr. CHILES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Senate Concurrent Resolution 4, expressing the consent of Congress on the expanded use of the model cities program.

##### SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROOKE, the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Concurrent Resolution 5, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

##### SENATE CONCURRENT RESOLUTION 17

At the request of Mr. STEVENSON, the Senator from Minnesota (Mr. MONDALE) and the Senator from Utah (Mr. MOSS)

were added as cosponsors of Senate Concurrent Resolution 17, relating to the 1971 South Vietnamese elections.

#### STATE AND LOCAL GOVERNMENT MODERNIZATION ACT OF 1971—AMENDMENT

##### AMENDMENT NO. 35

Mr. HUMPHREY, Mr. President, I send to the desk an amendment in the nature of a substitute for S. 241 the bill which I originally introduced on January 26, relating to revenue sharing.

Mr. President, the amendment will take the place of the bill I introduced earlier in the session. A similar measure is being presented in the House of Representatives by Representative REUSS of Wisconsin.

Our revenue sharing has distinct advantages, we feel, over the administration's proposal and yet accomplishes the objective of providing general revenue sharing.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and appropriately referred.

The amendment (No. 35) was referred to the Committee on Government Operations.

Mr. HUMPHREY, Mr. President, I ask unanimous consent that an editorial relating to the bill, published in the New York Times on March 7, 1971, be printed in the RECORD.

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

##### EDUCATION'S REVENUE SHARE

The compelling argument for revenue sharing is that the states and localities are plainly unable to keep up with the most basic demands for essential services. Except for catastrophically spiraling welfare costs, the crisis of state and local financing is nowhere more apparent than in the schools—not only in New York, but certainly including New York. Caught in the squeeze between inflation and taxpayers' revolt, education is in retreat the very moment when it is neither morally nor politically feasible to shelve again the long-delayed promise of true equality of opportunity.

The national commitment is unmistakable; and when commitments are nationwide, the obligation becomes national. It is simply no longer possible for the towns, suburbs, cities and states to provide on their own what the school children of this country need.

But while the schools would be greatly strengthened by revenues shared for the purpose of general aid to education, academic quality and social equality would be threatened by a weakening of "categorical" Federal subsidies.

Virtually every major recent school reform has relied on such categorical grants. The quality of teaching, particularly in science and mathematics, improved immeasurably as a result of the National Defense Education Act. The twin concepts of a head-start for the disadvantaged and of special funding for schools containing many disadvantaged children gave to the Elementary and Secondary Education Act its cutting edge.

State and local school administrations are often bound by professional traditions and imprisoned by predominantly conservative vested interests. State education officials and legislatures, often in tandem, rarely comprehend the larger canvas of national needs and the potential of progressive reforms. It is

no accident that Federal intervention was required to remind the schools of the wrongs of racial discrimination.

An alternative plan, introduced by Senator Hubert H. Humphrey and Representative Henry S. Reuss, appears more responsive to the gap between the state's and cities' needs and the dubious past performance of government on those levels. It may thus provide a better framework for the continued effectiveness of categorical education aid. But whatever the plan, its impact on education will remain unpredictable until there are firm assurances that there will be a real increase in new Federal funds.

Under the President's proposal, education's slice of shared revenues would come from two budget items: the \$11 billion of slightly augmented existing categorical aids and the \$5 billion in new, unrestricted funds.

The public school's current share of the \$11 billion "categorical" funds is just below \$3 billion. That sum is inadequate to its tasks, except for the pork-barrel grants that go to the so-called Federal-impact areas, a program that ought to be discontinued. By contrast, most of the rest of the Federal aid programs not only deserve to be continued but need increased subsidy.

The school aid that would come out of the unrestricted funds in the President's proposal would almost certainly be substantially less than half the \$5-billion total. That is far short of what is necessary to make "general aid" effectively felt.

To give revenue sharing the power to revitalize the troubled public schools, the need is for a rapid and steady build-up of the general subsidy, together with a continuing refinement of those categorical aid programs which strengthen the schools and sharpen the social conscience of American education.

**Mr. HUMPHREY.** Mr. President, I also ask unanimous consent that the text of the amendment may be printed in the RECORD at this point.

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

Strike all after the enacting clause and insert in lieu thereof the following:

#### SHORT TITLE

SECTION 1. This Act may be cited as the "State and Local Government Modernization Act of 1971".

#### FEDERAL BLOCK GRANTS

SEC. 2. (a) Authorization of Appropriations—there is herewith authorized to be appropriated for the fiscal year beginning July 1, 1971, \$3,000,000,000; for the fiscal year beginning July 1, 1972, \$5,000,000,000; for the fiscal year beginning July 1, 1973, \$7,000,000,000; for the fiscal year beginning July 1, 1974, \$9,000,000,000; to be paid by the President to all States (and localities, within such States) which qualify for Federal block grants.

(b) Determination of Overall State-Local Share.—Subject to the provisions of subsection (d) (2) of this section, the President shall quarterly make a payment to each State (and to eligible local governments in the State pursuant to subsection (c) or (d) of this section) which is qualified under section 3 of this Act for a Federal block grant of an amount to be known as the overall State-local share, which shall bear the same ratio to the amount appropriated for that year under subsection (a) of this section as the product of—

(1) the population of the State, and  
(2) the State's revenue-effort ratio (as determined below), bears to the sum of the corresponding products for all the States which are qualified for a revenue-sharing payment in that year. The revenue-effort ratio for a State shall be the ratio between the sum of all revenues collected in the State by the State and its political subdivisions, and the total personal income for the State.

After July 1, 1974, double weight shall be given to income tax revenue. Population, revenue, and income data shall be based on the most recent data available from the Department of Commerce. The term "State" shall include the District of Columbia, which shall receive both the 60 per centum and the 40 per centum share.

(c) Apportionment of Overall State-Local Share, General Rule.—(1) Apportionment Between States and Local Governments.—The overall State-local share shall be apportioned between the State government (State share) and all eligible general purpose local governments in that State ("local government share") in the same ratio as the revenues of the State government bear to the revenues of all units of local government in the State, including school districts and special districts.

(2) Apportionment Among Local Governments.—The local government shall be apportioned among such units of general purpose local government, and according to such a distribution formula, as the State shall by law provide. Such inclusion or exclusion of localities, and such distribution formula, shall be fair and equitable and shall depart from a per capita or a revenue basis in order to favor the most needy localities, such as those that are relatively more populous, contain relatively more low-income families, or have high local tax burdens in relation to individual income. The chief executive of each State shall keep the President currently informed of the amounts payable to local governments under such State law.

(d) Apportionment of Overall State-Local Share, Bonus For Negotiation.—(1) Any State may obtain a 10 percent bonus in its overall State-local share if it enacts an apportionment between the State and its localities, and among its localities agreed to (A) by a majority decision of all county governments, representing at least half of all counties by population; and (B) by a majority decision of all governments of municipalities with two thousand five hundred or more population, representing at least half of all such municipalities by population.

(2) In each fiscal year for which funds for Federal block grants are appropriated pursuant to this Act, the President shall reserve for a specified period prior to the first quarterly payment to qualifying States an amount sufficient to provide a 10 per centum bonus for all States. At the expiration of this period, the unclaimed portion of the amount reserved shall become available for distribution to all qualifying States pursuant to subsection (b) of this section and, either subsection (c) of this section or paragraph (1) of this subsection.

(3) The President shall issue regulations to insure equity to States, which by reason of their local governmental structure, are not able to meet the requirements of paragraph (1) of this subsection.

SEC. 3. QUALIFICATIONS FOR BLOCK GRANTS.—In order to qualify for block grants in the first, and subsequent fiscal years, each State shall, within a specified period prior to the first quarterly payment each year, file with the President a declaration of all State and local programs and activities on which the block grant will be expended, together with a certification that such programs and activities will be conducted in full compliance with the nondiscrimination provisions of section 5(a); and shall do either of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c) (2) of this Act; or (b) enact and file with the President a State-local apportionment agreement (which may from time to time be amended) pursuant to section 2(d) (1) of this Act. In order to qualify in the second, and subsequent fiscal years, a State's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and

timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative checklist—

(1) INTERSTATE.—Proposed arrangements by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) State Direct Action.—Proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for Constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) State Action Affecting Localities.—Proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including—

(A) changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating, local governments too small to provide efficient administration, or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policymakers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multi-county and regional bodies.

B. changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop

proposals to improve and coordinate local governmental structure and services, to permit side-by-side area-wide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

SEC. 4. Reports and Recommendations.—The President shall report to the Congress at the end of each fiscal year in which Federal block grants are paid on the progress made by each participating State in carrying out its modern governments program, and, prior to the end of the fourth fiscal year, shall make recommendations to the Congress concerning the future of the Federal block grant program.

SEC. 5. Nondiscrimination (a) No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal block grants provided under this Act.

(b) (1) Whenever the President determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the President determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d); or (iii) take such other action as may be provided by law.

(2) Whenever the President determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the President shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d); or (iii) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

opportunity to work with elected public officials in a meaningful capacity.

I want to emphasize that interns selected under this program should be chosen without regard to political affiliation. That is the intent of this bill and that is why it is drafted to read as it does. Selection of interns is put in the hands of a private, nonprofit agency, which, under our tax laws, cannot have any political affiliation. This was done purposely to remove intern selection from politics.

It has been brought to my attention that this bill, S. 1410, does not specifically include the Virgin Islands, Guam, and American Samoa.

I have long been an advocate of raising the level of governmental autonomy in these territories, and I certainly have not changed my thinking nor my determination to see that their emerging political institutions are properly nurtured and encouraged.

I have, therefore, written to the chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, Senator PELL, telling him of my desire to amend S. 1410 to include the Virgin Islands, Guam, and American Samoa.

I ask unanimous consent that my letter, along with letters from the Honorable Ron deLugo, Virgin Islands Representative to Washington, D.C., and the Honorable A. B. Won Pat, Guam's Representative in Washington, pointing up the need for this change, be printed in the RECORD.

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

U.S. SENATE,  
Washington, D.C., April 13, 1971.

HON. CLAIBORNE PELL,  
Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR CLAIBORNE: I am writing in reference to S. 1410, the "Interns for Political Leadership Act of 1971," which has been referred to your Subcommittee on Education. I wish to bring to your attention my desire to amend this legislation in the nature of a technical correction.

Specifically, under Section 936, I wish to delete the first sentence, starting on line 9 and reading "Notwithstanding section 1201 (a) or section 921 (a), the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia."

In that same section, in the next sentence, starting on line 16, I wish to add the following language after the word "and"—"Guam, American Samoa, and the Virgin Island shall be treated in the same manner as Puerto Rico and the District of Columbia." On line 16, the present word "interns" should then be the first word of a new and complete final sentence in that section.

Interns selected under this bill, I wish to emphasize, should be chosen without regard to political affiliation. That is the intent of this legislation and that is why it is drawn as it is. The selecting agency is purposely removed from politics for that reason.

Sincerely,

HUBERT H. HUMPHREY.

OFFICE OF THE VIRGIN ISLANDS REPRESENTATIVE TO WASHINGTON, D.C.,

April 1, 1971.

HON. HUBERT H. HUMPHREY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR HUMPHREY: I would like to take this opportunity on behalf of the peo-

ple of the Virgin Islands to congratulate you on the introduction of S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials in government.

S. 1410 would certainly go a long way in familiarizing young people with the structure and function of government. However, the bill as presently drawn does not include college students of the American Virgin Islands.

The Virginia Islands have been included in every major piece of legislation on education passed by the U.S. Congress since 1965, including the Higher Education Act of 1965. Therefore, I am sure that our exclusion from S. 1410 was an oversight. This is especially true since you have shown a particular concern and strong determination over the years to insure that the people of the Virgin Islands attain a high level of political autonomy. I can think of no better way of aiding this objective than by allowing the Virgin Islands' youth a chance to learn at first hand the American political process.

In 1970, the unincorporated territory of the Virgin Islands was granted the right to elect its own Governor as a result of legislation passed by the Congress. In the 92nd Congress, there is legislation introduced in the House and the Senate to grant the territory the right to elect a non-voting delegate to the House of Representatives. This legislation, which will be considered by the House Interior and Insular Affairs Subcommittee on Territories on April 22, 1971, has strong bi-partisan support. The prognosis for this legislation is extremely good and hopefully it will be enacted this year with the delegate being seated in the Congress in 1973. Since at that time the Virgin Islands will have a status similar to the District of Columbia and the Commonwealth of Puerto Rico in the Congress, some provision should be made for our inclusion in S. 1410.

However, the interim period between now and the commencement of the 1973 Congress should not be overlooked. Until the Virgin Islands have a delegate in Congress, the Representative of the Virgin Islands to Washington will continue to be elected by the people of the Virgin Islands pursuant to local law. My present duties are similar to those of a Congressman in many ways. I must handle constituent complaints, review legislation, undertake special projects, attend meetings on matters affecting the Virgin Islands, and lobby for legislation. In addition, because of the remoteness of the territory to the States, my Office has established liaison activities with the federal agencies administering federal assistance programs affecting the Islands. In point of fact, a student working in my Office would be doubly benefitted, since he would be working on legislative matters in Congress and with the federal agencies in Washington administering the federal assistance programs pertaining to the Islands.

One of the strongest arguments for the inclusion of the Islands in S. 1410 is our lack of prior participation to any significant degree in the local government in comparison with the level of participation enjoyed by any of the fifty states. Until the election of our Governor last year, most significant decisions affecting the Islands were made by the Department of Interior and an appointed Governor. Now with an elected Governor and the Virgin Islands Legislature being granted more and more powers by the Congress since the enactment of the Revised Organic Act of 1954, there is a need to encourage more citizen responsibility in the affairs of government. S. 1410 would be one way of meeting this need.

In addition, the members of the Legislature of the Virgin Islands do not have their own individual staffs similar to their counterparts in the fifty states. Neither do the im-

#### INTERNS FOR POLITICAL LEADERSHIP

Mr. HUMPHREY. Mr. President, I recently introduced S. 1410, the "Interns for Political Leadership Act of 1971," a bill designed to bring young people into government by providing them with the

portant standing committees established to do the bulk of the legislative work, i.e. studies, investigations, reports, etc. One of the primary reasons for this shortage of important personnel is lack of funds. I believe that if the young people of the Virgin Islands are allowed the opportunity to participate in the benefits of S. 1410, this critical shortage of personnel in our Legislature would be greatly alleviated. The effect would be the enhancement of the services rendered by our Legislators to the people.

For the above reasons, I respectfully request that you include our fellow-American citizens of the Virgin Islands in this beneficial legislation.

Sincerely,

RON DELUGO,  
Virgin Islands Representative to  
Washington, D.C.

OFFICE OF GUAM'S REPRESENTATIVE,  
IN WASHINGTON,  
Washington, D.C., April 13, 1971.

HON. HUBERT H. HUMPHREY,  
U.S. Senate,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR HUMPHREY: On behalf of the people of Guam, I would like to take this opportunity to offer you my sincere congratulations for sponsoring S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program offering students the opportunity for practical involvement with elected officials in government.

In a single legislative stroke you have provided Congress with the means to answer the demands of so many of our disenfranchised youths who are urgently seeking a way to become realistically involved in the affairs of their government. And, in doing so, you have continued your long-standing support of legislation that would solve this country's needs, not alleviate them.

Unfortunately, S. 1410 does not include within its provisions the college students of the Territory of Guam. As I can think of no better way to cultivate the American tradition of citizen participation in the affairs of government than to encourage college students to work side by side with their legislators, I urge you to correct this obvious oversight and include the Territory of Guam within the scope of your amendment.

The areas in which student interns on Guam could serve are unlimited. As you know, the first session of the Guam Legislature was elected to office in 1950. Next, the people of Guam sent an elected representative to Washington in 1965. In 1970 Guamanians elected their first governor. Today legislation is before the Congress to permit the Territories to elect a nonvoting delegate to the House of Representatives.

Until such legislation granting Guam the right to seat a delegate in the Congress becomes law, the office of Guam's Representative to Washington will continue to serve in much the same capacity as that of a member of Congress. With my duties remarkably similar to those fulfilled by many Congressmen, i.e., assisting constituents, lobbying for legislation beneficial to my district, a constant series of meetings concerning Federal affairs on Guam, and keeping open the lines of communication between those Federal Agencies charged with administering Federal assistance programs affecting Guam and the Territory itself, the potential ability for a student intern in this office to learn the governmental processes is limited only by the interests of the student himself.

Add to this fact the shortage of funds which currently denies the members of the Guam Legislature the benefits of a personal staff, the possibilities for educating our youth through the time-honored principle of "learning through doing" is indeed great. In addition, the assistance of public service oriented young men and women in our

midst can only serve to improve the overall quality of government service to its people.

As a former teacher, I appreciate your interest in the affairs of this nation's young people, and I hope that the above information will persuade you to include our fellow American citizens on Guam within the framework of S. 1410.

Sincerely yours,

A. B. WON PAT.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors to S. 1410, the Interns for Political Leadership Act: Senators STEVENSON, MOSS, MILLER, BAKER, CANNON, EAGLETON, WILLIAMS, BAYH, and JAVITS.

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

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of my colleagues two articles dealing with the subject of this legislation.

William T. Murphy, Jr., of Princeton University has written a very informative assessment of student power in the 1970 elections. S. 1410 is designed to give young people a more active and more significant role in government today, starting at the grassroots. The article reveals interesting public attitudes toward students, shunning the "dropouts" and approving those who act involved.

The other article discusses the need on the part of local councilmen for some expert assistance. While I do not agree with the author's characterizations of some public officials, I do feel the points made about the need for professional staff are valid.

The Interns for Political Leadership Act is designed to give college juniors and seniors meaningful experience working with local, state and federal elected public officials—and to provide those officials with a source of bright, energetic talented assistance.

Mr. President, I ask unanimous consent that the articles to which I have referred be printed in the RECORD at this point.

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

STUDENT POWER IN THE 1970 ELECTIONS: A PRELIMINARY ASSESSMENT

(By William T. Murphy, Jr., Princeton University)

The Cambodian invasion and the tragedies at Jackson and Kent State this spring led to explosions on college campuses all across the country. There was a great deal of talk of massive student intervention in the fall congressional elections and universities adopted various measures in response to the crisis. Some abandoned institutional neutrality by taking positions condemning the President's actions, other scheduled fall courses on elections and "practical politics", while others opted for some variant of the two week "Princeton Plan" pre-election recess.

Most observers assumed that student political interest would remain high and that the student impact would be significant. By early summer university-based groups had been set up to lobby congressmen to support "end the war amendments", to raise money for anti-war candidates, and to supply student volunteers to work actively for such candidates.<sup>1</sup>

Footnotes at end of article.

The largest of these organizations, the Movement for a New Congress, which attempted to harness student energies on behalf of anti-war candidates, had chapters on 417 campuses by June. Heavy nationwide press coverage was given to the student role in early primaries—especially the attempts to unseat entrenched hawks Edward Patten (N.J. 15) and John Rooney (N.Y. 14). The primary season ended with twenty-five of the thirty candidates who received substantial student aid victorious. These were not easy victories. Five of these doves beat incumbents with from twenty to twenty-eight years seniority.

Yet on November 4th newsmen were saying that the student input had been minimal and many academics were regretting their support of much of the strike-induced legislation. In an attempt to find out what the students real effect had been we decided to examine the attitudes of the voters in areas where students were involved, the campaign staffs with whom they worked, and the students who participated.<sup>2</sup> We surveyed over 4000 voters in eight congressional districts<sup>3</sup> to ascertain their opinions of student workers and how, if at all, student involvement affected their voting decision. We are interviewing twenty campaign managers to find out what the "professional" thought of the students who worked with and for them. Finally, we are in the process of polling a nationwide random sample of 2000 students who actively took part in last fall's elections to find out who they were in both socioeconomic status and attitudinal terms; why they participated; what they thought of the experience; and what their plans are for future political involvement.

Much of these data are still being accumulated or processed. Nevertheless, because of the timeliness of the subject we will venture some observations on the role of students in the 1970 congressional elections. These are, of course, only tentative being based on the data presently available and impressions from participant observation.<sup>4</sup>

YOUTHLASH

Public opinion polls in recent years consistently have shown a high level of distaste for "students" by the general public. When these attitudes are probed more deeply, however, it becomes apparent that the public has transferred its antipathy towards campus violence and drug abuse to the group it most closely associates with these problems. Our interviews with voters have shown that this generalized negative reaction towards "students" is not carried over to young people working door-to-door in political campaigns.

An overwhelming proportion of voters favors such involvement on the part of young people. Seventy-eight percent of the respondents in our voter sample thought it was a good idea for college students to work in a campaign, with the rest split fairly evenly between "not sure" and "not a good idea." The most frequent reasons given for approving student involvement were: "everyone has the right", "it keeps them within the system," "it lets them learn how politics really works". While most people do object to demonstrations and riots, they do not resent young people engaging in activities that the general society considers legitimate.

For "youthlash" to occur voters who originally favored the candidate associated with students would have to have switched their vote to his opponent after contact with student workers. Of those who reported that they had been contacted only 2% said that student support had influenced them to vote against the student supported candidate while about 18% reported that the student contact "had some effect in making me want to vote for their man".

Most people, however, said that the student workers had had little effect on their voting decision. Our surveys were conducted

in precincts we knew to have been canvassed exclusively by students. However, most respondents (64%) did not perceive the young volunteer who came to their door as a student.<sup>5</sup> Rather they usually identified him as a regular party worker. Among those who had been contacted the proportion voting for the students' candidate was much higher than among those who reported that they were not contacted (See Table 1). Among those with a low issue orientation this difference between the percentage of contacted and non-contacted voters favoring the peace candidates was even more pronounced.

TABLE 1.—EFFECT OF CONTACT BY STUDENT CANVASSERS ON VOTERS' PREFERENCES

Voted for	Contacted (percent)	Not contacted <sup>1</sup> (percent)
Thompson <sup>2</sup> .....	67	58
Costigan.....	14	25
Sarbanes <sup>2</sup> .....	72	59
Fentress.....	12	24
Aspin <sup>2</sup> .....	66	56
Schadeberg.....	18	29

<sup>1</sup> Column figures do not add to 100 percent because "don't remembers" and "won't say" are not included.

<sup>2</sup> Student-supported candidate.

This, of course, is not overly surprising in light of what we know about how the introduction of some information about the candidate radically changes the probabilities of voting for him.<sup>7</sup> It is, nevertheless, important in explaining to young, strongly issue-oriented volunteers why it is best simply to get information about the candidate before the voter and then run an identification canvass and election day "pulling" operation to get most of his voters to the polls.

#### VOTER TURNOUT AND PREFERENCE

In areas where the students worked they made a tremendous difference. They were most effective when they were used on an organized, precinct basis. In most cases they were able to increase significantly both the turnout and their candidate's percentage of the vote.

In the September Maryland primary Paul Sarbanes unseated 26 year veteran George Fallon of Baltimore. About 40% of Sarbanes' precincts were managed entirely by students. In these precincts they raised the turnout 30% over the 1968 primary. Sarbanes' percentage of the vote was 12% better than that of another insurgent, J. Joseph Curran whom Fallon had narrowly defeated two years earlier. With heavy student support again, Sarbanes went on to win the general election easily. In Les Aspin's general election victory in the 1st congressional district of Wisconsin the same marked rise both in turnout and preference in the student worked areas can be observed. Students worked twenty-four wards in seven small towns for Aspin who was running against 8 year incumbent Henry Schadeberg. In these wards the Democratic turnout was raised an average of 50% (up in 24 of 24 wards) compared to 1966 and 26% (up in 19 of 24) compared to 1968. In the rest of the district the Democratic vote was up 11% over 1966 and 10% over 1968.<sup>8</sup>

We realize that these examples can be criticized as procrustean. We have used them because, though we do not have complete voting statistics for all eight districts as yet, the scattered returns we do have bear out this trend. In almost every student worked precinct the percentage voting Democratic<sup>9</sup> was higher than both 1966 and 1968 while turnout was higher in almost every case than 1966 and in a majority of precincts greater than the presidential election year.

It would seem then that student volunteers

can make a significant difference through their efforts. However this optimism must be tempered by the cold reality that only a tiny fraction of the nation's college students actually worked in a meaningful way this fall.

#### APATHY

Thousands of students worked in the 1970 congressional elections. Millions of students, and more generally, young people, did not work. Because so many did not work, the media and many candidates talked about student apathy, both before and during the elections.

During the spring, forecasts of student involvement ran up to 500,000. With a week remaining *Congressional Quarterly* estimated that 70,000 were working the last week of the campaign. There is no way of telling exactly how many students worked, though certainly no more than half the CQ estimate probably worked on a steady basis (i.e., more than the last week of the campaign). Although many groups had long rosters a check of their records showed that many of their "members" worked only once or twice then declined further assignments. In many areas of the country, most notably most of the South, where there were neither peace candidates nor close races, no more than a handful of students were involved in congressional elections.

Moreover, estimating how many students actually worked is very misleading. A more politically meaningful unit of analysis is "man-hours worked". In a survey undertaken by the Princeton administration to assess the effect of the two-week recess, 24% or those polled claimed to have engaged in some campaign activities. Yet only 4% said they had worked more than a week and even in this "most active" group the average total "man-hours worked" was only slightly over 12 hours. The results from our nationwide student survey should tell us if this was typical of most workers. From what we personally observed, it probably was.

The whole apathy question is exacerbated by the high visibility of students in our present society. This visibility of students as a group and the attention they have received since the major campus disruption of the mid-1960's have led people to be extremely sensitive to their political impact.

The gap between rhetoric and action is much greater on the campus than in the larger society. On the campus, the level of political awareness in terms of candidate knowledge and issue discussion is very high, while the level of actual participation<sup>10</sup> is relatively low. For most other people the level of political awareness and the level of political participation are both low.

In general, a high proportion of the people who regularly discuss politics and hold strong political opinions become engaged in political activities. This is not true of students. There is simply no denying the fact that most students who became politically visible after the invasion of Cambodia were doing what students usually do: they attended meetings; passed resolutions; talked to each other. For the most part, this activity was rather easily accomplished. Because the circumstances were dramatic, because there are so many students, because there are excellent communications on campuses and between them, and because youth is an "issue," there was a great public awareness of what was occurring. These factors led many to believe mistakenly that vast numbers of students would somehow depart from their normal pattern of low participation and poorly sustained interest in electoral politics.

It would be a great mistake to focus only on the gap between the events of May and the actualities of November. Vast numbers of volunteers are not needed to be effective. As shown above, the contributions of those who did turn out to work in campaigns were significant. Their contributions were significant not because students have some mystical po-

litical ability but rather because a well-organized volunteer effort can have a tremendous effect on almost any political contest below the presidential and senatorial level.<sup>11</sup>

The venerable door-to-door canvass is still one of the most effective electoral techniques ever devised. But the personnel to carry out such a canvass has to come from somewhere. Except for Chicago and a few other places the local political organizations are moribund and unable to turn out campaign workers. At present, the only three groups which are both identifiable and accessible for campaign work are union workers,<sup>12</sup> housewives, and students. In addition, with campaigns becoming increasingly expensive a volunteer effort that can save candidates thousands of dollars becomes doubly important.

Students, then, constitute most of the pool of potential workers. If volunteers are so important, and can be so effective, we should examine some of the factors that inhibit wider student participation.

#### WHY DIDN'T MORE STUDENTS WORK?

Students are people. Despite everything voter surveys have told us of people's participation in politics many continue to adduce normative propositions of democratic theory calling for wide participation as though they reflected empirical reality. They manifestly do not. Young people do not participate in greater proportion than unyoung people. In moments of perceived non-crisis to their lives they can be expected to continue that way. The major issues of the campaign— inflation/unemployment versus "law and order" or the "social issues"—were only marginally interesting to the young. Accordingly, the rates of youth participation reflected the rates for the society as a whole.

Two other general factors which affected how well the volunteer effort would be in a particular area came up repeatedly. If a college was primarily residential the recruiting task was eased considerably. People were geographically proximate, getting in touch with them was easy, and there was a greater awareness of campus activities. At the city schools and commuter colleges people were on campus at different times, often lived far from school, and took little interest in non-scholastic matters.

The second, and probably more important, factor was the ability of the local leadership of the volunteer effort. Because the MNC was a decentralized organization local chapter heads were essentially self-selected. They were often simply those students who got there first. Unfortunately, getting there first and being politically effective were not highly correlated. Equally bad, getting there first and being able to stay there were. Around the country the range of political expertise ran from some who were better than most professional politicians to some who were utterly inept. Most produced at least some volunteers for the local candidates. Many took over the major role in their candidates' campaigns, both supplying and directing the volunteers. Some, however, did nothing more than crank out endless newsletters foretelling all the wondrous things they were going to do.

Several other factors were also important. Tensions existed between what was most helpful in terms of recruitment and what was best for the candidate and his campaign. In their fear of "youthlash" many candidates and/or their staffs, like the Duffey campaign organization in Connecticut, publicly downplayed the role of students while privately asking for all the students they could get. This, of course, dampened the enthusiasm of many students. In some instances liberal candidates thought students would be a strong constituency, that the candidates could move to the center, downplay the role of the students, and still retain large-scale student support. This did not prove to be the case. Students, in fact, are a rather fragile constituency precisely because they

Footnotes at end of article.

are motivated often by idealism rather than material interest. The hard-core of the electoral activists did continue to work. But many of those with lesser commitments fell by the wayside as candidates failed to embrace them openly and sullied their purity on the issues by moving to the center.

There can also be little doubt that the decline in the saliency of the Vietnam War as an electoral issue contributed to the fall-out in student interest. While there were clear cut differences in their positions on the war between many candidates there was no Cambodian invasion to arouse the less committed and send them flocking to the standards of anti-war candidates.

Finally, for a large segment of the student population electoral politics is an irrelevant exercise—the politics of Tweedledee and Tweedledum. For them it made no difference in 1968 who was elected President, who was appointed Attorney General, who was appointed Chief Justice of the Supreme Court. For the most part this group was not susceptible to recruitment in 1970.

#### FUTURE PROSPECTS

In order to make any judgments about the future direction and activities of young people in electoral politics, we must have more information about those already participating than is presently available.

Very little work has been done by political scientists on volunteer efforts in politics. The literature on the effects of canvassing on voter preference, for instance, consists of a handful of articles.<sup>12</sup> It is difficult to generalize from them since they deal with different locales, levels of party activity, and types of elections. Our surveys of the voters and campaign staffs in the eight districts listed above should give us good indexes of the degree of voter contact and level of party activity in these areas.

This information will be combined with voting data to assess the effect of the students, by means of multiple regression analysis, on voter turnout and preference.

The data derived from our survey of this year's activists will not only tell us what their personal and political backgrounds were, but also how they compare with other similar groups<sup>14</sup> on a series of standard political attitudinal indexes.<sup>15</sup> Further, their opinions on items such as why they participated, how worthwhile they considered the activity, their willingness to participate in the future, what Presidential candidate they favor, should give some indication of what we can expect, in terms of student participation, in future elections.

In the foregoing we have tried to cover, albeit briefly and incompletely, a few of the more salient questions connected with last fall's student effort. We believe that our project and the more refined research which will come out of it will not only tell us a great deal about what happened last fall but also about the future course of youth involvement in politics.

#### FOOTNOTES

<sup>1</sup> Lobbying groups included the Continuing Presence in Washington and the Academic and Professional Alliance; most of the fundraising was done by the Universities Anti-War Fund, the Movement for a New Congress supplied campaign volunteers.

<sup>2</sup> I would like to thank The Twentieth Century Fund for its valuable financial assistance.

<sup>3</sup> We surveyed voters in Maryland's 4th (Paul Sarbanes) and 7th (Parren Mitchell) congressional districts; New Jersey's 4th (Frank Thompson) and 9th (Henry Helstoski); New York's 27th (John Dow); Massachusetts' 3rd (Robert Drinan); Wisconsin's 1st (Les Aspin); and Michigan's 6th (Charles Chamberlain). Doves were victorious in the first seven districts. In the Michigan district dove challenger John Cihon lost to Chamberlain.

<sup>4</sup> In my case, as National Co-Director of the Movement for a New Congress.

<sup>5</sup> A study done for Senator Phillip Hart of Michigan gave evidence that the physical appearance of the canvassers was unimportant. Two groups of young canvassers, one clean-cut in coat and tie, the others in "hippie" regalia, were put into two sets of similar precincts. A before and after survey was taken which showed that the percentage favoring Senator Hart had risen about 15% in both sets of precincts.

<sup>6</sup> In each area the students canvassed only Democratic and Independent voters. For that reason the percentage of the vote totals are inflated in comparison with the totals for all voters.

<sup>7</sup> See for instance, Donald Stokes and Warren Miller, "Party Government and the Saliency of Congress," in Angus Campbell, et al., *Elections and the Political Order* (New York: John Wiley, 1967), p. 205.

<sup>8</sup> These incomplete statistics are used merely for illustration. The complete voting and survey data will be subjected to more sophisticated quantitative analysis including scaling and multiple regression.

<sup>9</sup> Although, of course, not all the peace candidates were Democrats, those in the eight districts we surveyed were Peace Republicans Daniel Button, Ogden Reid, Don Riegle, Tom Railsback, and Paul McCloskey had substantial student support. In addition, James Buckley claimed to have over 4,000 students working for him. Whether most did more than clean-cuttedly pose for pictures in "Buckley for Senate" hats is doubtful.

<sup>10</sup> We use participation here to mean electoral activities such as canvassing, literature distribution, poll watching, and not merely voting which, of course, was also very low.

<sup>11</sup> Although volunteer efforts are also important in these races media plays a much greater part. In congressional races manpower is relatively much more important.

<sup>12</sup> The only unions that turned out workers in any amount were the United Auto Workers and, in some areas, the Steelworkers.

<sup>13</sup> Peter H. Rossi and Phillips Cutright, "The Impact of Party Organization in an Industrial Setting," in Morris Janowitz, Editor, *Community Political Systems* (New York: Free Press, 1961), pp. 81-116; Daniel Katz and Samuel J. Eldersveld, "The Impact of Local Party Activity upon the Electorate," *Public Opinion Quarterly*, Vol. 25, 1961, pp. 1-24; Phillips Cutright, "Measuring the Impact of Local Party Activity on the General Election Vote," *Public Opinion Quarterly*, Vol. 27, 1963, pp. 372-386; Raymond Wolfinger, "The Influence of Precinct Work on Voting Behavior," *Public Opinion Quarterly*, Vol. 27, 1963, pp. 387-398; Gerald Kramer, "The Effects of Precinct-Level Canvassing on Voting Behavior," unpublished manuscript, Yale University, July 15, 1969; Edward Schneider and William T. Murphy, Jr., *Vote Power* (Englewood Cliffs, N.J.: Prentice-Hall, 1970), Chapter II.

<sup>14</sup> Both non-student activities reported on in previous research and student non-participants who were surveyed as a control group.

<sup>15</sup> These include indexes of Political Awareness, Political Efficacy, Citizen Duty, System Support, and University Support.

[From the Plain Dealer magazine, June 14, 1970]

#### ON MAKING COUNCILMEN MORE EFFICIENT

(By Douglas Bloomfield)

City councilmen need help. Expert help. These part-time legislators frequently spend more than 40 hours a week in a variety of jobs ranging from complaint receiver to sewer authority to attorney to political scientist.

Committee meetings alone may consume a dozen hours a week, caucuses and formal council sessions another three or four, mis-

cellaneous city hall meetings perhaps six hours and 20 more handling constituents' problems, and, for the conscientious, doing homework.

But how well equipped are they to deal intelligently with such problems as sewage disposal, building inspection, urban renewal, the environment, personnel management, taxes and assessments, utility rates and public finance?

As the problems encountered by legislators, like society itself, become increasingly complex, the need for expertise similarly increases. It is folly to expect legislators, whether they are city councilmen or United States senators, to be experts on every one of the multitude of matters facing them. Neither can they be expected to have the time necessary to familiarize themselves sufficiently.

There seems to be a practice among legislative finance committees that Prof. Parkinson would like to write another law about. He would probably say, "The time devoted to deliberation is in inverse proportion to the money involved."

Too much time is wasted while the legislators ask elementary questions of fleeting importance. And these little classes for quizzical councilmen are conducted by highly paid officials while still more are standing in the wings.

Many expensive man-hours are wasted while division chiefs, department heads and even the mayor are called away from their jobs and kept waiting until the prima donnas elected by the people are ready for them.

This means thousands of taxpayers' dollars are wasted every week because councilmen will settle for no one less than the top man.

It must be pointed out that legislative delay is no vice. Super efficiency is a trademark of totalitarianism. It is the antithesis of democracy. But this does not mean all delay is good. It is not, especially the time spent by senior officials cooling their heels until councilmen are ready for them.

Moreover, when a councilman needs some information or even a law drafted, he must often rely on the executive branch to do this work. Often the legislative and executive are of different parties or factions. And the situation is not unusual in which a legislator requests a bill be drawn up by members of an administration which is on record as opposing the measure.

What city councils throughout the state (and nation) need is a trained professional staff. Ohio's large cities budget millions annually for a variety of services and officials. Yet the legislative branch is all but neglected. In addition to the councilmen, the legislative branch usually has only a clerk, deputy clerk and a few stenographers. Cleveland City Council also has a budget analyst. These people rarely are intellectually or professionally qualified to do much more than they now are doing.

Additional professional staff is needed by a council, especially to help the more overburdened yet powerful committees. Because of the limited funds available to council, these staffers could be law or graduate students from a nearby university, preferably studying law, economics or government.

A stipend or annual salary of less than \$5,000 each would be sufficient to retain capable persons.

Under the nominal authority of either the council president, or certain committee chairmen, they would do the necessary preliminary study of legislation, consult with those requesting the legislation, prepare bills and be able to answer the questions of councilmen.

They would have the authority of the council behind them in their dealings with officials in and out of government. In addition, they should have at their disposal services of the council clerk's staff and a budget necessary to do an adequate job.

Council could, in this manner, lighten the burden on itself with trained professionals capable of giving matters the time they require and deserve as well as being able to contribute the necessary expertise to make councils work better.

On the Ohio state level, a similar function is performed by the Legislative Service Commission. The commission itself is composed of members of both houses and both parties. It is usually chaired by the speaker of the House or the Senate majority leader. A professional staff of anywhere from 10 to 20 is employed. Included are lawyers, economists, public administrators and political scientists. The commission (legislators) authorizes certain long range studies (welfare, hospitalization, oil and gas laws, public salaries, domestic law) and appoints committees made up of members of both houses.

Broad policy decisions are made by the committees, but the actual work, the so-called investigation, is done by the professional staff. Findings are reported by the staff member to the committee and seldom are top officials called to appear before a committee. And when they are, every effort is taken to make efficient use of their time.

On the national level, congressional committees employ investigators whose duty it is to research pending legislation, keep the legislators informed and answer their questions. Members of Congress also employ on their personal office staffs professional researchers. The need for professional staff assistance has been recognized by the state and federal legislative bodies to put themselves on more of a par with their administrative branches.

Now it must be recognized in the cities of Ohio. After all, Ohio has five cities which are larger than some states. Cleveland itself has more people than a dozen or so states. And, too often, in the absence of professional advisers, legislators have only lobbyists on whose advice to rely.

#### MESSAGES FROM THE PRESIDENT

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

#### REPORT ON THE WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

*To the Congress of the United States:*

Through the World Weather Program, the nations of the world are combining their efforts to gain new knowledge of the global atmosphere, provide better weather forecasts and warnings to all countries, and assess the damage man has inflicted upon the earth's atmosphere.

I am pleased to report that the program is making significant progress which will enhance the comfort, health, safety and economic well-being of men everywhere:

- Satellite technology is being used with increasing effectiveness to gather global information for earlier, more accurate predictions and warnings of hazardous weather.
- New stations are being established for long-term measurement of atmospheric change.

—Computers have been programmed to determine the effect of pollution upon the atmosphere.

—A major international experiment in the Atlantic Ocean is being prepared under the Global Atmospheric Research Program. During the past year many nations, including the United States, have indicated their support of this tropical experiment and have made tentative commitments to provide ships, aircraft, satellites, and other observing facilities. Linked with an increased computer capability to assess and integrate results, this experiment should be an important step toward attaining a true understanding of the global atmosphere.

The scientific understanding which will be developed by the World Weather Program is critical to the solution of environmental problems which are of immense concern to all nations.

Senate Concurrent Resolution 67 of the 90th Congress recognizes the importance of vigorous U.S. participation in the World Weather Program. In accordance with that resolution, I am transmitting this annual report, describing the most significant activities of the program and the planned participation of Federal agencies in the program for the coming fiscal year.

RICHARD NIXON.

THE WHITE HOUSE, April 15, 1971.

#### MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

The message also announced that on April 14, 1971, the President had approved and signed S. 789, an act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

#### UNITED STATES-CHINA POLICY

Mr. BYRD of West Virginia. Mr. President, the five-point proposal offered by President Nixon yesterday—along with the statements of Premier Chou En Lai in Peking—could mark a new era in relations between the United States and the People's Republic of China. I hope very much that they do.

To be sure, Communist China today remains a nation hostile to the United States—and I am not suggesting that we immediately welcome it to the international community of nations with open arms. However, the government in Peking has made a number of significant overtures to the rest of the world in recent years, and now appears ready to knock down some of the barriers that exist between our two countries.

Since October 1970 Red China has established new diplomatic relations with six nations—Canada, Equatorial Guinea, Italy, Ethiopia, Chile, and Nigeria. It is noteworthy, I believe, that two of these nations are members of NATO. Ambassadors have been dispatched to 28 of the 51 countries with which Communist China has diplomatic relations, following the withdrawal of all but one of its ambassadors during the cultural revolution.

Between 1964 and 1969, Mr. President, free world exports to Red China have

increased by 35 percent; and Communist Chinese exports to the free world have increased by 34 percent. Incomplete statistics show that a further increase in trade between Red China and the free world will be recorded in 1970.

These actions on the part of Communist China have not gone unnoticed, and their effect was evident in the United Nations General Assembly vote on November 20, 1970. The vote on the resolution to seat the People's Republic of China and expel Nationalist China was 51 in favor, 49 against, and 25 abstentions. Although an affirmative two-thirds vote was necessary, the balloting was significant because it was the first time that a simple majority supported Communist China.

One cannot deny that Red China is moving away from the protective isolation which it coveted during its cultural revolution; and I believe that our policy toward Red China must reflect the fact that this Asian giant has emerged from isolation. The five-point proposal offered by the administration yesterday seems to recognize that fact.

A number of steps have already been taken, beginning in December 1965, when the United States lifted the travel ban for doctors and medical scientists "for purposes directly related to their professional responsibilities." A year later, scholars and writers—as well as Americans engaged in cultural, athletic, commercial, educational, and public affairs activities—were given permission by the United States to travel to Communist China.

On July 21, 1969, the United States announced automatic validation of passports for American citizens to travel to China. Nearly 1,000 passports have been thus far validated, including 270 last year. However, until the table tennis invitation, only three holders of such passports were permitted to enter Red China.

Although these were basically unilateral steps, they showed the willingness of the United States to open new channels of communication with Communist China. We must not cease in our efforts to open those channels, because the actions we have taken thus far obviously formed the basis for the recent reciprocal move by Communist China.

There have been efforts, too, in the field of trade.

The ban on trade with Communist China, which became effective on December 17, 1950, after President Truman's proclamation of a national emergency, has been lifted gradually in the 1960's and in 1970. On April 20, 1967, American drug manufacturers were alerted that the Government would look favorably on applications to sell to Communist China drugs used in fighting epidemics. Nine days later, the Chinese rejected this proposal. On July 21, 1969, the United States announced that American tourists and residents abroad could purchase up to \$100 worth of goods originating in China. In December the \$100 limit was removed.

At the same time, on December 19, 1969, the United States relaxed trade restrictions to allow foreign subsidiaries of American-owned firms to engage in trade with Communist China in

nonstrategic items. The requirement that U.S. firms or banks engaged in third-country trade obtain certificates of origin where goods were presumed to be of Chinese origin, was also eliminated. On July 28, 1970, in pursuance of the December, 1969, trade relaxation, the United States approved a sale by Italy to China of 80 dump trucks with General Motors engines. In August, 1970, the United States lifted the restrictions barring American oil companies abroad from refueling free world ships bearing nonstrategic cargoes to Chinese ports.

The trade initiatives were, of course, expanded and updated in the President's proposal of yesterday—and they signal a move on the part of the United States away from its basic policy toward the People's Republic of China. It is, in my opinion, a welcome move, since too much of that policy was based on a Department of State memorandum of August 11, 1958.

The memorandum identified Communist China as part of the Communist monolith, whose goal was to bring about the global domination of communism. The Chinese Communist regime had made no secret of its fundamental hostility to the United States and to the rest of the free world. Asia was viewed by the State Department as particularly vulnerable to the Communist offensive, both because of its geographic position and because of the inexperience of the newly independent nations in this area. The goal of U.S. policy in Asia was to promote the domestic welfare and to strengthen the independence of free nations.

In so doing, the United States believed it must deter Chinese Communist aggression in the area by military assistance and by a system of mutual defense arrangements. The United States felt it must also block Communist subversion and political infiltration in the area. The United States, at that time, considered the withholding of diplomatic recognition an important factor in combating Communist subversion and infiltration.

In 1958, Mr. President, the United States did not accept the fact that the Communists ruled all of mainland China. We must accept that fact today.

In 1958, the United States felt that too much attention shown to Red China would seriously cripple, if not destroy altogether, the Government of Nationalist China. The Government of Nationalist China is now sound; and it must realize, as must the entire world, that the United States is not going to turn its back on an ally.

The 1958 memo—as well as the current policy, to which it is closely related—fails to recognize that Communist China has become as flexible in its policies as most other nations.

In fact, the entire history of Communist China is marked with change in its foreign policy. For example, Mao Tse-tung promised in 1952 to reveal what he called the nonsense of nonalignment. But, when Red China saw the growing number of emerging nations in 1954, it quickly developed the ability to accept—and, at times, encourage—nonalignment.

Red China has learned to roll with the punches, so to speak. It learned to ac-

cept the good years for communism—such as 1962, when it physically knocked nonaligned India out of Southeast Asian politics; and 1963, when Sukarno moved Indonesia swiftly toward communism. Almost as easily, Red China learned to accept the bad years for communism—such as 1965, when the PKI was overthrown in Indonesia, Ben Bella fell in Algiers, and when the cultural revolution at home threw China into a state of turmoil; and 1966, when Nkhronah fell, and when a number of non-Communist military coups in Africa showed China the importance of influencing the military elite.

The Government of the People's Republic of China is relatively young, and we should be mindful of its floundering in the field of foreign policy. Until Red China changes its formal policy of total hostility toward the United States, we will never be able to establish formal diplomatic ties; but our policy toward the government in Peking must be just as flexible as our policies toward other nations.

#### ADDITIONAL STATEMENTS

##### ESSAY ON CHRISTIANITY BY MALCOLM MUGGERIDGE

Mr. HUGHES. Mr. President, I had the privilege this morning of both meeting and breakfasting with Mr. Malcolm Muggeridge, the noted British journalist. Mr. Muggeridge, who is here to address the American Society of Newspaper Editors, came quite early this morning to Fellowship House to share with a group of us his observations concerning Christianity. He read for us his statement of faith, which when broadcast over the facilities of the BBC created a very great stir in England. Mr. President, I find Mr. Muggeridge's essay on Christianity one of the most compelling that I have ever read and I think that we would all benefit by its appearance in the RECORD. I ask unanimous consent that it be printed in the RECORD.

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

##### CHRISTIANITY

(By Malcolm Muggeridge)

I believe that for me, a Western European living in the second half of the twentieth century, the truth about life is most clearly and beautifully expressed in the Christian faith. As it has come down to us through the centuries. As it is set forth in the New Testament. Above all, as it was expressed in the person, in the teaching, in the life and death of its founder, whose light shines as brightly today, if one cares to look, as when he lived, taught and was publicly executed in a remote province of the Roman Empire some two thousand years ago.

My awareness of this Christian faith has been greatly intensified and enriched by the saints and mystics—more particularly St. Augustine and St. Francis, Pascal and Bunyan and Blake, Tolstoy and Dostoevsky, and in our own time Simone Weil and Dietrich Bonhoeffer. They all say the same thing, perfectly clearly and comprehensibly, whose validity is in no way affected by the changes that have taken place in human society from one generation to another.

One of the most shallow and fatuous fantasies of this credulous age is that what was valid in the days of Nero won't do in the days of Marshall MacLuhan.

That the Jesus of the Gospels, the Jesus of the Middle Ages, the Jesus of the Renaissance, must now be re-fashioned to fit into the colour supplements, the discotheques and the television schedules. One might as well argue that, because Shakespeare wrote Othello before the invention of the birth pill, its picture of a marital relationship and sexual jealousy needs to be scrapped in favour of a version by D. H. Lawrence or Ken Russell!

What, then, is this Christian faith that so many inspired minds, eloquent tongues and dedicated lives have passed on to us? It tells us that we are errant children of eternity rather than natives of time. That we must die in our animal or earthly nature in order to be reborn as new, spiritual men. That, belonging, as we do, to one family whose Father is in Heaven, we must love one another in perfect freedom and equality. That, imprisoned in the dark, tiny dungeon of the ego, with heavy chains upon us of greed and vanity and cupidity, we are in Hell. Whereas, throwing off these chains, breaking out of this dungeon into what St. Paul called the glorious liberty of the children of God, we may know what Heaven is like.

Christianity, that is to say, offers the only true and lasting liberation. All the others—social, economic, political, etc., etc.—soon prove fraudulent. Jesus is the one true Liberator, whose ideology of dissent remains applicable at all times and in all circumstances. To individual despots, to oligarchies, to party and trade union bosses, to millionaires and demagogues and Communist *aparatchiks* and Honourable and Right Honourable Members, always that thunderous No! from the Man on the Cross, the derided *soi-disant* King of the Jews, Incarnate God.

No view of life, as I am well aware, could possibly be more alien to the contemporary spirit. The enormously powerful apparatus of persuasion that exists today—what we call the media—not to mention most teachers, clergymen, legislators and other miscellaneous pundits, are insistent that what matters is our mortal condition rather than our immortal longings. That happiness lies in producing more and consuming more, and fulfillment in indulging, rather than in curbing or denying, our bodily desires.

That Man has now become master of his fate, and will be able, with the fabulous resources which science and technology have put at his disposal, to create for himself a happy, prosperous, secure life here on earth, holding even death at bay for longer and longer. In the end, maybe, abolishing even death.

On the contrary, I myself believe that, without a God, and the humility that goes therewith, Man is in process of destroying himself, and perhaps his world as well. That, having no sense of a moral order, he will increasingly find it impossible to create any order whatsoever. That, separated from God, he must either fall into the sin of pride, imagining himself to be godlike, and like Icarus flying disasterously into the sun; or relapse into animality, seeking ever more frenziedly and hopelessly to find satisfaction through his appetites, especially sex. In either case, despair must set in, from which the young particularly will seek a refuge in narcotic or erotic stupefaction.

I watch this process, as I consider inexorably working itself out, confident that the light will shine again in the darkness as it has before, and that I—even I—may hope to keep a tiny flame burning, signifying my confidence in that Light of the World which first shone twenty centuries ago, and cannot be extinguished.

##### POW DAY IN SALT LAKE CITY

Mr. BENNETT. Mr. President, there is an unprecedented diversity in America regarding the U.S. role in Southeast

Asia. This permeates every aspect of American life, including Congress. There is, however, one topic which I think welds us all together, and that is a sincere and deep hope that American POW's in Communist North Vietnam might some day return to their families and homes.

The mayor of Salt Lake City, J. Bracken Lee, has proclaimed April 28 as POW Day in Salt Lake City. I ask unanimous consent that the proclamation be printed in the RECORD. In so doing, I endorse the proclamation as an expression by the people of Salt Lake City and Utah in support of our brave men who are imprisoned and the hope that they may soon again be freemen.

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

#### PROCLAMATION

Whereas, the Silent Majority Mobilization has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, we are calling for humane treatment of these prisoners of war if not for their end and out release; and

Whereas, we must show more concern for the plight of American prisoners of war;

Now, therefore, I, J. Bracken Lee, Mayor of Salt Lake City, Utah, do hereby proclaim April 28, 1971, as "POW Day" in Salt Lake City, Utah, and urge our citizens to reaffirm our support of these valiant men.

In witness whereof, I have hereunto set my hand and caused the seal of Salt Lake City, Utah, to be affixed this 3rd day of February, nineteen hundred and seventy-one.

J. BRACKEN LEE,  
Mayor.

#### THE CONQUEST OF CANCER

Mr. HUMPHREY. Mr. President, the American Cancer Society has endorsed the Conquest of Cancer Act as the most effective approach to conquering this dread disease.

I understand this is the first legislative enterprise in which the cancer society has been really active. The society's action is reported in the April 3, 1971, New York Times. I ask unanimous consent that the article be printed in the RECORD.

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

CANCER SOCIETY FOR KENNEDY BILL: BACKS INDEPENDENT AGENCY FOR FIGHTING THE DISEASE

(By James E. Brody)

CAREFREE, ARIZ., April 2—The president of the American Cancer Society, speaking here today, put the full weight of the nation's largest voluntary health organization behind a Congressional proposal to establish an independent national cancer agency charged with conquering cancer.

Dr. H. Marvin Pollard said that present scientific knowledge about cancer "is sufficient to support a full-scale research attack to produce practical methods" for controlling cancer, which currently takes 330,000 American lives a year, half of them before the age of 65.

He added that "to produce new and effective methods of cancer control will require the same kind of effort that went into the development of the atom bomb or the space program that placed a man on the moon."

Dr. Pollard made his remarks at the opening session of the Cancer Society's annual

seminar for science writers, being held through next Wednesday at the Carefree Inn here.

The creation of a cancer authority, on the order of the National Aeronautics and Space Administration, has divided scientific opinion since its initial proposal last year by former Senator Ralph Yarborough, Democrat of Texas.

#### YARBOROUGH PROPOSAL

The proposal was supported by a Senate-appointed national panel of consultants who recommended last month that the present National Cancer Institute be financially separated from the National Institutes of Health and made the nucleus of a new independent cancer authority responsible directly to the President and Congress.

Proponents of the bill, introduced in the current legislative session by Senator Edward M. Kennedy, Democrat of Massachusetts, maintain that administrative delays in decisionmaking, overlapping of functions and competition for funds that currently characterize the national cancer effort are delaying the conquest of this disease.

Some scientists and doctors who have opposed the idea of a separate agency fear, however, that isolating the cancer effort from other research in medicine and biology would weaken rather than strengthen it.

They point out that unlike the relatively straightforward goal of landing a man on the moon, there is no one way to attack cancer and no agreement even on which avenues are likely to be most productive. The Nixon Administration supports this view.

Dr. Pollard pointed out that any answers a cancer agency might come up with would have to be supplemented with extensive education programs to see that the public benefits from them.

There is in fact little precedent on which to base the belief that elucidating the causes of cancer or finding ways of curing it or detecting it at curable stages will have any immediate, substantial impact on the number of lives lost to cancer each year.

As Dr. Pollard noted, medicine already has the means to prevent two major cancer killers—lung cancer, which as the largest cancer killer among American men takes 45,000 lives a year, and cancer of the cervix, killer of 13,000 American women a year.

Yet, nearly two decades after scientists showed that 9 out of 10 lung cancer deaths could be avoided if Americans gave up cigarette smoking, there are still 45 million Americans smoking and the Government still supports advertising of American cigarettes abroad.

#### THE REGULATION OF 18-YEAR-OLD DRIVERS IN INTERSTATE COMMERCE

Mr. TOWER. Mr. President, for many years, farmers and those in related fields have transported their produce in interstate commerce under the provisions of the Motor Carrier Safety Regulations of the Federal Highway Administration. However, 18-year-old drivers of light-weight farm vehicles were exempted from certain conditions of the regulations thereby allowing them to drive in the farm-to-market activities.

Effective January 1, 1970, the regulations were revised, deleting the exemptions given the 18-year-old farm drivers. However, due to the great protest which arose from this action, that section of the new ruling was suspended until July 1, 1971, to allow the Bureau of Motor Carrier Safety to reassess the policy.

As Senators may be aware, following a meeting on April 1 between Dr. Robert

Kaye, Director of the Bureau, and representatives of the American Farm Bureau Federation, the National Council of Farmer Cooperatives, and other individuals and groups representing farmers, it was announced that drivers of vehicles under 10,000 pounds would be exempted from the prohibition against operation of trucks by drivers under 21 years of age.

While this is a welcome step in the right direction, it is not sufficient to remedy the problem.

A great many farmers and ranchers in my State are dependent—and I mean very dependent—on the services of youngsters between 16 and 21 years of age to drive their farm vehicles. If the proposed restrictions are put into effect, they would work a very great hardship on farmers and ranchers who must haul their products to market points. I cannot stress too strongly the importance of allowing a broad exemption for local hauling by farm trucks.

Evidence has been presented to the Bureau that the relatively poor driving record of young drivers does not extend to the young drivers of farm vehicles. This is indicated by the fact that companies writing casualty insurance coverage do not make the distinction in rates between young and adult drivers of farm trucks that they do between young and adult drivers of automobiles.

American farmers and others in agriculture do not have an easy time of it. In addition to the chronic economic problems which have beset agriculture in recent decades, farmers of my State are now facing an all-out disaster in the form of drought. Dust storms are ripping off the topsoil in west Texas, New Mexico, and Oklahoma in a manner reminiscent of the worst of the 1930's. I see no reason to add yet another burden to their problems.

I have written to Dr. Kaye asking him to consider the serious effects of some of the provisions of the rules governing drivers of trucks. I ask unanimous consent that the text of my letter be printed in the RECORD.

I hope and trust the Bureau will further revise its regulations.

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

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, D.C., April 15, 1971.

Dr. ROBERT A. KAYE,  
Director, Bureau of Motor Carrier Safety,  
Department of Transportation, Wash-  
ington, D.C.

DEAR DR. KAYE: I have just completed a review of the revised version of the Bureau's proposed rules and regulations governing the qualifications for drivers of trucks. On behalf of the farmers and ranchers of my state I appreciate the Bureau's willingness to revise its proposal to the extent of exempting operations of vehicles under 10,000 pounds.

However, I do not believe the exemption is sufficient to meet the problem. You are aware, I am sure, of how dependent farm and ranch operators are on the assistance of young people to haul agricultural products to market points. The need for this assistance is crucial at harvest times. Evidence has been presented that indicates the driving records of young people operating farm trucks

are favorable in comparison with those of similar age operating automobiles.

I am in agreement with the position taken by the American Farm Bureau Federation in its letter to you of April 8, 1971. I support its recommendations and ask that its arguments be thoroughly considered and that the best interests of American farmers not be jeopardized by excessively stringent regulations.

Sincerely yours,

JOHN TOWER.

#### MISSOURI A LEADER ON INTER-STATE SYSTEM

Mr. SYMINGTON. Mr. President, we in Missouri are proud of the record made in our State on the interstate highway program. The first project in the United States on which actual construction was started under provisions of the Federal Aid Highway Act of 1956 is a part of Interstate 70 near St. Charles, Mo. Fifteen years and more than 700 interstate miles later, our State has the longest continual stretch of the system under construction in the Nation, south from St. Louis on Interstate Route 55.

I ask unanimous consent that a report from the Missouri State Highway Department, telling of this \$70 million, 68-mile project, be printed in the RECORD.

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

#### MISSOURI NOW BUILDING LONGEST CONTINUOUS STRETCH OF INTERSTATE IN NATION

Missouri, the first state in the country to begin an Interstate highway project, now has the longest, continuous stretch of interstate under construction in the nation.

It is 68,607 miles of Interstate Route 55, along the state's eastern border, running south from the Festus-Crystal City area in Jefferson County to Fruitland in Cape Girardeau County.

Hopefully, with good weather and no unforeseen complications, most of the 68 miles will be completed late this year, although the actual projected completion date is August, 1972. About four miles of the project are now almost completed and ready for opening.

Total cost of the 68 miles, excluding preliminary planning, engineering and right-of-way, will be \$70,141,601.11.

Interstate Route 55 in Missouri, when completed, will total 209.2 miles, running from the I-70 junction at the Poplar Street Bridge in St. Louis, south to the Arkansas state line.

The first two contracts on the route were awarded on April 21, 1961. Total construction contracts on the route, through February, 1971, now total \$184,846,885. This also excludes engineering and right-of-way costs.

With the completion of the 68 miles now in progress, only 12.7 miles of the entire I-55 route remain to be put under contract. This last stretch of the route, in Pemiscot County near the Arkansas line, is scheduled for contract in the Missouri State Highway Department's 1972 fiscal year.

Missouri began the nation's first interstate highway project in August, 1956. Of its planned 1,147-mile Interstate System, 763 miles are up to or near interstate standards and in operation; 52 miles under contract and expected to be up to full interstate standards and in operation by December 31, 1971; 88 miles under contract, but not expected to be in operation by December 31; 77 miles are classified as a dual facility in use, but not up to full standards; and 167 miles have been approved as to location, but not put under contract.

#### NIXON SPEECH ON TARGET

Mr. BENNETT. Mr. President, I believe we can predict with some certainty the following: On April 24 there will be a noisy antiwar demonstration in Washington. During the coming weeks and months the political proponents of "cut and run" in Vietnam will continue their game of oneupmanship. The more zealous among the President's critics will increasingly gnash their teeth and herald any setbacks to the allied operations in Vietnam.

What will these actions—or reactions—have to do with the stepped-up withdrawal plans for U.S. troops, recently announced by President Nixon? Absolutely nothing.

It has become clear that no rate of American withdrawal from Southeast Asia will be precipitate enough for those who advocate a total wiping clean of the Vietnam slate on which a tremendous amount of American blood and treasure has been spent. However, to those of us who maintain the difficulty of the war has not erased the justice of the cause, the President's latest message was a welcome reaffirmation.

Mr. President, the Washington Evening Star in an editorial following President Nixon's address stated that the projected withdrawal rate will fulfill "both America's domestic political imperatives and her international responsibilities." I wholeheartedly second that appraisal, and ask unanimous consent that the entire editorial, published April 8, be printed in the RECORD following these remarks. In addition, two thoughtful appraisals of the situation in Vietnam were published in Utah's two largest daily newspapers following the President's speech. The editorials, entitled "Big Step From the Bog" and "Mr. Nixon Deserves the Nation's Help as Crucial Vietnam War Point Nears," appeared, respectively, in the Deseret News of April 8 and the Salt Lake Tribune of April 9. I ask unanimous consent that these articles also be printed following my remarks.

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

#### CHAIRMAN OF THE BORED

Fortunately, Mr. Nixon has—or, more accurately, does not need—a sponsor. For it is clear that, as illustrated by his performance last night, his failure to come up with dramatic, crowd-pleasing announcements is going to cost him television viewers. It is equally clear that, as we have been saying for some time, that is exactly as it should be. What is wanted in Southeast Asia is a policy of gradual disengagement which is cautious, just and logical. And that is precisely what Mr. Nixon has been (and is) giving the country.

The President's most ardent foes, of course, are not particularly interested in the facts. They have a tendency to overlook the point, which he made last night, that there were 540,000 American troops in Vietnam when he assumed office and that, by the middle of next month he will have brought home 100,000 more troops between May 1 and December 1, an increase in the monthly rate of withdrawal from 12,500 to 14,300.

They are as unimpressed now as they were October 7 (when he first suggested it) with last night's reiteration of his offer to Hanoi

of "an immediate ceasefire throughout Indochina; the immediate release of all prisoners of war in the Indochina area; an all Indochina peace conference; the complete withdrawal of all outside forces, and a political settlement."

What, in fact, do the President's harshest critics want? Put in its simplest terms, they seem to want a scuttle, an immediate withdrawal of all U.S. troops from Southeast Asia, a ban on air and logistical support to the Thieu-Ky government and a coalition government in Saigon, which would result inevitably in a Communist takeover. This Mr. Nixon (or any President of the United States) will not, cannot and should not give them.

In his address last night, Mr. Nixon wisely shied away from adding any additional emotional fuel to the Calley issue. Both the style and the substance of his previous intervention left much to be desired, and the President did well to confine his remarks to the safer and more correct ground of praise for "the two and one-half million fine, young Americans who have served in Vietnam." That should have been his original stance.

But the Calley issue is peripheral to a judgment of last night's speech. The main point is: Does a withdrawal rate which, if projected into 1972, would leave only about 55,000 American troops in Vietnam by September 1 of next year fulfill both America's domestic political imperatives and her international responsibilities? The answer to both questions is yes.

#### [From The Salt Lake Tribune, April 9, 1971] MR. NIXON DESERVES THE NATION'S HELP AS CRUCIAL VIETNAM WAR POINT NEARS

There was disappointment in President Nixon's Wednesday night announcement concerning U.S. troop withdrawals from Southeast Asia. But to also indulge deep despondency would be a great mistake. The President is displaying a measure of fortitude that deserves the public support he has, in fact, openly requested.

It is true his latest report on the Vietnam war did not, except for a modest 1,700-man increase in the monthly U.S. combat force pullout, carry any dramatic new development indicating an early end to America's Indochinese involvement. Mr. Nixon, as much as anyone, would have preferred such an announcement. It simply, based on essential considerations, was not possible.

The President's report, for its challenging frankness, was important. He talked, not so much to the world, as is often his purpose when dealing with Vietnam policy, but more directly to the American people. And he said that his overriding concern continues to be for a world at peace, reiterating that how the U.S. fulfills its responsibility in Southeast Asia will determine whether that goal is achievable.

On this crucial point he said: "... It is important how we end this war. By our decision we will demonstrate the kind of people we are, and the kind of country we will become." His chosen course, he stressed, is "to end this war—but to end it in a way that will strengthen trust for America around the world, not undermine it; in a way that will redeem the sacrifices that have been made, not insult them; in a way that will heal this nation, not tear it apart."

The President asked for the understanding that he cannot, as leader of a country on which other nations depend for mutual protection against future aggression, suddenly deprive South Vietnam of the military help previously pledged and provided. And he clearly intimated that "running out" now would cause a domestic upheaval every bit as disturbing as international repercussions.

The fact remains that Mr. Nixon's Administration has reversed the U.S. role in Vietnam. Total American troop strengthen has

been cut by 265,000 men, casualty rates have dropped and the South Vietnamese are continually taking on the burden of their own defense.

In a way that was characteristic of the entire report, Mr. Nixon acknowledged public doubt, admitting that repeated assurances from Washington, on the prolonged war's imminent settlement have proven false. And he asked to be judged on the record, to be held politically accountable if he does not conclude the U.S. involvement in the war honorably and timely.

President Nixon is avid in his search for peace. He is also well aware there is seldom a quick and easy way through major international conflict. The process usually requires a combination of resiliant toughness and conciliatory attitude poised on a foundation of enduring patience.

He has asked the nation to be resolute and patient a little longer, to show the world once more that the United States is an ally that can be trusted in adversity, but more than that, a country dedicated to ways of peace, not war. He should have that help.

#### BIG STEP FROM THE BOG

The question is no longer how soon America should complete its withdrawal of U.S. troops from Vietnam.

Rather, the question now becomes one of whether or not a residual U.S. force should be left behind in Vietnam as planned and, if so, how large it should be.

This is so because of the stepped-up schedule of withdrawals announced Wednesday evening by President Nixon.

While Mr. Nixon resisted strong pressure to set a specific and early deadline for an end to massive U.S. troop involvement in Indochina, the schedule he announced brings that end much more clearly in sight.

The new schedule of withdrawals—14,300 men a month starting May 1, up from the previous rate of 12,500 a month—will leave 184,000 U.S. troops in Vietnam next December 1. If the new rate is continued, the U.S. contingent in Vietnam could conceivably be down to around 13,000 by the end of 1972.

But that's only theoretical because talk about the residual force is that it will be on the order of somewhat under 50,000 men.

The continued U.S. withdrawals mean that American military support on the scale of the Laos campaign likely will not be possible next year. But, assuming there is no cease-fire or negotiated settlement, a smaller U.S. presence in Vietnam also could mean the few U.S. troops remaining there might become more vulnerable.

Although President Nixon said the South Vietnamese operation in Laos made the stepped-up withdrawal possible, that operation still looks like less than a full success. There's still room for wondering if the withdrawal rate wouldn't have been greater had the Laos operation turned out better.

As for Mr. Nixon's assertion that "Vietnamization has succeeded," the acid test of that program won't come until the South Vietnamese are more completely on their own. It's hard to be certain that Hanoi isn't pulling its punches until more Americans have left.

Moreover, despite the President's reiterated hope for serious peace negotiations, some observers insist that negotiated settlements run against the grain of Vietnamese tradition.

Despite such reservations, President Nixon merits high marks. He is doing precisely what he said he would in seeking to get America out of a treacherous bog with its honor as much intact as seems possible under the circumstances.

#### PRIORITY PROBLEMS IN ALABAMA

Mr. ALLEN. Mr. President, the Alabama Legislature was called into extraor-

dinary session by Gov. George C. Wallace on March 31, 1971, for the purpose of considering programs of immediate priority in Alabama.

In his address, Governor Wallace outlined eight goals for special consideration:

First, completion of Alabama's interstate highway and continuation of other road and bridge building programs;

Second, providing for an expansion of Alabama's medical education and health services on an accelerated basis;

Third, increased funding and completion of a program more adequately to meet the needs of the mentally ill and retarded;

Fourth, revitalization and completion of the State's park and recreational programs;

Fifth, increasing the amount of interest paid by banks on State funds held in time deposits;

Sixth, an increase in unemployment benefits;

Seventh, a review and revision of State laws and regulations with respect to establishing utility rates; and

Eighth, enactment of an escheat law.

In addition, Governor Wallace extemporaneously commented on the conviction of Lieutenant Calley.

Mr. President, I believe that the priority problems in the State of Alabama are instructive with respect to the need for a realistic program of revenue sharing with the States. Other States may well have different priorities. In any event, a question is presented as to whether or not priorities in all States could better be served by a realistic plan for general revenue sharing and from block grants as distinguished from present restrictive categorical grants to the States.

Mr. President, we believe that Governor Wallace's address and his comments on the conviction of Lieutenant Calley will be of interest to Senators and the public in general. I ask unanimous consent that the text of the address and extemporaneous remarks concerning Lieutenant Calley be printed in the RECORD.

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

ADDRESS BY GOV. GEORGE C. WALLACE AT A SPECIAL SESSION OF THE ALABAMA LEGISLATURE, MARCH 31, 1971

Governor Beasley, Speaker Lyons, Members of the Alabama Legislature, Distinguished Guests, Ladies and Gentlemen:

We meet here this evening in response to my request that our Legislature convene in Extraordinary Session for the purpose of considering matters of immediate and vital importance to the people of Alabama.

On such an occasion it seems needful and proper that all members of the legislative body, as well as the people of our state, fully understand and appreciate the urgency of the situation and the basis for my action in calling the Legislature into session at this time.

The decision to convene the State Legislature in Extraordinary Session is not a decision easily made nor an action lightly taken. In arriving at a final determination a Governor should give full and earnest consideration to all of the facts and circumstances surrounding the immediate need for such a session and utilize to the fullest all of the advice, counsel and expertise avail-

able to him. This is what I have done on this occasion.

Perhaps no Governor in the history of our state has had the advantage of the advice and counsel of a more dedicated and conscientious group of legislators that I have in seeking solution to the problems confronting all of us.

This concern and dedication evidenced itself in the January session when the Legislature organized the appropriate interim committees to give immediate attention to problems of State Government of pressing importance. These committees were charged to proceed forthwith to review and examine the matters within their respective areas of concern and to advise the Legislature and your Governor as to their findings and recommendations. This they have done in an extremely able manner in an unbelievably short period of time. Only through tireless and dedicated effort and sacrifice on their part has this been possible. I would be less than honest if I did not report to you that the advice, counsel and recommendations of these committees, and that of other individual legislators who have conferred with me, has been the most persuasive factor in bringing us here this evening. On behalf of myself and the people whom they serve, I wish to express my thanks to all the members of this Legislature, individually and collectively, who have worked so unselfishly with us since our January inauguration.

Matters which have occupied the attention of your Legislature and your Governor during the days and weeks leading up to this evening include the absolute necessity for the continuation to substantial completion of our federal interstate system, as well as our other road and bridge building programs in this state. The safety of our traveling public, the general welfare of the area and communities served and the overall economy of the State demand that we not abandon our program of development and construction of our roads and bridges.

Safety of travel alone makes this need imperative. Under modern conditions of travel and transportation a less than adequate highway system presents an unacceptable hazard to the lives and safety of our citizens. The death rate on our highways, both rural and urban, is far too high. We have no choice but to do all within our power to reduce this peril to our people. Statistics irrefutably show that the condition of the roadways traveled makes a major contribution to traffic injuries and deaths—the second major contributing factor being the enforcement of our traffic laws.

I am dedicating myself to improvement in both areas, and ask this Legislature to join with me in this effort. I am proposing, what I feel to be, a reasonable and adequate program for the improvement and development of our highway system. At the same time I pledge a vigorous enforcement of the laws of this state regarding travel and use of these highways. I am convinced that together this will do much to reduce the present death and destruction we are experiencing on our highways.

While this alone is enough to warrant our action in regard to highway construction, it is inevitable that we consider the effect an adequate, or inadequate, highway system has on the economy of the State, or on an area of the State. Modern-day industry and commerce tends to follow and develop along the major arteries of highway transportation. A means of uninterrupted land transport must be available to any major industry situated in our state. The return on our investment is assured from increased business and commerce flowing into the State. An increasing benefit to our tourist industry is realized as we make our outstanding attractions more available to travelers through an adequate inter-state and in-state road system.

Being convinced of the need for continu-

ation of our highway program, and having such belief confirmed and approved by the legislative committees inquiring into this matter, we have directed our attention to the funding and implementation of the program. In the legislative measures introduced here this evening, you will find that a significant portion of the burden of funding the \$185,000,000 in bonds felt necessary for this purpose has been placed on the major users of these roads and highways. All with whom I have conferred see fairness in this approach.

There is certainly no intent on my part, or that of anyone, to deal with any segment of our economy unfairly. However, the feelings expressed to me have been uniform to the effect that those using the highways for profit should bear a significant portion of the burden of their construction and maintenance. In implementing this determination, our trucking industry, along with others, is being asked to shoulder a proportionate share of the load in the further development of our highway system. This approach will have application to both commercial and private carriers as each uses our roadways alike in furtherance of the needs of their particular business or industry.

I would like to note that the program we are presenting is not restricted to any area or section of our state or to any particular type of road or highway. The roads and bridges of our smaller rural counties and the streets of the villages and towns of our state are as equally important as are the expressways and thoroughfares traversing our large urban areas of population. All will be treated alike and the needs and requirements of each will be considered. My Highway Director and other members of my staff have been instructed to proceed in this manner in formulating the highway program for the next four years. I assure you this program will be a total program, aiding and assisting all people and areas of the State.

A second matter which all agree must be dealt with on an immediate and highly accelerated basis is that of medical education and the delivery of medical services to the people of Alabama. The hour has struck for us to put an end to a state of affairs in which Alabamians have to wait days and weeks to get an appointment to see a doctor—in which mothers watch sick children with the hopeless feeling which always accompanies inability to get proper medical attention—in which overworked doctors and nurses are unable to meet the increasing demands upon their time and energy caused by the growing number of patients.

Throughout the campaign of last spring, I repeatedly called attention to the critical need in this state for more doctors and allied medical personnel and for a more effective delivery of medical service to all of our people, whether they live in rural or urban areas of our state. At that time I stated my intention to propose a program providing means for the education of more doctors and other medical personnel in Alabama. In my judgment, such a program will have the overwhelming endorsement and support of the people of the State.

For more than nine months this matter has been the subject of exhaustive study by the medical profession, the academic and administrative staffs of several of our major state universities, by members of the Legislature and by myself and my staff. I am indebted to all of these persons, institutions and agencies for the untiring and unselfish efforts they have made toward solution of this critical and complex problem. And I might add, that while there may be minor points of disagreement as to the exact course to follow, all are in accord that action must be taken, and taken immediately to alleviate the critical shortage of doctors in Alabama and make adequate medical services available to all of our people.

The program we propose provides for the expansion of the medical college at the University of Alabama, Birmingham; the establishment of a four-year medical college at the University of South Alabama in Mobile, the creation of two-year schools of medical education at the University of Alabama in Tuscaloosa and the University of Alabama in Huntsville, together with the enlargement and possible relocation of the school of pharmacy of Auburn University. In a recent meeting with the presidents of these institutions, we discussed in detail, and found ourselves in accord on, a program which provides for the enrollment within the near future of 325 students annually compared with the present figure of little more than 100. I found among this group the spirit and dedication and cooperation so vital to the success of this program and a willingness to place the welfare of the State above personal institutional considerations. I am confident that this same attitude will prevail in the Legislature.

Funding requirements for the \$35,000,000 in bonds for capital outlay for this program have been proposed which impose no undue burden on anyone, and I ask your full and earnest consideration of this program which I feel to be so badly needed by our people.

Still in the area of health care, I call your attention to the plight of the less fortunate, the mentally ill and mentally retarded. I would think that most Alabamians are aware of the concern and compassion that my late wife, Governor Lurleen Wallace, held for this group and of her efforts in their behalf. Under her sponsorship and direction a program was enacted by our Legislature in 1967 designed to provide facilities throughout the State for the care, treatment and teaching of this group. Fifteen million dollars was provided for the construction of these facilities. By reason of circumstances beyond the control of any party here tonight, the establishment of these facilities has been long delayed, and we are now advised that the program envisioned by Governor Lurleen will only be realized in small part.

In consultation with the Legislature and the agency charged with responsibility for the administration of this program, I have been advised that additional funds are needed if any progress is to be made in providing the necessary care for our mentally ill and retarded. I have long stated that I am dedicated to the ultimate completion and realization of the program begun in 1967, and I have pledged my efforts to that end. I am proposing to you tonight that an additional \$15,000,000 be made available to the Mental Health Board for the completion of the planned facilities and that this program be given the support, guidance and supervision of all of us in seeing it to successful completion. I do not feel that we can do less for those unfortunate persons so vitally affected by our efforts.

As a bonus effect, the establishment of these new facilities will serve to reduce the severe overload now existing in all of our other mental health facilities, thus providing more adequate and complete care for all of those in need of this attention. Funding for this program is from the same source and in the same manner as that for our other medical facilities and imposes no undue hardship on any person or segment of our population.

In 1967, during the administration of my late wife, the Legislature authorized and the people approved the development of a park and recreational program in this state. Many of our people had long sought such a program as a means for the development of the many and varied recreational areas and tourist attractions of Alabama, ranging from the mountains of the north counties to the beaches of the Gulf. This program was well advanced in the planning state at the time of Governor Lurleen's death.

With no intent of criticizing former ad-

ministrators, we now find this program to be in a state of total confusion, bordering on chaos. This has been occasioned, in large part, by rising costs and to over commitment in certain areas and under commitment in others. Whatever the reason may be, we find few, if any, parks completed, with the planned facilities lying dormant in varying stages of construction. Some park and recreational areas included within the program have received little or no attention or money; others are partially completed while some few others have reached a stage of substantial completion. Money is not available to complete the program.

All of this leaves the officials charged with the administration of this program with an agonizing decision as to what course to pursue, confronted with the question of whether to place all parks in a partial state of completion or to abandon some in favor of others. Neither seems to be a wise or economically feasible solution.

A committee of the Legislature has reported that \$21,000,000 in capital outlay will complete the program in a satisfactory manner. This committee reasons that all of our people would then be better served from a recreational standpoint and that our resources in the area of recreation and tourist attractions would be adequately developed, which would mean much economically to the State. The committee recommends that steps be taken to secure funds for this purpose.

I am in agreement with the recommendation of the committee and have included in this call a proposal that you authorize \$21,000,000 in capital outlay funds to be used in completing the park and recreational program, thus enhancing the recreational and tourist potential of our state. I pledge to you, if you adopt this proposal and provide such funds, that this program will be given minute attention, careful planning and close supervision. Funding of the bond measure will be from a source imposing no hardship on individual citizens or on the business community. I ask your favorable consideration of this proposal.

Other matters that I would request that you consider include legislation increasing the amount paid to the State by banking institutions on state money held in time deposits. As you may recall, legislation offered by the Wallace Administration was enacted in 1967 requiring for the first time payment of interest to the State for the deposit of state money in banking institutions. Since that time more than \$12,000,000 has been paid in earned interest. The presently offered legislation would increase the rate of interest to be paid by the banks and would provide procedures to assure timely deposit of available funds. Through adoption of this legislation, the State will be assured of the deposit of more funds at a higher rate of interest. There is no question but that this is in the public interest and in keeping with the wishes of the vast majority of our people. It assures a fair, honest and equitable return on the people's money and is deserving of your support.

There will also be presented to you legislation designed to upgrade the unemployment compensation statutes to provide increased benefits to the unemployed, whose ranks are now increasing to a critical level. The legislation offered will extend present benefits for an additional thirteen weeks.

Between seven and eight thousand Alabama workers who have exhausted their regular UC benefits and have been unable to find employment would be entitled to additional benefits under this program. They would be paid approximately \$2,000,000 over the next thirteen weeks. The Federal Government would pay half this amount with only \$1,000,000 coming out of the Alabama UC Trust Fund.

This change is badly needed at this time as unemployment continues on the rise. In

the event of extended unemployment this additional thirteen weeks' benefit becomes critical. On behalf of the fine, dedicated men and women making up the labor force of Alabama, I ask that you give favorable consideration to this legislation at the earliest possible moment.

Both a special interim committee of the Legislature and the Public Service Commission are presently considering the matter of proper rates for the public utilities of the State. This is a matter of increasing concern to all of the citizens of Alabama, who in one or more ways are affected by the rate charges of the utility companies. I found this to be a matter of genuine concern throughout the State during the recent campaign and, indeed, it is fast becoming a matter of high concern throughout the nation. I have offered personal testimony before the legislative committee looking into this matter, and I am appearing through counsel in the proceedings before the Public Service Commission. I feel that such is my duty and obligation if I am to properly preserve the rights of the people in this vital area.

My proposals to you in this instance are in line with my desire to afford a full and fair hearing for all parties concerned in all matters affecting the fixing of utility rates. To this end I am proposing that legislation be enacted extending the time for which the Public Service Commission, the State regulatory agency, may suspend rate schedules filed by the public utilities before they become effective. This will afford the consumer, and those representing consumer interests, time in which to review, consider and evaluate the requests made and file appropriate answers. Otherwise, the hearing becomes an *ex parte* proceeding to a large degree.

Secondly, I propose that you adopt legislation standardizing the basis upon which the property of public utilities is valued in fixing a "rate base" for rate making purposes. This procedure is not now uniform and in many instances highly confusing. Passage of the proposed legislation will eliminate much of this doubt, confusion and mistrust and provide a reasonable and equitable basis for rate making.

As a result of lengthy inquiry by both the Legislature and the fiscal officials of the State, it has been found that certain State agencies and institutions, due to accelerated expenditures during the first two quarters of the present fiscal year, do not have sufficient funds available to continue operation for the remainder of the year ending September 30. The Fiscal Study Committee and other interim committees have reviewed these situations in detail and have recommended in each instance that sufficient supplemental appropriations be made to enable the State agencies concerned to continue to function.

A bill is being offered providing modest but adequate appropriations for these agencies, including the Department of Pensions and Security, the Board of Corrections, the Department of Public Safety and the Medicaid program administered by the Medical Services Division of the State Board of Health. All of these requests have been examined by both the Executive Department and the appointed committees of the Legislature and found to be necessary and required if the agencies named are to continue to operate throughout the current fiscal year.

The General Fund, from which the greater portion of the departments and agencies of the executive branch of government are funded, is in a precarious financial position. The existing surplus, not nearly so large as earlier reported, is being utilized to sustain operations for the remainder of the fiscal year. This places the General Fund in the impossible position of entering a new fiscal year with little or no balance. Something needs to be done now to remedy this situation.

I have recommended the passage of the so-called "bank interest" bill to provide some increase to the general Fund. I am also offer-

ing legislation to provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property known as the "Escheat Law". Adoption of this legislation will provide an undetermined amount of new revenue to the General Fund, which is sorely needed. Perhaps other legislation to bolster the General Fund will be offered—if so, I request your close and serious examination and approval if found to be valid.

In closing let me say that the matters included in this call for an Extraordinary Session are those which have had my close, careful and studied consideration. I sincerely believe that the proposed programs are in the interest of the people of this state. They are in keeping with the commitments and covenants of my campaign. I know that many of you made similar commitments and have similar attitudes as to the programs presented. I ask only a fair, impartial and unbiased consideration of the legislation offered, with approval if found sufficient or amendment and correction if improvement can be made.

All of us, I am sure, share the same desire that our efforts in this session will produce good for the citizens of our state—providing relief where relief is needed, and help and assistance where the need exists. I feel that our programs in the area of health services, highways, parks and other proposed legislation are in the best interest of all Alabamians.

Although this does not pertain directly to the business of this session, I think it appropriate to call to your attention the fact that we have recently commenced a study on efficiency in governmental operations. Through use of professional consultants and the advice and counsel of leaders of the business and professional community, we hope to develop and implement a plan which will provide substantial savings and far greater efficiency in the operation of our state government. The firm we have engaged has conducted similar studies and developed plans in twelve or more states with outstanding results. We are optimistic as to success in Alabama.

I wish to express again my gratitude to this Legislature for the help and assistance that it has afforded in guiding my decision with respect to the call of this session and the measures to be considered. No Governor has ever been afforded greater support and cooperation, and I am firm in my belief that together we can meet and solve the problems confronting our state.

May God bless and guide you in your labors.

#### REMARKS OF GOV. GEORGE C. WALLACE

The conviction of Lieutenant Calley, raises some interesting questions. Those of us who have been shot at in combat know that war is hell. The Axis powers in World War II killed millions of civilians in bombings and other military action—the Allied powers dropped bombs on Axis power capitals and other cities in these countries—killing hundreds of thousands of civilians. The Communists are noted for the killing of civilians including their own.

During World War II when we were on the same side with the Communist—fighting the Germans and Japanese—not one bit of criticism was leveled at the killing of hundreds of thousands of civilians in the German and Japanese capitals. The Communists should be tried instead of Lieutenant Calley. They are the cause of any civilian being killed in military action today. During the time that Americans and Allied servicemen are fighting in Vietnam, including Lieutenant Calley, many in this country were marching in support of the Communist and Vietcong, flying the Communist Vietcong flag and parading pictures of Communist leaders.

They are the ones who call for the destruction of this country and victory over

the American and allied servicemen by the Communists and the Viet Cong. This action on the part of these traitors has prolonged the war in Indo China causing the killing of Americans, Vietnamese civilians on both sides and also North Vietnamese servicemen. The Government of the United States has failed to prosecute a single one who has committed these acts of treason—and to try Lt. Calley in face of all these facts is simply unbelievable. This country's refusal to accept surrender of the Germans and Japanese except under the condition of unconditional surrender brought about the dropping of the atomic bombs on Japan. Has anyone ever been tried for this?

This decision has a demoralizing effect upon every serviceman today in our armed services. I hope that all Alabamians will write President Nixon and ask for a full pardon for Lt. Calley.

I am also asking the selective service director of this State to investigate the possibility of whether or not we can, under the law, suspend the draft in this State until Lt. Calley is pardoned by the President of the United States.

If I were President, I would pardon Lieutenant Calley.

#### FAA AIRPORT FORECASTS

Mr. SPONG. Mr. President, a few weeks ago, the Federal Aviation Administration issued its annual 10-year forecast of passenger traffic at the three major Washington area airports—Washington National, Dulles International, and Baltimore Friendship.

The accompanying press release notes with satisfaction that both Dulles and Friendship will register healthy gains during the period. But what the FAA has not told the public either in its report or in its press handouts is that these figures are significantly changed from what was forecast only a year earlier and that the change is all in the direction of a greater share of the market for National.

Thus, last year, it was forecast that National would have a 35.7-percent share by 1981. This year, the figure has been raised to 40.4 percent, an increase of almost 5 percent or some 2 million passengers. Corresponding downward revisions have been made in the percentages forecast for Dulles and Friendship. Where Friendship last year was expected to have 35.7 percent of the market, this year the forecast has dropped to 31.4 percent. Dulles' share declines from 28.6 to 28.2 percent.

Mr. President, these figures represent percentage shares of the passenger market and not absolute numbers. As such, they are not affected by general economic slowdowns and slumps in airline business, but by conscious decisions on the part of the FAA on how to make use of the region's airport resources.

Even so, a look at the actual numbers of passengers expected to use the three facilities confirms that National will be playing a larger role and Dulles and Friendship a smaller role than was forecast a year ago. Notwithstanding a downward revision in the total number of passengers involved from 44.8 to 41 million, National Airport's expected share increases from 16 to 16.6 million. The other two airports, it seems, not only will bear the full brunt of the overall slowdown but also lose established business

to National. Thus, the number of passengers at Dulles declines from the 12.8 million forecast last year to 11.6 million in this year's report. Friendship suffers an even greater loss from 16 million to 12.8 million. All of this, again, while National is recording an increase of 600,000.

Mr. President, this substantial but unannounced revision in FAA forecasts can only be explained by the presence of some new factor in the region's airport picture which was not there a year ago. And the only significant new factor of which I have knowledge is the FAA's decision to permit stretch jets to use National Airport.

That decision was made despite warnings from the FAA's own airport managers that the larger stretch jets would "change the entire pattern of growth of aeronautical activity in the Washington metropolitan area" and "substantially alter the prospects for growth of Dulles and Friendship." The revisions in the FAA forecasts which I have cited indicate that that is exactly what is happening.

Mr. President, this is not the first time the FAA has adjusted its forecasts of market allocation for the airports to take account of decisions it has made in favor of greater use of National. In 1959, for instance, the FAA concluded that by 1975 Dulles should have 45.8 percent of the region's passenger traffic, National 33.9 percent and Friendship 20.3 percent. It was on that basis and with the expectation that Dulles would become the major jet port of the region relieving congestion at National, that Congress appropriated the money to build the new facility. Over the years, however, the FAA has adjusted its forecasts to compensate for such changes as its 1966 decision to allow jets to use National. The result is that today the predicted distribution of traffic for the same year is Dulles 20.5 percent—less than half the original forecast—National 53.5 percent and Friendship 26 percent.

All of this tampering with the forecasts has permitted the FAA to maintain the clumsy fiction that "Dulles' development is right on schedule." I fully expect that a year from now the FAA will trot out the same argument in answer to those who opposed the stretch jet decision as harmful to Dulles. Dulles will be shown to be right in line with forecasts. What will not be mentioned is that those forecasts themselves have been altered to fit the situation the FAA has created.

Mr. President, despite all the denials by the FAA that the use of stretch jets at National would in any way affect Dulles and Friendship, the fact remains that the FAA itself has quietly and without explanation changed its forecasts to reflect a significant change in "the pattern of growth of aeronautical activity in the Washington metropolitan area."

#### SOLID WASTE DISPOSAL

Mr. BEALL. Mr. President, one of the most critical pollution problems confronting the country is that of solid waste disposal. There is an interesting experiment taking place in urban Prince Georges County. Here the refuse, rather

than being the usual "mountainous liability," is recycled and disposed of at a profit.

I ask unanimous consent that an article, describing this experiment, published in the Washington Sunday Star, be printed in the RECORD.

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

#### CAN WE USE MAX SPENDLOVE'S TRASH MACHINE?

(By John Morton)

Our refuse need not be a mountainous liability. It can be disposed of profitably, says the director of an experimental recycling plant in Maryland.

A quart jar of pickles brings together in one convenient package 16 pickles, a cup of brine, an ounce of metal in the cap, a bit of paper label and 12 ounces of glass. All of these facts do not fill the housewife's mind as she cruises the supermarket aisles. It's the pickles she wants, and that's what her family gets. The rest is thrown away.

A lot of everything else she buys is thrown away, too, after the edible contents are unwrapped from paper, squirted from aerosols, squeezed from tubes and poured from thousands of cans and nonreturnable glass bottles. Truly it is a disposable feast.

Americans throw away 150 million tons of household refuse annually, and the total goes up each year. The cost to collect and dispose of it is staggering—close to \$4 billion annually. Some of the junk is burned, some is buried, some is dumped at sea, and a lot of it just blows across the land.

The harvest of refuse is a major headache for cities, which everywhere are plagued by a lack of new dumping sites and the high cost of building and running refuse incinerators. Yet this effluent of our hard-sell, super-packaged marketing system itself offers the answer to the problem of its existence. For if properly treated, all of this junk is worth money.

A federal research project quietly underway in Edmonston, Md., in Prince Georges County, has developed a recycling plant that takes refuse at one end and produces commercially valuable products at the other end—at a profit. The reason a profit can be made is simple: Household refuse is rich in all the materials that were thrown into it—aluminum, iron, copper, brass, tin, glass, paper and plastic. Indeed, for some of these materials, household refuse is a resource richer than ore that is profitably mined and processed in a mill.

A visit to the Edmonston recycling plant is a surprising experience for anyone accustomed to the dirt and obnoxious smell usually found in ordinary refuse-disposal plants. There is plenty of noise—the huge machines used in the recycling process chop, tumble, crush and shake the junk fed into them with an awesome racket. But the refuse is carefully contained along the chain of connected machinery, and water sprays used in the machines to wash out fine particles keep down the dust. The floor is spotless.

The man in charge is Max Spendlove, research director at the U.S. Bureau of Mines' Metallurgy Research Center at the University of Maryland. Spendlove, a serious-faced, orderly man in his 50s who looks as if he might be a high school physics teacher, has a matter-of-fact way of speaking that often harbors wit. Giving directions to his office on the University of Maryland campus, he advised: "Follow Campus Drive until you pass the Student Union Building—that's the one with all the trash out in front—and I'm in the next building on your left."

Spendlove's career as a government metallurgist devoted to getting something valuable out of what appears to be worthless goes back to 1940, long before the disposable ex-

plosion in American merchandising began overwhelming municipal trash systems.

His first job with the Bureau of Mines was to figure out a way to extract the valuable metal in the smoke and gases belched out by copper smelters near Salt Lake City, Utah. After World War II he was in College Park, developing techniques for reclaiming aluminum from thousands of scrapped military planes. When Congress enacted the Solid Waste Disposal Act of 1965 with the idea of combating pollution and reclaiming lost resources, Spendlove was appointed to direct the bureau's research under the act. This led to the development of the Edmonston recycling plant, which first started processing refuse on an experimental basis in May, 1969.

So Spendlove is used to looking at the worthless, the discarded objects of America, in a different light. Thus he speaks of household trash with admiration, even a bit of affection, and with an absolutely straight face. To Spendlove, it's not trash, but "urban ore," and he likes to talk about how coat hangers and tin cans are "high" in iron, that broken toys and alarm clocks produce a lot of brass and aluminum, and that all of those throw-away bottles give off a nice quality of marketable glass, if handled right.

He even sounds a little protective of the qualities of his urban ore at the mention of banning throw-away bottles by municipal ordinance, a step recently taken by Bowie, Md.

"What good does it do to ban throw-away pop and beer bottles and not ban them for pickles, vegetables, ketchup, olives and everything else that comes in a throw-away container?" he asks. "What about the shoe box and all the other containers we throw away? Besides, the consuming public will always resist this. They'll just go buy them somewhere else."

Let the people buy and throw away, says Spendlove. Human nature is not easily changed, but recycling plants that make money can be easily built, and the profits can be spent on doing a better job of collecting refuse.

Trash disposal in the United States, for the most part, relies on the same basic processes used centuries ago—burn and bury. Nothing better was ever developed because, until fairly recently, land was cheap enough and plentiful enough to make burn-and-bury a sensible disposal system.

But suburban sprawl, the population explosion and the boom in throw-away packaging have combined to overwhelm existing municipal dumps and make sites for new ones hard to find. Fairfax County in Virginia, for example, is nervously seeking a new dumping site; in about a year, the county's landfill operation west of Fairfax City will have taken about all it can hold.

Similarly in Maryland, Montgomery County should have closed its overstuffed landfill near Rockville a year ago, county officials acknowledge. But land close in is expensive, and few communities farther out are eager to become somebody else's dumping grounds. Alternatives being considered by some local governments include baling trash and shipping it elsewhere by rail. The District of Columbia may send its trash on barges 20 miles down the Potomac to Cherry Hill, Va., when its dumping site at Oxon Cove, Md., is filled up.

One method of reducing the sheer volume of refuse is to burn it in an incinerator, which removes the paper, plastic, wood, food, and anything else that will burn. There are now about 400 incinerators in use in the United States, and scores more will be built in coming years. The District has had at least one incinerator since the 1930s, and is planning to build its fifth soon. And there are several others in metropolitan Washington. But incinerators still leave an unburnable residue of metal and glass that must be buried in a landfill somewhere.

The Edmonston recycling plant developed under Spendlove's direction was designed to process this incinerator residue—extract the valuable materials in pure enough form to make them commercially valuable. Using residue collected from incinerators in suburban Maryland, Virginia, the District of Columbia, Baltimore, Atlanta and New Orleans, Spendlove and his fellow researchers experimented with machines that chopped, chewed and separated incinerator residue. By November, 1969, six months after they started, they had perfected the process.

Perfecting the process achieved these financial results: The cost in labor, equipment and building to process incinerator residue is \$3.52 a ton. The end products—commercial grade metals and glass—are worth \$12 a ton. This means that cities with incinerators are burning and burying \$77 million worth of resources a year—the recycled value of the 22 million tons of refuse fed to incinerators each year in the United States.

Attracted by reports in technical journals, representatives from the iron, aluminum and glass industries have visited the Edmonston project to see for themselves that the recycling plant can produce valuable material. Other visitors have included officials from several major cities in the United States and abroad.

If money can be made from household trash, and the Bureau of Mines has a plant that proves it, why aren't mayors and city councils all over the country plunging into engineering reports and making feverish plans to build their own recycling plants? Part of the answer is that the Bureau of Mines experiment was so recently completed that word of its successes has not spread out to municipal public works departments. Even in metropolitan Washington, which would seem to have the edge on the rest of the country because of proximity, checks with public works departments failed to turn up any officials who had actually visited the Edmonston project, although there were varying degrees of awareness of it.

Moreover, the public works officials tended to view the whole concept of recycling as something too experimental and far off to be of much use to them in their day-to-day struggles with collection, burning and burying. Says Norman Jackson, director of the District's Department of Sanitary Engineering: "Recycling is a very fundamental principle that we must observe in the future, but I think a lot of work remains to be done on it."

Others apparently were not acquainted with Spendlove's recycling techniques. Both Nicholas Stollaroff, urban engineer with Prince Georges County, and Frederick Doe, Arlington County's utilities director, asserted that household trash is such a complex mixture of materials that sorting it out never would be profitable. "You can't tell from looking at a can whether it's aluminum or tin," says Doe. The Edmonston plant, however, does not rely on visual identification; it shreds all incoming materials and separates them with mechanical, magnetic and chemical methods.

Doe also refused to accept that tin cans and glass bottles could produce raw materials that would bring a profit, regardless of the cost-profit studies done by the Bureau of Mines. "For example, tin cans have fallen in value considerably because the tin coating on the iron contaminates the new types of steel furnaces being used," he says.

Spendlove acknowledges that the tin contamination problem remains to be solved, along with problems caused by solder from the seams of cans and copper that somehow attaches itself to tin cans during incineration. But the profit figures he cites for his recycling process are based on receiving the low prices that tin-contaminated iron brings on the market. "When we solve the contami-

nation problem, the iron will be good enough to make steel, and then we can make more than \$12 a ton profit on incinerator residue," he says.

Spendlove believes there will be two major barriers to overcome before very many communities will be able to put to work the recycling processes developed in Edmonston. "In many cities, just getting out from under the refuse-disposal problems that they have right now will put them off," he says. "And I am assuming that, whenever a recycling plant is built, it will be a combined effort—a combination of city and state or federal governments, and perhaps even some private interest. None of these relationships has been determined, and it will take time. But I'll be surprised if some serious proposals don't start coming in."

As for the recycling process itself, Spendlove emphasizes that no esoteric machinery or unusual new processes are involved. "All the machinery we use is conventional," he says. "We just use the basic minerals-processing techniques, but we've brought all the techniques together to work on urban ore."

There are three basic operations: 1. Shredding and grinding the incinerator residue into small particles. 2. Separating out different materials with magnets and screens of different sizes. 3. Washing to remove dust particles.

The first machine in the recycling chain is a trommel—a large, rotating cylinder full of 1¼-inch holes that normally is used to sort out gravel. The incinerator residue brought in at the unloading dock is dumped onto a conveyor, which carries it to the trommel; small particles drop through the trommel's holes as it rotates and feeds larger pieces to a shredding machine. In later stages, magnets pull out magnetic metals, and grinding mills crush glass into tiny particles and flatten pieces of nonmagnetic metals so they can be screened out of the glass.

Traditional refining techniques, such as acid leaches and filtration, further separate metals into aluminum, copper, zinc and brass. The glass particles can be used as is to make building bricks and glass wool, but more money can be made from glass that is separated by color, which is done both by magnetic means (color in glass is created by iron and chromium) and with an optical sorter.

The cost and profit figures cited above are based on a recycling plant serving a city of 250,000. A larger plant, say for a city of a million, would use the machinery more efficiently, reducing processing costs to \$1.83 a ton. How much to build a plant for a city of a million? About \$2.2 million, certainly not unmanageable, especially in view of the profit potential.

"Now that we know how to process incinerator residue and make money at it," says Spendlove, "we're setting up another plant to take refuse straight from the garbage can—no incinerator—because the paper and plastic refuse is valuable, too, and we hate to see it burned up." He expects to spend about a year perfecting the process for raw refuse. "We already know how we hope to do it, but there are always unexpected kinks to work out."

#### OFFICIALS TEND TO VIEW THE CONCEPT OF RECYCLING AS TOO EXPERIMENTAL

Processing raw refuse both eliminates and raises some problems. It would eliminate the need for an incinerator, which costs about \$23 million to build for a city of a million. But it poses expensive difficulties in reclaiming paper and plastics and fabrics. To be separated from other trash, these lightweight articles must be put through what is called air classification.

Essentially, air classification is a stream of air into which the refuses is dribbled. The air blast blows out the paper, cardboard,

plastic and other light materials, and an additional air stream can further separate the lightweight materials into distinct grades.

Adding air classification to a recycling plant (the heavier materials would continue to be processed just like incinerator residue) would raise the cost of a plant for a city of a million to about \$7.2 million.

This more sophisticated, raw-refuse process is yet to be perfected, however. But Max Spendlove says it's just a question of time. Working on the mechanical problems involved is simple, compared to the obstacles in other phases of waste management—for example, taking almost invisible pollutants out of air and water. "Solid waste is easy to work on," says Spendlove. "You can put your hands on it. You can do almost anything you want with it."

#### BIG MILITARY SPENDING CAN ENDANGER OUR SECURITY—ADDRESS BY SENATOR PROXMIRE

Mr. STEVENSON. Mr. President, on April 12, 1971, the distinguished Senator from Wisconsin (Mr. PROXMIRE) discussed military spending and national security policy in a comprehensive address to the Coalition on National Priorities and Military Policy. The Senator's carefully documented statement is only the latest manifestation of his grasp of the massive defense budget and of his valuable insights about the wasteful and unnecessary items in that budget.

As the Senator points out, waste does not buy national security; rather, it diminishes our security and our well-being by diverting scarce Federal resources from productive uses—at a time when the demands on those resources are greater than ever before.

Because the Senator's excellent address will be of interest to all who seek more effective government and more rational priorities, I ask unanimous consent that it be printed in the RECORD.

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

#### BIG MILITARY SPENDING CAN ENDANGER OUR SECURITY

(Remarks by Senator WILLIAM PROXMIRE)

Unless we cut the military budget, we may actually weaken the security of the country.

Until we cut spending for unneeded or duplicate weapons, for excessive gold-plating, for redundant bases, and for extravagant logistic and supply purposes, the military safety of this nation will decline.

Unless we reform our procurement practices, the funds we spend for military purposes will continue to be wasted, will promote inflation, and weaken our defenses.

If we persist in buying weapons which are so sophisticated they do not work; if we continue to follow practices through which the price of weapons routinely exceed their projected costs by 50 to 100 percent; if we persevere in a system whereby weapons and supplies are regularly delivered late; and if we continue to cut our combat forces while adding to the logistic tail so that the ratio between those who fight and those who have desk jobs grows even more disproportionate, the security of this country will suffer.

We are now wasting billions in military spending. Through more prudent policies and through military reform, we can provide a more than adequate defense for the United States for far less money. In fact, if we continue to squander our treasure for obsolete or unworkable weapons as we have done in

the past, we will weaken ourselves militarily and economically.

Waste makes us weaker, not stronger. Profligate spending, whether for the military or for other purposes, does not strengthen the United States.

There are those who charge that those who attempt to subject military spending to a critical analysis are "neo-isolationists," believe in "unilateral disarmament" or, as one columnist put it, are "deathlessly dedicated to a policy of national weakness."

Those who hurl such epithets refuse to examine the fact that our strategic weapons could blow up the world several times over, that our Navy—measured by firepower—is not only stronger than any other Navy in the world but probably stronger than all of them combined, and that our Air Force is bigger and stronger than the combined air strength of the air forces of the rest of the world.

Yet every time an attempt is made to reform our procurement practices, subject duplicate weapons to a critical analysis, or question the strategic concepts under which the military operates, cries of "neo-isolationists" or "unilateral disarmers" are raised. It is my purpose to show just how wrong-headed those critics are.

#### MILITARY BUDGET NOW GOING UP

In the first place, far from having cut significant amounts from military spending, the Pentagon has suffered only the most minute or marginal cut. Now the President is asking that it go up again. No case can be made that we have cut the bone and muscle from our military forces.

While Congress has cut the military appropriations by about \$13.5 billions in the last three years, the actual spending by the Pentagon has dropped by only \$2.5 to \$3.0 billion.

In fiscal year 1968 the Pentagon spent \$77.4 billion. In fiscal year 1969, it spent \$77.9 billion. In fiscal year 1970, the Pentagon spent \$77.1 billion. This spending took place in spite of the fact that the Congress cut their appropriations in those years by \$2.0 billion, \$5.5 billion, and \$5.7 billion respectively.

In fiscal year 1971 the President proposed in his budget that we spend \$71.2 billion. But during the first six months of this fiscal year, the Pentagon spent at the rate of \$74.6 billion, or an increase of \$3.4 billion over the original estimates.

Now the President has proposed that the Pentagon spend \$75 billion next year and that new budget authority, which determines what is spent in the future, rise to \$77.7 billion for the Pentagon and to \$80.2 billion for what is termed "national defense" in the budget:

#### DEPARTMENT OF DEFENSE—MILITARY

[In billions]

Fiscal year	Request	Appropriation	Increase or decrease	Outlays <sup>1</sup>	
				Actual	Estimates
(1)	(2)	(3)	(4)	(5)	(6)
1968	\$76.211	\$74.152	-\$2.059	\$77.4	\$73.7
1969	79.945	74.402	-5.543	77.877	76.7
1970	78.389	72.667	-5.722	77.150	76.505
1971	68.746	66.596	-2.150	74.6	71.191
1972	75.267				74.975

<sup>1</sup> Includes funds for military construction, family housing, and civil defense not included in the DOD regular bill requests (col. 2) or appropriations (col. 3).

<sup>2</sup> Fiscal year 1971 outlays are for the 1st 6 months.

<sup>3</sup> Includes allowance for pay increases (\$2.56) and all-volunteer force (\$1.2) in recommended budget authority for fiscal year 1972.

#### ASSURED DESTRUCTION CAPABILITY

A second fundamental reason why those who charge "neo-isolationism" or "unilateral disarmament" are dead wrong is the power of our strategic weapons.

According to Secretary Laird's posture statement of March 9, 1971, (p. 165), the United States will have 4,600 "total offensive force loadings" or nuclear weapons by mid-1971. The comparable figure given for the Russians in the Secretary's official estimates is only 2,000.

We therefore have over twice the strategic nuclear weapons that the Russians have.

Is this enough to deter the Russians from launching a war on us, or a preemptive first strike? Do we have sufficient "assured destructive capability" to deter them from that act?

In the posture statement of January 1968, then Secretary of Defense Robert McNamara submitted a damage table giving the estimate of the proportion of Soviet population and industry which could be destroyed by various numbers of one megaton equivalent of delivered warheads.

The key figure indicates that 400 delivered one-megaton warheads would destroy 30 percent of the Russian population and 76 percent of her industrial capacity:

#### SECRETARY McNAMARA'S DAMAGE TABLE—ESTIMATE OF SOVIET POPULATION AND INDUSTRY DESTRUCTION

[Assumed 1972 total population of 247,000,000, urban population of 116,000,000]

1 mt. equivalent delivered warheads	Total population fatalities (millions)	Percent	Industrial capacity destroyed (percent)
100	37	15	59
200	52	21	72
400	74	30	76
800	96	39	77
1,200	109	44	77
1,600	116	47	77

But by mid-1971, the United States will have in its strategic arsenal 4,600 force loadings or eleven and one-half times the number of warheads sufficient to destroy 30 percent of the Russian population and 76 percent of her industry.

Not only that, but the 4,600 figure does not include some 3,000 to 4,000 tactical nuclear warheads which could be delivered from tactical land and sea planes stationed on the periphery of the Soviet Union. We therefore have in our arsenal now, from 7,600 to 8,600 strategic and tactical nuclear weapons, or from 19 to 21.5 times the number needed to destroy 30 percent of the Soviet population and 76 percent of her industrial capacity.

But this is not all. The 4,600 strategic nuclear weapons we now have in our arsenal are expanding and they are expanding at a very fast rate. In fact, by the 1974-75 period, the military planners expect to have some 9,600 strategic force loadings or weapons instead of the 4,600 now estimated.

According to unclassified sources the 9,600 strategic warheads will be composed of the following estimated forces:

Launchers:	Warheads
500 Minutemen II	500
500 Minutemen III	1,500
160 Polaris A-3's	480
496 Poseidon launchers	4,960
569 Heavy bombers <sup>1</sup>	12,160
Total	9,600

<sup>1</sup> Approximate estimate.

In addition to these strategic weapons, we will continue to have the 3,000 to 4,000 tactical nuclear weapons which can also be counted as a part of our "assured destructive capability."

Thus we will more than double our official strategic nuclear force loadings. We are doing this even though we now have more than 10 times the number of nuclear warheads to destroy the capability of the Soviet

Union to fight and to insure our "assured destruction capability."

We not only have an advantage over the Russians which is now more than two to one, but we are moving to more than double the weapons we now have.

There is an apt saying, often attributed to George Santayana, which fits this situation: "Fanaticism means redoubling one's efforts after having lost sight of one's aims."

All of this is costing us about \$18 billion a year for strategic weapons. There are many who believe we should spend a smaller amount. We could cut back from \$18 billion to \$14 billion a year and still provide by the 1974-5 period some 7,600 strategic nuclear weapons or force loadings, or an increase to 19 times (from the present 11.5 times) the number needed to inflict an unacceptable level of damage on the Soviet Union or to destroy 30 percent of her population and 76 percent of her industry.

Isn't that enough?

To call that "neo-isolationism" or "unilateral disarmament" is not only a misuse of the language but also stretches the credulity of intelligent men.

#### STRATEGIC ARMS LIMITATION TREATY

One alternative to procuring new weapons is reaching a sound arms control agreement with the Soviets. Senator Humphrey has only recently drawn our attention to this problem again. He did a service to the cause of peace by asking whether the SALT talks may not have been used as an excuse to increase our weaponry on the grounds that an increase in weapons added to our bargaining chips in the negotiations.

He was also correct to question why we failed to follow up the decision of the Russians not to deploy the SS-9 with some self-restraint on our own part.

#### THE RUSSIAN AND CHINESE THREAT

Before detailing where cuts in the fat and waste in the military budget can take place, let us examine one more general issue bearing upon our military needs. That is the question of the nature of the threat which the Russians and Chinese pose.

One does not have to believe that the Russians and Chinese have changed their spots or that they are ready to unilaterally beat their swords into ploughshares to question the size of our military budget. What is the threat they pose?

We all know that the Russians pose a threat to the West. Those in power believe in their system and they are intent on expanding it by whatever means they can—propaganda, revolution, subversion, or military power, as long as it does not involve them in a nuclear war. Make no mistake about it. Eastern Europe is now in the Communist orbit because of the power of the Red Army. Berlin, much of Western Europe, and a number of other areas might also be under their suzerainty if it were not for the willingness of the United States and our Allies to defend them from Soviet aggression. We should not underestimate either Soviet or Chinese intentions. But neither should we exaggerate either the Russian or Chinese ability to conquer the world.

The ability of either nation to fight a war is based not only on its resolve and its military might but also on its economic capability. For short periods, either nation might pour a disproportionate amount of its resources into defense. But over a longer period, if it spends an undue amount of its wealth on defense, it will weaken itself both economically and militarily.

In 1969 the Joint Economic Committee held hearings on the Russian economy. We invited the best experts in the United States, experts from a variety of points of view, to give us their best judgment as to the nature and size of the Soviet economy. We did this because the military capability of the Soviet

Capacity is directly related to its economic capacity. The results of those hearings were clear.

The Soviet Union is not ten feet tall. If the United States is figuratively six feet tall, the Soviet Union is only three feet tall. Their economy is about half as productive as our economy. This is so even though they have perhaps 15 percent more people than the United States.

One of the key factors, also, is that Russia uses seven times as large a proportion of her population in agriculture as does the United States. Yet she produces about 20 percent less food.

Soviet agriculture chews up so much of Soviet manpower that it greatly retards the Soviet economic effort elsewhere.

If the Soviet Union chooses to expand greatly her military might, she must do so at the expense of her economy and at the expense of her food production. If she invests heavily in military hardware, she will be unable to invest in new technology for industry, agriculture, housing and other needs. If she does this for any considerable period of time, she will weaken herself economically which will also weaken her militarily in the long run.

With respect to the Chinese, if we are six feet tall and the Russians three feet tall, the Chinese are only six inches tall. Their economy is only one-twelfth the size of our economy.

While they would fight valiantly to defend themselves against attack, and while they can put into the field a very effective military organization to fight a land war on their borders, they are limited to that ability. Their Navy is so small that they are unable to take Quemoy and Matsu. They have no intercontinental Air Force. They have only a rudimentary nuclear capability and no deployed ICBMs.

Outside of a land war on her borders on the Continent of Asia, she poses no major military threat, and certainly no major threat to the United States.

It is in this perspective of the Russian and Chinese capabilities that our military needs must be measured.

#### MILITARY SPENDING REFORMS

When one examines the amount of fat and waste in specific military programs, the absurdity of charging that those who want to reform military spending are "neo-isolationists" can be seen. Let me be specific.

First of all let us examine military procurement. Here are some of the facts.

#### PROCUREMENT IS A MESS

There is scarcely a major weapons system developed over the last two decades which was delivered on time, performed according to its specifications, and which cost what it was originally estimated to cost.

Mr. Richard Stubbing, who in 1966 received the Budget Bureau Director's Professional Achievement Award, studied a number of major weapons systems in the 1950's and 1960's. Here is what he found.

Of 13 major aircraft and missile programs, with sophisticated electronic systems, built for the Air Force and Navy at a cost of \$40 billion since 1955, only four reached a performance level of 75 percent or above of their specifications.

Of 12 electronic systems produced in the 1950's, only five performed up to their specifications. Of the others, only one performed at a 75 percent level, four were at a 50 percent level, and two met only a 25 percent performance level.

Of 11 major systems begun in the 1960's, only two performed up to standard and met their original specifications for performance. One more was at 75 percent. Two were at 50 percent. But six performed at only 25 percent of the standards specified in the contracts.

Those are the facts and they have not been disputed.

To argue that those who want to reform that system are "neo-isolationists" or "unilateral disarmers" is ridiculous. In fact, those who support the present procurement system more nearly deserve that description because the weapons they advocate do not work.

What about the costs? We all know that the cost of the C-5A escalated by \$2 billion over the original estimates. That is now well known. But is that unique or unusual?

The Comptroller General now routinely reports on the costs of the major weapons systems. Last July he reported on 38 selected major weapons systems and their costs as of March 31, 1970. He found that the costs of these 38 systems were \$23.8 billion above the planning estimates for the programs. He found that in the nine-month period between June 30, 1969 and March 31, 1970, these costs had grown by \$3.6 billion. And he found that in only one of the four big systems where the major cost increases were located could the cost overrun be attributed to any extent to an increase in the number of units purchased.

Recently another report was issued by the General Accounting Office on cost overruns. This schedule of program cost data as of June 30, 1970 covered 61 systems and indicated that the costs exceeded the estimates on these systems by \$33.4 billion.

As one pundit said recently, "While weapons programs performance is poor and deliveries are late, costs are overrunning right on schedule."

In view of these facts, one would think that the charge of neo-isolationist would be leveled, if leveled at all, at those who waste our resources through procurement scandals rather than at those attempted to reform the waste, save money for the taxpayers, and give us better weapons at less cost.

#### SECRETARY PACKARD'S CHARGE

But it is not the Congressional critics alone who have condemned Pentagon procurement waste. No less a figure than Deputy Secretary of Defense David Packard has had the harshest things to say about procurement. In a speech last August, Mr. Packard bluntly said this:

"We have a real mess on our hands.

"We don't need more supervision and more people in the act. We need fewer people.

"When we are not in a hurry to get things done right, we over-organize, over-man, over-spend, and under-accomplish.

"Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayer's dollars: sometimes we spend it badly. . . . However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry."

And Mr. Gilbert Fitzhugh, the Chairman of the Blue Ribbon Defense Panel established by the Department of Defense, had this to say upon the release of his report:

"Defense Department's policies have contributed to serious cost overruns, schedule slippage, and performance deficiencies."

Is it a policy of national weakness to demand reform in procurement when the Deputy Secretary of Defense has charged that procurement is a "mess" and that in procurement we "over-organize, over-man, over-spend, and under-accomplish"?

#### RESERVE FORCES

There are other questionable areas as well. We have a National Guard and Reserve units of the individual services whose job it is to be ready, in the case of a future emergency, to augment the regular forces. This year we are spending \$2.4 billion to provide for some 960,000 men and women in the Army and Air National Guard, and for the Army, Naval, Marine Corps and Air Force Reserves.

But these forces, whose purpose is to be ready during an emergency, were essentially not used in the recent emergency. Listen to

what the Senate Appropriations Committee had to say on this matter last year in the Department of Defense Appropriations Bill Report.

"The limited use of National Guard and Reserve Forces to meet the manpower requirements of the conflict in Southeast Asia is a matter of great concern to the Committee. During fiscal years 1966 through 1968, the strength of our Active Forces was increased from 2,535,000 to 3,547,000, an addition of over a million. However, during this period only 36,972 National Guard and Reserve Forces personnel were called to active duty involuntarily."

We could save \$2.4 billion by doing either one of two things. If the National Guard and Reserve are not ready for an emergency, they should be disbanded. They certainly are not needed for ceremonial purposes, at least not at a cost of \$2.4 billion a year.

If they are ready for an emergency, then the \$2.4 billion could properly be saved from our regular forces. The money we now spend for the Reserve and Guard would add to our strength and we could safely cut in other areas. In either case, we could save this money either by making certain these forces are ready to fight or by disbanding them if they are to continue on the basis that they are not to be used in an emergency.

In any case, is it "neo-isolationist" to ask why we spent \$2.4 billion a year for almost a million National Guard and Reservists for use in an emergency when only 3 percent of them were called to duty involuntarily for the Vietnam emergency?

#### OTHER WEAPONS QUESTIONABLE

There are a series of weapons which should be challenged and which are highly vulnerable to criticism.

#### B-1 bomber

The B-1 bomber is now in the R. and D. stage. But the basic question is why do we need a new manned bomber, not to be available until the late 1970's, in an age of sophisticated missiles? What possible reason is there for us to be building a new fleet of bombers at a minimum cost of \$10.5 billion. The B-1 cannot be justified by its mission. Many highly qualified experts believe that the B-52 bomber with standoff weapons can adequately perform the same mission. In addition, we should remember that the Soviets have a modern air defense system. To spend billions on a new manned bomber designed to penetrate enemy air space is wasteful by definition.

#### AWACS

This is an airborne warning and control system designed to give early warning against a Russian intercontinental bomber attack. There are several reasons to question spending untold billions on the system.

In the first place, the Russians do not pose an intercontinental bomber threat. The 1972 Posture Statement indicates that the Russians have from 175 to 195 outmoded heavy bombers which, at best, could reach the United States. They are building no new long-range bombers. And 50 of the 175 to 195 are *Bisons* which are configured for tankers.

In addition, we have spent billions already on the SAGE, Dew Line, and Nike Hercules systems which in the past have been touted as 100 percent effective against a bomber attack.

Thus the Air Force is proposing to spend billions for an early warning bomber system when neither the Russians nor the Chinese pose a long-range bomber threat. In fact, the Chinese do not even have outdated long-range bombers. At best, they have a medium range 1600 mile plane which poses no threat to us.

Unable to justify AWACS on the ground that it is needed as a bomber defense, the military is now trying to justify it on grounds that it may have some tactical usefulness.

This system has every appearance of being a major boondoggle.

Is it unilateral disarmament to question why we should spend billions on a new manned bomber or billions more for a bomber defense system against a nonexistent Russian intercontinental bomber threat?

#### Carriers

Modern attack carriers not only cost a very great deal of money—one estimate is \$1.8 billion for the carrier, its lanes, and the fleet to supply and defend it—but they are sitting ducks for modern missiles, especially in confined areas such as the Mediterranean. One Senator has said it is as easy to knock them out as it is to hit a bull on the butt with a bass fiddle.

Furthermore, while we have 15 attack carriers, they appear to be very inefficiently used. Many believe 15 is the number determined on the basis that the U.S. has had 15 capital ships since the Naval Conference of 1921 which provided a major command for its most senior officers, and that the carrier provides this function now that the battleship has met its demise.

The regular routine is that 5 carriers are on station while 5 are in port and 5 more are being overhauled. While this ratio has changed somewhat in emergencies, it is nevertheless the general plan.

There is therefore not only a question about the usefulness of carriers but a question about how efficiently the existing carriers are being used. Yet, as we all know, the Navy continues to press for additional attack carriers while most experts question the justification for adding new ones to the fleet.

#### Close support aircraft

There is now a major controversy among the three services over close support aircraft. The Army is pressing for the Cheyenne helicopter which, due to serious technical troubles, had its production contract canceled about 18 months ago. But like Old Man River, the Cheyenne keeps rolling along and has now been revived by the Army.

Meanwhile the Air Force is developing the A-X close support plane. It is also building several prototypes.

In addition, the Marine Corps has ordered the Harrier, a British-built plane, for use as a close support aircraft.

Here is duplication at its worst. Here is the kind of inter-service rivalry supposedly done away with when the Defense Department was formed. But in the close support program we have at least 5 and perhaps as many as 7 different planes or prototypes competing against each other.

On behalf of the defense of the United States, it is time the Pentagon made a decision.

#### Antisubmarine warfare

The same problem of waste and duplication is presented by the Anti-Submarine Warfare issue. There is no question that an ASW program is needed. But the military is unable to decide which system is most effective and which system to use. Instead it is pursuing a series of contradictory actions which are excessively costly. Here are the components of the present overlapping program and the present estimated costs.

Weapon:	Cost <sup>1</sup>
DLGN-38 (guided missile frigate) -----	\$5.49 b.
P-3C (land-based ASW and patrol plane) -----	2.61 b.
S-3A (carrier-based ASW plane) -----	2.95 b.
Mark 48 Torpedo (anti-sub and shipping torpedo) -----	3.78 b.
SSN-688 (hunter-killer sub) -----	4.28 b.
DD-963 (destroyer) -----	4.18 b.
Total -----	23.29 b.

<sup>1</sup> Based on Mar. 18, 1971 GAO Report.

The ASW program is out of control. The military is merely building everything it can think of as an anti-sub weapon. While there is no question that an anti-submarine warfare program is needed, there is also no reason to build both frigates and destroyers, to build land-based and carrier-based planes, to build hunter-killer subs as well, and to sink vast sums into the Mark 48 torpedo which is now running four years late and is very expensive.

Someone has to bang some heads together and bring order out of chaos in this field.

Are we "deathlessly dedicated to a policy of national weakness" to question why we need more attack carriers when we have 15 and the Russians have none, to query why each service should be building or buying a different close support aircraft, or why the military is proceeding with no less than 6 major anti-submarine warfare weapons systems at an estimated cost of \$23.29 billion?

#### F-14 and F-15

Here is another example of questionable procurement practices. The Navy wants a new F-14 at a cost of \$8.57 billion for the buy. The Air Force is proceeding with the F-15. The cost to complete it is estimated at \$8.12 billion.

A number of questions have been raised about them. Some think they are too complex and sophisticated. Others have questioned the F-14's function as a bomber interceptor to protect the carrier it sits on. If the Russians are crazy enough to launch an intercontinental bomber attack on the United States, with their out of date and outmoded old-fashioned bombers, they certainly are not going to start World War III by launching them against our carriers.

Technical problems and a bad contractual arrangement have forced prices up on the F-14. This has happened at a time when there is serious doubt in both Congress and in the Executive branch about the future role of the aircraft carrier itself—the prime justification for developing the F-14.

There is also a marked similarity between the F-14 and the F-15. A recent review of these two programs was undertaken by the House Appropriations Committee. Acquiring both planes will be so expensive that we will not be able to replace our current aircraft on a one-for-one basis. It may be possible to settle on one less sophisticated plane for both missions that would have better air superiority characteristics.

The problem of two planes and inter-service rivalry was solved by letting each service have what it wanted. But the American taxpayer pays the freight and American security suffers because the extra funds spent for duplicate planes could be used either to make us militarily stronger or to strengthen us economically.

Cuts in this area would strengthen us. The big military spenders are the ones who are endangering our security by this "something for everybody" policy.

#### MBT 70

The Main Battle Tank 70 is another example of meeting a need with the wrong weapon. We need a new tank. But we don't need this one. Even the Germans, who were our partners in this endeavor, have now gotten out.

Again the military has squandered our economic strength by failing to make a decision, by spending funds on the wrong weapon, and by refusing to acknowledge a mistake.

#### NEEDED MILITARY WEAPONS

If the military were not squandering such vast sums on the B-1 bomber, an unneeded AWACS program, duplicate close air support weapons, overlapping fighter plane programs—as well as the vast duplication in the ASW program—this country could easily support those new weapons it needs. It could also

save billions for the taxpayer. We must soon end the "All This and Heaven Too" military weapons policy in order that we can produce those weapons we need most and which may be vital to our security.

For our future security, the following systems in my view should be funded in the R. and D. stage so that they can go into production if the need for them develops.

We need to continue with the ULMS or underwater long-range missile system. Laser research should continue. We should move forward with the Poseidon program even as we put a stop to the B-1 bomber.

We need to continue with an advance strategic warning and detection system, not AWACS, but infra-red research and satellite detection techniques. We need a major improvement in our communications system, not so much in the mere technical relay of information as in the ability to act upon information when it is received. The Pueblo incident, where 24 hours passed before the military could even decide what to do—only to find that it was then too late—is typical of the present defense system in which highly sophisticated and technical systems are too complex for use.

Now all of these things could be funded from a much reduced military budget if we were not wasting our resources on a series of overlapping programs, on cost overruns and faulty procurement, and on unneeded weapons such as the B-1 bomber and the MBT 70 tank.

#### OTHER ISSUES

There are other issues as well. Why do we need over 400 major and some 3,000 minor bases scattered in some 31 countries around the world? The need for these bases, many of them redundant but held since World War II, should be reviewed.

Why, a quarter of a century after World War II, should the United States be providing over 300,000 troops and \$14 billion a year to the NATO alliance? Our European allies have a larger population than we do. They are now as wealthy as we are. They are shouldering none of the costs of the Asian war. Yet we continue with this tremendous outlay of military expenditures for the defense of Europe.

We should cut our forces in NATO in half. We should continue to provide the nuclear umbrella for the defense of Europe. But the Europeans should provide most of the manpower. It is time to Europeanize NATO as it is time to Vietnamize the Asian War. If the Europeans are unwilling to defend themselves against a Russian attack in the center of Europe, then there is no reason why we should bear the major share of that burden.

How does it weaken us to review our bases and to question why NATO should not be Europeanized when their economic strength is as great as ours?

#### CONCLUSION

By reforming procurement, by reviewing our commitments, by taking a realistic view of the Russian and Chinese threat, by doing away with unneeded and overlapping weapons, and by limiting the expansion of our nuclear strategic terror, we could make great savings in the defense budget without endangering our security.

And as real security is based on a balance between military and domestic needs, and between the strength of our weapons and the strength of our economy, in my view we would in fact enhance our overall security.

If we persist in the present military excesses we will weaken this country rather than strengthen it.

We should reduce our military expenditures rather than to increase them as our military needs in Asia decrease.

The charge of "neo-isolationism" hurled at those who advocate reform is badly misplaced. In fact, if the military fails to reform,

it may so endanger its own credibility as to bring about the very neo-isolationism it claims to oppose.

Instead of hurling epithets at those who would reform the system, those who really want us to remain strong and free should urge the Pentagon to provide this country with a leaner, stronger, and far less costly, more efficient military force.

#### DRUG TRAFFIC IN SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, I am increasingly concerned about reports that members of U.S. Armed Forces serving in Indochina are being afflicted with hard drug addiction on an alarming scale, and that Southeast Asian growers and smugglers not only supply those drugs but a lion's share of the illicit world supply as well.

In light of the grave implications for our own society, I have written to Secretary of State William Rogers and Central Intelligence Agency Director Richard Helms, asking for a thorough investigation of this matter. In addition, I have asked for a report on diplomatic initiatives which have been undertaken to end the vast production of opium in the Fertile Triangle region encompassing parts of Burma, northern Thailand, and Laos.

I ask unanimous consent that the letter to which I have referred, a recent report by Gloria Emerson in the New York Times on the availability of heroin in Vietnam, and a report in the current issue of Ramparts magazine on the Southeast Asian opium market be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON  
AGRICULTURE AND FORESTRY,  
Washington, D.C., April 13, 1971.

HON. WILLIAM ROGERS,  
Secretary of State,  
U.S. Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: The traffic in hard narcotics, the opium derivatives, is among the most insidious and deadly threats to our domestic safety and well-being.

These drugs destroy hundreds of thousands of lives each year, and the number is growing rapidly. Beyond that, hard drug addiction authors a vast proportion of all other crime—as much as 90 percent in New York City, for example—which is committed by users seeking funds to sustain their habits. A recent study in the District of Columbia found that 45 percent of a sampling of the D.C. jail population was addicted to heroin.

This general grave concern is now coupled with the more recent problem of hard drug addiction acquired by United States servicemen returning from Indochina. The Commissioner of New York's Addiction Services Agency has written to me that,

"Most recent reports on drug addiction and drug abuse do indicate that there is an increase in these phenomena among American servicemen and there is very little doubt that a significantly greater part of New York servicemen returning to civilian life have been or are addicted, or have developed a propensity to addiction."

Dr. Robert DuPont, director of Washington, D.C.'s Narcotics Treatment Administration, reports that his agency has undertaken a systematic study of the relationship between military service and heroin use. He told me recently that,

"Our earlier investigations showed that about 25 percent of the heroin addict patients in treatment with the Narcotics Treatment Administration, and about 25 percent of the heroin addicts admitted to the D.C. jail, are veterans."

Last year the Veterans Administration established the treatment of drug dependence as a special medical program, including plans for 30 specialized units for the rehabilitation of drug dependent veterans. V.A. Administrator Donald Johnson has advised me that his agency is not in a position to assess the true magnitude of this problem.

In his State of the World Message, President Nixon quite properly singled out plans to deal with the international sources of supply of heroin as an essential, central element in any serious effort to control this vicious drug. He indicated that the Administration has worked closely with a number of governments, particularly Turkey, France, and Mexico, to seek an end to illicit production and smuggling of narcotics.

On the basis of this background, I am deeply disturbed by reports, including those contained in the current issue of Ramparts Magazine, that the vast majority of all heroin production comes not from Turkey, not from France or Mexico, but from Southeast Asia, and that U.S. policy and personnel, instead of discouraging this traffic, have actually assisted its growth.

I would very much appreciate your comments on the following points raised in the enclosed article:

(1) The report that, according to the United Nations Commission on Drugs and Narcotics, at least 80 percent of the world's 1200 tons of illicit opium comes from Southeast Asia. According to an Iranian report to a United Nations seminar on the subject, some 83 percent of the world's illegal supply originates in the Fertile Triangle region which includes parts of Burma, northern Thailand and Laos.

(2) The report that Nationalist Chinese or Kuomintang forces operating in that region control and profit from the opium trade, that these forces supplement their income by performing missions for the United States, and that the Burmese government has protested this activity both to the United States and the United Nations.

(3) The report that opium is the basic source of income for Meo tribesmen in Laos, and that General Vang Pao, commander of Lao counterinsurgency forces made up of Meo tribesmen and supported by the United States, uses aircraft supplied by this country to transport opium from the surrounding area to the base of Long Cheng.

(4) The report that General Ouane Rathi-koune of the Royal Laotian Army exercises broad control over the opium traffic in Laos, including ownership of several "cookers" for refining it, and that he and other interested parties transport raw opium in equipment supplied by the United States military assistance program.

(5) The implication that opium production and collection in Laos is conducted with the knowledge of Central Intelligence Agency officials, particularly in the area surrounding Long Cheng, and that CIA operations there actually serve to protect these supplies and facilitate their movement.

(6) The report that high Vietnamese officials, including Vice President Ky, have been and may currently be involved in the transport of opium from the Fertile Triangle region to Saigon and in its distribution there.

Certainly these reports, along with others in the article, warrant a thorough investigation. Indeed, considering our determination to end the menace of heroin addiction in this country, I will be surprised if such an investigation has not already been completed and if we are not currently involved in vigorous diplomatic efforts to close off this source. Considering the number of inde-

pendent sources which have reported knowledge of vast opium production in the Fertile Triangle region, it seems to me that it would be impossible for it to escape the attention of U.S. agencies operating there.

Along with your comments on the points listed above I would, therefore, very much appreciate a report on initiatives the United States has undertaken to cut off this major source of opium supply, including any restrictions on military assistance aimed at preventing the use of American equipment in collecting and transporting this treacherous commodity.

Sincerely,

GEORGE MCGOVERN.

[From the New York Times, Feb. 25, 1971]

#### G.I.'S IN VIETNAM GET HEROIN EASILY

(By Gloria Emerson)

SAIGON, SOUTH VIETNAM, February 24.—It is so easy to buy heroin from peddlers in Vietnam wherever there are American troops or convoys that a tiny plastic vial can be purchased for \$3 outside the headquarters of an American general.

On the 15-mile Bienhoa highway, which runs from Saigon north to Longbinh, heroin can be purchased—and was, by this correspondent—in a dozen conspicuous places within a few minutes.

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

#### STALLS BY THE HIGHWAY

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

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

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

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

The cost of a vial ranges up to \$6, depending on where the sale is made. G.I.'s can pay in military payment certificates, the Army currency equal to the dollar, or in Vietnamese plasters.

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

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

"But you don't hear the generals sweating over marijuana," a soldier at Longbinh said today. "It's scag they worry about," he added, referring to heroin.

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

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

Some G.I.'s prefer to smoke the heroin, which they mix with cigarette tobacco, because, unlike marijuana, it has no distinc-

tive aroma. It is said that few inject it into the veins. If they do not smoke it, they "snort" it; used like snuff, it is pushed into the nostrils and inhaled.

On the narrow road leading off to the 90th Replacement Battalion, where soldiers arrive in Vietnam and where they are processed to leave after one year, a small girl looking not much older than 7 sits under a poncho with a monkey on a leash and a bird in a bamboo cage. Not to be seen are the vials of heroin she cheerfully sells.

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

There were no national policemen, whose responsibility it is to stop sales to G.I.'s, near the stands. American military policemen are entitled to detain those soldiers caught in the act of buying or with narcotics in their possession.

#### WATERMELONS AND HEROIN

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

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

"Three bucks," the boy says.

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

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

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

#### DAUGHTER, 17, HELPS OUT

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

In the little town of Tamhiep, about 20 miles from Saigon on Route 1, which curves by the Longbinh base, the sellers are adolescent girls. An older woman explained why.

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

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

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

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

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

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

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

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

#### THE NEW OPIUM WAR

(By Frank Browning and Banning Garrett)

Mr. President, the specter of heroin addiction is haunting nearly every community in

the nation." With these urgent words, Senator Vance Hartke spoke up on March 2 in support of a resolution on drug control being considered in the U.S. Senate. Estimating that there are 500,000 heroin addicts in the U.S., he pointed out that nearly 20 percent of them are teenagers. The concern of Hartke and others is not misplaced. Heroin has become the major killer of young people between 18 and 35, outpacing death from accidents, suicides or cancer. It has also become a major cause of crime: to sustain their habits, addicts in the U.S. spend more than \$15 million a day, half of it coming from the 55 percent of crime in the cities which they commit and the annual \$2.5 billion worth of goods they steal.

Once safely isolated as part of the destructive funkiness of the black ghetto, heroin has suddenly spread out into Middle America, becoming as much a part of suburbia as the Saturday barbecue. This has gained it the attention it otherwise never would have had. President Nixon himself says it is spreading with "pandemic virulence." People are becoming aware that teenagers are shooting up at lunchtime in schools and returning to classrooms to nod the day away. But what they don't know—and what no one is telling them—is that neither the volcanic eruption of addiction in this country nor the crimes it causes would be possible without the age-old international trade in opium (from which heroin is derived), or that heroin addiction—like inflation, unemployment, and most of the other chaotic forces in American society today—is directly related to the U.S. war in Indochina.

The connection between war and opium in Asia is as old as the empire itself. But the relationship has never been so symbiotic, so intricate in its networks and so vast in its implications. Never before has the trail of tragedy been so clearly marked as in the present phase of U.S. involvement in Southeast Asia. For the international traffic in opium has expanded in lockstep with the expanding U.S. military presence there, just as heroin has stalked the same young people in U.S. high schools who will also be called on to fight that war. The ironies that have accompanied the war in Vietnam since its onset are more poignant than before. At the very moment that public officials are wringing their hands over the heroin problem, Washington's own Cold War crusade, replete with clandestine activities that would seem far-fetched even in a spy novel, continues to play a major role in a process that has already rerouted the opium traffic from the Middle East to Southeast Asia and is every day opening new channels for its shipment to the U.S. At the same time the government starts crash programs to rehabilitate drug users among its young people. The young soldiers it is sending to Vietnam are getting hooked and dying of overdoses at the rate of one a day. While the President is declaring war on narcotics and on crime in the streets, he is widening the war in Laos, whose principal product is opium and which has now become the funnel for nearly half the world's supply of the narcotic, for which the U.S. is the chief consumer.

There would have been a bloodthirsty logic behind the expansion of the war into Laos if the thrust had been to seize supply centers of opium the communists were hoarding up to spread like a deadly virus into the free world. But the communists did not control the opium there: processing and distribution were already in the hands of the free world. Who are the principals of this new opium war? The ubiquitous CIA, whose role in getting the U.S. into Vietnam is well known but whose pivotal position in the opium trade is not; and a rogue's gallery of organizations and people—from an opium army subsidized by the Nationalist Chinese to such familiar names as Madame Nhu and Vice President Nguyen Cao Ky—who are the creations of U.S. policy in that part of the world.

The story of opium in Southeast Asia is a strange one at every turn. But the conclusion is known in advance: this war has come home again—in a silky grey powder that goes from a syringe into America's mainline.

Most of the opium in Southeast Asia is grown in a region known as the "Fertile Triangle," an area covering northwestern Burma, northern Thailand, and Laos. It is a mountainous jungle inhabited by tigers, elephants, and some of the most poisonous snakes in the world. The source of the opium that shares the area with these exotic animals is the poppy, and the main growers are the Meo hill tribespeople who inhabit the region. The Meo men chop back the forests in the wet season so that the crop can be planted in August and September. Poppies produce red, white or purple blossoms between January and March, and when the blossom withers, an egg-sized pod is left. The women harvest the crop and make a small incision in the pod with a three-bladed knife. The pod exudes a white latex-like substance which is left to accumulate and thicken for a day or two. Then it is carefully gathered, boiled to remove gross impurities, and the sticky substance is rolled into balls weighing several pounds. A fraction of the opium remains to be smoked by the villagers, but most is sold in nearby rendezvous with the local smugglers. It is the Meo's only cash crop. The hill tribe growers can collect as much as \$50 per kilo, paid in gold, silver, various commodities, or local currency. The same kilo will bring \$200 in Saigon and \$2000 in San Francisco.

There are hundreds of routes, and certainly as many methods of transport by which the smugglers ship opium—some of it already refined into heroin—through and out of Southeast Asia. But there are three major networks. Some of the opium from Burma and northern Thailand moves into Bangkok, then to Singapore and Hong Kong, then via military aircraft, either directly or through Taiwan, to the United States. The second, and probably major, route is from Burma or Laos to Saigon or to ocean drops in the Gulf of Siam; then it goes either through the Middle East and Marseille to the U.S. or through Hong Kong and Singapore to the West Coast. A final route runs directly from outposts held by Nationalist Chinese troops in Thailand to Taiwan and then to the U.S. by a variety of means.

One of the most successful of the opium entrepreneurs who travel these routes, a Time reporter wrote in 1967, is Chan Chi-foo, a half-Chinese, half-Shan (Burmese) modern-day warlord who might have stepped out of a Joseph Conrad adventure yarn. Chan is a soft-spoken, mild-mannered man in his late thirties who, it is said, is totally ruthless. He has tremendous knowledge of the geography and people of northwestern Burma and is said to move easily among them, conversing in several dialects. Yet he is also able to deal comfortably with the bankers and other businessmen who finance his operations from such centers as Bangkok and Vientiane. Under Chan Chi-foo's command are from 1000-2000 well-armed men, with the feudal hierarchy spreading down to encompass another 3000 hill tribesmen, porters, hunters and opium growers who pay him fealty and whom he regards about the same as the more than 500 small mules he uses for transport.

Moving the opium from Burma to Thailand or Laos is a big and dangerous operation. One of Chan's caravans, says one awestruck observer, may stretch in single file for well over a mile, and may include 200 mules, 200 porters, 200 cooks and camp attendants, and about 400 armed guards. Such a caravan can easily carry 15 to 20 tons of opium, worth nearly a million dollars when delivered to syndicate men in Laos or Thailand.

To get his caravans to market, however, Chan must pay a price, for the crucial part of his route is heavily patrolled not by Thai or Laotians but by nomadic Nationalist Chinese or Kuomintang (KMT) troops. Still

supported by the ruling KMT on Taiwan, Generalissimo Chiang Kai-shek's 93rd Division controls a major part of the opium flowing out of Burma and Thailand. Roving bands of mercenary bandits, they fled to northern Burma in 1949 as Chiang's armies were being routed on the Chinese mainland, and have maintained themselves since by buying opium from the nearby Meo tribesmen which they then resell or by exacting tribute payments from entrepreneurs like Chan Chi-foo. As travelers to the area attest, these troops also supplement their income by running intelligence operations into China and Burma for the U.S.

The Burmese Government regularly complained about all this activity to the United Nations, the Taiwan government and the United States, charging the Americans and Taiwanese with actively supplying and supporting the KMT, which in turn has organized anti-government guerrillas. In 1959 Burmese ground troops seized three opium processing plants set up by the KMT guerrillas at Wanton; the troops also took an airstrip the Chinese had used to fly in reinforcements. By February 1961 the Burmese had pushed the KMT troops southeast into the Thai-Burmese and Thai-Laotian border areas, where they now hold at least eight village bases. Just last year a reporter who was at Chiang Mai, Thailand, saw Thai troops and American advisors as well as military supplies provided by the Taiwan government. The Taiwan government, he noted, maintains an information office there and regularly accompanies the KMT troops on their forays into China to proselytize among the peasants of Yunnan province. These sorties are coordinated by the CIA (which is feverishly active if not wholly successful in this area), and the United States even provides its own backwater R&R for the weary KMT, flying its helicopters from hilltop to hilltop to pick up the Chinese (and the Establishment reporter who supplied this information) for organized basketball tournaments.

Although the KMT troops are often referred to as "remnants," they are not just debris left behind by history. They are in fact an important link in American and Taiwan policy toward Communist China. Not only does Chiang Kai-shek maintain direct contact with his old 93rd, but fresh recruits are frequently sent to maintain a troop level of from 5000 to 7000 men, according to a top-ranking foreign aid official in the U.S. government. And, as the New York Times has noted, Chiang Kai-shek's son, Chiang Ching-kuo, is widely believed to be in charge of the KMT operations from his position as chief of the Taiwan secret police.

Burmese guerilla armies for the CIA; and they offer a payoff to the Border Patrol Police (BPP), and through them to the second most powerful man in Thailand, Minister of the Interior Gen. Prapas Charusathira. The BPP were trained in the '50s by the CIA and now are financed and advised by AID and are flown from border village to border village by Air America. The BPP act as middlemen in the opium trade between the KMT in the remote regions of Thailand and the Chinese merchants of Bangkok. These relationships, of course, are flexible and changing, with each group wanting to maximize profits and minimize antagonisms and dangers. But the established routes vary, and sometimes doublecrosses are intentional.

In the summer of 1967 Chan Chi-foo set out from Burma through the KMT's territory with 300 men and 200 packhorses carrying nine tons of opium, with no intention of paying the usual fee of \$80,000 protection money. But troops cut off the group near the Laotian village of Ban Houei Sai in an ambush that turned into a pitched battle. Neither group, however, had counted on the involvement of the kingpin of the area's opium trade: the CIA-backed Royal Lao Gov-

ernment Army and Air Force, under the command of General Ouane Rathikoune. Hearing of the skirmish, the general pulled his armed forces out of the Plain of Jars in northeastern Laos where they were supposed to be fighting the Pathet Lao guerillas, and engaged two companies and his entire air force in a battle of extermination against both sides. The result was nearly 30 KMT and Burmese dead and a half-ton windfall of opium for the Royal Lao Government.

In a moment of revealing frankness shortly after the battle, General Rathikoune, far from denying the role that opium had played, told several reporters that the opium trade was "not bad for Laos." The trade provides cash income for the Meo hill tribes, he argued, who would otherwise be penniless and therefore a threat to Lao's political stability. He also argued that the trade gives the Lao elite (which includes government officials) a chance to accumulate capital to ultimately invest in legitimate enterprises, thus building up Lao's economy. But if these rationalizations seemed weak, far less convincing was the general's assertion that, since he is in total control of the trade now, when the time comes to put an end to it he will simply put an end to it.

It is unlikely that Rathikoune, one of the chief warlords of the opium dynasty, will decide to end the trade soon. Right outside the village of Ban Houei Sai, hidden in the jungle, are several of his refineries—called "cookers"—which manufacture crude morphine (which is refined into heroin at a later transport point) under the supervision of professional pharmacists imported from Bangkok. Rathikoune also has "cookers" in the nearby villages of Ban Khwan, Phan Phung and Ban Kheung (the latter for opium grown by the Yao tribe). Most of the opium he procures comes from Burma in caravans such as Chan Chi-foo's; the rest comes from Thailand or from the hill tribespeople (Meo and Yao) in the area near Ban Houei Sai. Rathikoune flies the dope from the Ban Houei Sai area to Luang Prabang, the Royalist capital, in helicopters given by the United States military aid program.

Others in the Lao elite and government own refineries. There are cookers for heroin in Vientiane, two blocks from the King's residence; near Luang Prabang; on Khong Island in the Mekong River on the Lao-Cambodian border; and one recently built by Kouprasith Abhay (head of the military region around Vientiane, but also from the powerful Abhay family of Khong Island) at Phou Khao Khouai, just north of Vientiane. Other Lords of the Trade are Prince Boun Oum of Southern Laos, and the Sananikone family, called the "Rockefellers of Laos." Phou Sananikone, the clan patriarch, headed a U.S.-backed coup in 1959 and is presently President of the National Assembly. Two other Sananikones are deputies in the Assembly, two are generals (one is Chief of Staff for Rathikoune), one is Minister of Public Works, and a host of others are to be found at lower levels of the political, military and civil service structure. And the Sananikones' airline, Veba Akhat, leases planes and pilots from Taiwan for paramilitary operations which lend themselves easily to commerce with opium-growing tribespeople. But the opium trade is popular with the rest of the elite, who rent RLG aircraft or create fly-by-night airlines (such as Laos Air Charter or Lao United Airlines) to do their own direct dealing.

Control of the opium trade has not always been in the hands of the Lao elite, although the U.S. has been at least peripherally involved in who the beneficiaries were since John Foster Dulles' famous 1954 commitment to maintain an anti-communist Laos. The major source of the opium in Laos has always been the Meo growers, who were selected by the CIA as its counterinsurgency bulwark against the Pathet Lao guerillas. The

Meos' mountain bastion is Long Cheng, a secret base 80 miles northeast of Vientiane, built by the CIA during the 1962 Geneva Accords period. By 1964 Long Cheng's population was nearly 50,000, comprised largely of refugees who had come to escape the war and who were kept busy growing poppies in the hills surrounding the base.

The secrecy surrounding Long Cheng has hidden the trade from reporters. But security has not been complete: Carl Strock reported in the January 30 Far Eastern Economic Review, "Over the years eight journalists, including myself, have slipped into Long Cheng and have seen American crews loading T-28 bombers while armed CIA agents chatted with uniformed Thai soldiers and piles of raw opium stood for sale in the market (a kilo for \$52). It's old hat by now, but Long Cheng is still so secret that in the past year both the U.S. embassy press attaché and the director of USAID's training center were denied clearance to visit the mountain redoubt." The CIA not only protects the opium in Long Cheng and various other pick-up points, but also gives clearance and protection to opium-laden aircraft flying out.

For some time, the primary middle-men in the opium traffic had been elements of the Corsican Mafia, identified in a 1966 United Nations report as a pivotal organization in the flow of narcotics. In a part of the world where transportation is a major problem and where air transport is a solution, the Corsicans were able to parlay their vintage World War II airplanes (called "the butterfly fleet" or, according to "Pop" Buell, U.S. citizen-at-large in the area, "Air Opium") into a position of control. But as the Laotian civil war intensified in the period following 1963, it became increasingly difficult for the Corsicans to operate, and the Meos started to have trouble getting their crop out of the hills in safety.

The vacuum that was created was quickly filled by the Royal Lao Air Force, which began to use helicopters and planes donated by the U.S. not only for fighting the Pathet Lao but also for flying opium out from airstrips pockmarking the Laotian hills. This arrangement was politically more advantageous than prior ones, for it consolidated the interests of all the anti-communist parties. The enfranchisement of the Lao elite gave it more of an incentive to carry on the war Dulles had committed the U.S. to back; the safe transport of the Meo's opium by an ideologically sanctioned network increased the incentive of these CIA-equipped and -trained tribesmen to fight the Pathet Lao. The U.S. got parties that would cooperate with its foreign policy not only for political reasons, but on more solid economic grounds. Opium was the economic cement binding all the parties together much more closely than anti-communism could.

As this relationship has matured, Long Cheng has become a major collection point for opium grown in Laos. CIA protege General Vang Pao, former officer for the French colonial army and now head of the Meo counterinsurgents, uses his U.S.-supplied helicopters and STOL (short-take-off-and-landing) aircraft to collect the opium from the surrounding area. It is unloaded and stored in hutches in Long Cheng. Some of it is sold there and flown out in Royal Laotian Government C-47s to Saigon or the Gulf of Siam or the South China Sea, where it is dropped to waiting fishing boats. Some of the opium is flown to Vietnam, where it is sold to Chinese merchants who then fly it to Saigon or to the ocean drops. One of Vang Pao's main sources of transport, since the RLG Air Force is not under his control, is the CIA-created Xieng Khouang Airline, which is still supervised by an American, though it is scheduled soon to be turned over completely to Vang Pao's men. The airline's two C-47s (which can carry a maximum of 4000

pounds) are used only for transport to Vientiane.

Prior to Nixon's blitzkrieg in Laos, the opium trade was booming. Production had grown rapidly since the early '50s to a level of 175-200 tons a year, with 400 of the 600 tons produced in Burma, and 50-100 tons of that grown in Thailand, passing through Laotian territory. But if the opium has been an El Dorado for the Corsicans, the Lao elite the CIA and others, it has been a nemesis for the Meo tribesmen. For in becoming a pawn in the larger strategy of the U.S., the Meos have seen the army virtually wiped out, with the average age of recruits now 15 years, and their population reduced from 400,000 to 200,000. The Meos' reward for CIA service, in other words, has been their destruction as a people. (See *Hard Times*, section, page 14)

Both the complexity and the finality of the opium web which connects Burma, Thailand, Laos and South Vietnam stretch the imagination. So bizarre is the opium network and so pervasive the traffic that were it to appear in an Ian Fleming plot we would pass it off as torturing the credibility of thriller fiction. But the trade is real and the net has entangled governments beyond the steaming jungle of Indochina. In 1962, for instance, an opium-smuggling scandal stunned the entire Canadian Parliament. It was in March of that year that Prime Minister Diefenbaker confirmed rumors that nine Canadian members of the immaculate United Nations International Control Commission had been caught carrying opium from Vientiane to the international markets in Saigon on UN planes.

The route from Laos to Saigon has long been one of the well-established trails of the heroin-opium trade. In August 1967, a C-47 transport plane carrying two-and-a-half tons of opium and some gold was forced down near Da Lat, South Vietnam, by American gunners when the pilot failed to identify himself. The plane and its precious cargo, reportedly owned by General Rathikoune's wife, were destined for a Chinese opium merchant and piloted by a former KMT pilot, L. G. Chao. Whatever their ownership, the dope-running planes usually land at Tan Son Nhut airbase, where they are met in a remote part of the airport with the protection of the airport police.

A considerable part of the opium and heroin remains in Saigon, where it is sold directly to U.S. troops or distributed to U.S. bases throughout the Vietnamese countryside. One G.I. who returned to the states an addict was August Schultz. He's off the needle now, but how he got on is most revealing. Explaining that he was "completely straight, even a right-winger" before he went into the Army, August told RAMPARTS how he fell into the heroin trap: "It was a regular day last April [1970] and I just walked into this bunker and there were these two guys shooting up. I said to them, 'What you guys doing?' Believe it or not I really didn't know. They explained it to me and asked me if I wanted to try it. I said sure."

Probably a fifth of the men in his unit have at least tried junk, August says. But the big thing, as his buddy Ronnie McSheffrey adds, was that most of the officers in his company—including the MPs—knew about it. McSheffrey saw MPs in his own division (6th Battalion, 31st Infantry, 9th Division) at Tan An shoot up, just as he says they saw him. He and his buddies even watched the unit's sergeant-major receive payoffs from a nearby warehouse where every kind of drug imaginable was available.

An article by Kansas City newspaper-woman Gloria Emerson inserted into the Congressional Record by Senator Stuart Symington on March 10 said: "In a brigade headquarters at Long Binh, there were reports that heroin use in the unit had risen to 20 percent . . . 'You can salute an officer with your right hand and take a "hit" (of heroin)

in your left,' an enlisted man from New York told me. . . . Along the 15-mile Bien Hoa highway running north to Saigon from Long Binh, heroin can be purchased at any of a dozen conspicuous places within a few minutes, and was by this reporter, for three dollars a vial."

Adding glamour to the labyrinthine intrigue of Vietnam's opium trade throughout the late 1950s and early '60s was the famous Madame Nhu, the Dragon Lady of Saigon. Madame Nhu was in a position to be very likely coordinator for the entire domestic opium traffic in Vietnam; yet so great is the power she still wields from her palatial exile in Paris that she has intimidated one American publisher and kept him from publishing the story. In his book *Mr. Pop*, Don Schanche, former editor of *Horizon* and former managing editor of the *Saturday Evening Post*, recounts the following interchange on the Plain of Jars during August 1960 between Edgar "Pop" Buell—the Indiana farmer who left his home to work with the Meo tribespeople—and a local restaurateur:

Buell drove with Albert [Fouré] to Phong Savan and watched from the side of the airstrip as a modern twin-engine plane took on a huge load of opium. Beneath the wing, talking heatedly with the plane's Corsican pilot, was a slender woman dressed in long white silk pants an *ao dai*, the side-slit, high-necked gown of Vietnam. Her body was exquisitely formed, and her darkly beautiful face wore a clear expression of authority. Even Buell could see that she was Vietnamese, not Lao.

"Zat," said Fouré, "is ze grande madame of opium from Saigon." Edgar never learned her name, but he recognized the unforgettable face and figure when the picture of an important South Vietnamese politician appeared months later in an American news magazine.

Though Schanche's publisher, David McKay Co., refused to publish her name for fear of reprisals, the unforgettable face was that of Madame Nhu.

But Saigon's opium trade is not new. Its history stretches back to 1949, when the French appointed former Vietnamese Emperor Bao Dai as chief of state. Bao Dai brought with him as chief of police Bay Vien, the undisputed leader of Saigon's criminal underground, which controlled not only the gambling and narcotics trade in Saigon but also the important Chinese suburb of Cholon. Bao Dai and Bay Vien held power until they were displaced after the 1954 Geneva Accords by Ngo Dinh Nhu, Diem's brother. Nhu had gained prominence in Vietnam as an organizer of a Catholic trade union movement modeled after the French Force Ouvrière, which the CIA had helped supply in the 1940s to break France's communist dockworkers' union, the CGT.

At first Nhu feigned support for Bay Vien and Bao Dai, but by the end of 1955 he had taken control of the Saigon secret police and—thereby—the city's opium and heroin trade as well. Just as the Nhus were consolidating their own power, a little-known figure entered the Diem military apparatus—a man who through the years would carefully extend his control over the air force and end up eventually heir not only to the South Vietnamese government but to the opium and heroin trade as well. That man was Nguyen Cao Ky, who had just returned from Algeria to take charge of the South Vietnamese air transports C-47 cargo planes.

At what particular point in time Ky became involved with the Nhus in the opium trade is not known, but by the end of the '50s he was cutting quite a figure in Saigon's elite circles. In an interview with RAMPARTS, retired Marine Corps Colonel (and author of the book *The Betrayal*) William Corson described Ky's life in the late 1950s in the following fashion: "Ky of course was a colonel in the Air Force back then and he used to

have these glittering cocktail parties at the top of the Caravelle [Hotel] in Saigon. He laid out a fantastic spread—which was all very interesting because the amount of money he made as a soldier was maybe \$25 to \$30 a month and he didn't have any other outside income."

The first real light shed on the possible sources of Ky's extracurricular income came only in the spring of 1968, when Senator Ernest Gruening revealed that four years earlier Ky had been in the employ of the CIA's "Operation Haylift," a program which flew South Vietnamese agents "into North Vietnam for the purpose of sabotage, such as blowing up railroads, bridges, etc." More important, Ky was fired, Gruening's sources claimed, for having been caught smuggling opium from Laos back into Saigon. Significantly, Ky and his flight crews were replaced by Nationalist Chinese Air Force pilots.

Neither the CIA, the Pentagon, nor the State Department ever denied Ky worked on Operation Haylift. Nor did they deny that he had smuggled opium back into Saigon. However, a U.S. embassy spokesman categorically denied Ky was ever fired from "any position by any element of the U.S. Government for opium smuggling or for any other reason." When Ky came to power in February 1965, most observers supposed he had relinquished participation in the opium traffic (although it was "common knowledge" that Madame Ky had replaced Madame Nhu as Saigon's Dragon Lady and dealt in opium directly with Prince Boun Oum in Southern Laos). However, a high Saigon military official to whom Ky at one time offered a place in the opium traffic says Ky continued to carry loads ranging from 2000 to 3000 kilos of opium from Pleiku to Saigon in the spring of 1965 after he had assumed power and after Operation Haylift had been discontinued. Those runs included regular pickups near Dak To, Kon Tum and Pleiku. Since then there has been no indication that Ky has in any way altered the transport. Corson, who returned to Vietnam in 1965, observed that Ky's involvement in the trade had become so routine that it had lost almost all its adventure and intrigue.

With gross returns from the Indochinese traffic running anywhere from \$250 to \$500 million per year, opium is one of the kingpins of Southeast Asian commerce. Indochina has not always had such an enviable position. Historically most of the world's supply of opium and heroin came through well-established routes from Turkey, Iran and China. Then it was refined in chemical kitchens and warehouse factories in Marseille. The Mediterranean trade was controlled by the Corsican Mafia (which itself has long been related to such American crime lords as Lucky Luciano, who funneled a certain amount of dope into the black ghettos). But high officials in the narcotics control division of the Canadian government, and in Interpol, the International Police Agency, confirm that since World War II—and paralleling the U.S. expansion in the Pacific—there has been a major redirection in the sources and routing of the worldwide opium traffic.

According to the United Nations Commission on Drugs and Narcotics, since at least 1966 80 percent of the world's 1200 tons of illicit opium has come from Southeast Asia—directly contradicting most official U.S. claims that the primary sources are Middle Eastern. In 1966 Interpol's former Secretary General Jean Nepote told investigators from Arthur D. Little Research Institute (then under contract to the U.S. Government Crime Commission) that the Fertile Triangle was a principal production center of opium. And last year an Iranian government official told a United Nations seminar on narcotics control that 83 percent of the world's illegal supply originated in the Fertile Triangle—the area where opium is controlled by the U.S.-supplied troops of Laos and Nationalist China.

It is odd that the U.S. government, with the most massive Intelligence apparatus in history, could miss this innovation. But though it may seem to be an amazing oversight, what has happened is that Richard Nixon and the makers of America's Asian policy have completely blanked Indochina out of the world narcotics trade. Not even Joe Stalin's removal of Trotsky from the Russian history books parallels this historical reconstruction. In his recent State of the World address, Richard Nixon dealt directly with the international narcotics traffic. "Narcotics addiction has been spreading with pandemic virulence," he said, adding that "this affliction is spreading rapidly and without the slightest respect for national boundaries." What is needed is "an integrated attack on the demand for [narcotics], the supply of them, and their movement across international borders. . . . We have," he says, "worked closely with a large number of governments, particularly Turkey, France, and Mexico, to try to stop the illicit production and smuggling of narcotics." (authors' emphasis)

It is no accident that Nixon has ignored the real sources of narcotics trade abroad and by so doing has effectively precluded any possibility of being able to deal with heroin at home. It is he more than anyone else who has underwritten that trade through the policies he has formulated, the alliances he has forged, and most recently the political appointments he has made. For Richard Nixon's rise to power has been intricately interwoven with the rise of proponents of America's aggressive strategy in Asia, a group of people loosely called the "China Lobby" who have been in or near political power off and on since 1950.

Among the most notable members of the "China Lobby" are Madame Anna Chennault, whose husband, General Claire Chennault, founded Air America; columnist Joe Alsop; FBI Director J. Edgar Hoover; former California Senator William Knowland; and Ray Cline, currently Chief of Intelligence for the State Department. They and such compatriots as the late Time magazine publisher Henry Luce and his widow, Congresswoman Claire Boothe Luce, have been some of the country's strongest proponents of the Nationalist Chinese cause.

In 1954 Chiang Kai-shek formed the Asian People's Anti-Communist League (APACL), which was to become one of the vital links between the China Lobby and the Taiwan government. (It was also in that year Nixon urged that U.S. troops be sent into Indochina following the French defeat in Dien Bien Phu—a proposal which failed because of the lack of public support for such policy following the Korean war.) As soon as the APACL was formed, Chiang announced that it had established "close contact" with three American politicians—the most important of whom was Vice President Richard Nixon.

Over the years the China lobby has continued to spring to Nixon's support. It was Madame Chennault, co-chairman in 1968 of Women for Nixon-Agnew Advisory Committee, who helped raise a quarter of a million dollars for the campaign; it was she who just before the election entered into an elaborate set of arrangements to sabotage a White House peace plan. Within 30 hours of the announced plan, South Vietnam President Thieu rejected the new negotiations it proposed—a rejection Madame Chennault had helped arrange as a last-minute blow at Hubert Humphrey and the Democrats.

It is not only his debts, associations and sympathies to the China Lobby which have linked Nixon with Kuomintang machinations in Indochina and helped plunge the U.S. deeper into the morass there. One of his most important foreign policy appointments since taking office has been the reassignment of Ray Cline as State Department Director of Intelligence and Research. Cline, the controversial CIA station chief in Tai-

wan who helped organize KMT forays into Communist China, in 1962 promoted Nixon's old project of a Bay of Pigs invasion of China. Within a month of Cline's recent appointment, the resumption of pilotless Intelligence flights over mainland China was approved.

The entire cast of the China Lobby has relied on one magic corporation, the same corporation established just after World War II by General Claire Chennault as Civil Air Transport and renamed in the 1950s Air America. Carrier not only of men and personnel for all of Southeast Asia, but also of the policies that have turned Indochina into the third bloodiest battlefield in American history, Air America's chief contract is with the American Central Intelligence Agency.

Air America brings Brahmin Bostonians and wealthy Wall Streeters who are the China Lobby together with some of the most powerful men in Nationalist China's financial history. One of its principal services has been to fly in support for the "remnant" 93rd Division of the KMT, the "opium army" in Burma; another has been as a major carrier of opium itself. Air America flies through all of the Laotian and Vietnamese opium pick-up points, for aside from the private "butterfly fleet" and various military transports, Air America is the "official" Indochina airline. A 25-year-old black man recently returned from Indochina told Ramparts of going to Vietnam in late 1968 as an adventurer, hoping to get in on the dope business. But he found that the business was all controlled by a "group like the Mafia. It was tight and there wasn't room for me." The only way he could make it in the dope trade, he says, was to go to work for Air America as a mechanic. He found there "was plenty of dope in Laos—lots of crystals [heroin] all over the place." Air America was the only way to get in on it.

What has taken place in Indochina is more than a flurry of corruption among select dramatis personae in America's great Asian Drama. The fact that Meo tribesmen have been nearly wiped out, that the Corsican Mafia's Air Opium has been supplanted by the CIA's Air America, that Nationalist Chinese soldiers operate as narcotics bandits, that such architects of U.S. democracy for the East as the Nhus and Vice President Ky have been dope runners—these are only the bizarre cameo roles in a larger tragedy that involves nothing less than the uprooting of what had been the opium trade for decades—through the traditional lotus-land of the Middle East into Western Europe—and the substitution of another network, whose shape is parallel to that of the U.S. presence in Southeast Asia. The ecology of narcotics has been disrupted and remade to coincide with the structure of America's Asia strategy—the stealthy conquest of a continent to serve the interests of the likes of the China Lobby.

The shift in the international opium traffic is also a metaphor for what has happened in Southeast Asia itself. As the U.S. has settled in there, its presence radiating a nimbus of genocide and corruption, armadas of airplanes have come to smash the land and lives of a helpless people; mercenary armies have been trained by the U.S.; and boundaries reflecting the U.S. desires have been established, along with houses of commerce and petty criminality created in the American image. One of the upshots has been that the opium trade has been systematized, given U.S. technological expertise and a shipping and transportation network as pervasive as the U.S. presence itself. The piratical Corsican transporters have been replaced by pragmatic technocrats carrying out their jobs with deadly accuracy. Unimpeded by boundaries, scruples or customs agents, and nurtured by the free flow of military personnel through the capitals of the Orient, the United States has—as a reflex of its warfare Indochina—built up a support system

for the trade in narcotics that is unparalleled in modern history.

The U.S. went on a holy war to stamp out communism and to protect its Asian markets, and it brought home heroin. It is a fitting trade-off, one that characterizes the moral quality of the U.S. involvement. This ugly war keeps coming home, each manifestation more terrifying than the last; home to the streets of the teeming urban ghettos and the lonely suburban isthmus where in the last year the number of teenage heroin addicts has taken a quantum leap forward. Heroin has now become the newest affliction of affluent America—of mothers in Westport, Connecticut, who only wanted to die when they traced track-marks on their daughters' elegant arms; or of fathers in Cicero, Illinois, speechless in outrage when their conscripted sons came back from the war bringing home a blood-stained needle as their only lasting souvenir.

#### MRS. MARJORIE MELTON, FRIEND OF THE LESS FORTUNATE

Mr. SYMINGTON. Mr. President, senior citizens in Missouri and the Midwest were saddened by the recent death of Mrs. Marjorie Melton of Kansas City. A co-worker with President Truman during his years of service on the County Court of Jackson County, Mo., Mrs. Melton was active in politics, church work, and in helping to ease the problems of the less fortunate.

When she died last week at the age of 83, she was on a mission to help older low-income people in Arkansas. She had raised a family and cared for her invalid husband for many years before his death. Always her heart and hands went out to others in need.

During the depression years of the thirties, Mrs. Melton helped to feed thousands in the downtown Kansas City neighborhoods where she lived. She entered public service as a compassionate representative of the Jackson County Court working with the mentally ill and others needing institutionalization.

An active Democrat since 1916, this beloved lady became an adviser in Kansas City whose advice was valued by all who knew her. A Sunday school teacher for many years, working with youth, the past 20 years she had worked with senior citizens organizing one of the very early city golden age center programs, including camping. She also helped to form many other senior citizen groups including the Missouri Council of Senior Citizens.

As an organizer for the National Council of Senior Citizens and for the Senior Member Council of the Farmers Union, Mrs. Melton set up the CASA program in Arkansas which pioneered the way for the national consultant. In the latter capacity, she had visited projects in 10 States during the past 10 months alone.

An active, vital woman until the very end, she will long be remembered by those with whom she worked, as well as by the older men and women whom she inspired throughout the country.

#### EXPANSION OF ANTIETAM NATIONAL BATTLEFIELD IN MARYLAND

Mr. BEALL. Mr. President, yesterday I cosponsored with the Senator from

Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. HATFIELD), S. 1525, a bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland.

In today's Washington Post, Mr. Tom Huth has written an article which points out the urgency for Congress to move, and move quickly, on this proposed legislation if we are to preserve the Antietam National Battlefield. As the article points out, unless Congress acts, it is likely that private developers will move in; and as Mr. Robert Bell, the management assistant of the Antietam National Battlefield, observed:

You'll have to look through the clotheslines to see history.

I urge all Senators to read the article and then to join us in passing S. 1525.

I ask unanimous consent that the article be printed in the RECORD.

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

DEVELOPERS WAGE A WAR AT ANTIETAM  
(By Tom Huth)

Steering his white automobile slowly through the soft fallow fields where Union and Confederate armies fought their bloodiest day of battle, realtor Bill Phillips gestures into the distance and exclaims, "Look at that a 400-degree view. Wouldn't this make a beautiful home site?"

Phillips, rotund and agreeable, can hardly contain his infectious guffaws when he talks about the land deals that he and a few others are executing on the Antietam battlefield at Sharpsburg in western Maryland.

Housing developments and motels are being mapped out for at least four historic sites on the Civil War battleground in Washington County 12 miles south of Hagerstown.

Phillips wheels his car down the high rounded hill on which he and two friends plan to market three-acre lots, and he comes out on a National Park Service road where stand three tall statues commemorating Union brigades that charged up that hill in 1862.

The stone soldiers stare across the road at his property. Bill Phillips looks up at them, chuckles and says, "See, even the dummies are checking this land out."

Robert Bell, the management assistant of Antietam National Battlefield, has another view of the development: "You'll have to look through the clotheslines to see history."

But not if Maryland Republican Sens. Charles McC. Mathias and J. Glenn Beall Jr. and Rep. Goodloe Byron, a Democrat from western Maryland, can help it. Yesterday they introduced legislation to preserve the entire battlefield.

Just after first light on a gray and misty morning, 10 Union brigades of fighting Joe Hooker's I Corps swept out of the North Woods and struck the Confederate left flank. Stonewall Jackson's Confederate veterans formed a battle line and fought from in front of the white-washed Dunkard church.

Other Confederates, hiding amid the tall September stalks of the Miller cornfield 300 yards in front of the church, were waiting when Brig. Gen. Abner Doubleday's Federals came through. The men in gray stood up, and the ensuing change of fire cut down the men and the corn alike and left them lying in rows on the ground.

After attack and counterattack, Maj. Gen. John Sedgwick's Union division marched 5,000 strong with battle flags flying past the church and into the West Woods. A full 10,000 of Jackson's men leaped out, and in 30 minutes, 2,000 of the Federals lay dead and wounded.

Brig. Gen. William French's division had split off from Sedgwick's. It marched toward a narrow lane called the Sunken Road. After three hours of battle, a Union soldier wrote, a man could walk upon the bodies without touching the road. It became known as Bloody Lane.

Maj. Gen. Ambrose Burnside's federals, after dallying for three hours, broke across a stone bridge arching over Antietam Creek in the southern end of the battlefield. They surged up and around a high, rounded hill and would have cut off the escape route for all of the Confederates were it not for the notable Light Division of Maj. Gen. A. P. Hill.

Hill's Confederates, sweating after a hard day's march from Harper's Ferry, charged with Rebel yell up the hill, hit the Union flank, drove the attackers back and ended the battle of Antietam in a stalemate.

In one day, Sept. 17, 1862, more than 22,000 men were killed, wounded, captured or missing. The caution and procrastination of the Union commander, Maj. Gen. George B. McClellan, had prevented him from dealing a crushing defeat to Robert E. Lee's Army of Northern Virginia.

But Lee's first thrust into Union territory had been turned back, ending his hopes for European recognition and diplomatic intervention. Five days later, seizing the opportunity, Lincoln announced the Emancipation Proclamation that declared the Southern slaves free and turned the North's struggle into a moral crusade.

The National Park Service owns patches of the battlefield. These 795 acres are filled with monuments, markers, a guided auto route—and 400,000 visitors a year. But most of the historic sites are outside the park and open to development, particularly since the county has no zoning law.

The Park Service would like to acquire 2,600 more acres to preserve the battleground and create a buffer zone, and the legislation introduced in both houses of Congress would accomplish this.

Developers insist that they have been willing to trade their historic land for other government property.

W. Dean McLanahan, the Antietam park superintendent, agrees that the federal government would share the blame if the battlefield were violated by bulldozers. Like McClellan and Burnside in battle, the government has procrastinated. "It has been a little slow in protecting the land," McLanahan says.

No one worried much about the old family farms on the battlefield until Interstate Rtes. 70 and 81 came through only 10 miles away. Then land prices started rising. Now the area houses commuters from the Washington suburbs 60 miles away.

No one realizes all this better than the affable real estate agent, Bill Phillips.

With friend and contractor Dick Lohman in the back seat, Phillips drives along the route of battle and stops at points of interest—of interest, that is, to the only real estate agent in the little town of Sharpsburg.

A MOTEL SITE

Just north of town along U.S. Rte. 65 is "the best commercial site on the battlefield," Phillips declares. Lohman is buying it, with Phillips as the agent. He wants to build a motel on the 20-acre site, from where Joe Hooker's men launched their mighty attack on Jackson's line.

Less than a mile south along Rte. 65 are 11 acres that are for sale as another motel site. To the great amusement of Phillips and Lohman, the land is being offered by Richard K. Hershey, a member of the historical advisory committee to the Washington County Commissioners.

Tax records show that he bought it in December, 1968, for \$18,000. ("The seller was 93 years old and he had to give it up at a low price," Hershey explains.) The sale price now is \$85,000.

Hershey, a bit sheepish about the subject, says he is "more interested in preserving the land for governmental services than for anything else. I'm very interested in history."

But, he says, "if someone offered the price, I'd have to sell." He says a motel on that land "would have to be compatible. It would have to be done very well. I would want approval by Dean McLanahan." McLanahan says, "I question whether the buyer would accept any covenants like that."

Hershey's 11 acres lie directly behind the historic Dunkard church and within sight of the park visitors' center. On his land stood the West Woods, where Sedgwick's 2,000 were cut down in 20 minutes.

A few hundred yards northwest is a farm owned by Paul M. Culler. This is the Miller cornfield, where so many fell in 1862. Phillips says that he has "checked the land out," but that Culler "wouldn't even sell a damned lot."

To the south of Sharpsburg is the high, rounded hill where Burnside was turned back by the Light Division. This is the hill, the highest point of the battlefield, that Phillips arranged for Lohman and Air Force Col. Gale H. Lyon to buy for three-acre homesites. Twenty-one lots have been platted, and it will be called Burnside Manor.

Tax records show that the 69 acres were bought, from Lohman's third cousin, for \$35,000 in November, 1969. The 21 lots, priced from \$6,950 to about \$20,000 will be sold as soon as the final plat is approved by the county. Phillips again will be the agent. Contracts are pending on two lots, he says.

Atop the hill and smack in the middle of the 69 acres is a tall obelisk built in memory of the 9th New York Volunteers. It is surrounded by a patch of Park Service land, which would be encircled by lots 8, 9 and 10 in Burnside Manor. A narrow, fenced federal footpath runs through the future back yards a third of a mile to a highway.

About 100 feet from the obelisk and in the middle of lot 8 is a small stone monument marking the farthest advance of the 8th Connecticut Volunteer Infantry. Grackles settle down to feed on the fallow timothy hay around the monument. When the land is sold the marker "will be in somebody's back yard," Lohman says.

MILITARY-MINDED

Phillips, with a chuckle, adds, "We get a lot of action from military-minded people." "They eat that up," says Lohman.

Driving down the hill to the Park Service road and past the adjoining tract, Phillips leans over and says with another laugh, "I've got an exclusive contract on this one, too."

He had offered it to Hershey of the historical advisory committee, but Hershey turned it down. "Bill said he thought I was foolish about it," Hershey says, "but I didn't want to get involved any further."

Phillips eventually sold it to three other contacts—David H. Harris, Wallace McCall and Chester Soule Jr.—last December. According to tax records, the price for the 46 acres, plus 54 adjoining acres that are not considered historic land, was \$52,500.

The 46-acre site, where A. P. Hill's Light Division drove up to meet Burnside, is planned for more three-acre sites and smaller lots, Phillips says. Lohman says that he is trying to arrange to build homes on the large sites there.

Phillips says that he has contacted most of the other land owners on the battlefield, and he knows men who would be interested in buying. "I have a habit of getting people together," he says with a grin and a nudge to the knee.

In fact, he says, he already has "other listings" on the battlefield that the Park Service doesn't know about.

Another farm near the edge of the battlefield is up for sale by another agent. It is the Fry farm, where McClellan had his headquarters.

All of these properties, as well as land still in the hands of farmers, would become federal land under the legislation proposed by Mathias, Beall, Byron.

Similar legislation was introduced in 1969 but it didn't get a committee hearing.

An aide to Mathias estimates that \$3 million would be needed to buy the historic land. Bell of the Park Service says that the land could be condemned but that his agency prefers to negotiate. The bills state that construction started after Jan. 1, 1970, would be removed. In some cases, property owners could stay on their land if their purposes were compatible with the park.

One man who is caught in the middle nowadays is W. D. Jones, the English-educated planning director for Washington County. When asked about the Burnside Manor venture on the 69-acre hill overlooking Sharpsburg, he sputters: "This is monstrosity. Talk about murder, it's terrible."

Jones lives in frustration—a man with an English diploma in town and country planning who is trying to regulate rapid growth in a county that has no zoning ordinance.

So as soon as the investors supply some technical information and the health department certifies the septic tanks, he will be obliged to recommend that the planning commission approve Burnside Manor.

#### PARK SERVICE WORRIES

This is the project that worries the Park Service most because it is imminent. Lohman, the contractor and investor, says that he and Col. Lyon chose the site because every house would have a high elevation and a panoramic view.

The fact that it was a historic site "didn't bother us," he says. "In fact, it kind of helped us."

However, he and Phillips maintain that the plan all along was to trade the 69 acres to the government for an unused U.S. Army property north of Sharpsburg called Site B. Then, during the negotiations, the Army decided to build a satellite tracking station on Site B.

The station is no longer planned, but the Army says it has no authorization to trade the land. The authorization would be granted by the planned Congressional legislation.

With no trade in sight, "we had to make as much money as we could," Phillips says.

"We got in it to make money," Lohman explains, "but if the same deal was offered again we'd take it." But he adds, "the more I get on this development the more I like it."

Phillips adds, "If the government wants the land, let them do something with it. We've given them enough time. I don't want to see it developed, either, but I've got an obligation to my investors. My job as a realtor is to see that they get as much money as they can out of it."

About three weeks ago, according to Phillips, the National Park Service made an offer of about \$45,000 for the Burnside Manor land. Lohman and Lyons turned it down as too low. "We've got a lot of expenses into it," Lohman says.

The investors will meet again in Washington this week with the Park Service's chief of land procurement. The agency would not discuss the matter except to say that money for such acquisitions come from donations.

#### THREAT ISN'T NEW

The threat to Antietam is not new to the Park Service. Other Civil War battlefields have been and are being encroached upon.

Robert Utley, chief of the service's history division, says, "This problem has been extremely serious for us at Gettysburg, and to some extent we have that problem at Fredericksburg and around the Richmond-Petersburg area also."

The encroachment at Gettysburg has been mostly commercial rather than residential. The latest in many crises for historians in that area stems from an entrepreneur's plan

to build a 320-foot observation tower on private land overlooking this site of Pickett's charge. Again, there is no county zoning law.

Maryland's only Civil War battlefield besides Antietam is Monocacy, just south of Frederick. All the land is privately owned. Interstate Rte. 70S divides the battleground in half, and a proposed beltway around Frederick would cut it into quarters.

For Antietam, this is the second recent controversy. Three years ago, the opposition of local historians and of the Interior Department blocked plans by the Potomac Edison Co. to run a high-voltage power line just south of the battlefield.

Now progress is creeping up by land rather than by air. The amount of investing in the county from Washington and Baltimore interests is "colossal—like bees around a honey pot," says W. D. Jones.

The opening of Rte. 70, allowing residents to commute to the northern Washington suburbs, "will make this area similar to what Connecticut is to New York," Bill Phillips predicts with satisfaction.

#### PORTUGAL'S POLICY IN AFRICA

Mr. BYRD of Virginia. Mr. President, last November, Dr. Rui Patricio, the minister of foreign affairs of Portugal, appeared as a guest on the campus of the University of Connecticut to deliver an address on Portugal policy in Africa.

The disruptive behavior of a minority of persons present at the scheduled lecture prevented Dr. Patricio from delivering his address.

I realize that the policies of Portugal in Africa are controversial, but I feel that the American traditions of free speech and fair play were violated in the incident at the University of Connecticut, for which president Homer D. Barridge, Jr., apologized.

Accordingly, in the interest of fairness, I ask unanimous consent that the text of the address prepared by Dr. Patricio be printed in the RECORD.

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

#### PORTUGAL POLICY IN AFRICA

##### OUTLINE

- I: Bases of the Portuguese policy in Africa
  1. Historical background
    - (a) historical process of the growth of the Portuguese nation
    - (b) the unit characteristics of the Portuguese nation in its pluricontinental and multiracial aspects
  2. Political and legal bases
    - (a) the Overseas Provinces within the Portuguese Constitution
    - (b) the basic elements of the Portuguese nation in the Portuguese juridical structure
    - (c) the will of the populations
  3. Sociological bases
    - (a) the intermingling of races
    - (b) the intermingling of cultures
- II: The key elements of the Portuguese policy
  1. National unity
  2. Administrative, economic and financial autonomy of the Overseas Provinces
  3. Economic development and social progress
- III: The present international situation in the historical context
  1. The emergence of new independent African States and the erroneous analogy with the Portuguese case
  2. The anti-colonial campaign in the United Nations and Portugal
  3. The subversive movements launched against the Portuguese Overseas Provinces

4. The Soviet and China offensive for the penetration of Africa

IV: Perspectives for the future

Relations between Portugal and its neighbouring countries.

#### I

When a nation has behind it many centuries of history and when moreover that nation has made a significant contribution to the progress of mankind, it is impossible to understand its present without looking at its past. The Portuguese Nation, as it exists today, is the product of a history that began eight centuries ago in the extreme southwest corner of Europe and eventually covered almost the whole world. In the XV and XVI centuries Portuguese navigators sailed across the oceans discovering new lands and making contacts with unknown peoples.

As it happened, many of the lands discovered by the Portuguese were uninhabited, (e.g. the Islands of Madeira, Azores, S. Tomé, Cape Verde); others were thinly populated and had practically no administration worth the name (e.g. the greater parts of Angola, Mozambique and Brazil). Only in a few cases the Portuguese came across social organizations (e.g. in the Kingdom of the Congo and of course in Asia). The Portuguese policy in such cases was to respect the rights of the local rulers and deal with them fraternally. In fact, the King of Portugal addressed the King of the Congo as his brother and there could hardly be a more inspiring document of human relations inspired by Christian ideals than the letter which King Manuel I of Portugal wrote to the Zamorin of Calicut.

Considering that conquest was recognized in those days as a legitimate source of right and considering that the right of conquest was explicitly attributed to the Portuguese by the Popes, who were then the supreme arbiters of international law and relations for all Christian peoples, it is remarkable that the Portuguese did not make significant use of their privilege. But, being pioneers, they came into possession, more by accident than by design, of territories in Africa, Asia and America. And since they treated these territories as equal to their own homeland in Europe and the local populations as equal to themselves, Portugal grew into a pluricontinental and multiracial nation, though it could have grown into an imperial power trailing a colonial empire.

But the idea of a colonial empire was entirely alien to Portuguese mentality. Their overseas enterprise was conceived as a service to the cause of Christianity. And the Popes, while blessing their enterprise, had expressly charged the Portuguese with the mission of expanding the Christian religion. Whatever the shortcomings of individual Portuguese, the official policy was adapted to the fulfillment of this mission. Expansion of Christianity was incompatible with imperialistic attitudes or with ideas of racial superiority. The Portuguese were sincere Christians and certainly had no racial complexes. This mentality therefore prevailed and it explains the political and juridical order in which the Portuguese developed their relations with peoples of other races in other continents. The fundamental principle of this relationship was the principle of equality of all human beings, whatever their race, colour or place of origin. In keeping with this principle, Portugal recognized from the earliest times that the overseas territories were integral parts of one and the same Portuguese realm and that the overseas populations were as much Portuguese as those born in Lisbon. This means that Portugal developed historically as a unitary State, although comprising geographically separate parts inhabited by peoples of different races. I should like to stress that Portugal is not the only State existing in these conditions. It could have been different: it could have been a colonial empire or a federation of a

confederacy. But it developed down the centuries as a unitary State. And, whether we like it or not, we have to accept this fact of history. This fact, which I repeat, is over four centuries old has been consecrated in all our juridical and constitutional texts. Whatever the nomenclature adopted, there is no doubt that the overseas provinces have been regarded at all times as politically and juridically integral parts of the Portuguese State and Nation with all the rights and privileges as well as obligations inherent to their status as integral parts of an independent State.

I have spoken so far from the historical angle and I hope I have shown, that there is an organic link between Portuguese mentality and ideals and the composition and structure of the Portuguese State and Nation. Human relations forged and consolidated in over four centuries of life together cannot be easily brushed aside. In the course of this long historical period, there has been interpenetration of blood and of cultures. There has been a meeting of minds in the pursuit of common ideals. That is why we are able to count on the loyalty of the overwhelming majority of our overseas populations. It is not by force that we are holding out against terrorism in the frontier regions of Angola, Mozambique and Portuguese Guinea. We are not so foolish as to think that we can hold out by force alone. Our enemies, puzzled by our unshaken capacity to resist the terrorism launched against us from neighbouring countries, have invented the fable that we receive military aid from our NATO allies. This is completely false. The real source of our strength and the true explanation of our capacity to resist comes from the fact that our populations repudiate the foreign made terrorism and co-operate with the authorities.

For the last several years terrorism injected from outside into some parts of Angola, Mozambique and Portuguese Guinea has brought senseless destruction of life and property, but it has also shown that the pluricontinental and multiracial Portuguese Nation is not a rope of sand. It is solidly based on the will of the populations who call themselves Portuguese.

## II

1. The national unity of all geographically separated territories which constitute the Portuguese State results from history. It corresponds to the living sentiments of all the populations inhabiting these territories. It is reflected in the existence of a single Political Constitution, and common organs of sovereignty. It is mirrored in the participation of all the territories in the procedures used to designate those organs; in the definition of a single policy in all basic sectors; and above all in the existence of legally recognized bonds of solidarity among all the territories.

Even so, without in any manner contradicting this unity, there is an ample administrative, economic and financial decentralization.

2. While unity is assured by the existence of a common Constitution and fundamental laws and of common organs of sovereignty, the particularities of each overseas province are recognized in the respective statutes. It has been the traditional Portuguese policy to respect local customs and usages which do not clash with general norms of civilized conduct. As far back as the 16th Century laws were enacted guaranteeing the local traditions of religion, culture, social life and juridical organization. Even today, although all are equally citizens enjoying full citizenship rights, those living under a tribal dispensation in Angola and other provinces in Africa are permitted to choose freely between common law and their own tribal law. This is done, because not all are yet in a position to understand the principles and provisions of common law and consequently would be

at a disadvantage in relation to more evolved members of society. It is a measure of protection to the less evolved. They can, if they wish, live under the dispensation of common law; but, I repeat, the choice is entirely theirs and it is a free choice.

It is not generally realized abroad that our overseas provinces enjoy a very large measure of autonomy and decentralization, right from the level of village administration to that of provincial government. The villages have their elected councils with legal competence to conduct local affairs and even to administer justice in minor cases. The towns have their municipal councils, likewise elected. The district governors have their councils. At the provincial level, there is a legislative council with an elected majority. The legislative council has full deliberative powers on all provincial matters, including the exclusive power to organize and approve the budget. The decisions of the legislative council are mandatory and the provincial governor cannot withhold his signature except in case he thinks that a particular decision is contrary to the Constitution or to some fundamental law. In this case, he has to refer the matter to the Overseas Council in Lisbon. But, barring this case, the provincial executive is bound by the decisions of the legislative council.

Side by side with the administrative decentralization of the overseas provinces, result of the traditional policies of Portugal, it is pertinent to underline the financial autonomy which they also enjoy.

Each overseas province has its own budget, prepared by the local services and approved by the respective provincial institutions. All the public revenues obtained in its territory are applied to expenditures made in that province. In the context of financial realities, the link that exists between the budgets of the overseas provinces and the budget of European Portugal consists in the contribution which the latter makes to meet a part of the extraordinary expenditures for development incurred in the provinces. That is to say European Portugal contributes in an important measure to the execution of the provincial development plans through financial aid destined for development.

3. Since long, Portugal finds itself earnestly engaged in a systematic policy of development in its overseas territories.

During recent years, however, this policy has translated itself into new and varied forms, led to the perfecting of techniques employed, and implied the utilization of ever greater financial resources.

During the last decades, without neglecting the social sectors—a circumstance which, for instance, in the field of health services, always placed the Portuguese overseas provinces in the forefront of African territories, as recognized by W. H. O. itself—the public investments of Portugal in the overseas provinces have been predominantly concentrated on the provision of certain basic infrastructures—transports, communications and the provision of energy. The general characteristics of the African continent which called for the setting up of a vast network of penetration into the interior, by railway and by road, as a prior condition for any economic progress, as well as a traditional policy of good neighbourliness and cooperation towards all contiguous territories explained this orientation.

Without the magnificent ports, and without the vast railway lines built by Portugal in the past, in Angola and Mozambique, the economic development of Zambia, for example, would have been impossible today.

In recent years, public investment in the Portuguese overseas provinces has become diversified; and today it is distributed in a balanced fashion among the most varied sectors, passing from basic scientific research through hydro-electric projects, assistance to industry and marketing networks, to the social sectors of habitation, education and

health. These last sectors absorb, at present, a very significant proportion of the public expenditures incurred on development. Thus, education absorbs 23%, health absorbs 11% and habitation 9%.

In the meantime, with the progress achieved in economics, it became possible to bring to perfection the development techniques applied in the overseas provinces, and to establish an organic scheme for economic development presently in active use.

This organic scheme is predicted on the existence of local organs of development, responsible for the preparation and supervision of provincial plans of economic development, which lay down the guidelines to be followed by the provincial services endowed with ample autonomy, and responsible for the implementation of the plan in the various sectors embraced by it—research and development, mines, fisheries, agriculture, industries, commercialization, problems of habitation, health and education.

It would be impossible to describe here, even cursorily, every aspect of the policy of economic development in the Portuguese overseas provinces. For this reason, I shall limit myself to stressing a few of the aspects which, in my opinion, are more significant than the rest.

### (i) Determined assistance to industrialization

Predominance of the primary sector of economy and concentration on production are undoubtedly characteristics which the Portuguese overseas provinces still share with other African regions. However, this proves to be true less and less as time passes. Beyond the assistance given to diversification of agricultural and mineral production, incentives to industrialization have been the most salient feature of our production policy in recent years. In fact, it is one of the true mainsprings of the spectacular economic development witnessed by all observers today, for example, in Angola.

### (ii) Opening the door to outside investment

Portugal has been following a very liberal policy as regards the investment of private capital from abroad in its overseas provinces. No discrimination exists today between Portuguese capital and foreign capital in its application to the vast sectors of the economy in the provinces. And this, without neglecting the need to directing the investment to the sectors that are more useful from the point of view of social productivity.

### (iii) Diversification of the financial institutions of assistance to economic development

The policies followed during recent years led to a completed alteration of the pattern existing in this field. Today it includes all kinds of bodies, starting from institutions specialized in agricultural credit, credit institutions of the State directed to investment in industry (the Institutes of Credit of Angola and Mozambique are examples of this) to a very diversified network of commercial banks; not to mention the institutions of economic development which work throughout Portugal's national territory—the National Development Bank and the Portuguese Financial Society—which apply a very important portion of their resources to development in the Portuguese overseas provinces.

### (iv) Incentive to the application of local savings by way of investment in those very territories

In this field, it is interesting to underline, among other methods of action, the creation of provincial public debts bonds, issued by the provincial governments and guaranteed by the Portuguese State. Their capital is applied exclusively in investments in the respective provinces.

The social advancement of all populations is today the predominant characteristic of

our policy of development in Portuguese Africa.

Leaving aside the vast projects presently being implemented in the domain of rural reorganization, of community development, of habitation and health, I shall say a few words about education.

The expenditures of education in Angola, augmented, between the years 1965 and 1969, by about 120%. In coming years even a greater acceleration of this rhythm of increase is foreseen. The number of students in all grades of education—primary, secondary, intermediate medium, and higher grade—is in the neighborhood of 500,000. The ratio of school going population is already about 45 per cent. When we compare these numbers with what is customarily asserted in certain circles, and even with the situation to be found in many of the African countries, what a difference is verified in our favour!

### III

1. Decolonization has been presented as one of the great tasks of the 20th century. Tens of young nations, African and Asiatic, actively participating in the affairs of the international community, bear witness to the success of this task. The role discharged by the old colonial powers and their relations of cooperation with their one time colonies, now converted into independent States, underline their adherence to the policy of decolonization.

This being so, how can Portugal oppose this tendency, pursue a policy that is different and opposed to that of the great and responsible European nations? How can the Portuguese refuse to take into account the judgment of the international community?

These questions, so often formulated, and the attacks and condemnation in which they have resulted, are rooted in a tremendous lack of understanding, and in a total ignorance of our realities.

There can be no conflicting policies when it is the realities to which they are applied that are totally different and opposed to each other.

Without wishing to pass a judgment on the actions of others, in the past, often lightly and unjustly appreciated, and which only the calm judgment of the future generations will be able to place in their precise historical context, it is pertinent to stress that the guidelines of Portuguese action in Africa have already been different, in their moral, historical, juridical and political basic elements, from those of all other nations considered colonialists.

Long centuries of history, profound differences of temperament, and, above all, wholly distinct objectives set apart the presence of Portugal in Africa from that of the so-called colonial powers.

The Portuguese always kept before them the objective of building in Africa, just as they built in Brazil, and in parts of Asia, multiracial societies, based on principles of absolute equality of rights and opportunities. Portuguese pioneers, setting out from native Europe, integrated themselves with the indigenous peoples, seeking consciously to mingle and fuse with them. For this reason, the Portuguese overseas territories cannot be considered as colonies, or distinct units destined to serve as objects of a traditional economic exploitation; rather, they are integral parts of the same Nation, subject to the same sovereignty and having a common destiny to achieve.

Contrary to what many assert, Portugal is not opposed to decolonization. We view with sympathy the efforts made by the leaders of the young independent African States in the task which they have still in hand of building true nations—task which has to encompass in it the struggle against underdevelopment against foreign economic domination, and against the eruption of tribal rivalries, while ensuring the true polit-

ical and economic integration of the great mass of their populations, having in view the objectives and the patterns of life envisaged by the restricted "élites" which presently provide the orientation for those States.

Likewise the Portuguese also are engaged in many similar tasks. We can devote ourselves to them more easily thanks to our older and greater experience, with our vaster geographical horizons, and with our more varied human elements that are ethnically as well as culturally richer. In the face of the results of the movement for decolonization, Portugal can indeed consider itself richer in possibilities as well as in perspectives.

The objectives and the realities of Portuguese policies in Africa compel us to reject as unfounded the criticism and attacks which are directed at us, especially in the United Nations. But the campaign that is moved against Portugal in the various organs of that Organization deserves a special and more studied reference.

2. The United Nations has completed 25 years of existence. It has been an existence without honour and without glory. The hopes placed in the world organization at its foundation have been woefully belied. And the reason is not far to seek. No institution can function effectively without a law that is applied without discrimination. The law exists; it is laid down in the Charter. But it is negated in practice. The so-called dynamic interpretation of the Charter is only a euphemism for a double-standard suited to the ambitious and needs of a powerful majority.

I am sure I am not saying anything that you have not heard before. As far back as 1965 the Secretary General, in his official report to the General Assembly, spoke about a crisis of confidence in regard to the United Nations. He could have made that statement five or more years earlier. But in those days public opinion in many countries was not prepared to abandon the myth of peace and harmony through the United Nations. Today that myth is exploded. The United Nations has not solved a single major political problem and no one in his senses believes that it is capable of solving any.

It would take me long to analyse the record of the United Nations. Nor is it the subject of my discourse. The few remarks I have just made were meant only as a background to what I wish to tell you about our own attitude towards the Organization.

Today we hear a lot of talk about the vocation of the United Nations to universalism. But Portugal, along with several other countries, was deliberately kept out of the United Nations for ten long years owing to the opposition of the Soviet Union. When finally Portugal was admitted in the package deal of 1955, we had no illusions as to why the Soviet Union had withdrawn its option. In fact, no sooner had our delegation taken its seat than the question of our overseas provinces was raised in the 4th Committee.

The demand made on us was apparently simple. We were asked no more than to supply information under Chapter XI of the Charter. And there were not wanting those who came forward to assure us that the information was meant only for the archives of the Secretariat. But it had to be information under Chapter XI and therein lay the crux of the problem.

Chapter XI, as you are aware, deals with non-self-governing territories. Consequently, if we supplied information on any of our territories under Chapter XI, it would amount to admitting that those territories are non-self-governing. This we could not do, because such an admission would be a denial of our history, of our political and juridical tradition, of our Constitution; indeed it would be a denial of all relevant facts and realities.

On the other hand, Portugal was admitted into the United Nations as a State comprising all its national territory in terms of its Constitution. The United Nations has no competence to question the territorial composition or constitutional structure of any State as existing at the time of its admission as a member of the Organization. In other words, the United Nations has no competence to declare any territory of a Member-State as non-self-governing territory. Such competence belongs exclusively to the Member State concerned. This is clear from the Charter and this is how the Charter was understood and interpreted from the beginning of the Organization by the vast majority of its membership. When Portugal joined the Organization, we accepted the prevailing interpretation. We did not have to produce any private interpretation of our own in order to defend our position. The majority of the members accepted the validity of our position and in three successive years attacks leveled against the position were defeated. I should like to emphasize that this result was obtained not because the majority was favourable to Portugal but because the Portuguese interpretation of the Charter coincided with the interpretation which the majority had been holding.

But in 1960 the majority turned into a minority, as new members were added to the Organization. This development was not unexpected. Nor was it unexpected that a new interpretation of the Charter would be forthcoming. It came in the shape of resolution 1514 (XV). Inspired by Mr. Khrushchev and introduced by Mr. Sekou Touré, that resolution has since been held up as something sacrosanct, more fundamental than the Charter itself which it contradicts in many respects.

Time forbids my going into details of all the illegalities which have been practised under cover of resolution 1514 (XV), of all the injustices that have been condoned, of all the violence which has been sown and maintained, of the double-standard which has been erected into a norm of action. Although the process of decolonization had started long before, although it was the new membership of the United Nations, resulting precisely from decolonization, that made it possible for the General Assembly to adopt resolution 1514 (XV), this resolution has been hailed and proclaimed as the Magna Charta of colonial countries and peoples, as if the process of decolonization has been initiated as a consequence of that resolution. This is one of the conventional modes of speech which in plain language would be called lies. But this mystification of public opinion has been maintained for certain political reasons; I should rather say, for reasons of global strategy. But this is a field in which we cannot enter now, I leave here a suggestion for your research, if you care to go into the question of decolonization and the balance of power.

But I am sure you will want me to say a few words on the subject of self-determination, which is said to be the crucial issue in all this Portuguese question in the United Nations. In fact, the whole question is said to have arisen because Portugal refuses to recognize the right of self-determination of its overseas populations.

I wonder if you are aware of the fact that the earliest allegation of this sort was made against Portugal with reference to Goa. And, in fact, Goa was listed in resolution 1542 (XV) as one of the eight Portuguese territories due for self-determination. The principal sponsor and mover of this resolution was the Indian Union. But barely a year later—one may say, even before the ink on the resolution was dry—that same Indian Union invaded and occupied Goa and declared its annexation without the slightest consultation with the Goans. And this unilateral act of the Indian Union has been patronised up by the communist and the

Afro-Asian groups constituting the majority in the United Nations. So here we have one example of what self-determination means for the majority in the United Nations. If you go through the records of the United Nations you will find some other curious examples of the various manners in which the question of self-determination has been dealt with. I will not quote those examples, lest I hurt feelings. But I cannot refrain from commenting that, as far as the United Nations is concerned in self-determination, circumstances alter cases. It all depends on the degree of favour which the party involved finds with certain voting groups in the Organization.

Contrary to what has been widely propagated, Portugal does not reject the principle of self-determination. To reject the principle of self-determination it would be necessary to deny the essential dignity of the human person. And Portugal has always shown the highest respect for the human person. As far back as 1963, in talks we had with representatives of African countries under the chairmanship of the Secretary-General of the United Nations, we explained quite clearly what we understood by self-determination. And the Secretary-General, in his report on the talks to the Security Council (document S/5448, dated 31 October 1963) stated that Portugal does not deny the principle of self-determination. The Secretary-General transcribed in the report the text of the Portuguese declaration on the subject. The African delegations, however, did not wish to discuss the matter further and decided unilaterally to break off the talks. The conclusions to be drawn from this incident and from the manner in which the anti-Portuguese campaign has been conducted in the United Nations and outside, is that what is sought is not to secure self-determination for the populations of the Portuguese provinces in Africa (this would be quite unnecessary) but to impose upon Portugal, under the pretext of self-determination, a policy which amounts to determination of the issue by outsiders. It would not be our populations making a free choice. It would be forcing our populations or at least creating conditions in which our populations would have no alternative but to make a choice dictated to them by outsiders. If there was any doubt on this point, that doubt has been dispelled by the Manifesto of Lusaka which states quite clearly that Portugal must quit Africa in any case. This demand is similar to the one made by the Indian Prime Minister Nehru on 6 September 1955, when he stated in the Upper House of the Indian Parliament that "the Portuguese must quit Goa, even if the Goans want them there." And this is also self-determination in the eyes of certain members of the United Nations.

Portugal makes no apology for refusing to accept such brash hypocrisy. Let us call things by their names. In the United Nations, the principle of self-determination is not a principle of political ethics, but an instrument of political expediency. That is why it is applied by the United Nations with arbitrary waywardness. It is invoked in regard to Angola, Mozambique and Portuguese Guinea, but when the Indian Union seizes Goa, the principle of self-determination goes to the wall, although Goa is mentioned in resolution 1542 (XV) along with the other Portuguese overseas provinces.

The principle of self-determination is invoked against Portugal, but it is shelved when the Soviet Union is found in Occupation of states which were independent until the end of the war or when Soviet forces occupy Hungary or Czechoslovakia. Apparently, armed occupation even of independent countries is compatible with self-determination, provided the occupying forces display a red flag with a hammer and sickle.

As far as Portugal is concerned, the right of self-determination is a natural prerogative

of the human person, in any latitude, under any regime, irrespective of any other consideration. But it is a right to be exercised without any outside interference not excluding the interference of the United Nations. Portugal ensures the exercise of this right by all its populations without any discrimination. Portugal cannot subscribe to the theory that only people of the coloured race living in Africa are entitled to self-determination. I have not abdicated my own right to self-determination and my fellow-citizen, whether he be black, brown or white, in Angola or Mozambique or any other Portuguese province exercises it in exactly the same way as I do. Among us race carries with it no stigma. I have already told you how all Portuguese citizens, irrespective of colour, race or place of origin, exercise their right of self-determination on terms of absolute equality through the institutions provided by our Constitution for the purpose.

And, if anyone, being a citizen of an independent country, should object that that is not self-determination, then I should ask that person how else he himself exercises his right of self-determination if not through his constitutional institutions. Or would he say that he does not exercise that right?

3. In addition to having to face a diplomatic offensive in the international forums of information, Portugal has been during the last few years a target for armed attacks directed against its African provinces from outside their frontiers. Here, too, attempts have been made to present to the world at large a distorted and totally false picture of the true situation. It is said that Portugal is confronted by an uprising of its African populations, in revolt against the continuation of Portuguese sovereignty. According to this view it would seem that there is a struggle of blacks against the whites, in effect a revolution moved by the black majority against the white minority oppressing them. The Portuguese armed forces are allegedly engaged in a repressive action of extermination.

The reality, however, is far different. The state of armed conflict that is to be found in the Portuguese provinces of Africa is the result of violent attacks launched by armed groups coming across their borders from foreign territories. These groups are organized outside the Portuguese territories, commanded by officials from abroad, and heavily armed by communist powers (who make no secret of this). They have no support of the Portuguese African populations against whom, on the other hand, they direct a great part of their nefarious terrorist acts. From the beginning of this terrorist activity till today, every single one of the incidents and operations that has taken place occurred in territory near the frontiers with neighbouring States. In all the remaining areas that constitute by far the greater portion of the Portuguese provinces in Africa, peace and tranquillity have continued to exist undisturbed. This being the case, how can one speak of an uprising of the populations?

Portugal has kept open access to its overseas provinces to all foreign journalists and other persons desirous of visiting them. Those that visit them in order to observe things for themselves can traverse unhindered the cities and the countryside, contact populations and bear witness to the manner in which life moves to an even normal rhythm in the generality of the territories, in the economic and social fields, to the peaceful and friendly relations to be verified in their daily life between the white and non-white populations. Such a state of affairs would be incompatible with any uprising on the part of the non-white populations.

In the Portuguese Provinces of Africa, there is no struggle of its whites against its blacks. The most convincing proof of this is to be found in the circumstances that the Portuguese defense forces—that is, regular

military forces, para-military forces and the militia—defending the Portuguese territories and populations against the terrorist attacks coming from the exterior, are made up, to the extent of about fifty percent, of coloured individuals hailing from those very provinces. Anyone going through the Portuguese villages of northern Mozambique, along the frontier with Tanzania, will see the African populations of these villages armed for self-defense. They maintain an unceasing vigilance against the treacherous terrorist attacks organized and launched from the opposite banks of the river Rovuma. The same is the case in Angola and in Portuguese Guinea. Portugal would not have any real possibility of maintaining its sovereignty in Africa, if it had found against it the will of the local populations, if it could not count upon the loyalty of the great majority of their inhabitants.

Even so, however, the defence against terrorism in the Portuguese territories necessarily implies an enormous effort in men and materials. Terrorist activity unfortunately constitutes, today, a cardinal element of communist world strategy which must cause grave preoccupations and bring serious losses to legitimately established States and to the interests of their populations. Active minorities, under profound influence of communist indoctrination, armed and commanded from abroad, can imperil the internal peace and security of any State. In this respect, the situation in Portuguese territories does not differ from that which is either already found or is beginning to be found in various other regions of the globe. Only, in the Portuguese case, the means utilized are vast and the offense corresponds to a methodically organized plan and a perfectly coordinated strategy of action.

PAIGC, MPLA, FRELIMO—are the three movements organized for attack respectively on the Portuguese provinces of Guinea, Angola and Mozambique. Cadres organized and indoctrinated in communist countries; bases located in neighbouring countries subject to communist influence, like the Republic of Guinea (Conary), the Popular Republic of the Congo (Brazzaville), Zambia and Tanzania; the most up-to-date armament supplied by the communist powers; well mounted and efficient machinery of propaganda and support—these are the elements of the offensive. To the support given by the Soviets to the already mentioned three movements, may be added the support of communist China, made available through movements like the UNITA in Angola, or dissident factions of other movements.

In the struggle to master this machine of terror and destruction, the Portuguese rely entirely on their own resources without receiving any outside aid. It is not possible to explain the unexpected success of the Portuguese in containing terrorist activity in the frontier regions, except on the grounds of the loyal support given to them by the African population in the fight against these foreign bases and foreign led movements. Unwilling to face this fact, our adversaries have invented the myth of the aid given to Portugal by NATO and the armed assistance received from South Africa. But everyone knows that the NATO alliance does not cover, as it might justifiably have covered, any region in the southern hemisphere. On the other hand, it is true that there are many South Africans who travel to the cities of Angola and Mozambique on business or as tourists. Once in Portuguese territory they come into profitable contact with our multi-racial society, devoid of any sort of discrimination. But none of them could or can cross the Portuguese frontiers with arms. The Portuguese are very jealous of their sovereignty, whether in a struggle with an enemy or in the course of collaboration with friends.

These are the facts. But in order to achieve a fuller understanding of these facts, we

should ask: What is the reason why the Communist countries combat so strenuously the Portuguese presence in Africa?

4. Much has been said, in recent times, regarding the Soviet naval penetration into the Mediterranean, just as one hears everyone speaking about Russian expansionism in the Atlantic and the Indian Ocean. This penetration is a fact. It represents the fulfillment of an old aspiration of the Soviet Union to rule the seas, competing in a sphere in which the United States have long achieved a position of supremacy.

Since World War Two, the Soviet Union has engaged itself in strenuous efforts to restructure its navy, equipping it with modern units which scour the seas in all directions. Soviet investments in naval armament and ancillary activities have increased in considerable proportions in recent years.

The Soviet submarine fleet has already surpassed, in the view of responsible persons, the North American Navy in that sector. Many of these units are equipped with ballistic missiles and are nuclear powered.

The Soviet fishing fleet is one of the most important, if not the most modern fleets. It is designed to discharge the functions of transporting and landing troops, as also of maintaining a watch and carrying out reconnaissance work in coastal regions.

Simultaneously, the Soviet merchant fleet, has been developed in an increasing tempo. Many of its vessels are fitted with electronic material, a circumstance that will enable them to serve in support of military operations, in any given eventuality.

In the scientific field, Soviet ships have dedicated themselves to the task of exploring far and wide the continental shelf in search of strategic materials.

The space discoveries in which the Soviets are engaged have furnished them, likewise, with a fine opportunity for infiltrating oceanic regions never before reached by them.

The Soviet naval forces, whatever the type of their units, operate in obedience to a carefully studied plan of global strategy. The naval activities of the USSR at one time completely restricted to the territorial waters in which the Soviet ships assured the land operations of the red army, have come to be utilized as the means for the propagation and support of communism. For communism, no longer believing in the possibility of fresh successes in Europe, need to find expansion into other continents, where the positions of the West could be more easily overwhelmed.

On the other hand, and certainly no less important, is the psychological challenge which the presence of the Soviet navy in the seas presents to the Western world in its own strength and in its worn capabilities, has been one of the grand objectives of Soviet strategists; to provoke splits in Western solidarity has been one of the permanent basic elements of action in the policies of the Soviet Union.

The events of the Middle East opened to the Soviet Union the gates of the Mediterranean. With the presence in those waters of Russian naval units, which have been incessantly increasing both in number and in diversity, the Soviet Union aims at maintaining a force ready to be used in the event of a generalized conflict. The U.S. 6th fleet no longer operates freely in the Mediterranean. The evolution of the Arab-Israeli question has effectively demonstrated how the presence of the Soviet naval forces in that sea constitutes an important factor of cold war, which Moscow never ceases to exploit to its advantage. The efforts to entice the countries of North Africa, through offers of aid and through other forms of cooperation, show clearly the importance which the Soviet Union assigns to the river regions of NATO's southern flank. Why? Because on one side, if the Soviet Union is able to assert her naval supremacy in the Mediterranean and win political influence in the coastal areas of

North Africa, the line of separation between East and West will be greatly extended, prolonging itself southwards. The threat to the territories of the North Atlantic Alliance becomes thus ever more persistent because of the possibility of utilization of new platforms of offensive.

On the other hand, the Soviet Union, while winning positions in the North of Africa will find communist infiltration into the black continent facilitated. This penetration has been achieved through persistent efforts, in obedience to a calculated strategy; the sending of African students to the universities of communist countries, the granting of economic assistance, the financing of projects, the support of opposition groups, the moral and material aid to subversive movements fighting against European presence in the Continent, etc. A great deal has been contributed to this pattern of maneuvers by the precarious political, economic and social conditions of the majority of the young African countries. Some of their governments make no secret of their sympathies for the Communist ideology; others go even further and aid the penetration of this doctrine. The case of Tanzania is an instance in point, for in that country the Chinese communists have since many years established their main base for the penetration of the African continent, now strengthened by the plan to build the railway destined to link it with Zambia. In response to an appeal from the government leaders of this country, Continental China has hastened to furnish men and money for the construction of the railway line, because this permitted it to reconquer positions lost in Africa. As a result, today, several thousands Chinese are to be found in Zambia and Tanzania. Under cover of being technicians they dedicate themselves to the laborious task of indoctrinating the local populations. Although the governments of Lusaka and Dar-es-Salaam have proclaimed their independence in their relations with Peking, the consequences of the Chinese presence in those countries and in the neighbouring regions are unmistakable. That presence makes possible for a front of infiltration that extends from Zambia to the frontiers of Angola.

The circumstance of many European countries having abandoned their political and strategic positions, south of the Tropic of Cancer, and east of Suez, has contributed to facilitate the Soviet and Chinese infiltration of Africa.

It is in this context that must be placed the interest of the Soviet Union in the areas of the South Atlantic and the Indian Ocean. The presence of the Soviet fleet in the Mediterranean facilitated its access to the Atlantic. The southern half of this ocean is today freely scoured by Soviet ships which use the ports of West Africa, in particular in the Gulf of Guinea, as regular calling stations for refueling and provisioning. The presence of Soviet scientific vessels in this area has long been underlined and on more than one occasion Portugal has called attention to that fact.

In like fashion, the Red Sea and the Indian Ocean, above all since the British withdrawal from East Africa and the closing of the Suez Canal, have become targets of Soviet ambitions. Russia has thus diverted to that region several units of its navy.

Thus, we see clearly drawn the Soviet plan—which is to encircle the Continent of Africa by a cordon of its fleet, so as to make easy not only the policies of allurements of those African countries that are more readily accessible to Communist penetration, but also to cut off, in case of war, the sources of raw materials of the Western world. For this reason, the Soviet Union needs to establish bases in that Continent.

The route via the Cape acquired a fundamental importance following the closure of the Suez Canal, and for this reason the de-

fence of that route is of the utmost importance to the free world. In effect, it is necessary not to lose sight of the fact that a great percentage of the commerce to Europe utilizes that route. The route ensures, likewise, the transportation of oil from the countries of the Middle East, needed to supply the needs of the old Continent as well of the United States. On the other hand, the Cape route is a strategic route of access to Asia, Australia and New Zealand.

The Portuguese provinces, situated at strategic positions on the African continent, constitute elements of the greatest importance in any system for the defence of the Cape route. The Cape Verde Islands and the neighbouring territory of Portuguese Guinea, situated at a distance of a few hundred miles on the west coast of Africa, are key positions to ensure the free navigation of the Central Atlantic.

It thus becomes clear why the Soviet Union covets these positions. Their possession would give it the control of all traffic from North Atlantic to the Republic of South Africa and the Indian Ocean, and from West and Southern Africa to the Americas. It is long since Portugal has been calling attention of responsible international circles to the support given by Communist countries to the subversion in Portuguese Guinea, which is solely possible because of the war material furnished to the PAIGC by the Soviet Union and because of the training facilities given by communists to terrorist elements.

The islands of São Tomé and Príncipe, also constitute positions of control, by no means to be despised, of the navigation in a large sector of Southern Atlantic where Soviet ships have already appeared.

Angola and Mozambique, with their immense resources, and with their ports which are the most modern and the best equipped in the whole of Africa, present the best conditions as call stations and shelters for the navigation of Western countries, as well as bases for logistic support in case of need. In these provinces too, communist support has not been wanting to the subversive movements that operate there.

From all that has been stated, the conclusion is inescapable that the loss of these Portuguese provinces would have very grave consequences for the Western presence in Africa as well as for the defence of the great lines of navigation around the tip of the black continent.

#### IV

Faithful to the principle underlying the force intermingling of races which has from the days of discoveries inspired the Portuguese administration in its Overseas Provinces, Portugal never ceased pursuing in Africa a policy of cooperation and good neighbourly relations with the contiguous territories.

We are in Africa since five centuries, and we know the peculiarities of the Continent. We realize that the needs of the peoples of Africa are immense, but are also convinced that these needs can be overcome solely through an immense effort at cooperation between States. A State never achieves the fullness of its autonomy if it does not project its existence beyond its own frontiers. For the truth is that a State is not sufficient unto itself. It needs to find in the neighbouring countries what its geographical location and the conditions of its soil denied it.

Soon after the emergence of independent sovereignties in Africa, many of the young States convinced themselves that they would be able to live within an isolated pattern of nationalism. This was a reaction to the remnants of European administration. In refusing the collaboration of the old administering powers, these countries desired nothing more than to affirm their independence, without weighing the consequences of such an attitude.

The evolution of events in Africa since

then came to demonstrate the want of realism on the part of the Governments in these countries. The precarious economic conditions in which these countries found themselves determined a revision of positions, and thus one witnessed, in a number of cases, attempts at approximation with the old European powers.

On more than one occasion, Portugal called attention to the unthinking policies of some of these governments, which not only worked to the detriment of their own populations but attempted to damage the interests of the whole of Africa itself. Conscious of the difficulties of the continent, Portugal has offered and continues to offer to the African countries, whether contiguous or not with its territories, its most loyal cooperation in all fields, with the object of finding solution to problems of common interest. We have proposed conversations with African leaders. We have shown the greatest interest in that they should visit the Portuguese territories, so as to form for themselves an independent judgement of conditions prevailing there. We have gone even so far as to suggest pacts of non-aggression—a circumstance that goes to demonstrate the peaceful intentions of Portugal towards the African continent. Despite the hostility moved against Portugal by some of our African neighbours, we have never stopped making available to them access to the sea, when they found it necessary, nor did we prevent them from utilizing our railway lines to export abroad their produce of their countries. And if we continue along this line, it is not out of a desire to gain support, but in obedience to the principle of international cooperation, convinced as we are that the landlocked countries of the hinterland have a right of access to the sea. Closure of the Portuguese ports and transport facilities to traffic from and to these countries would bring grave consequences to their economies and to the economy of an important region of Africa. Notwithstanding this fact, some of them continue to permit that their territories be used as bases for attacks against Portugal, or for passage of terrorists elements, intent on such attacks.

Portugal is very happy to place on record that a movement towards cooperation, and with special reference to Southern Africa, is being presently discussed in Africa. Certain countries, having experienced difficulties, began to take conscious of certain important realities in the domain of good neighbourly relations. The cooperation of Malawi and Portugal is an example of this new trend. Notwithstanding the existence of differences in points of view on political issues, both the countries are earnestly engaged in an effort at joint collaboration, within the respect called for by the respective sovereignties. This collaboration has been advantageous, for it has permitted the solution of many problems posed by geographical continuity. It is to be hoped that other countries will follow the example of Malawi, and give up political preconceptions, in order to give themselves exclusively to the benefits of a collaboration with Portugal.

#### STRATEGIC ARMS LIMITATION

Mr. McGOVERN. Mr. President, Dr. Sidney Drell, professor and deputy director at the Stanford linear accelerator, delivered an extremely important paper, "SALT and the Nuclear Arms Race," at the American Physical Society meeting at Stanford last December.

Professor Drell's comments have a direct bearing on the United States-Soviet negotiations which have just been resumed, and they come from one of the country's most eminent authorities on the subject of nuclear arms. His experience

includes more than 10 years as an adviser to the White House Office of Science and Technology, including the President's Science Advisory Committee from 1966 to 1970, the Arms Control and Disarmament Agency, and the Department of Defense.

Professor Drell argues most persuasively that U.S. interests would be best served by a comprehensive strategic arms limitation agreement, including not only a freeze on nuclear weapons at their present levels but also a ban on testing new weapons, including ABM's and MIRV's. He argues further that the most vital and urgent step toward such an agreement would be the limitation of rival ABM systems, in line with what the Soviet Union proposed in the last round of talks.

His discussion of the "curse of weapons systems with ambiguous missions" deserves special attention as we move toward congressional consideration of DOD budget requests for fiscal 1972. While we may regard deployments of MIRVed Minuteman III and Poseidon missiles as a means of safeguarding our deterrent and of possibly saving some lives in the event of nuclear exchange, for example, the Soviet Union may with equal logic see them as attempts to develop a first strike capability, particularly when they are combined with continued deployments of an anti-ballistic-missile system.

This confusion of purpose is inherent in the nature of weapons which are capable of performing counterforce missions, whether or not they are planned for that purpose. And the confusion is multiplied by the statements of U.S. officials. Defense Secretary Laird told the Foreign Relations Committee last spring, for example, that our MIRV technology is not designed to attack hard targets or Soviet deterrent forces, but will instead "enhance our ability to penetrate Soviet ABM defenses and to cover soft retaliatory targets with fewer surviving U.S. missiles."

But, as Professor Drell points out, Air Force Chief of Staff Gen. John Ryan told the Air Force Association just a few months later that Minuteman III "will be the best means of destroying time urgent targets like the long-range weapons of the enemy."

General Ryan also said that we need MIRV's for attacking "the remaining strategic weapons which the enemy would no doubt hold in reserve."

Secretary Laird says our MIRV's are not counterforce weapons. General Ryan says they are. We need not determine which is right to comprehend the difficulty Soviet planners must have in determining their nature when we do not know ourselves.

In any case, as Professor Drell points out, MIRV's are the children of ABM's. Our own progress on this technology has been inspired by our discovery in the early 1960's that the Soviets had begun deployment of an ABM ring around Moscow. The threat envisioned then did not develop, but we are deploying MIRV's nonetheless. Professor Drell notes that—

With no ABM's there would be no requirement for MIRV's in order to assure penetration of growing or perceived defenses.

Also with no missile defense providing protection for our cities there would be little sense to deploying MIRV's for damage limiting missions. And with no ABM or MIRV's there would be no systems with ambiguous missions, no narrowing of the gulf between deterrence and first strike. In fact we could finally and completely break the cycle of action-reaction that has been driving the arms race.

Mr. President, Professor Drell's analysis deserves the careful attention of each Member of Congress, as well as of the executive branch architects of our SALT negotiating posture. I therefore ask unanimous consent that his paper, entitled "SALT and the Nuclear Arms Race," be printed in the RECORD.

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

#### SALT AND THE NUCLEAR ARMS RACE

(By Sidney D. Drell)

President Eisenhower, in his farewell address to the Nation from the White House on the eve of his retirement in 1961, not only warned about the dangers of the military industrial complex but spoke also of the "continuing imperative" of disarmament and expressed his personal sadness at the lack of accomplishments in this field. Shortly after taking office, President Kennedy expressed his "earnest desire for serious conversation with the other side on disarmament" as well as his determination "to take every step . . . to secure arms limitation."

Soviet Premier Khrushchev and other Soviet leaders at the same time paid equally impressive and persuasive homage to the importance of disarmament.

That was a decade—10 long years—ago. How well have we matched our deeds to these principles? In a word we have failed.

It comes as news to no one that the world is now engaged in a runaway arms race, the costs of which have been literally soaring through the decade of the 1960's since Eisenhower spoke of the "imperative" to control it.

The world's annual military bill is \$180 billion. To give you an idea of what this figure means, military spending for arms is swallowing close to 8%, or 1/12th of the total income of the world—and these are just the direct costs. Moreover, this figure at present has grown to more than twice as large a share of the world income as spent during the early years of this century prior to World War II.

In human terms the dimensions of this plundering of the earth's resources for military arms presents an even more macabre picture: James Reston pointed out in the New York Times several months ago that for every dollar that is spent on military arms each year, mostly by the U.S. and Soviet Union, less than four pennies are devoted in total by all of the world's industrial nations to aid to the rest of the peoples and nations of the world where over half of the human family suffers hunger, disease, and ignorance.

Nor are the so-called developing countries free of their burden of guilt in this worldwide tragedy. In fact arms spending in the developing countries has been rising at a rate in excess of the world average.

And so we find ourselves entering a new decade spending 40% more on arms than on public education as reported by UNESCO; and, also as reported by UNESCO, spending as much on the military each year as the total annual income of the one billion people living in Latin America, Southern Asia, and the Middle East. Moreover, the rate of outlay is indeed soaring in this arms race which Herbert York has called so vividly the "Race to Oblivion."

There is another dimension in which to

describe the folly, the futility, and indeed the mortal danger to man—to all men—of the arms race and that is the size of the arsenals of destruction. Consider just one aspect, one separable and especially terrifying part of the race: the strategic nuclear arms race between the U.S. and the Soviet Union. This is the race between the two superpowers in strategic nuclear weapons deliverable at long ranges by missiles and bombers. It has already escalated to the point that there are now in the arsenals of these two powers some 10 or more tons of TNT equivalent for every single human being on earth. The level of destructiveness of the U.S. nuclear forces has risen to the almost incredible level that if we were to deliver no more than 1/10th of these weapons, we could destroy some 3/4ths of the entire Soviet industrial base and kill 30% of their population—or more than 60 million people. Comparably horrifying figures apply to the Soviet force. And I am speaking here only of the prompt casualties. We know almost nothing about the long range devastation and destructive ecological impact of such a massive nuclear blow with its monstrous release of radioactive poisons. To fix a scale for the potential disaster, note the following: If the nuclear stockpiles of the U.S. and Soviet Union were delivered in a massive exchange they could result in lethal fallout over an area measured upward of 10 million square miles. This is an area exceeding the total land area of the U.S. and the Soviet Union and as pointed out by Dr. York in his book shows how close we are to approaching the grim scenario Nevil Shute painted in his novel "On the Beach."

We have here indeed a grim picture—evermore plundering of the planet's resources for military arms, a million-fold increase in the destructive power of weapons in the generation since World War II, and a very poor track record toward halting the arms race.

Against this grim background are there any grounds for optimism as we look ahead into the decade of the 1970's? Has anything changed to improve the possibilities for us to stop or temper the arms race?

I think the answer to both of these questions is "yes" if we focus our attention on the strategic nuclear arms race which is that part of the arms race of potentially the most disastrous consequences. Since the nuclear race is primarily a bilateral problem involving only the U.S. and the Soviet Union as the two nuclear superpowers, it is politically the least complicated. I believe there are grounds for optimism as we look ahead. This optimism is based on three primary assumptions—assumptions as to the intentions as well as the capabilities of both the U.S. and the Soviet Union. On the basis of these assumptions, I believe that present conditions are ripe for making progress toward controlling the nuclear arms race.

My first assumption concerns intentions. In recent years the U.S. and the Soviet Union have developed mutually compatible political rationales and goals for their strategic forces. They have both announced that the mission of these forces is to deter a massive first strike. Neither force is intended to threaten to destroy the other nation's ability to retaliate after a massive first strike, and both nations have renounced a first strike policy. This is a major development. The United States has announced deterrence as its policy goal for some years, but until recently the Soviet Union had stressed defense. Defense and deterrence are what I term mutually incompatible goals for strategic forces since an effective defense by one country threatens the deterrent capability of the other country. For example, a growing Soviet missile defense would require a correspondingly growing offensive force by the U.S. in order to maintain its deterrent capability; and just this situation would

fuel the arms race and render hopeless attempts at arms control.

My second assumption concerns the structure of the nuclear forces. The development and deployments of the strategic forces by the Soviet Union and the U.S. have progressed at this time to the point that neither nation threatens the other's ability to follow its declared policy of deterrence. These forces at present are strong enough and well enough protected so that even after absorbing an all-out first strike, either nation could return a massive blow to cause immense damage to its attacker. However, neither the U.S. nor the Soviet force is capable of wiping out the total opposing force, and both sides are well aware of this. We are in fact each others' hostage.

My third principal assumption is that both nations have had ample time to appreciate the futility of continuing an arms race. In fact, their extravagant levels of potential nuclear overkill have by no means or measure whatever led to improved security. Both nations certainly appreciate that limitations on strategic arms expenditures would release badly needed resources for other and more constructive purposes.

Based on these three principal assumptions, I believe that we are currently at a moment of improved prospects for limiting the nuclear strategic arms race between the U.S. and the Soviet Union. Logically then we would also take hope for progress toward arms limitation in the bilateral talks that were initiated more than a year ago—the SALT talks whose third phase at Helsinki recently adjourned.

In the past the U.S. and the Soviet Union have shown their willingness and ability to enter into arms control agreements when they have seen steps to take that are in their common interests. These have been limited steps such as the Atmospheric Test Ban Treaty of 1963, the Ban on Weapons in Space of 1967 and in the Seabeds of 1970, and the Nuclear Non-Proliferation Treaty of 1968. They were significant as the halting first steps on the long journey toward nuclear sense that President Kennedy spoke of. In no way, however, did they stop the arms race to weapons of greater destructiveness in greater numbers.

Now as we enter a new decade the leaders of both the great nuclear powers have again agreed that it is in our mutual and vital interests to really get down to the business of taking control of the nuclear arms race and stopping it. In fact during the last year the U.S. and the Soviet Union entered into the bilateral SALT negotiations with the public commitment to do precisely just that. President Nixon said to the American delegation upon the opening of the first round of SALT at Helsinki last year: "You are embarking upon one of the most momentous negotiations ever entrusted to an American delegation." He added his belief that the U.S. and Soviet Union both can "... carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals" and he concluded with a statement of his conviction "... that the limitation of strategic arms is in the mutual interests of our country and the Soviet Union." His words have been echoed by top Soviet leaders.

Harold Brown, former Director of Defense Research and Engineering and Secretary of the Air Force, and currently one of the principal U.S. negotiators at SALT, has written in Foreign Affairs (1969) that "At the present time the United States has an excellent capability to deter," and he added that "In military and technical terms, we can envisage agreements to limit strategic arms which would be sufficiently verifiable to be enforceable and which would enhance both the security of the United States and the security of the Soviet Union." Furthermore just last month the present Director of De-

fense Research and Engineering, John Foster, remarked in a U.S. News & World Report interview that "The fastest and cheapest way to provide for a future security would be to have an equitable agreement emerge from our discussions with the Soviets."

What then are the problems? Why have we seen so little progress at SALT? After the first optimism of spring at the outset of SALT why do we still see the growing stockpiles of new nuclear weaponry—ABM's, MIRV's, SS-9's, missile submarines?

What are the issues that have to be resolved before SALT can make progress toward the general goals endorsed by both nations, or before SALT can hope even just to keep up with the expanding arms race? I believe there are two major issues at SALT, two obstacles to be cleared.

First of all there are widely differing views among top political and military leaders as to what specific kind of treaty we want to end up with from SALT, and I am sure this remark applies both within and between the U.S. and the Soviet Union. The term "deterrence" can be given a large variety of interpretations, and what one means by deterrence has to be spelled out in some detail before it defines a specific and clear strategy.

The second major hurdle to progress at SALT is the requirement that the treaty negotiated at SALT can be "adequately verified." National security policy and treaties are based on nations' capabilities, not just on their intentions. Any agreement reached at SALT must allow both the Soviet Union and the U.S. to verify that their own strategic situation could not possibly erode as a result of undetected violations of the treaty provisions to the extent of disturbing the strategic balance. The verification problem is not only crucially important, it is a difficult one because the job of actually monitoring the treaty provisions brings us to grips with the greatest asymmetry between the two nuclear superpowers: The U.S. is an open society while the Soviet Union is a closed, secretive one.

Before discussing these two issues which are the crux of the problem, I would like to state my own views with respect to them: What I interpret "deterrence" to mean as a policy is fully—indeed extravagantly—satisfied by the forces presently deployed; and completion of those additional forces already under construction perturbs the balance of U.S. and Soviet forces only in minor ways. However, I believe that massive deployments of the latest weapons systems that technology has spawned will in the future make it more difficult rather than less difficult to re-establish the stability of balanced deterrents. Therefore, I endorse precisely what Lyndon Johnson first proposed back in 1964 in his Presidential Message to the 18-Nation Committee on Disarmament in Geneva: "... a verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles." He went on to say: "... we are convinced that the security of all nations can be safeguarded within the scope of such an agreement and that this initial measure preventing the further expansion of the deadly and costly arms race will open the path to reductions in all types of forces from present levels."

I also believe that our national reconnaissance and surveillance devices are fully adequate to verify compliance with such a freeze if we are willing to forbid the flight testing, as well as the deployment, of new systems. I am not talking here about restraints on research and development work but about prohibitions on flight testing of new systems. For this we have no need to require visits to each other's test areas or military bases—i.e. there is no need for on-site inspection which to be of value would have to be very intrusive and which in any case is undoubtedly politically unacceptable.

Let me elaborate on these two issues that

are the crux of problems at SALT: the meaning of deterrence and the requirements of verification.

Political and military leaders of both nations can justly claim that at this time we both have strategic nuclear weapons with the necessary characteristics and in sufficient numbers so that simply and bluntly we are one another's hostages. Even after absorbing any possible strike delivered against us, we are confident that enough of our forces will survive and can be launched, and furthermore enough of these forces will penetrate to their targets that we can destroy an opponent's society if we choose to. He knows it as well as we do. Our confidence that no country will decide to attack us is based on the fact that our retaliatory capacity both exists and is recognized.

I call this a minimal deterrent strategy. What more then do we aspire to? Do we need to be able to fight a small or medium nuclear war and prevail? Do we also insist on limiting the damage we suffer on our own society should deterrence fail? It is of course a basic human instinct to try to defend oneself directly against attack. Moreover, official policy pronouncements often spell out the requirement that U.S. strategy should also permit us to defend ourselves against the major damage which could be caused by small attacks or accidental launches. In fact, Secretary of Defense Laird used precisely these words before the Senate Foreign Relations Committee this past summer in defining the U.S. interpretation of a "sufficient" strategic force.

What we want to ask here is how does this interpretation of sufficiency affect SALT and the nuclear arms race?

If deterrence means simply the threat of retaliation against an opponent's society, existing forces are more than adequate, and a treaty at SALT could take the form of a freeze or a stand-still agreement, forbidding any new systems. In contrast, if deterrence is interpreted to include the ability to limit the damage suffered in a nuclear exchange, or to defend oneself against major damage from a small attack, a treaty negotiated at SALT will have to allow for improvements in the existing missile forces. If we think it possible and desirable to engage in limited nuclear fights we will want more warheads and greater accuracy in order to be able to target not only an opponent's society as our hostages but also those unlaunched missiles he is holding in reserve after a limited nuclear exchange. Also, some provision for at least a limited ABM deployment at cities would be required in order to reduce casualties.

But as these damage limiting forces are increased by one country, the other—necessarily judging weapons he sees, not presumed or stated intentions—would feel his own deterrent force threatened. For example, if the U.S. sees the Soviet Union deploying ABM systems or building more missiles and warheads, especially high accuracy MIRV's, how can we tell what their mission is? The additional Soviet warheads in growing numbers would pose a potential threat to our missiles and bombers before they are launched, and a Soviet ABM would threaten them after they are launched but before they arrive on target. Therefore we will be driven to increase or improve our forces and a technological arms race will continue toward qualitative improvements, even if numbers are constrained.

It is clear, then, that the precise meaning of deterrence has a direct and major effect on what are judged to be the desirable or even acceptable forms of treaties to negotiate at SALT—anywhere from a freeze to a legitimate, although constrained, arms race.

We also require that the U.S. and the Soviet Union can verify with confidence that the treaty provisions negotiated at SALT are being enforced.

I will discuss verification only in the context of what can be accomplished unilaterally

by national means alone. On political grounds it is probably futile at this time to require on-site inspection. What is more, I believe that we do not need on-site inspection, since what it can tell us that we cannot learn by our technical intelligence gathering systems is very limited, short of requiring a very intrusive form of inspection that would be unacceptable to all concerned. In this context let me quote once more from the 1969 article in Foreign Affairs by Harold Brown: "On-site inspection is no longer the immovable roadblock that it has been in the past. Unilateral means of verification, available to both sides, provide forms of inspection as effective for some purposes as on-the-ground surveys."

The important question for SALT is: What does it take for us to be confident that the Soviets, in a super-secret clandestine effort behind their self-imposed veil of secrecy, cannot be developing, testing and deploying a major nationwide system that will all of a sudden bloom before our eyes, significantly alter the strategic balance under a treaty, and rob us of our confidence in our ability to deter them from attack?

Even when one has at his disposal all the information about U.S. reconnaissance and surveillance systems this is not an easy question to judge. To some, this spectre of a suddenly disappearing deterrence seems very much more real than to others. Expressions of such fears have intensified since the rapid Soviet air defense build-up at the Suez Canal. There is however very little relation between the two situations. Whereas the balance at Suez could be changed in a matter of days, the strategic balance between the U.S. and the Soviet Union can be disturbed only on a time scale of many years which is long enough to allow either nation to respond to treaty violations. There is no such thing as a suddenly disappearing strategic deterrence capability. But as the events at the Suez Canal have made very clear, treaties and their enforcement must be based on the actual conditions, and not primarily on intent or promises.

Since the techniques available to the U.S. for verification and surveillance cannot be discussed in public there is not too much that I can say on this problem to help you arrive at your own conclusions as to how well we can enforce different provisions in a SALT treaty. I can, however, state two general observations—you might even call them principles—concerning verification of treaty provisions on which to base comparative if not absolute judgments.

The first of these concerns testing. Although Soviet research and development work is carried on in secrecy and we may know little if anything about such work, there is of necessity a long testing, evaluation and troop training cycle that precedes introduction of new systems into one's strategic forces. We can monitor such a testing, evaluation and training cycle for major new strategic systems; therefore, it is much easier for us to verify compliance with a treaty that includes both a testing and a deployment ban of new weapons systems than it is to verify compliance with detailed treaty provisions which restrict numbers of specific new and old weapons.

A second general observation is that the verification requirements are more severe the more finely tuned and delicately balanced the terms of the treaty. The more comprehensive the treaty or the more stringent the restrictions, the less sensitive the strategic balance is to cheating, evasion, or sudden abrogation by one party to the agreement.

According to these observations or principles about the nature and demands of the verification problem, I conclude it is easier to verify SALT treaties that permit no changes in existing systems than it is to verify those which legislate and codify specific changes in kinds or numbers. Big steps

towards limiting arms are actually less sensitive to cheating than are small steps.

It follows then that a SALT treaty that bans the testing as well as the deployment of new weapons systems, and freezes forces at or near their present levels, is the easiest to verify.

In fact a freeze coupled with test restraints achieves all the most desirable goals we can hope for from Stage I of SALT:

Confidence that our present deterrent capabilities will be maintained.

A halt to the arms race in both its quantitative and qualitative aspects.

A simple treaty that can be readily verified. Its provisions require a minimum of collateral constraints or indicators.

There is no need to define precisely how much of what a nation can do where and when.

The keys to this proposal are that we are satisfied with deterrence as it now exists and that we renounce damage limiting or war fighting strategies; and furthermore that we are willing to put a damper on the technological as well as the quantitative arms race between the U.S. and the Soviet Union by restricting testing.

Is anything wrong with this solution? We ask naturally what risks and dangers would we be exposed to if such a treaty were negotiated at SALT? It is important to recognize that there is some risk associated with any arms control negotiations and treaty. However there is also very great risk with continuing an arms race. The challenge is to balance the risks associated with the various possible strategic policies and to judge what is politically acceptable in the context of this balance. I view this problem as follows: There are two alleged risks in a policy of minimal deterrence coupled with a freeze on the testing and deploying of new weapons.

The first is that we would be unable to limit damage to ourselves in the event that deterrence fails, or in the face of a small attack or accident originating from the Soviet Union or from a newly emerging nuclear power. The second alleged risk is that because of the restraints against testing new systems we will be vulnerable to technological surprises that in time could erode our deterrent.

A strong R&D—research and development—program will provide the necessary safeguards against this second risk. There is a major difference between developing new technologies with R&D in the laboratories and deploying weapons systems that incorporate these new advances. There would be no constraint on R&D. An R&D constraint would to my mind be both unverifiable and undesirable since it would leave one more exposed to technological surprises. There is no virtue in that. By prohibiting full scale testing of advanced new systems we would however effectively prevent their deployment. Without a realistic test and evaluation program a nation's military and strategic planners will be unable to develop the confidence in a new weapons' system that they must have if their entire strategic policy and national survival depends on its successful operation. Neither the U.S. nor the Soviet Union should gain a decisive advantage from such a test prohibition. Without the cost of major test and evaluation programs and of new weapons deployments very much more money would be available to devote to an effective, and I think improved, R&D program in order to maintain the desired hedge against the future. The brake on the arms race would be supplied directly and effectively by constraints and outright prohibitions of the testing and evaluation work—and that is precisely where I think the control on arms technology and spending should be applied.

Although testing of new systems would be prohibited we would allow limited testing of existing systems in order to retain the necessary operational confidence in our

present forces. Such a test restraint could be monitored and enforced with little difficulty and we could verify that no new threat to our deterrent forces was developing.

How can we judge the first alleged risk that I mentioned earlier of having no way at all to limit damage to ourselves should deterrence fail? Almost everyone who has studied the problem agrees that there is no such thing as an effective defense against all-out attack in this modern missile era when just one warhead or one ICBM carries more destructive power than rained from the skies in all of World War II, and when that warhead can be delivered so accurately from across the oceans that if targeted for San Francisco there will no longer be a San Francisco. However, human instinct drives us to defend ourselves against the possible, if not the impossible. Should we give up on defense entirely by settling for no more than minimal deterrence and negotiating a freeze in weapons? To answer this we must ask how this risk balances against the risks associated with other courses that we may follow with our strategic policy.

Consider the implications if the U.S. and the Soviet Union negotiate a treaty at SALT that permits us to defend our cities against the major damage which could be caused by small attacks or accidents. We will require then a nationwide deployment of some ABM defense at our cities. If, in addition, we wish to limit damage to our people and cities by destroying that part of the Soviet missile force that had not yet been launched against them during the initial exchanges of a limited war we will require large numbers of accurate MIRV's.

In fact there can be no doubt of this. As recently as September 22 of this year General John D. Ryan, the Chief of Staff of the U.S. Air Force, speaking before the Air Force Association, said of the Minuteman III, the MIRV's replacement for the original Minuteman missiles that we are now beginning to deploy: "This missile, with a multiple, independently targetable re-entry vehicle will be our best means of destroying time urgent targets like the long range weapons of the enemy." Earlier in the same speech he had said we needed MIRV's for accomplishing the damage limiting mission against "... the remaining strategic weapons which the enemy would no doubt hold in reserve."

When accurate MIRV's are extensively deployed so that numbers of warheads can no longer be counted just by adding up numbers of launchers, and when large ABM radars dot the landscape we shall have considerably greater uncertainty about how dangerous a threat we pose to each other. This is the curse of weapons' systems with ambiguous missions. They begin to bridge the gulf between a deterrent and a first strike policy. We cannot count the numbers of an opponent's warheads when his missiles are extensively MIRV'd and we must base our assessment of their threat to destroy our hardened missile silos on technological assumptions that give his offense all reasonable benefits of doubt. If we see large ABM radars being constructed that provide broad coverage and have the potential to protect large portions of the population, we will have similar uncertainties as to how much of a threat his ABM will be to penetration by our potentially ragged retaliatory force after we absorb a massive first strike. Therefore, these developments will erode our confidence in our deterrent capability and will provide additional incentives for deploying new weapons. The same situation applies to both nations.

This very issue that I have posed in the SALT context has been at the heart of much of the recent public discussion on the Safeguard ABM system and on the U.S. MIRV deployments. Since deterrence is a state of mind, these systems must be viewed with great discomfort.

Indeed I have no reluctance in principle to attempt to defend myself with ABM's against limited attacks—whether launched from the Soviet Union, France, China, or anywhere else. In practice, however, implementing such a policy will inevitably result in higher force levels of both offensive and defensive forces for the reasons I have illustrated. Will this path lead to improved security? I think not. I view the proliferation of weapons with ambiguous missions—such as MIRV's and ABM defenses with broad coverage—as producing a more fragile stability of deterrence.

In particular a nationwide ABM defense of cities poses a potential threat to the entire deterrent force—land and sea based—of an opponent. Moreover such an ABM system would have its greatest effectiveness in support of a first strike, following which an opponent's surviving retaliatory missiles could be more effectively engaged by the ABM since, in addition to being smaller in number, they might not achieve their planned coordination for saturating and penetrating the defense. Therefore more than any other weapons system, ABM will govern the level of forces that can be negotiated at SALT as meeting the requirements of deterrence. As Harold Brown wrote last year in *Foreign Affairs*, "Perhaps the most destabilizing threat to mutual deterrence would be the deployment of a large Soviet ABM system." The same, of course, is also true with regard to the deployment of a large U.S. ABM system.

The danger of even a small U.S. ABM system engineered to defend cities is that with its ambiguous missions it starts us down a very dangerous road as the history of the 1960's reminds us. It was the observation in the early 1960's that the Russians were deploying an ABM ring around Moscow—a very limited one as we now know—that led to the extensive U.S. MIRV program. U.S. MIRV's were developed for assured penetration by our deterrent missiles against the potentially growing ABM threat of the Russians. That threat has not developed but in fact because of those ambiguous indicators we are now deploying MIRV's. Since, as we have already described, the MIRV mission can be given ambiguous interpretations it surely will fuel the arms race further if we continue the present deployment plans. The expressed intent of MIRV's may indeed be damage limiting as described by General Ryan. But what does this mean to a Russian military planner? Making conservative assumptions especially about their guidance accuracy he will ascribe to them capabilities to destroy his missiles. Their growing deployment pattern will certainly drive him to strengthen and diversify his offense, especially by a greatly enlarged submarine launched missile force, in order to preserve his deterrent.

In the very same vein we are reacting to the menacingly growing SS-9 force of the Soviets which if accurately and extensively MIRV'd would certainly threaten the survival of the Minuteman component of our deterrent. No statement by Secretary Laird to the effect that we will not develop a first strike force—nor for that matter by Marshal Grechko—alters the unhappy impact of the MIRV on the arms race—its ambiguous mission fuels that race; and we will soon be at a point of no return with respect to MIRV deployments. Once the Soviets complete a test program providing them with operational confidence in their MIRV force there will be no way to enforce a MIRV ban that can be monitored unilaterally by national means alone.

This illustration of the unending action-reaction cycle of the arms race illustrates why in my mind the banning of large ABM systems is the single most important goal at SALT. With no ABM's there would be no requirement for MIRV's in order to assure

penetration of growing or perceived defenses. Also with no missile defense providing protection to our cities there would be little sense to deploying MIRV's for damage limiting missions. And with no ABM or MIRV's there would be no systems with ambiguous missions, no narrowing of the gulf between deterrence and first strike. In fact we could finally and completely break the cycle of action-reaction that has been driving the arms race.

It is on the basis of arguments such as these that I conclude that we will not be more secure if we negotiate to incorporate some damage limiting capabilities at SALT but will end up with more warheads, more missiles, and a more fragile stability of deterrence. A freeze based on acceptance of minimal deterrence as a strategy goal and on a prohibition on flight tests of new systems would combine all of the most desirable goals that we can hope for from Stage I of SALT. This is why I strongly advocate such a position.

If such a comprehensive freeze is not or cannot be negotiated, then I believe that the most important single step to be taken at SALT would be a limit on large ABM systems that provide extensive coverage to as low a level as can be negotiated—preferably zero. I would strongly prefer to establish a principle of comprehensive limitations on offensive as well as defensive weapons systems even if such limitations were to fall short of the freeze that I have advocated. However I believe it is of primary importance to limit ABM. No difficulties at the negotiating table should be allowed to seriously impede progress toward a limit or a total ban on large ABM systems.

If ABM's are banned, there can be no conceivable reason for major increases of the offensive missile forces. However, if the U.S. and the Soviet Union move down the path toward extensive ABM capabilities, then we will have lost our best hope for controlling the arms race at this time. We will truly become its driven slave. As I have argued, it is both unnecessary and unfortunate that we now find ourselves moving down the path to MIRV's and with time running out before it will be too late to turn around. The ABM path is much worse however because it threatens potentially the entire deterrent force of an opponent—not just the fixed land based missiles as do the MIRV's. With MIRV's alone, in the absence of ABM defenses, we both remain each other's hostage and a balance of deterrence can be maintained.

To conclude I have argued that a treaty negotiated at SALT to freeze strategic nuclear weapons at their present levels along with a ban on the testing as well as the deployment of new weapons—including ABM's and MIRV's—will stop the arms race; will allow us to maintain confidence in our present deterrent force; and can be readily verified. I therefore endorse it as combining all of the most desirable goals we can hope for from Stage I of SALT. Short of accomplishing a freeze, I think the most important first step at SALT is to prohibit, or severely limit, ABM defenses with large radars and the potential to protect people and cities. I endorse this not as an end in itself but in the context of the vital first step in a series of many towards accomplishing the "imperative" of arms reductions.

Although I have provided a technical basis for the views expressed here, it is quite clear that in my assessment of dangers and risks I have gone beyond purely objective criteria and entered into important and determining political ones. They are also the much more difficult criteria. "Politics is harder than physics," Einstein once said.

Recognizing this, I think it is also clear that we must look to our political leaders to lead the way with the vision and dedicated commitment of true statesmen to a real halt

in the arms race. Patience and hard technical work are necessary for assessing and balancing the dangers and risks. But much more than technicians and technical analysis are needed here—and above all statesmanship, visionary political leadership, and the determination that has carried pioneers through deserts and over oceans and mountains to seemingly impossible goals. Otherwise arms control may never get a chance to help us survive.

#### MANIFESTO OF ELECTED POLITICS

Mr. CHILES, Mr. President, in my State of Florida, which is now ninth in population among the 50 States, we have at Rollins College a Center for Practical Politics, organized in 1958 under a grant by the Maurice and Laura Falk Foundation. For 12 years, under the direction of Chancellor Hugh F. McKean and Paul Douglass, this institution has played an active and educational role in both Florida and national politics. Especially it has encouraged citizen participation through political parties. By more than 300 research manuscripts and the leadership of four generations of Rollins graduates spread across the Nation in elected office, the Center for Practical Politics has become an influential institution.

This spring Chancellor McKean and Dr. Douglass, with their staff and students—who always participate in every project and study—have issued a "Manifesto of Elected Politics." As a Senator who walked the State in campaigning, this manifesto has a genuine meaning to me.

Mr. President, because I feel this "Manifesto of Elected Politics" has special interest to all of us, I ask unanimous consent that the document be printed in the RECORD.

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

#### MANIFESTO OF ELECTED POLITICS

We call upon young men of integrity to give their lives to the elected offices of local, state, and national government. We summon them to the practice of politics—a calling which is highest, the most necessary, and most strenuous duty in our society.

The process of politics is the unavoidable task in our society. By information, discussion, criticism and controversy, it explores problems to discover alternative courses of action. Politics persistently asks two questions. (1) What is it best for the community to do? (2) What person is best qualified to do the job?

Because our body politic is large and complex, the United States of America as a representative republic operates through elected officials chosen to be public officers by private citizens. Those elected leaders from the city hall and the courthouse to the White House become the policy-makers and program supervisors of the nation. By their leadership they create the social and economic climate which encourages the development of responsible persons and human well-being.

By bridging differences of opinion which separates people, elected representatives chosen at the polls explore and define the terms on which citizens can cooperate. Thus teamwork is established by negotiation to agreement and comprehensive decision-making is made possible.

Politics mobilizes and allocates resources to achieve the purposes of society. It provides the technology by which private citizens choose public officers and determine public issues.

The most important of all political officer forever remains the private citizen who votes to elect qualified fellow citizens to staff the Republic. The private citizen as voter has the last word. In a democracy he wields the ultimate power. He is the well-spring of all other authority. He is the agent against tyranny and the assurance that private citizens (non-leaders) by elections control public offices (leaders).

Politics, like medicine, engineering, law, and architecture, is a career. Education for elected public service as a career therefore needs to be both rigorous and precise. To the studies which prepare men's minds for politics must be added those experiences which equip men with moral stamina and emotional durability. Such education must make men ready rather than reluctant to present themselves as candidates for public office. Candidates must be stalwart enough to survive public scrutiny, patient enough to endure malicious criticism, and brave enough to bear up under personal harassment. They must campaign to educate the voters on the real issues. They must know that defeat in the pursuit of a cause is sometimes personal cost of public achievement.

The need for noble young men to engage in the practice of politics is urgent. The times call for men to present themselves to the judgment of their fellow citizens for election to office. These are the times for young men to select for themselves careers to serve in the elected offices of the nation and to engage in the vigorous training which such life mission demands.

#### PROPOSAL FOR CREATION OF A DOMESTIC INTELLIGENCE REVIEW BOARD

Mr. MATHIAS, Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Delaware (Mr. ROTH) relating to the creation of a Domestic Intelligence Review Board.

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

#### STATEMENT BY SENATOR ROTH

I was interested to note that suggestions were made on the Senate floor yesterday that Congress should create a Domestic Intelligence Review Board to supervise various surveillance activities of agencies of the Federal Government, and I think such suggestions are good, except that they come a little late.

Actually, such a review board is already established by law as a result of an amendment which I offered last year in the House of Representatives to the Organized Crime Control Act of 1970.

Title XII of that Act (P.L. 91-452, approved October 15, 1970), creates a fifteen-member National Commission on Individual Rights. The law specifies that four of the members be Senators appointed by the President of the Senate; four of the members be Representatives appointed by the Speaker of the House of Representatives; and the remaining seven members be appointed by the President of the United States from all segments of life in the United States.

In introducing the proposed amendment to S. 30 last year, I said, on September 16, 1970, that the principal purpose of the commission would be to review the effect of laws recently enacted as a means of combating crime as well as practices of the executive branch in the collection, storage and use of information on individuals and their resulting impact on the constitutional rights of the people of the United States.

I stated at that time that I believed that the Congress and not the Executive branch should establish basic policies on these

matters. The Commission, as established by the law, will be of enormous help in developing guidelines for the Congress in considering new legislation in the field of executive data collection in order to protect individual rights.

It is my hope that we can learn through this Commission when it begins to function on January 1, 1972 if our basic rights are being abridged by an agency of the executive branch so that we in the Congress can do something about it.

The National Commission on Individual Rights would be strictly an advisory commission which would provide both the Congress and the President with advice as to whether there have been any undue infringements on individual liberties. The Commission will make reports at least every two years after it begins in office next January.

I welcome the support of other Members of the Congress for this Commission, the creation of which I consider a vital step in the preservation of the individual rights and liberties of our citizens.

#### THOMAS M. REARDON—MEMBER OF FEDERAL RESERVE ADVISORY COUNCIL

Mr. McGOVERN, Mr. President, it is a pleasure to salute one of South Dakota's outstanding citizens, Thomas M. Reardon, of Sioux Falls, on his appointment to the Federal Reserve Advisory Council. Mr. Reardon's entire life demonstrates a concern for individuals as individuals and a capacity for change to meet change. He brings to the Advisory Council not only an astute knowledge of finance and banking, but a sensitivity to the human and environmental needs of the upper Midwest. His service on the Council will strengthen the Federal Reserve System, and we are fortunate to have men of his commitment and ability serving the Nation.

I ask unanimous consent that an article published in Commercial West for April 3 be printed in the RECORD.

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

#### THOMAS M. REARDON: SOUTH DAKOTA BANKER IS MEMBER OF FEDERAL RESERVE ADVISORY COUNCIL

How to go from farm equipment salesman to successful banker to member of the Federal Reserve Advisory Council in 11 short years? There has never been a book written on it, but it could be the story of Thomas M. Reardon, newest appointee to the FAC.

A life-long resident of Sioux Falls, S.D., Reardon represents the Ninth Federal Reserve District on the Advisory Council, offering advice and reaction to national monetary policy.

There must have been days during the "dirty 30's" in South Dakota, when Tom Reardon and his brother, Scott, wondered why they ever got into the farm equipment business. But, with hard work, a selling philosophy based on helping people, extended credit terms for farmers and innovative new products, the Reardon brothers built the business into one of the largest farm equipment distributorships in the Midwest.

In 1959, Tom decided to try his hand at banking by chartering a small bank, Western State Bank, in the western part of Sioux Falls, population 75,000. The bank grew from less than \$1-million in deposits to \$21-million in 11 years at a 40 percent compounded growth rate.

"We have tried to build a financial institution of personalization in an age which has tended toward impersonalization," says

Reardon, who learned how to sell kicking the tires of worn tractors.

"People want to be treated like people," he adds, "and unless that philosophy is practiced in business, I fear the result could be a lack of understanding and, hence, a lack of confidence in American free enterprise."

Personalization at Western Bank means practicing the slogan: "The bank that likes to know you by name." To this day, officers fine each other when one forgets to call a customer by name.

The new bank also led the area by establishing a reputation for scoring local banking "firsts," including computing daily interest paid quarterly on savings accounts, establishing an independent audit by C.P.A.s of the bank, paying five percent on certificates of deposit, building a four-lane, straight-through drive-in facility, establishing advanced security camera equipment and purchasing career suits for all female employees.

Personalization has also meant door-to-door contacts for new accounts, an extensive direct-mail campaign and a host of other promotional efforts to attract increased banking business, including a business policy of knowing customer attitudes.

The story of a small successful bank might be enough to write about, but Tom Reardon has turned his sights on even bigger targets. Based on a strong sense of public commitment and social conscience, Reardon has sought other ways to advance his ideas for improving his community, state, region and nation.

He sees banking as a public service and bankers as public servants who, similarly to elected officials and government, have high obligations to work for the public good.

Locally, Reardon helped found the Sioux Falls Industrial and Development Foundation some 11 years ago to generate increased economic growth. Serving as vice president, last year, he helped bag the Earth Resources Observation Satellite (EROS) data reception center for the Sioux Falls area, which holds the possibility of becoming one of the major centers of America's second-generation space program which will use advanced remote sensing techniques from space.

"While we have concentrated in the past on discovering outer space," Reardon noted, "the EROS program holds our opportunity to reap some of the returns of our space expenditures by rediscovery of earth."

Not content to let the federal government shoulder the entire burden of the project, Reardon co-chaired a local fund drive which raised more than a half-million dollars in three weeks to buy land for the project as a gift to the federal government, along with having ample funds to help with some future construction costs.

A host of smaller new industries have also settled in the Sioux Falls area based on the development group's efforts.

However, Reardon does not see progress just in terms of hardware or providing more jobs.

"It appears to me people have shifted from looking so hard for the good things of life and now search for the good life," he notes. "The Federal Reserve Board, a bank, a businessman, all of us have certain obligations to become attuned to changing social attitudes."

The father of five children, Reardon stresses particular concern about the restlessness of youth.

"This restlessness has generated great unrest in the business community, the family, government, the churches; all of our basic institutions," says Reardon. "The problems of five and ten years ago are not the problems of today."

"It appears to me one of the great underlying criticisms by some of our youth with present society is the tendency for many of our basic institutions to be inflexible toward change," he adds. "One of the things I appreciate about the Federal Reserve System

is that it is a flexible institution by design; born in time of crisis and flexible enough to meet change."

"The Federal Reserve System is a vehicle which can be responsive to the public interest without political pressure," Reardon notes. "This should generate confidence among our youth who fear the rigidity of some institutions and also serve as an inspiration to government, schools, churches, and even the family, on premise that to command respect, institutions must be continually relevant to change within society."

He credits the late President of the Ninth Federal Reserve Bank, Hugh Galusha, for inspiring many of the banks in the Upper Midwest to become more responsive to change.

"Hugh was able to recognize the uniqueness of our District—the natural independence of our people, the semi-agrarian economic base—and with a flexibility that earned widespread admiration, he stressed on for new approaches by institutions and individuals for a better society. He had solid support from businessmen and bankers throughout the area. It was a strong bond, the results of which have benefitted every citizen."

Two of Reardon's primary concerns are the sometimes lack of public understanding of various national decisions, particularly among youth, and the pockets of clinging desire by some to bring back "the good old days."

"I think one of our great problems today, which transcends all the challenges we face, is the lack of proper communications," he says. "Our growing society of over 200 million people has complicated the problem of communicating with each other and ourselves."

"Businesses, banks, government and people can all create communication barriers which are a waste of our resources, a stifling of talents and a source of eminent frustration," says Reardon. "If there is any way I might be helpful in lowering communication barriers, I feel my time well spent."

Personal involvement is the key, he says. "I feel as we increase involvement we can generate trust, confidence and understanding of the particular area in which we work," he notes. "If none of our youth are really involved in banking or understand it, or in any other area of business, how can we expect them to share with their peers confidence in one of our basic institutions?"

He feels a pilot college student advisory program of "in field service", similar to the Congressional intern program, could well be explored by District bankers. Practicing bankers would become involved with college professors and interested students in an advisory program unique to banking.

"When I have had the opportunity to lecture on a college campus or experience a give-and-take discussion with a college professor, I am always amazed at the rejuvenation in thought and stimulation I personally experience from such sessions," he says.

It is a similar kind of involvement which has helped the continued growth of Western Bank as the Reardon personal philosophy of "involvement" bounces new ideas and questions off his board of directors, staff, family and customers as fast as the tennis balls he serves during a favorite pastime.

"Secondly, I think we must recognize the so-called 'good old days' are never coming back and the 'good new days' might not be quite as good unless we are properly prepared," Reardon says.

He feels the saga of the "good old days" is founded more of the necessity to expand on legends to assure they remain a memory than on reality.

"I doubt anyone really wants to turn the clock back," notes Reardon, "and I am not sure we have time to look back any longer than to learn some lessons from our past mistakes and then look forward to see how we can help make better days down the road."

Reardon also assesses what he feels might become an important change in consumer attitude influencing the direction of American business.

"In the past, the market place looked only to dollars and cents," he said. "Today, consumer concerns face new dimensions in the market place that business must recognize and respond to. Social weights, cultural values and new priorities must now become part of the business world."

"Today, consumer concerns force new dimensions in the market place that business must recognize and respond to. Social weights, cultural values and new priorities need now become part of the business world."

"The ecological-conscious consumer is beginning to exercise his social concern in economic terms," Reardon adds. "This places a vast new dimension on the market place."

"Similarly, new factors, other than salary, are influencing the labor market which has created economic nuances of new magnitude," he says. "Employees rank other employment conditions ahead of salary in selecting positions."

"I think one of the important things we must realize, as we work to make our institutions responsive to change, is that capital limitations and technological restraints, included in the added dimensions of today's market, means simply we cannot have everything now," he notes. "I suppose one of the complicating factors is the illusion we can have all things right now caused by great technological achievements such as the landing of man on the moon."

"We might be able to have instant potatoes, instant coffee and instant communications; but instant wealth, instant happiness all the time, is an impossible illusion."

"We must set priorities, and as we set priorities, learn to trade some of the least desirable priorities, in terms of the public good, for the most necessary needs of society," he adds.

Reardon shuns any hint of trying to become a reformer in banking, on the advisory Council, or in business.

"I find it exciting to have the opportunity to express personal views and try out personal theories," notes Reardon. "This is one of the real thrills I have found in business. I think many of today's young people will find this is true as they get involved themselves."

"It is a wonderful form of self-expression," he adds, "and opportunities, such as my selection to the Federal Reserve Advisory Council, afford an opportunity not only to help as best I can the people and businesses of the Ninth Federal Reserve District, but also to express what I hope are useful points of view."

At a time when economic news is front-page news in America and many suggest we face everything from a crisis in the economy to a crisis in human thought, men like T. M. Reardon help provide direction to the preservation of prudent progress.

"When I hear comments of various types on the crisis our nation faces, I must agree we have some tremendous challenges and responsibilities in reshaping our society," he notes, "but I am always reminded that the Chinese idiom for crisis is a two-part word; the first meaning danger, but the second meaning opportunity."

"If we can concentrate on the opportunity during any time of crisis, it is my firm belief America has many happy years and better days ahead," Reardon says, "and an important part of opportunity is being responsive to changing priorities and keeping confidence in the decision makers."

#### DEFENSE INDUSTRY PROFIT

Mr. HOLLINGS. Mr. President, in the recent past, allegations have appeared in the press relating to the Comptroller General of the United States and a re-

port issued on defense industry profit. The study was requested by the U.S. Congress in the Armed Forces Appropriations Act for 1970. Columnists had made an allegations implying that the GAO had altered the preliminary draft of the report as a result of certain pressure applied by the executive branch of the Government.

As chairman of the Subcommittee on Legislative Affairs of the Senate Committee on Appropriations, I requested a response to these allegations from the Comptroller General of the United States Elmer B. Staats. The GAO has been an effective and responsible arm of the U.S. Congress, and provides an invaluable service to this branch of Government. The allegations made by members of the press obviously required an answer, but as is too often the case, no response was requested of the GAO. I ask unanimous consent that the reply made by Mr. Staats be printed in the RECORD. I believe that when this is reviewed, it will erase all doubt and question concerning these implications.

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

COMPTROLLER GENERAL OF THE  
UNITED STATES,  
Washington, D.C., April 5, 1971.

HON. ERNEST F. HOLLINGS,  
Chairman, Subcommittee on the Legislative  
Branch, Committee on Appropriations,  
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to inquiry with respect to the allegations which have appeared recently in the press relating to a report issued on March 17 on defense industry profits. This study had been requested by the Congress in the Armed Forces Appropriation Authorization Act for 1970. The allegation carried by two columnists were based on a comparison of a preliminary "leaked" draft with a subsequent revision of the draft. While the preliminary draft was available to other members of the press, they did not carry such allegations.

The allegations of the two columnists in several widely circulated news stories implied that the GAO had followed an unusual and improper procedure in obtaining comments from contractor associations and defense agencies, and had altered the facts and conclusions as a result of "pressure" from these agencies and associations. You asked that I supply a statement of these allegations and our response to them.

#### 1. ALLEGATION

GAO followed an unusual and improper procedure in obtaining comments from defense agencies and contractor associations in asking them to review and comment on a preliminary draft of the report.

#### Response

It has been the policy of the GAO for many years to refer draft reports of this Office to agencies, organizations, and others specifically affected to obtain their views. With respect to contractors, the written policy establishing this procedure goes back to 1955; and the practice had been followed in many cases earlier than that. This procedure is designed to enable the GAO to have available any disagreements as to factual accuracy or completeness of the report as well as differences with respect to our findings and conclusions. We believe it important not only that we consider these comments prior to completing our report to provide reasonable assurance that our reports are accurate, fair, complete and objective, but that we also reflect in our reports to Congress such differ-

ences as may exist. The procedure followed in this instance is identical to that followed in previous reports.

#### 2. ALLEGATION

GAO was subjected to "pressure" to alter its conclusions and recommendations.

#### Response

There was no pressure of any type. Neither I nor any member of our staff received any follow-up communications, oral or written, from the associations or agencies beyond the formal responses to our request of January 5, 1971, for their views. The last response was made available to this Office on February 12.

#### 3. ALLEGATION

The analysis in the report of 146 individual contracts was more "representative" of defense profits than the 4-year review of total contractor profits (1966 to 1969); however the GAO subordinated the first analysis by shifting its location in the report from chapter 2 (first draft) to chapter 5 (final draft).

#### Response

The report contained two sets of data to serve two different purposes: (a) the 4-year analysis, reporting on more than 60 percent of all defense procurement for the period, was designed to meet the statutory directive to this Office; (b) the analysis of 146 individual contracts was designed to examine initial profit objectives with profits actually realized, and to determine if it was practical to develop profit data by contract in order to ascertain if there was a wide range of profits as a percent of invested capital. Interest in this type of analysis had been expressed during the hearings which lead to the statutory directive.

We believe it only logical that the final draft have the 4-year analysis placed first and the second analysis clearly identified and differentiated from the first. Since the entire report was only 55 pages and contained a 4½ page summary, we did not agree that there was any "alteration" or "burying" of the data.

The apparent reason for the press interest in the 146 contract analysis was the higher profits reflected. The final draft makes it clear that the 146 contracts was not a valid statistical sample and that this analysis served an entirely different purpose from the 4-year analysis. Had the analysis of individual contracts shown a lower profit rate, it is interesting to speculate whether the two columnists would have found the matter of such great interest.

#### 4. ALLEGATION

The final report was "drastically altered" and "softened" to be less critical and key data was subordinated.

#### Response

Aside from the reordering of the chapters mentioned above, the revised draft contains numerous editorial changes of the type which take place in virtually every report issued by this Office. The two columnists neglected to indicate, however, that not a single figure in the report had been altered at any stage in the drafting of the report, and none was added or deleted as result of agency or contractor views. Nor do they mention that the conclusions in the report, which is critical of the way in which profit objectives have been established on defense contracts in the past, remain unchanged.

Our report is critical of the present practice of negotiating contracts whereby profit objectives are based primarily on cost of sales. We believe the policy should be revised to place more emphasis on the total amount of contractor capital required. The report states that "by relating profits to costs, contractors have little incentive to make investments in equipment which increase efficiency and reduce cost." The report also notes that the De-

partment of Defense has been considering this matter since 1962 "and GAO believes that it is time to move ahead."

It was primarily to obtain the views of agencies and contractors on this issue that we requested comments on our draft report. We are pleased to note that many contractors agree with our position and that the Department of Defense officials have been quoted in the press as agreeing generally with our recommendations.

I appreciate this opportunity to set the record straight. This Office plays an important role as an arm of the Congress in assuring that Government programs are managed effectively and economically. It is important that we carry out this responsibility in an effective and impartial manner; it is also important that Members of Congress have the confidence that we have made, and will continue to make, every effort to carry out our responsibilities in this manner.

Sincerely,

ELMER B. STAATS.

#### PRISONERS OF WAR

Mr. McGOVERN, Mr. President, the American Bar Association Journal for January 1971, contains a most helpful article on the application in Vietnam of the third Geneva Convention relative to the treatment of prisoners of war.

The author, Charles W. Havens III, has supplied a careful description of the relevant provisions of the 1949 Geneva Convention. He argues forcefully for its application to the Indochina conflict, notwithstanding North Vietnamese contentions that captured American pilots are not entitled to protection because they are "war criminals" within its reservation to the agreement. He argues further that while the convention's text does not, except in the case of sick or wounded prisoners, explicitly provide for repatriation during continued hostilities, such an obligation should be implied from the basic humanitarian principles which are implicit in the agreement.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

#### RELEASE AND REPATRIATION OF VIETNAM PRISONERS

(By Charles W. Havens III)

(NOTE.—A number of questions involving international law have arisen as a result of the Vietnam conflict. In spite of growing public interest in the release and repatriation of prisoners of war, there has been little, if any, legal analysis of the obligations of the combatants to release and repatriate the other side's soldiers captured during the conflict and held as prisoners.)

Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War sets forth the standards for classifying captives as prisoners of war. This article provides in part that prisoners of war are persons who are members of the armed forces of a party to the conflict. All captured American servicemen, including the pilots and aircrewsmen detained by North Vietnam, were uniformed members of the armed forces of a party to the conflict and are prisoners of war clearly within the provisions of this article.

The United States and the government of Vietnam have accorded prisoner of war status on North Vietnamese and Viet Cong forces

Footnotes at end of article.

even beyond that required by the convention. The right of these captives on both sides to be accorded prisoner of war status should be above question.

There are now more than 1,500 American servicemen who are legally considered "missing" in Southeast Asia and who may be in the hands of North Vietnam or its Pathet Lao and Viet Cong allies. Approximately 460 of these Americans are listed by the Department of Defense as "captured", but since the other side has not provided a list acknowledging all the men who are captured, the total number of men who may be prisoners of war is at this date still not known. Previously, the other side has stated that the total number of prisoners is a military secret which would not be revealed. From time to time we have learned from various sources that men previously known only to be missing were captured. This fact, when coupled with the large number who are known only to be missing, has led many to conclude that the actual number of men captured is significantly higher than the number now listed as "captured". Unfortunately, too, some of the men who believed on the basis of the best available evidence to have been captured probably did not survive. It is hoped the number of families which will receive this crushing news will be small.

Also, there are members of the Free World Military Assistance Forces and the Armed Forces of the Republic of Vietnam who are in a missing status and may be in the hands of the enemy. Here, however, the basic information is not as readily available.

On the other side of the fence, there are now more than 33,000 Viet Cong and North Vietnamese soldiers held in six prisoner of war camps operated by the Army of the Republic of Vietnam. Each of these has been classified as a prisoner of war. Approximately 7,000 of these prisoners of war are North Vietnamese, and the remaining number are either Viet Cong from South Vietnam or regrouped south Vietnamese who elected in 1954 to go north, later returned to the South and took up arms with the Viet Cong.

The first American pilot known to have been captured by North Vietnam is Lt. Everett Alvarez. He was shot down and captured on August 5, 1964. The best available evidence today suggests that he is still a prisoner. Last August, Lt. Alvarez had been a prisoner of war in North Vietnam for six years, an unprecedented duration for any American serviceman. The fact that Lt. Alvarez's fate is shared to almost as great an extent by hundreds of other men, many of whom are known to be sick or injured, without any prospect of release in sight, dramatizes the need to effect the repatriation of all captured servicemen in Southeast Asia.

The fate of the more than 33,000 servicemen of the other side who are prisoners of war in South Vietnam is important to them, their families and a resolution of the conflict in Vietnam. Although these latter prisoners are receiving food and treatment generally in accordance with the requirements of the Geneva Convention, years of captivity with attendant separation from family and banishment from society are not productive humanitarian goals. Rather, their imprisonment serves only to delay an ultimate settlement and their assimilation into society.

All parties to the conflict have an easily identifiable interest in the prompt release and repatriation of the prisoners of war. All persons interested in seeing the realization of the humanitarian aims of the Geneva Convention should have an equally strong interest in the realization of this same goal. How do we get there from here?

#### RECENT CONFLICTS GIVE HISTORICAL LESSONS

At best, the lessons of the more recent international conflicts can serve only as guide posts or danger signs to us in seeking to resolve questions of release and repatria-

tion in the Vietnam conflict. Vietnam is not the 1967 Arab-Israeli War, nor is Vietnam the Korean War of 1950-1953. Vietnam today is not even the French-Indochina war which supposedly was resolved by the 1954 Geneva agreement. Still, each of these historical conflicts has something of value for our examination.

The Arab-Israeli War shows us a relatively good lesson of prompt wholesale repatriation of prisoners of war soon after the formal cessation of continuous hostilities. The fact that Israel promptly repatriated far greater numbers of Arab prisoners than the Arab's side is a good expression of the proper humanitarian intent which should motivate any repatriation. Repatriation is not a "trade", or "barter", or "exchange" in the language of the tradesmen. It is a plain and simple requirement that all parties to a conflict permit all their prisoners of war to return home.

The 1954 Agreement at the conclusion of the French-Indochina War shows us that even a sound agreement requires good faith performance before the results are satisfactory. Article 21 provided:

"(a) All prisoners of war and civilian internees of Vietnam, French, and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theater.

"(b) The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

"(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence, or the zone of their choice."

Since this agreement called for the surrendering of prisoners in the first instance to "the other party", presumably it made no provision for instances wherein a prisoner did not want to return to the control of his own forces. In practice, significant numbers of prisoners of war were released by both sides within the prescribed thirty-day period or shortly after. Nevertheless, there were charges and countercharges that thousands of prisoners of war had not been released. The International Control Commission was ineffective in obtaining additional releases from North Vietnam. Thus, the agreement for release was sound, but its execution left something to be desired because of the significant number of prisoners who did not return and for whom there was no satisfactory accounting.

The 1962 Protocol to the Declaration on the Neutrality of Laos dealt with the release of captured personnel in a clear, uncomplicated manner. It simply provided in Article 7 that:

"All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice."

Again, execution was less than completely satisfactory.

In Korea, the release and repatriation of prisoners of war was the single most controversial aspect of the negotiations and certainly the agenda item which required the longest time to resolve. Some might say that it was never resolved in view of the large number of Americans who were not satis-

factorily accounted for and who were much later classified as "died while captured" or "died while missing". In July, 1951, the Korean armistice negotiations began, and although the fighting continued, there was no major ground offensive. By the end of May, 1952, substantial agreement had been reached on all but one major point of negotiation—repatriation of prisoners of war. In this regard, the difficulty lay in resolving the question of "voluntary" repatriation. In short, would there be forced repatriation of unwilling prisoners? After many months of stalemate, the issue was finally resolved. There was no forced repatriation of prisoners. But in the meantime, all prisoners on both sides suffered the pains of captivity for many more months, and, indeed, many died during this period of internment.

North Vietnam adhered to the Geneva Convention on June 28, 1957. The United States ratified it on August 2, 1955, and it came into force six months later. The government of Vietnam acceded in 1953. The International Committee of the Red Cross (I.C.R.C.) in 1965 declared that the Geneva Conventions are fully in force in the Vietnam conflict and that all parties are bound to adhere to their terms. North Vietnam has stated that it does not consider the convention applicable to Americans because the pilots and aircrew held by it are criminals, or "air pirates", subject to the laws of North Vietnam and not prisoners of war. The relevant article of the convention dealing with classification of captives is Article 4. As previously mentioned, American servicemen held by North Vietnam clearly qualify as prisoners of war under this article and are entitled to treatment in accordance with the precepts of the convention. North Vietnam's contention that the convention is not applicable because there has been no declaration of war is not recognized by the I.C.R.C. or, to my knowledge, by any other non-Communist bloc nation. As a legal argument, it is simply not taken seriously. Article 2 of the convention states that it is applicable "to all cases of declared war or of any other armed conflict which may arise between two or more of the parties to the Convention, even if the state of war is not recognized by one of them". As the I.C.R.C. has declared, the Vietnam war is clearly an armed conflict of an international character in which the full convention is applicable. The existence of this international conflict has been recognized by the United States and the XXII Conference of the International Red Cross. Although it claims that the convention does not apply to its captives, North Vietnam has maintained consistently, even in the face of overwhelming evidence to the contrary, that it treats the captured servicemen humanely.

#### DUE PROCESS GUARANTEES NOT OBSERVED

Any contention by North Vietnam that its reservation to Article 85 of the convention permits it to deny prisoner of war status to captured American servicemen is also without merit. Article 85 provides that "prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention". Initially, the clause presupposes prisoner of war status, which North Vietnam has denied. Secondly, there have been no convictions that, in any event, require certain due process guarantees which North Vietnam would never observe.<sup>2</sup> And thirdly, there are no known grounds for any such convictions. The bombing policy for North Vietnam observed to an unprecedented degree the laws of war. The targets were military supporting facilities, and the operating instructions were strictly drawn to minimize collateral damage and injury to the civilian populace. In fact, in pursuing such a restricted air war, the

Footnotes at end of article.

pilots were incurring greater risks to their own safety. In short, there has been no verification of North Vietnam's charges that the Americans are war criminals.

The Viet Cong does not claim that the soldiers captured by its forces are other than prisoners of war, but it maintains that it is not a party to the convention. The I.C.R.C. considers the Viet Cong bound by the adherence of both North and South Vietnam.

The United States, the Republic of Vietnam, the Republic of Korea, Australia, Thailand, Philippines and New Zealand have acknowledged the applicability of the convention and assured the I.C.R.C. of their intention to honor it.<sup>2</sup>

In South Vietnam, prisoners of war, whether Viet Cong or North Vietnamese, are turned over to the Army of the Republic of Vietnam for internment in six prisoners of war camps. This procedure is sanctioned by Article 12 of the convention because South Vietnam is a party to the convention and is willing and able to apply the convention. South Vietnam also permits the I.C.R.C. to inspect regularly the camps where these prisoners are held.

#### UNITED STATES BEARS SPECIAL CONCERN

As mentioned previously, both North Vietnam and the Viet Cong hold prisoners. Therefore, the critical parties concerned with the actual release or repatriation of prisoners are South Vietnam, North Vietnam, and the Viet Cong.<sup>4</sup> Of course, in terms of humanitarian interest as well as governmental and public preoccupation, the United States bears a special concern.

If we look to the convention as the principal authority, Article 118 states simply that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." It provides that this should be done with or in the absence of any agreement. Article 118 also deals with the costs of repatriation.

Article 119 and Articles 46-48, which it references, deal primarily with the obligations of a party to see that repatriation is effected in a manner that is in the best interests of the prisoners of war, e.g., the captor must provide sufficient food and water to maintain their health, provide proper care of sick and wounded and return designated personal items. The last three paragraphs of Article 119, however, provide for the retention of prisoners of war against whom criminal proceedings for indictable offenses are pending or whose punishment for these offenses has not been completed.

The preceding articles dealt with repatriation at the close of hostilities. Articles 109 through 117 cover direct repatriation and accommodation in neutral countries even when the hostilities may very well be continuing at an active pace between the belligerents. These articles could apply to the Vietnam conflict now, and to what many believe will be the prevailing situation for the foreseeable future.

Article 109 requires a party to return to their own country all willing "seriously wounded and seriously sick prisoners of war after having cared for them until they are fit to travel." The succeeding article provides further definition of these categories of sick and wounded who are entitled to direct repatriation: "(1) Incurably wounded and sick, whose mental or physical fitness seems to have been gravely diminished. (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished. (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished."

Article 110 also provides that the following may be accommodated in a neutral country: "(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of

the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery. (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat."

If the parties do not agree on a method for determining which prisoners qualify for direct repatriation or accommodation in a neutral country, Article 110 provides that the principles enunciated in the Convention's Model Agreement and Regulations Concerning Mixed Medical Commissions shall be applied.

The provisions of the convention relating to direct repatriation at the close of hostilities and those covering repatriation or internment in a neutral country of certain sick or wounded prisoners of war are straightforward and clear. If the war is over, prisoners of war should be given the opportunity to return to their home country. During the war, the seriously sick or wounded who are willing should be repatriated directly or interned in a neutral country for the duration of the hostilities.

The convention does not establish equally detailed principles and procedures for the general release or repatriation of healthy prisoners of war while the hostilities continue. Article 109 does state that the parties to a conflict may conclude by agreements for direct repatriation or internment in a neutral country "of able bodied prisoners of war who have undergone a long period of captivity". This provision does not seem necessary because the parties could repatriate all prisoners at any time with or without an agreement to that effect. The result in any event clearly would be in keeping with the humanitarian purposes which the convention was designed to effect. Apparently, however, it was beyond the realm of the realistic to include within the coverage of the convention requirements whereunder the combatants were expected to release able-bodied soldiers during the course of hostilities. Yet we have Article 117, which declares flatly that "no repatriated person may be employed on active military service". The scholars have suggested that this applies only to prisoners of war repatriated because they are sick, wounded or long-time prisoners of war who might return to battle their former captors. The United States, however, as a matter of policy does not return former prisoners of war who have been released to combat against their previous captors.

#### OBLIGATION TO RELEASE PRISONERS AFTER 18 MONTHS

Assuming that the present state of hostilities in Vietnam continues indefinitely, what obligation does the convention place on the parties to release or repatriate prisoners of war? Literally read, the convention might lead to the conclusion that the only obligations would be for those who qualify as sick or wounded. Yet the convention's anticipation that the duration of some hostilities might warrant the repatriation or internment in a neutral country of "long-time" prisoners of war, permits me to conclude that the very basic humanitarian principles which underlie the entire convention require that prisoners of war not be kept interned indefinitely.

When there is no end of hostilities in sight, all prisoners of war who have remained in captivity longer than eighteen months should be repatriated by the captor so long as the other party agrees to honor the requirement of Article 117. There are now thousands of North Vietnamese and Viet Cong and hundreds of American prisoners of war who have been interned for more than two years, and there is no end of their captivity in sight.

To achieve fully its purpose, the Geneva Convention should provide a solution for this

situation. It is reasonable to conclude that eighteen months of captivity with no likelihood of release in sight is sufficient to require accommodation in a neutral country under Article 110 and the model agreement. Indeed, the evidence that we have concerning the Americans held in North Vietnam and those held by the Viet Cong in South Vietnam would support a finding that many of them are seriously sick or wounded and entitled to direct repatriation under Article 110. The fact that the other side does not permit impartial inspection of its prisoner of war camps, when added to the information we have, e.g., significant weight losses, intestinal and skin diseases, use of crutches years after capture and confinement in isolation, provides a sufficient basis for a presumption that the American prisoners of war should be repatriated or at least interned in a neutral country immediately. To conclude otherwise, would constitute a gross step backward in the evolution of basic principles of humanitarian law.

#### FOOTNOTES

<sup>1</sup> Unless otherwise noted, all references to the Geneva Convention are to the Third Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

<sup>2</sup> See Articles 85 and 105.

<sup>3</sup> See Joint Manila Communiqué, October 24, 1966.

<sup>4</sup> Prisoners held in Laos by the Pathet Lao forces may be subject to control by the more than 40,000 North Vietnamese forces there. To the extent that they are not, the Pathet Lao forces might be held bound by the Geneva Convention by Laos' adherence to the Convention in 1956. In any event, those North Vietnamese forces held as prisoners by the Royal Lao Army are now acknowledged as falling within the convention's protection.

#### ECONOMIC CONCENTRATION AND INFLATION—UNEMPLOYMENT DILEMMA

Mr. HART. Mr. President, a recent article in the Washington Monthly analyzes the relationship between economic concentration and the inflation-unemployment dilemma which has been plaguing our economy. All too often the remedies proposed for an economy obviously out of whack are predicated upon a free market assumption, yet fail to call for reestablishing a free market by vigorous antitrust enforcement.

Mr. Charles E. Mueller, in his article, "Monopoly," has summed up the problem. Unless this issue is faced, remedies predicated upon a free market assumption will continue to be band-aids for a gaping wound. If we face the issue and reject strong antitrust enforcement, I, for one, do not wish to contemplate the alternatives. Perhaps the fact that the consequences of failing to enforce the antitrust laws have led us to our current state of affairs, may finally bring about a revival of vigorous antitrust enforcement as a keystone of our economic policy. Mr. Mueller's article makes clear the pressing case for doing so and I commend his article to all who have a concern for getting our economy back on track. I ask unanimous consent that the article be printed in the RECORD.

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

#### MONOPOLY

(By Charles E. Mueller)

The sad state of the American economy has become a partisan matter again—even for the economists, whose reputation as

neutral and effective technologists has suffered somewhat in the conflicting and often erroneous pronouncements they have offered to explain our simultaneous burdens of high unemployment, stagnation, and inflation. Few people, strangely, have pointed to the one economic phenomenon that is acknowledged to increase both prices and unemployment: monopoly, which produces higher-than-competitive costs and prices, reduced output, more unemployment, reduced rates of technological progress, and high levels of advertising to differentiate (in some psychological sense) the physically identical products of rival manufacturers.

The mere presence of monopoly, with its centralized control and the violence it does to the reality of a free market, is supposed to raise the blood pressure of the true conservative. Yet there is little agitation in conservative circles for a full-scale antitrust campaign, although it can be shown that monopolist tendencies characterize about one-fourth of all U.S. industries numerically and a far greater portion of all corporate assets. This concentration exists not only in the well-known industrial giants like steel and automobiles but also in an enormous variety of more obscure markets: typewriters, chewing gum, razor blades, and biscuits, to name a few. The effects of monopoly—on the consumer, especially the poor, and the society as a whole—are supposed to be particularly offensive to liberals. Here again, however, there has been little agitation, even though monopoly is estimated to cost the country between a \$16-billion rock-bottom figure and a \$230-billion annual price tag espoused by a Senate subcommittee—with no offsetting economic benefits whatever.

So the economy, in all its confusion and pain, looks by its symptoms as if it suffers from monopoly. It also is, by the available evidence, burdened with excess concentration. Monopoly has no friends in theory nor advocates in public politics. It is not only a drain on the nation economically but a threat to individual freedom because of the monopolist organization's power over its customers and control over the security of its employees; and monopoly, given sufficient political will on the part of the nation, is relatively easy to eliminate by requiring the guilty corporations to spin off smaller competitors. Despite all this, there is no major mobilization against economic concentration, and the merger trend continues. Assistant Attorney General Richard McLaren, head of the Justice Department's Antitrust Division, has initiated a modest antitrust campaign. But even that effort is small in comparison with the task, and it is considered quite separate from the woes that beset Professors McCracken, Shultz, and Burns, the President's top economic advisers. Antitrust questions, in short, are nearly irrelevant to economic policy at a time when they should be at the forefront of the debate.

Perhaps the second most important concept in economics today—second only to the Keynesian proposition on the relationship between aggregate national expenditures and full employment—is the concept of a relationship between the structure of a product market and its social performance. In brief, it has been established beyond the point of really serious dispute that, without any necessary collusion or conspiracy, an industry becomes effectively monopolized when the four largest firms control 50 per cent of the market or more.

More than 25 major statistical studies in the last decade have all identified the four-firm/50 per cent level as the point at which market monopolistic effects set in regarding prices, profits, and costs. This is a very conservative dividing line. In other words, many American industries with less concentration—say, with five firms having 50 per cent of the market or four firms with 40 per cent—also show signs of monopoly; but the evidence is so pronounced at the four-

firm/50 per cent level that the significant monopolistic effects can safely be attributed to any industry which meets that test.

The Supreme Court has actually recognized a far stricter standard in one area of antitrust law—mergers. In a 1966 case, *United States v. Von's Grocery Company*, the Court disallowed a proposed merger between two California grocers who each controlled only about 4.5 per cent of the market—on the grounds that their combined market share of nine per cent would tend to restrict competition. Since then, prevailing judicial decisions have prohibited direct mergers that give two companies more than about eight or nine per cent of the market. But the Supreme Court has not handed down antitrust decisions against the multitude of existing companies that are already much more monopolistic than Von's Grocery. Nor has the Court barred the acquisition of monopoly power by means other than direct merger, such as advertising or market growth made possible by subsidies from a parent conglomerate.

If the Supreme Court's merger test were applied to existing American industries, the vast majority of major corporations would be held in violation of antitrust law. Far fewer industries qualify under the four-firm/50 per cent test, but the many industries that do qualify are far more concentrated than California grocers. In any case, the four-firm/50 per cent measure has been confirmed as a reliable indicator of substantial monopoly power by a host of detailed studies both in and out of the government. It is considered, in the words of Richard McLaren's economic assistant, a kind of "collusion index."

This identification of a boundary line between relatively competitive industries, on the one hand, and monopolized industries, on the other—and of the vast differences in social performance that they spawn—is of enormous practical significance. Knowing a point at which competition ceases to function in its socially desirable forms, we have for the first time some workably exact policy guidelines for a realistic industrial reform program. Thus there is no need to atomize the country's automobile industry back to the situation that existed in the second decade of the century—in the early years when there were more than 100 separate firms making automobiles. Separating General Motors into, say, five companies (Chevrolet, Pontiac, etc.) and Ford into, say, three, would produce a quite competitive automobile industry—one in which no firm would have more than about 10 per cent of total industry sales, and therefore no four would have more than roughly 40 per cent. We can say with considerable confidence that this modest change in the auto industry's structure would result in a rather prompt decline in auto prices, an increase in output (more employment), safer and more pollutant-free cars (technological advancement), reduced advertising expenditures on autos, greater opportunities for smaller entrepreneurs both to manufacture and distribute automobiles and related products, and other such socially beneficial changes.

How many industries would we have to push back over the 50 per cent (four-firm) concentration line? In crude terms, the answer is about 100 industries (out of a Census Bureau total of 430) if one wants to be fairly thorough about it, or at least a dozen if one is satisfied to get the core of the job done now and leave the mopping up to the next generation. What would it get us in terms of dollars saved? Ralph Nader has estimated that monopoly in all of its various forms costs the consumer over 20 per cent of every dollar spent, or more than \$100 billion per year. Senator Hart has put the figure at 35-40 per cent (\$170-230 billion per year). Part of this estimate represents a loss to the entire public—a lowering of the national standard of living—and part of it represents a shifting or displacement of income: from

workers to monopolists, from labor to capital, from small competitive businesses to industries of monopoly like advertising. Senator Hart's figure may turn out to be on the low side for the combined total if a program of serious reform is ever undertaken and the real extent of overpricing in these industries exposed to the light of day.

Economists working in this area offer more refined estimates of the actual public losses traceable to the absence of competition in these oligopoly industries. For example, two leading economists in the industrial organization field, William G. Shepherd and Frederic M. Scherer of the University of Michigan, have recently made separate estimates of the country's overall monopoly losses. The most conservative of these two sets of estimates, those of Shepherd, are that: a) price tend, on the average, to be 10-30 per cent above the competitive level in the intermediate and tight-oligopoly industries; b) "market power appears to double or triple the margin of extra profitability over bedrock minimum competitive profit levels of six to eight per cent"; and c) costs tend to be increased by, on the average, some five per cent where concentration is very high." For the economy as a whole, the unnecessary costs borne by the nation as a result of its monopolies—cost being measured in the technical terms of "welfare loss" or lost output—are estimated by Shepherd at about three per cent of national income (approximately \$16 billion in 1966). Scherer, applying somewhat broader criteria, puts the national welfare loss here at something on the order of 6.2 per cent of GNP, or, at current levels, roughly \$60 billion per year.

The few litigated cases in which good business and statistical data have been made available indicate that the cost-effects of monopoly are almost invariably a great deal higher than those suggested here. In one case, for example, involving a price-fixing conspiracy in the sale of bleachers (folding seats used by schools and other institutions), prices rose 32 per cent during the period in which the conspirators were agreeing on them. The profits of the firms involved reflected only nine percentage points of that increase, however, the other 23 points having been wasted by the conspiring firms on inflated conspiracy-related costs. When the conspiracy was broken up by an antitrust lawsuit, prices fell by the whole amount, 32 per cent—not by just nine per cent, the amount of the residual monopoly profits.

Other cases have revealed similarly large gaps between the non-competitive and the competitive prices of goods and services. The recent breakup of a price-fixing conspiracy among a group of bakeries in the state of Washington resulted in a drop of nearly 20 per cent in the price of bread in the area. Consumers in Seattle alone, for example, realized a savings of some \$3.5 million per year from that price decline, or total savings of approximately \$17.5 million over the five-year period since that conspiracy was broken up in the latter part of 1964. A still more important example of this phenomenon is provided by a recent price-fixing case involving the well-known antibiotic drug, tetracycline. Its price fell by approximately 75 per cent after the conspiracy was broken up, for total savings to its purchasers of some \$60 million per year. The price-fixers had charged 51 cents per capsule for a product that cost them 1.6 to make.

Whether one chooses the stringently conservative "welfare loss" figures suggested by Shepherd as the appropriate measure of monopoly's annual cost or the more robust \$100-230 billion figure suggested by Nader and Hart, it is clear enough that the losses associated with the country's monopolized industrial sector are fairly staggering. Even that smallest of the technical estimates, \$16 billion per year, is hardly insignificant alongside the cost figures associated with some of

the more monumental of the country's other major problems:

the country's total crime bill was \$32 billion last year.

the Vietnam war cost us \$27 billion last year.

removing the major sources of pollution would cost an estimated \$15 billion per year.

eliminating poverty (\$3,000 minimum for all families) would cost an estimated \$11 billion per year.

#### FROM RAZORS TO EXPLOSIVES

How much of the American economy has already been monopolized? "All in all," Shepherd estimates, "at least 35 to 45 per cent of market activity in the United States appears to take place under conditions of substantial market power." In the manufacturing sector, for example, out of a 1966 total of 420 manufacturing industries, there were 129 industries in which the four largest firms held 50 per cent or more of their respective industry's total sales. Nearly 50 per cent of all manufacturing activity in the country took place in industries in which the four-firm share was 70 per cent or more in that year. Shepherd concludes that the average American manufacturing industry is one in which the four largest sellers account for 60 per cent of the industry's total sales.

The table below lists a sampling of the American manufacturing industries that, in Shepherd's opinion, are currently non-competitive in character—together with the share of their total sales held by the four largest firms and their estimated "value added" in 1966.

[Dollars in millions]

Industry	4-firm share (percent)	Value added (1966)
Razor blades and razors	98	\$145
Locomotives and parts	58	318
Flat glass	96	431
Aircraft propellers and parts	96	133
Primary aluminum	95	725
Aircraft engines and parts	95	2,725
Electron tubes, receiving	95	244
Sewing machines	95	97
Safes and vaults	95	64
Motor vehicles and parts	84	15,450
Telephones and telegraph apparatus	94	1,432
Electric lamps	93	495
Soaps and other detergents	90	1,297
Pharmaceutical preparations	90	3,447
Metal cans	90	1,043
Computing and related machines	90	2,828
Steam engines and turbines	90	505
Aircraft	90	4,675
Hard surface floor coverings	89	135
Cathode ray picture tubes	89	472
Chewing gum	88	177
Primary batteries	88	167
Carbon and graphite products	88	175
Cereal preparations	87	443
Chocolate and cocoa products	85	180
Sanitary paper products	85	476
Pressed and blown glass	85	709
Engine electrical equipment	85	\$753
Glass containers	80	763
Cement	80	839
Brick and structural tile	80	275
Gypsum products	80	222
Blast furnaces and steel mills	80	9,644
Primary copper	80	363
Aluminum rolling and drawing	80	862
Photographic equipment	80	2,282
Household laundry equipment	79	416
Typewriters	79	2,828
Household vacuum cleaners	78	156
Flour, blended and prepared	75	206
Pulp mills	75	365
Internal combustion engines	75	1,075
Household refrigerators	72	752
Industrial gases	72	363
Explosives	72	255

But what about "scale economies"? Aren't huge corporations and therefore concentrated industries required for efficiency? The answer is no. As Shepherd sums it up, "in the great majority of industries, efficient scale in plant production is reached at small, even miniscule, shares of the industry." Thus one industrial scholar, Thomas Saving, found that in over 70 per cent of his industries by

number (86 per cent by share of employment), "minimum optimum" plant size is less than one per cent of industry size. In automobiles, for example, estimates made in the late 1950's were that all economies were realized in plants producing at most 7.5 per cent of total industry sales (300,000 to 600,000 cars then). The larger plants are no more efficient in production.

What about the effect of such a reform program on the country's research and development effort? Aren't our big monopolies and oligopolies the ones that, via their gleaming laboratories, turn out the inventions and innovations that make us the world's leader in technological progress? Again, the answer is no. The big firms in oligopoly industries devote a great deal of effort to suppressing new innovations that would require them to write off as losses their heavy investments in plants rendered obsolete by the invention and innovations of the medium- and smaller-sized firms in their industries. Summarizing Scherer's earlier findings on the conventional wisdom that the larger firms in our oligopoly industries account for the bulk of our technological progress, Shepherd notes that innovation does tend to "increase with concentration at relatively low levels of concentration," but that this phenomenon is short-lived. "When the four-firm concentration exceeds 50 or 55 per cent, additional market power is probably not conducive to more vigorous efforts and may be downright stultifying." For the leaders in a highly concentrated industry, the most profitable course is to let the smaller firms carry the risks of innovation and buy them out later if imitation fails.

IBM and General Motors are prime examples of this incentive to imitate rather than innovate. "Contrary to popular impressions carefully cultivated, IBM is not regarded professionally as a leading inventor or innovator," writes Shepherd. A series of major improvements, including both the larger 360-line computers and the time-sharing systems, "have originated with other sources, with IBM often following developments." The auto industry has succeeded in suppressing innovation in the development of automobile safety features, anti-smog technology, the small car (abandoning it, until recently, to foreign producers), and more efficient, lower-cost retailing (the industry's "exclusive dealing" arrangements with its dealers prevent the development of "chain" retailing of automobiles or discount-store operations, those handling all makes rather than just one). The principal technological contribution of the auto industry is the annual style change—which is estimated to increase the price of the average automobile by about 25 per cent, or approximately \$7 billion per year.

#### THE TARGET PRICE

But what about the advertising role of the giant firms in oligopoly industries? Isn't it the more than \$20 billion spent on advertising in the United States each year, the bulk of it by these major oligopolies, that keeps consumer demand high and thus prevents unemployment? On the contrary, advertising, at least in the excessive form associated with our major oligopoly industries, can actually be a cause of unemployment in some industries. High-intensity advertising creates high concentration, and concentration in turn produces higher prices and reduced levels of output—thus fewer employed people.

The rather spectacular conceit of Madison Avenue in suggesting that its labors have something to do with keeping the American economy in motion is on an intellectual par with the rooster's conviction that it is his crowing that causes the sun to rise in the morning. No reputable economist believes that America's real standard of living would waver in the slightest if the entire advertis-

ing industry closed up shop tomorrow. The fact of the matter is that Americans spend, year after year, approximately 93 per cent of their aggregate disposable income. They have done so for more than 50 years, despite the fact that advertising did not become a giant among American industries until the 1950's. The advent of television brought not only huge growth in advertising but also a qualitative change, as the emphasis shifted away from the transmission of product information toward the creation of a pleasant psychological atmosphere around the product. Television was indispensable for this shift. The function of advertising is to transfer the consumer's quite stable propensity to spend from one "brand" to another, or from one product to another. Advertising can induce the consumer to shift his money from Fords to Chevrolets, but it has always been quite powerless to induce him to raise his total spending from 93 per cent of his disposable income to 94 per cent.

Excessive and misleading advertising occurs in its most socially significant forms in relatively concentrated industries. In some industries—cosmetics, for example—these advertising expenditures run to as much as 40 per cent of the product's total sales volume, with price increases required to recover those costs and make a profit on the capital invested in the advertising itself. Highly-advertised products tend to be roughly 20 per cent more expensive than the identical products sold by the industry's oligopolists to their largest customers (for example, the chain food stores) under the latter's own "private" brand names. In the summer of 1970, for example, consumers generally paid 89 cents for a 14-ounce bottle of Listerine, while the same mouthwash in the same size bottle cost only 59 cents under the A&P private label, a price difference of 33.7 per cent. An 11-ounce can of Rapid Shave cost 95 cents, while the same product cost only 49 cents with an A&P label. The usual practice is for the supermarket chains (which are themselves not exactly small entrepreneurs) to purchase products from the brand producers under a contract which allows the private label. Sometimes the price differences can be enormous. A recent investigation by staff of the Federal Trade Commission showed, for example, that Washington, D.C., consumers pay 580 per cent of the price for Peoples Drug Store aspirin to get the same relief with a Bayer label.

America's great monopolies, as the critics quite accurately point out, select the level of monopoly profits they think they can get away with and then price accordingly (e.g., General Motors' "target pricing" to yield a 20 per cent after-tax return on its stockholders' equity). Styling, advertising, and the like are then "planned" to yield the level of consumer demand required to produce that pre-planned level of profits. Gosplan, the Soviet economic planning agency in Moscow, operates an automobile monopoly in the Soviet Union in precisely the same way—and with even worse results.

#### MONOPOLY'S HELPERS

There are two general techniques for controlling the prices of monopoly firms: the imposition of some form of regulation, such as wage and price controls, upon existing companies, and the reduction of concentration in the offending industries. Wage and price controls are neither popular nor efficient for keeping prices at a competitive level over the long haul. And price-setting by a governmental agency has been a thoroughgoing disaster by virtually all standards. The "big seven" regulatory agencies—the Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, etc.—are consistently captured by the industry they purport to be regulating—and they end up presiding over an output-restricting price-increasing, cartel

arrangement that tends to be worse, if possible, than the situation in unregulated oligopoly industries. One study shows, for example, that the airline fares fixed by the CAB are at least 30 per cent higher than the prices prevailing in the unregulated, intrastate California airline market. The unregulated Pacific Southwest Airlines charges a coach fare of \$16.20 for a Los Angeles-San Francisco flight, while the CAB sets much higher fares for flights of equivalent distance on the major airlines: \$33 Chicago to Minneapolis, \$34 Cleveland to Philadelphia, \$33 Los Angeles to Phoenix, and so on. This price inflation implies a consumer loss from the CAB's ministrations of as much as \$1 billion a year. The ICC's annual cost to the consumer is estimated to be several times that figure.

Regulation is ineffective precisely because it does not remove the market power of the oligopolies which now pervade the American economy. This market power not only wears down the zeal of the most ardent regulatory crusaders but also provides the muscle for corporate acquisitions that further concentrate American industry. Monopoly power tends to snowball, spending most of its energy in the pursuit of more control and more security, which in turn makes it more difficult to turn business energy from lobbying and mergers to the competitive customer service which is supposed to make free enterprise socially useful in the first place.

Breaking up the stifling, glutinous masses which characterize many American industries is obviously the superior solution. Antitrust judgments are relatively simple to execute, and they remove the harmful effects of market control by going to the source of the problem. The hulking obstacles to this logical solution are of course the monopolies themselves, which is ample evidence of how far the snowball has rolled. General Motors, Ford, Standard Oil, U.S. Steel, and the country's other major oligopolists would hardly be enthusiastic about having their price-raising monopoly power taken away from them, and it is reasonable to suppose that they could devise a substantial amount of political unpleasantness for any administration that actually directed its antitrust agencies, the Antitrust Division of the Justice Department and the Federal Trade Commission, to make antitrust enforcement a principal tool of economic policy by breaking up the oligopolies which make our current antitrust laws almost ludicrous in a law and order era.

Part of the enforcement problem stems from the lack of economic sophistication among the attorneys and jurists charged with interpreting antitrust laws. The courts tend to view the issue as one of predatory business practices and collusion. They see market control only when there is evidence of a price-fixing scheme or other monopolistic agreements among competing corporations. Market consideration *per se* is not considered conclusive evidence of monopoly, although all the harmful economic effects of monopoly are demonstrably in operation. The courts are reluctant to stand on economic evidence, and they tend to look prudently for documents or testimony to show that an anticompetitive "deal" has been made. This judicial hesitancy could be overcome by new legislation, a law making a four-firm share of more than 50 per cent of any product market *prima facie* evidence of monopoly.

#### THE HIGH PRICES OF UNEMPLOYMENT

Such explosive legislation, like antitrust enforcement itself, would clearly run into a political hailstorm—virtually all major politicians depend on contributions from the representatives of American oligopolies. To a large extent, these contributions come from monopoly profits and carry, of course, an implicit understanding that the receiving

candidate will not take the legal steps necessary to erase the larger pool of such profits from which he has taken his tithe. In less respectable circles, this is known as a kick-back—the beauty of which is that both parties to the transaction have their needs taken care of to the unmitigated loss of the public.

Despite the long odds and the formidable opposition, these economically sophisticated legal battles must be undertaken and the necessary political coalitions must be built to remove monopoly power from the United States. For now, the issues are primarily those of economic injustice caused by the violation of every market principle on which the corporation rhetorically stands. The current unemployment only dramatizes this violence, as anti-inflationary policies that ignore monopoly have put 1.8 million people out of work in the last 18 months. In a sense, these people have taken the rap for the continuation of monopoly power among the biggest businesses. Beyond the economic issues, market power presents questions of basic freedom. Even now, it is not too difficult to imagine one's having qualms about filing an antitrust suit against an American oligopoly, for fear of losing the insurance policy, credit rating, or job that might lie within the control of the oligopoly, or in the control of its friends in high places.

#### ADMINISTRATION DELAY DESTROYS SMALL BUSINESS

Mr. McGOVERN. Mr. President, few of us are unaware of the special problems confronted by small businesses faced with an obligation to comply with the consumer and environmental laws of the 1960's.

Congress has repeatedly attempted to assist such firms. Yet the Nixon administration has been equally determined to block the help which Congress has authorized for thousands of small and independent businesses throughout the country and particularly in agricultural States. We have seen constant footdragging by the White House and the Small Business Administration, and substantial numbers of businesses have already been closed as a direct consequence.

In May of 1968 the present chairman of the Small Business Committee (Mr. BIBLE) introduced S. 290, asking the SBA to study the capital needs of 7,000 small meatpackers required to conform with the standards of the Wholesome Meat Act of 1968. In April 1969, a bill proposing emergency loans for compliance, at interest rates equal to the cost of money to the Government plus 1/4 percent, was introduced. It was subsequently enacted as part of three statutes: the Coal Mine Safety Act of 1969, the Occupational Health and Safety Act of 1970, and the Egg Product Inspection Act of 1970. It would have assisted small businesses impacted by wholesome meat and wholesome poultry laws and by the egg product requirements.

Meanwhile consider the dismal record of the Nixon administration:

In June 1969, the new Small Business Administrator testified against the loan assistance bill saying the problem was not urgent.

In July 1970, the Small Business Administrator repeated his opposition before the Senate Banking Committee.

Although it has been more than 3 months since the most recent of these

measures was enacted, the administration has refused to ask for a single dollar for their implementation.

The Small Business Administration refuses even to accept applications for loans under the 1970 legislation.

Next month will be 3 years since SBA began researching the capital needs of businesses facing compliance with these Federal laws. Such a study would have been invaluable in considering the relief bills before the 91st Congress. It would have been most helpful in planning requests for implementing funds by the executive branch and the consideration of these needs by the congressional Appropriations Committees. Yet the study has never been released.

This is not an academic matter. Businesses are having their doors forced shut by Government inspectors across this country. More than 100 are now closed in Iowa, another 100 in Texas, and unnumbered dozens and perhaps hundreds in other States.

The record should be clear on why these businesses are closing.

Congress has asked that the problem be studied in time for a constructive solution. Congress has passed laws providing for financial assistance. Congress has asked on several occasions that the law be rapidly implemented. Congress has created a lifeline and put it in the hands of the executive branch of the Government to save thousands of small businesses from going under.

But the Nixon administration continues to look the other way.

#### THE REALITY OF WELFARE

Mr. HART. Mr. President, it is difficult if not impossible to understand the reality of welfare if one is not, and never has been, on welfare.

The reality of poverty can be understood fully only by the poor.

However, there are objective facts about poverty and welfare that all of us can understand.

Unhappily, because such facts often run counter to comfortable assumptions about welfare, we too often accept myths about welfare as the truth and ignore the facts.

But if we are to respond intelligently to poverty and the welfare mess, we must deal in facts, not myths; and a lack of experience in being poor is no excuse for a lack of understanding of statistical facts about welfare.

The National Welfare Rights Organization, in cooperation with the United Church Board of Homeland Ministries, has outlined these facts graphically in a recent publication.

The booklet is entitled "Six Myths About Welfare."

I wish the graphs and illustrations and the easily read layout all could be incorporated in the CONGRESSIONAL RECORD.

Yet even in the antiseptic style of the RECORD, the text continues to make facts clear. Also, the sources of the statistics and statements are identified.

In the belief that until we replace myths with facts about welfare, we cannot legislate or administer welfare programs wisely, I ask unanimous consent

that the text of "Six Myths About Welfare" be printed in the RECORD.

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

#### SIX MYTHS ABOUT WELFARE

**Welfare.**  
To the average working man, it's a hand-out, something for nothing.  
To the professional social worker, it's an archaic, frustrating bureaucracy.  
To the ordinary taxpayer, it's a seemingly endless drain on his weekly paycheck.  
To the political opportunist, it's the obvious scapegoat for governmental failure—for massive urban decay, maybe even inflation.  
To the welfare recipient it's much simpler. It's poverty. Guaranteed annual poverty.  
**Welfare.**  
Welfare Cadillac. Welfare fraud. The welfare mess.  
**Welfare.**  
We hear the words, read the words, even sing the words, every day. And believe the words—the words, the slogans, the myths, the lies that prevent us from ever really hearing or seeing or, most of all, understanding the reality of welfare: the reality of poverty.  
For a moment, at least, let's tune out the rhetoric and take a look at that reality.

#### 1. HARD WORK IS THE ANSWER TO THE WELFARE PROBLEM—IT'S A MYTH

Work might be a solution to the welfare crisis—if welfare recipients really were lazy men, dodging jobs. But the U.S. Department of Health, Education and Welfare (HEW) reports that less than 1% of the nation's welfare recipients are able-bodied men,<sup>1</sup> and these men have to be seeking jobs through their state employment agencies to be getting any welfare at all.

Considering that the unemployment rate in December 1970 was 6% of the labor force<sup>2</sup>—and the unemployment rate among blue collar workers even higher<sup>3</sup>—the number of able-bodied men receiving welfare is remarkably small.

Who really is on welfare?  
According to a recent survey by HEW:<sup>4</sup> 24% are old-age recipients (OAA), 8% are permanently and totally disabled (APTD), 1% are blind (AB), 50.3% are children (AFDC), 2.9% are incapacitated parents in the home (AFDC-UP or AFDC).

The remaining 13% are mothers. One-fifth of these welfare (AFDC) mothers are in job training or are already employed but are making so little money that they still qualify for welfare.

Are welfare mothers employable?  
Most welfare mothers are needed full-time by their own families. However, a small number, about 2.3% of all welfare recipients, could work—if certain conditions permitted.<sup>5</sup>

First, day-care services for children:  
A crucial need when you consider that some 70% of all AFDC children are under twelve years of age.<sup>6</sup> But, right now, day-care is very scarce and very expensive—at least \$1,915 per year for a pre-school child and \$634 for after-school and summer care for older children.<sup>7</sup> A mother with one pre-school child and another one in school would have to spend over \$2,500 a year for child care, which would probably be well more than half of her income. If she could find any day-care at all. Many women can't: as of last year, HEW estimated there were some 5 million children who desperately needed day-care; but there were only 640,000 spaces available in licensed facilities.<sup>8</sup> In other words, the need for day-care is already seven times greater than the supply. And the need is growing rapidly.

Secondly, improved education and training:

Another crucial long-term need; but right now, not a very immediate solution to the poverty problem. The fact is that only 18% of all AFDC mothers have ever completed high school. Nearly 34% have never gotten beyond the eighth grade.<sup>9</sup> Considering what it takes to find a steady job today, most unemployed AFDC mothers would have both to finish high school and to complete a training program before even trying to enter the job market.

Are decent jobs available for employable welfare mothers?

Even if a welfare mother could find child care, complete her education, and obtain a skill, she still would be hard put to find any work at all. The jobs simply are not there. For instance, last year in Cleveland, Ohio, there were some 16,175 jobs available to women. But there were 22,596 women looking for jobs (including 621 employable welfare mothers).<sup>10</sup>

In Cleveland, as almost everywhere else in this country, there just aren't enough jobs to go around.

And the few jobs that are available rarely provide enough income to support a family. Although women in general are better educated than men, unemployment has been consistently more severe among women over the last decade. In 1967, for example, the unemployment rate for women was 5.2% as compared to 3.1% for men.<sup>11</sup>

Not only are women discriminated against in hiring, they are also grossly underpaid for doing the same kinds of jobs that men do.<sup>12</sup>

#### INCOME OF YEAR-ROUND, FULL-TIME WORKERS IN 1968

Occupation	Women	Men
Clerical workers.....	\$4,002	\$7,034
Operatives.....	3,506	6,209
Nonfarm laborers.....	2,984	4,165
Sales.....	2,248	7,369
Service.....	2,226	4,820
Private household.....	806	

The problem is income, not jobs.  
Having a job is no guarantee against poverty; among all women who worked 35 hours or more per week for 50 to 52 weeks in 1966, 26% had incomes from all sources (including alimony) of less than \$3,000.<sup>13</sup>

Obviously, the problem is getting an adequate income, not just getting a job.

Although the number of able-bodied adults on welfare is infinitesimal and unemployment rates increasingly higher, the welfare system clings to the 19th Century notion that "putting them to work" is the answer. Under the relatively new Work Incentive Program (WIN), the welfare department can order a mother to take training or a job arranged by the state or local employment office, with the threat of cutting her off welfare if she does not accept it—force her to take any job, even if it's not covered by minimum wage laws. In the South especially, where cheap "domestics" are in greatest demand, the WIN program can be tantamount to involuntary servitude.

Should any mother be forced to leave her home and children for an outside job?

Whether or not one accepts the notion that child-raising should be "woman's work," the fact is that in most American families child-raising is woman's work—and hard work at that. If a woman's husband dies or leaves home, does child-raising suddenly cease to be "work"? In effect, that's what the welfare department is saying when it defines "work" solely as a job outside the home. The reality, of course, is that a woman who becomes the head of a household is doing more work, being both the father and the mother to her children. It's at least paradoxical, perhaps cruel, that a society which traditionally extols the virtues of motherhood is simultaneously forcing some mothers to leave their homes and children for low-wage, dead-end, outside jobs.

#### 2. MOST WELFARE RECIPIENTS ARE BLACKS WHO HAVE MOVED TO NORTHERN CITIES JUST TO GET ON WELFARE—IT'S A MYTH

The majority of welfare recipients are White—about 55%, according to HEW. Thirty-nine per cent are Black, and 6% are American Indian and others.<sup>14</sup>

More importantly, the most recent studies refute the notion that black people who moved to northern cities did so to get higher welfare payments.

During the two decades following World War II, some 20 million Americans moved from rural to urban areas. About one-third of these migrants were non-white, and most of them (about 90%) did settle in the great northern industrial cities. But to get jobs, not to get welfare: during the peak migration period, 1950 to 1960, when large numbers of black people were moving to the North, the nation's welfare rolls rose only 17%—this despite the fact that male, non-white unemployment rates during the decade after the Korean War were particularly severe (9% to 15%).<sup>15</sup>

Significant increases in the welfare rolls (108% from 1960 to 1968) didn't begin to occur until long after the peak period of migration had passed.<sup>16</sup>

Black people may have moved north for a variety of reasons—in hope of better jobs, better education, less oppressive discrimination, or simply to be near friends and relatives who had already moved. But there is no evidence at all that black people—or rural poor people in general—have migrated to the North in order to get on welfare.

#### ALL WELFARE MOTHERS DO IS HAVE ILLEGITIMATE CHILDREN—IT'S A MYTH

And a particularly vicious myth, both because it grossly distorts reality and because it generates the widespread feeling that welfare recipients are the "undeserving poor" who should, apparently, be allowed to starve.

First, we tend to believe that welfare recipients have more children than the rest of us, lots more. The stereotypical welfare family of twelve. But actually, the average welfare family has only about three children.<sup>17</sup>

Secondly, we tend to assume that all welfare children are "illegitimate." The facts indicate that about 30% of the AFDC children are "illegitimately" born—which demonstrates, to begin with, that the myth is a vast exaggeration, but doesn't really respond to the suspicion that welfare recipients are more promiscuous than other Americans. To put this suspicion in perspective we have to remember that an "illegitimate" birth is just one indicator of extra-marital intercourse. A lot of babies are conceived out of wedlock but are not born out of wedlock: timely marriages. In fact, a recent report for HEW showed that one-third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock; yet, by the time these children were born; nearly 66% of the mothers had married, making their children "legitimate" in society's eyes.<sup>18</sup>

There is further evidence of "illegitimate" behavior (extra-marital intercourse) which was not recorded in illegitimate births: it's been estimated that nearly one million abortions were performed in this country in 1969.<sup>19</sup>

We cannot even measure the illegitimate behavior that is "covered-up" by the use of contraceptives.

The point is, illegitimate births are recorded—illegitimate behavior is not. The illegitimate behavior of affluent people is more easily concealed through quick marriages, privileged abortions, and contraceptives (which are sometimes illegal, too).

Welfare recipients may or may not be more promiscuous than affluent people. We don't know. All we do know is that poor peoples' illegitimate babies are more likely to be recorded for public condemnation.

Footnotes at end of article.

**WELFARE IS THE GOOD LIFE—COLOR TV'S AND CADILLACS—IT'S A MYTH**

An absurd myth really, though a particularly popular one, apparently even with President Nixon, who once requested the song "Welfare Cadillac" (sic) at a formal White House function.

The mystery—a mystery that neither the songwriters nor the President have yet explained—is how a Mississippi welfare mother manages to pay her rent, buy food and clothing for herself and three children and still purchase the new Cadillac on \$59 per month.

Whereas the Mississippi welfare payment is patently absurd, New Jersey, the most "liberal" welfare state in the nation, pays a benignly inadequate \$341 a month (July 1970).

Compared to Mississippi welfare payments, \$341 may seem like a lot; but computations based on a U.S. Bureau of Labor Statistics (BLS) survey show that a family of four needs at least \$458 a month (\$5,500 a year—1969 prices) to live in minimal health and nutrition. That makes the New Jersey figure \$117 a month short—\$117 short of what it takes simply to survive.

The White House Conference on Food, Nutrition and Health endorsed the \$5,500 figure as the ultimate solution to the hunger problem. Yet, even this is no bargain. A Gallup Poll reported in February 1970 that the American public, when questioned about the minimal cost of living, felt that a family of four could not get by on less than \$520 a month.<sup>20</sup>

Whatever definition of adequacy you choose, the level of welfare payments in every state in the union is nothing but guaranteed annual poverty.

What do these facts and figures mean to a real welfare family?

They mean that the family will probably live in crowded, substandard housing, infested with rats and roaches. That they will send malnourished, ill-clothed children off to inferior schools. That they will eat starchy, unbalanced meals: try it yourself—on 18½ cents a meal. That they will probably be obese and eventually become ill. That day in day out, they will lead frustrating, frustrated lives; day in day out, living with the shame of poverty—feeling it their shame, not ours; day in day out, on the lowest rung of the ladder: on welfare.

Welfare is the "good life" only for those who have never experienced it.

**MOST WELFARE RECIPIENTS ARE CHEATERS—IT'S A MYTH**

Any taxpayer who wants to believe the other "good life" myths about welfare must also assume that recipients make fraudulent claims. ("How else could they buy those Cadillacs on their allowances?") But, again, the U.S. government's own facts refute the charge. In 1969, a government investigation of fraud established that only four-tenths of one percent—or 4 out of every 1000—of all welfare cases were fraudulent.<sup>21</sup> Compare that figure to these statistics on national tax fraud and evasion:<sup>22</sup>

	Reported income (billions)	Unreported (percent)
Farmers, small businessmen, and professionals.....	\$12.0	28
Wage and salary earners.....	6.5	3
Receivers of interest.....	2.8	34
Receivers of dividends.....	.9	8
Receivers of pensions and annuities.....	.6	29
Receivers of rents, royalties, and capital gains.....	1.2	11

Cheating a little on your income tax is one form of casual, almost institutionalized fraud. There are many others, equally casual, "acceptable." From padding expense accounts to short-changing highway toll machines.

But that's beside the point.

The point is, that for America's 12 million recipients, the welfare system itself is a fraud; poverty, the only reality.

Given the temptation, given that a few dollars more or less welfare money may be a matter of survival, the prevailing honesty of welfare recipients—their fidelity to the rules of the very system which keeps them poor—is, to say the least, remarkable.

**WELFARE TAKES MOST OF YOUR TAXES—IT'S A MYTH**

The American Paradox—poverty amidst plenty. "Well, we'd like to do more, but most of our tax money is already going for welfare."

Is it?

Take a close look at the federal budget. Here's where your taxes really go:

FISCAL 1971, FEDERAL BUDGET, \$201,000,000,000

	(Dollar amounts in billions)	
	Percent	Amount
Military programs.....	36.7	\$73.6
Foreign affairs.....	1.8	3.6
Space programs.....	1.7	3.4
Farm subsidies.....	2.7	5.4
Interest on debt.....	8.9	17.8
Public welfare, payments (includes AFDC, OAA, AB, and APTD).....	1.9	4.2
Other programs.....	46.2	92.9

Source: U.S. Bureau of the Budget, February 1970.

Thus, in fiscal 1971, the federal government is subsidizing a sub-poverty existence for nearly 12 million Americans on less than 2% of the federal budget.

Nor is the cost of this 2%, nor any other percentage of the federal budget, distributed equally among all Americans, as the ostensible tax structures would seem to claim.

The fact that the more a person earns, the more able he is to avoid paying his fair share of the cost of the nations governing. For instance, in 1967 tax loopholes allowed 155 Americans with incomes of over \$200,000 each to avoid paying any federal income tax at all. In this group of "big welfare recipients," twenty-five had incomes of over \$1 million per year.<sup>23</sup>

When someone else pays less, the rest of us pay more: 88% of all taxpayers earn less than \$10,000 a year; yet this 88%—mostly wage earners and salaried professionals—bears the brunt of federal and state taxation.<sup>24</sup>

Nor is the phrase "big welfare recipients" mere rhetoric: because of discriminatory and inequitable tax concessions, a man making over \$5 million a year may actually pay about the same percentage of his income in federal taxes as a man making only \$20,000 a year.<sup>25</sup>

On the average, Americans—rich and poor alike—actually pay about 20% of their incomes in federal taxes.<sup>26</sup>

Such tax concessions to the few rich annually cost the U.S. Treasury \$40 billion—or twenty times the amount we pay to support, in misery, the many American poor.<sup>27</sup>

There are direct subsidies to the wealthy, too. For instance, last year 415 farm owners received over \$100,000 each in subsidies from the Department of Agriculture. These were not small, poor farmers; they included major corporations, banks, and large landowners. Senator James Eastland, alone, received over \$146,000 for not growing cotton on his plantation in Mississippi.<sup>28</sup>

Our oil subsidy program (via depletion allowances) doesn't even appear in the federal budget as a subsidy; but it still costs the average taxpayer—costs all of us—at least \$1.5 billion a year.<sup>29</sup>

On the state and local level, it's harder to generalize about the relative cost of welfare. But a couple of things are clear.

First, while no state in the union provides truly adequate welfare payments, some states are vastly more inadequate than others: \$59 a month for a family of four in

Mississippi; \$341 a month for a family of four in New Jersey. The lack of a uniform, adequate federal welfare system means that some Americans are bearing a wholly disproportionate share of our common social responsibility.

Secondly, the same preferential concessions that make for inequity in federal taxation are often perpetuated on the state level. In addition, other state tax structures—the purely regressive sales tax, for instance—promote further injustice. The sales tax, for one, literally takes bread from the table of poor families, yet hardly affects the life style of the affluent at all.

While corporations and wealthy individuals are getting tax breaks, the welfare recipient who works is being taxed at a rate of 66%,<sup>30</sup> a rate far greater than that actually paid my multimillionaires.<sup>31</sup>

For the welfare recipient, for the working poor, and for an increasing number of middle-class taxpayers, it's becoming clear that the biggest myth of all is the myth of "America, the Just Society"—the promise of a fair share for each of us in the country's general prosperity. The promise has not panned out: the top one-fifth of our society receives 43.8% of the nation's aggregate income; the bottom one-fifth receives only 3.7%.<sup>32</sup>

As some Americans move expectantly toward the promises of the 21st century, other Americans are left behind, mired in the miseries of the nineteenth. True welfare, the good life, is still really only for the wealthy. The poor are another story.

Welfare.  
Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.  
Welfare recipients have been listening to the words for a long time. The derisive songs. The rhetoric. The charges. The myths. Listening for a long time, in silence.

But in 1966 the silence ended. All across the country, welfare recipients began to talk back, to organize.

Blacks, Whites, Chicanos, Puerto Ricans, Indians—now 125,000 poor people in 714 local groups in 50 states. Poor people speaking up for themselves, for their right as Americans to a fair share in the good things of our national life. Decent jobs with adequate pay for those who can work; adequate income for those who cannot.

This is the National Welfare Rights Organization. Poor people speaking up for themselves out of the pressing reality of their own lives.

Whether or not their voices are heard depends a lot on the rest of us. There's very little chance for change so long as welfare recipients remain invisible Americans, cut off from us by myths and prejudices we may not even be aware we hold.

It's only when we begin to question what we've been taught to believe about welfare, and begin to perceive things as they really are, that we together can begin to make things better.

To that beginning—to the process of separating the myths about welfare from the reality—this pamphlet has been dedicated.

If you want to help, contact: National Welfare Rights Organization, 1419 H Street, N.W., Washington, D.C. 20005. Telephone (202) 347-7727.

**FOOTNOTES**

<sup>1</sup> U.S. Department of Health, Education and Welfare (HEW), "Estimated Employability of Recipients of Public Assistance Money Payments," July 1968.

<sup>2</sup> U.S. Department of Labor figure, as reported in *The Boston Globe*, January 9, 1971.

<sup>3</sup> U.S. Department of Labor, "The Unemployment Situation: July 1970," August 17, 1970. The unemployment rate for blue-collar workers in July was 6.5%.

<sup>4</sup> HEW, "Estimated Employability . . ." op. cit.

<sup>5</sup> HEW, "Estimated Employability . . ." op. cit.

<sup>6</sup> U.S. Department of Health, Education and Welfare (HEW), Social and Rehabilitation Service, National Center for Social Statistics, "Findings of the 1967 AFDC Study: Data By State And Census Division," July 1970, p. 4.

<sup>7</sup> Day-Care and Child Development Council of America, *Components and Annual Operating Costs Per Child for the Three Kinds of Day-Care Facilities*, 1970.

<sup>8</sup> Data as of March 1969, collected by the National Center for Social Statistics, HEW.

<sup>9</sup> HEW, National Center for Social Statistics, "Findings of the 1967 AFDC Study . . ." *op. cit.*, Table 40.

<sup>10</sup> Manpower Planning and Development Commission of the Welfare Federation of Cleveland, "Employment Opportunities for and Employment Characteristics and Attitudes of AFDC Mothers in Cuyahoga County," July 1970, pp. ii and iv.

<sup>11</sup> Wage and Labor Standards Administration, U.S. Department of Labor, "Women in Poverty—Jobs and the Need for Jobs," April 1968, pp. 2-3. One should remember that unemployment rates don't include people, who are "sub-employed"—people who have been so frustrated they've given up looking for work or who work only marginally. In central city slum areas, sub-employment rates are staggering: 36.5% in 1966 when the general U.S. unemployment rate was only 3.7%. (U.S. Department of Labor, *Sub-Employment in the Slums*, 1966.)

<sup>12</sup> U.S. Department of Commerce, Bureau of the Census, *Income Growth Rates*, P-60, No. 69, April 6, 1970, Table A-3.

<sup>13</sup> Wage and Labor Standards Administration, "Women in Poverty . . ." *op. cit.*

<sup>14</sup> Unpublished statistics obtained from HEW, Assistance Payments Administration Public Information Office, 1970.

<sup>15</sup> Piven, Frances Fox and Richard A. Cloward, *Regulating the Poor: the Functions of Public Relief*, to be published by Pantheon in May of 1971.

<sup>16</sup> Piven and Cloward, *op. cit.*

<sup>17</sup> HEW, National Center for Social Statistics, *op. cit.*, Table 5.

<sup>18</sup> HEW study reported in *The Boston Globe*, April 18, 1970.

<sup>19</sup> *The New York Times*, November 30, 1969.

<sup>20</sup> *The Boston Sunday Globe*, July 21, 1970, p. 47.

<sup>21</sup> HEW, Social and Rehabilitation Service, "Selected Data About Public Welfare," September 1969.

<sup>22</sup> Stern, Philip M., *The Great Treasury Raid*, Random House (New York: 1965).

<sup>23</sup> *The Boston Globe*, September 28, 1969.

<sup>24</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 180.

<sup>25</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 6.

<sup>26</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 5.

<sup>27</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 10.

<sup>28</sup> Senator John J. Williams, statement, *Congressional Record*, March 24, 1970.

<sup>29</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 10.

<sup>30</sup> Under the current AFDC program, working people may retain only one-third of their earnings: an amount equal to 66 2/3% of their earnings is subtracted from their welfare payment.

<sup>31</sup> Stern, *The Great Treasury Raid, op. cit.*, p. 23.

<sup>32</sup> The President's Commission on Income Maintenance Programs, "Poverty Amid Plenty: The American Paradox," November 1969, p. 38.

VISITOR PRESSURES ON NATIONAL PARKS

Mr. BEALL. Mr. President, our State and national parks represent a valuable national asset. As our Nation becomes more and more populated, the importance of our park system and the need to create more such areas loom even larger as growing numbers of citizens attempt to escape the pressure and noises of modern living in search for the peace and recreational relaxation that is possible in our parks.

Although I agree that "parks are for people," we must realize, however, that too many people or improper use may jeopardize the resources for future generations. Overuse that results in the abuse of our parks by today's Americans is shortsighted and represents both poor policy and poor planning.

The growing use of parks can be illustrated by the increase in visitor days in State parks of Maryland. It is my understanding that in these parks visitor days for fiscal 1971 reached 8.5 million. Projections indicate that by 1976, visitor days will reach 15 million; and by the year 2000, 30 million. These statistics for my State clearly indicate the need for planning to make certain that the proper balance between recreation needs and the conservation of our valuable natural resources is achieved.

I have met with Maryland groups concerned with the visitor pressure on State and national parks and the possible harm

that might result therefrom. As a result of these meetings, I requested the Library of Congress to undertake a study on "Visitor Pressures on National Parks." Mr. George H. Siehl, analyst in environmental policy, Environmental Policy Division, Library of Congress, recently completed this study. Because of its importance to the country and because of congressional interest in the subject, I ask unanimous consent that the study be printed in the RECORD.

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

VISITOR PRESSURES ON NATIONAL PARKS (Report by George H. Siehl)

INTRODUCTION

The popularity of our national parks is posing a threat to their continued ecological well being.

The establishment of the system of National Parks in the United States stands as one of the most foresighted policy determinations in the field of environmental conservation. It is a continuing tribute to that foresight that other nations around the globe continued to follow our example by establishing parks and park systems of their own.

Policies, however sound and innovative, do not guarantee success. There is a need for continuing review and evaluation of the programs established under those policies. So it is with the National Park System today.

This report is intended to present some statistics and commentary which give dimension and perspective to the problems of visitor pressures on the National Park System, the policy issues of use versus preservation, and the implications of allowing different types of use.

The report also outlines, briefly, some of the proposals which have been advanced to provide outdoor recreational opportunities and at the same time protect the national parks from permanent damage.

VISITOR STATISTICS

As the American public has gained in disposable income, leisure time, and perception of environmental amenities, they have increasingly sought outdoor recreational opportunities.

The units of the National Park System have borne a large portion of the growing recreational use. Some idea of the magnitude of the increased use of Federal parks may be obtained from table 1.

TABLE 1.—ANNUAL VISITS RECORDED AND PROJECTED FOR SELECTED UNITS OF THE NATIONAL PARK SYSTEM

	1950	1955	1960	1965	1970	Forecast 1975	Forecast 1980
Assateague				1,064,700	1,648,000	3,107,000	4,566,000
Yellowstone	1,110,524	1,386,500	1,443,300	2,062,500	2,297,000	2,574,000	2,841,000
Yosemite	820,953	984,200	1,150,400	1,635,400	2,277,000	3,039,000	3,673,000
Cape Cod				2,306,100	3,987,000	5,702,000	7,578,000
Everglades	123,405	247,100	579,200	977,600	1,274,000	1,766,000	2,198,000
All units NPS except National Capital parks	33,252,589	50,007,800	72,287,800	121,312,000	160,000,000	208,914,000	256,426,000
National Capital parks		6,565,000	6,941,200	9,171,300	9,000,000		

<sup>1</sup> 1968 data.

Table 2 presents statistics on the increasing visitor use of National Park Service units in Maryland, a populous state which has only one large federal park, Assateague Island National Seashore, which is listed in Table 1.

MANAGEMENT AND ORGANIC PARK ACTS

The increased visitor load has not been shared evenly among the various categories of units in the park system. Use of recreational areas "increased 17 percent of 1968, double the growth rate for the entire system" according to information released by Park Service Director George B. Hartzog.

The recreation areas are those designated Federally owned lands adjacent to major reservoirs such as Lake Mead. The areas are managed for intensive use, as contrasted with the natural area management concept applied to National Parks and National Monuments.

The National Seashores represent somewhat of a hybrid of the two above approaches, in that management is directed toward high levels of recreational use and toward preservation of portions of the natural conditions.

The conflicts which result from these often mutually exclusive goals stem in part from the language of the Act establishing the National Park Service in 1916, which states that the fundamental purpose of the parks: "is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (emphasis added)

TABLE 2.—ANNUAL VISITS RECORDED AND PROJECTED FOR SELECTED UNITS OF THE NATIONAL PARK SYSTEM IN MARYLAND

	1950	1955	1960	1965	1970	1975	1980
Antietam NBS.....	39,229	114,700	140,900	140,400	255,800	297,200	297,200
Calocott Mt. Park.....		9,800	194,500	336,900	600,500	768,000	958,000
Ft. McHenry.....	502,762	650,900	511,500	628,800	569,100	651,000	719,000
Harpers Ferry NHP.....		115,700	585,800	789,800	1,120,900	1,405,000	1,696,000

1 1956.

The Act establishing Yellowstone National Park in 1872 spoke of the lands involved being "dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people."

The problems which confront America's National Parks have their roots deep in law.

THE PRICE OF POPULARITY

Although the physical size of the park system has increased in recent years as a result of Congressional action establishing new units such as the Redwoods National Park, and the Point Reyes, Cape Lookout, and Assateague Island National Seashores from privately owned lands, the system has still shown signs of fraying from the wear of heavier use.

Two elements are primarily responsible for the deterioration of the parks' natural qualities—construction and development of facilities to accommodate visitors, and the impact of the visitors on the environment.

Darling and Eichhorn comment on these elements in their study, *Man and Nature in the National Parks*, stating:

"The National Park Service tells us, we think much too frequently, that 'Parks are for People.' Our earlier dismissal of the phrase as inappropriate huckstering does not mean that we are unaware that the parks are indeed for people. In fact, 'people', 'park visitors', whatever they are called, are responsible for most of the change and development which takes place in and around the national parks. In a sense, even the wilderness portions of the parks are developed since there are trails even in the most remote places. In speaking of development, however, we are referring primarily to those constructions which prepare the park for the ordinary, nearly car-bound, tourist."<sup>1</sup>

A more recent survey was conducted in 1968 by *Christian Science Monitor* writer Robert Cahn—now a member of the Council on Environmental Quality. Cahn's findings were contained in a series of 16 articles which appeared in the *Monitor* and were later reprinted under the title "Will success spoil the National Parks?"

Facilities development in the parks

Cahn questioned the development of in-park facilities, stating:

"On a systemwide basis, a number of decisions basic to many national parks also are demanding attention.

"How many more public campgrounds or lodges should be built within the parks? Are there other solutions to the vast 'housing' needs?

"Should there be a limit on size or number of vehicles in the parks? Should visitors be required to leave autos or trailers at the gates and travel inside on public transportation?

"How much of each park should be set aside as wilderness? How much, if any, should be given over to roads, restaurants, stores, lodging, and other services for the public?"

Darling and Eichhorn showed concern over existing development stating:

"We learn that 5% of the Yellowstone National Park is taken up by development, a proportion which seems to us inordinately high, for the traumatic influence of this 5% will be over a much larger area."

Road construction represents a particu-

larly important type of development in that it not only modifies the natural conditions of the park immediately, but serves also as the means to bring permanent additional visitor pressure to bear on the park.

The National Park Service issued a new policy statement on roads in parks early in 1968. Among the policy positions advocated are these, as cited by Cahn in his series:

"The National Park Service must not be obligated to construct roads, or to manage traffic, in order that new kinds of mobile camping vehicles be accommodated. The development of parking areas for trailers at park entrances, and the exclusion of vehicles from park roads not capable of handling them are appropriate solutions.

"Faced with a choice of creating a severe road scar in order to bring visitors close to a point of interest, or requiring visitors to walk a considerable distance, or considering an alternate transportation system, the decision should be against the road.

"Research be conducted and high priority given to pilot programs seeking other transportation systems more appropriate than roads—tramways, monorails, rail conveyor systems, helicopters, and hydrofoils."

People problems

Cahn's observations of the adverse developments stemming from increased people pressure include these:

"In 20,000 miles of travel through many parts of the national park system, I discovered that every park has problems in varying degrees of seriousness.

"Overcrowding does exist in the developed areas of such older national parks as Yosemite, Yellowstone, Grand Canyon, Everglades, Mesa Verde, and Mt. Rainier—but only during the peak periods of use.

"Crime, while still insignificant in total amount, is growing in the national parks at double the rate of crime in American cities. Several parks are undergoing water shortages either from man's interference with the source or from too many people using the normal supply.

"Park rangers are so busy with management, safety, maintenance, and traffic during peak periods that they have too little time for helping the public understand the parks.

"Many visitors add to the difficulties by trying to do too much, too fast; seeking and demanding the creature comforts of home in pristine areas of nature; failing to respect the land and the wildlife or refusing to see it on its own terms."

Based on his observations, he had these assessments:

"Despite all this and more, it is only fair to say that, on the basis of my observations, the national park system appears to be in relatively good physical condition. No disaster situation is evident.

"But looking ahead 10, 20, or 30 years, the story could be different indeed. The mounting pressures of use, and staggering predictions for future use, point to a crisis of decisionmaking.

"If the right decisions are not made, or are made too late, the national parks could be spoiled for both present and future generations of visitors."

Yosemite National Park in California has received particular attention from the press in reporting the problems of park overuse. Visits in 1970 neared the 2.3 million mark, of which most visits were confined to the ap-

proximately seven square miles of the Yosemite Valley. Back areas of the park, which total over 1,300 square miles, are, in contrast, lightly used. The explanation for the wide discrepancy in use lies in the fact that the Valley is accessible to motor vehicles; the back country only to the hiker.

A newspaper account of the 1969 Labor Day weekend in Yosemite is both informative and discouraging:

"The constant roar in the background was not a waterfall, but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls.

"Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole experience was something like visiting Disneyland on a Sunday."<sup>2</sup>

Crime in the parks

Time spent amidst the wonders of nature apparently does little to dispense with the lower aspects of human nature. Cahn reported that in 1967 "serious crimes in national parks rose 67 percent compared with a 16 percent crime rate increase in U.S. cities."

Among the instances Cahn cited:

"Safe-cracking jobs in the Grand Canyon, Glacier Park in Montana, and Aztec Ruins National Monument in New Mexico, and an armed robbery at Glacier Park Lodge. A high-ranking lieutenant of La Cosa Nostra was arrested in Hot Springs National Park in Arkansas and charged with attempted bribery. Thefts from cars increased 330 percent at Kentucky's Mammoth Caves National Park, and such thefts have become a big problem at many parks.

"Vandalism was reported throughout the system. Trees, rocks, and cliffs were defaced. Signs were damaged or stolen, public facilities damaged. At Petrified Forest National Park in Arizona, 361 people were caught trying to leave the park with a total of 2,177 pounds of stolen artifacts. In 93 of the cases, formal charges were made and convictions obtained.

"At California's Sequoia National Park, after 37 years of unlocked doors, the concession operator had to order locks for cabins.

"Use of narcotics caused trouble among student employees and visitors at Yosemite, Glacier, Grand Canyon, and the Grand Teton in Wyoming.

"Poaching of wildlife was reported at many parks and was especially serious at Wind Cave (South Dakota) and Everglades (Florida)."

It is ironic that in 1970, the year of Earth Day and widespread expressions of student concern for the environment, a headline read "500 youths battle rangers, loot Yosemite campsites." The story stated:

"Yosemite National Park, Calif. July 5 (UPI)—About 500 young people stirred by the attempted arrest of one of their number, threw rocks and bottles at rangers, looted campsites at this Sierra Mountain retreat and overturned automobiles.

"Park officials said yesterday about 70 persons had been arrested.

"At least three officers sustained minor injuries, and one youth was hospitalized for an overdose of drugs.

"More than 80 law enforcement officers

Footnotes at end of article.

from the nearby San Joaquin Valley were dispatched to help about 50 park rangers quell the disturbance. Violence was ended by midnight.

"Witnesses said the disturbance began when rangers on horseback rode into Camp 15 at Stillman Meadow in the northeast section of the Yosemite Valley to make the arrest. Youths began throwing bottles and rocks, driving rangers from the scene."<sup>3</sup>

A later story disclosed that 19 Washington, D.C. park policemen had been assigned to Yosemite for the remainder of the summer as a result of the student disruptions. The article reported:

"There was a similar incident Memorial Day that resulted in about 35 young persons being arrested on charges ranging from possession of drugs to assault.

"An Interior Department official said yesterday that, 'There has been a big problem at Yosemite with groups having pot parties, drinking wine, and generally being rowdy.'

"He said the park police assigned to the Washington area are professionally trained in crowd control and have had experience in handling the type of disturbance that has been cropping up at Yosemite.

"While in Yosemite, the police will train the rangers in riot-control techniques."<sup>4</sup>

#### The major culprit—the motor vehicle

A more pressing and widespread problem than riots in the national parks is the private motor vehicle. Automobiles, motorcycles, pickup campers, and house trailers combine to make severe demands on the park units.

One ranking Park Service official voiced the belief that if private vehicles could be excluded from the parks, 10 times as many visitors could be accommodated without further damage to the parks, and possibly with less damage than now occurs.

Former Yosemite Superintendent Lawrence Hadley instituted in recent years a number of changes in Park management which were designed to lessen the visitor-vehicle burden. Several sections of the park were closed to private vehicular traffic—namely the Mariposa Grove of giant sequoias and the east end of Yosemite Valley. Visitors now may reach these areas on foot, or ride an open-sided sightseeing bus operated by a concessionaire.

A system of one-way roads has been initiated in Yosemite as well as in Grand Canyon and Yellowstone National Parks.

Recently the snowmobile has been mushrooming in popularity, so that there are now an estimated 1,000,000 of the vehicles in use. A study just issued by the Conservation Foundations adds that of that total, "half were sold in the winter of 1969-70."<sup>5</sup>

The study cites widespread reports of damage to soil, vegetation and wildlife stemming from the use (or misuse) of snowmobiles. High noise level is another problem associated with the vehicles.

The Park Service has indicated that steps are being taken to prevent the snowmobile from becoming a major problem in the national parks. In Yellowstone, use of the machines is limited to roads which have not been cleared of snow. Cross country use is said not to be permitted.

Other vehicles, such as dune buggies and trail bikes, pose a serious threat to coastal areas when misused. Driving over dunes destroys the dunes and vegetation. Then, rapid erosion of the landward section of the beach is possible.

The Park Service administrative policy for use of recreation vehicles in national seashores—which fall within the recreational area category—is as follows:

"Off-road use of motor-propelled vehicles, also, may be permitted at specified times in

specified locations or on designated routes where this use is compatible with other recreational uses."<sup>6</sup>

A problem posed by the off-road vehicles is that they introduce a significant number of visitors in places where, and at times when, park personnel are absent, or present in seasonally reduced numbers. The safety of visitors and of the park itself is thus appreciably diminished.

#### PROPOSALS FOR PROTECTION

A major systemwide program for construction and development in the parks—Mission 66—came to a close in 1966. The program had been instituted 10 years earlier as a means of providing facilities to accommodate the increasing flow of visitors, to replace structures, and make up for maintenance which had been ignored during World War II and the Korean conflict.

Even before the construction schedule was completed, the policy behind it was being challenged by conservationists who recognized the impossibility of providing all needed facilities within park boundaries. The Darling and Eichhorn study commented:

"Mission 66, instead of being a far-sighted planning operation to conserve these choice areas, seems to have been conceived to allow more complete infiltration and uncritical use."<sup>7</sup>

The Wilderness Act which was passed in 1964 required the designation as wilderness areas of Federally owned lands suitable for preservation under the terms of the Act.

Those who opposed further development of park lands found an excellent forum for their criticism when they were provided the opportunity to comment on Park Service proposals for wilderness in several parks and monuments.

Generally, conservationists were critical of the Park Service for excluding too much of the park area from classification as wilderness.

#### Regional planning

One private conservation organization, the National Parks Association, offered "comprehensive regional planning as a means to the achievement of the double goal of protection and enjoyment" of the National Parks.

Association President, Anthony Wayne Smith, added:

"For Yellowstone, as for the other parks, achievement of the double goal may not have been arduous in the days before the automobile, with its blacktop roads and parking lots, and before the technological and population explosion; but now the terms of solution have been altered completely.

"And yet, seemingly difficult if attempted within the narrow confines of a single park, solutions readily appear if sought in the great open spaces which surround almost all of the parks; in the surrounding publicly and privately owned forests and the public domain."<sup>8</sup>

The essence of the regional planning approach is to zone all currently undisturbed areas within the parks as wilderness and provide visitor accommodations and all but essential park facilities *outside* the parks.

Among the elements of such protective planning which the Association<sup>9</sup> discussed in connection with Yellowstone National Park are:

The notion of using public transportation within the park.

A limit on the number of cars entering the park on a given day.

Expansion of an advance reservation system for overnight stays.

Limitation of visitation during seasons of intensive use.

Information and checking stations at the outer boundaries of national forests to provide information on alternative accommodations outside the national park.

Replacement of old hotels inside the park

with modest lodges having lower occupational density.

It is indicative of the rapid rate of change that these proposals, considered "radical" or "visionary" in the mid-sixties, have, to a large degree, come into operation or active consideration by the start of the seventies.

#### Visitor reaction

Based on his experience in Yosemite National Park, now deputy assistant director for park management, Lawrence Hadley feels the visitor is willing to accept changes which are personally restrictive but in the best interests of preserving the parks. Hadley cites as examples the almost complete absence of complaints over elimination of the firefall over Yosemite falls and the ban on private vehicle use on some park roads.

Hadley stated that a reservation system for campsites was scheduled to go into effect in Yosemite in the summer of 1971. Funding considerations, which are now being discussed, may delay the program for a year.

#### Wilderness designation

The chief remaining hurdle to implementation of the regional planning concept supported by the conservationists is the lack of completed wilderness zoning proposals for individual parks.

The National Park Service has been harshly criticized by citizen groups and by Members of Congress for failing to meet the statutory schedule for national park wilderness proposals.

The Wilderness Act established a 10-year timetable for the review of Federal lands and the submission of reports and recommendations for wilderness designation. The first third of the reports were to be sent to the President by September, 1967; the second third by September, 1971; and the final group by September, 1974.

Performance differs from the schedule, however. As one conservationist, Ernest Dickerman, wrote:

"Not a single acre of the national parks has been placed in the National Wilderness Preservation System, more than five and one-half years after the signing of the Wilderness Act on September 3, 1964. No wonder the National Park Service is accused of foot-dragging."<sup>10</sup>

Proposals had been sent to the Congress, however. Since the writing of the article, wilderness designations have been enacted for two Park Service units—Craters of the Moon National Monument, and Petrified Forest National Park. Wilderness proposals for Lassen Volcanic National Park and for the Lava Beds and Pinnacles National Monuments were submitted to the Congress.

Dickerman offered one possible reason for delay:

"It is true that designation of wilderness areas under the Wilderness Act would restrict the freedom which the Park Service has traditionally exercised to introduce man-made changes anywhere in any national park. This was the intention of the Act and would represent a considerable limitation of Park Service policy and practice—a limitation that bureaucracies generally tend to avoid."<sup>11</sup>

As indications of the Park Service's apparent preference for construction instead of conserving, Dickerman wrote:

"Of the 17 parks reviewed to date, the Park Service wilderness recommendations for five of them omit important areas of natural wilderness because the Park Service wants to build roads therein. [note: the Park Service puts the figure at two]<sup>12</sup> Preventing such road construction was exactly the purpose in passing the Wilderness Act. . . .

"There is little point in having a national policy of wilderness preservation as declared by the Congress in the Wilderness Law if, before the law can be applied, the responsible government agencies are first going to be allowed to sabotage the wilderness."<sup>13</sup>

Footnotes at end of article.

A point criticized by many has been the linking of wilderness zoning to the separate, more detailed process of developing master plans for each unit of the Park System.

Congresswoman Mink of Hawaii criticized the pace of wilderness reviews on the House floor stating:

"Mr. Speaker, something is wrong in the Department of the Interior. It is apparently something common to the present administration and the one preceding. Both administrations have professed strong interest in and commitment to the purposes of this wilderness preservation program. Yet, the National Park Service is years behind schedule. The practical results are to frustrate the will of Congress, to leave many areas properly requiring wilderness protection by statute unprotected from further development, and to place the President technically in violation of the law."<sup>14</sup>

Congressman John Saylor, ranking minority member of the House Interior Committee, was similarly critical of the "deliberate speed" of the Park Service.<sup>15</sup>

Public hearings on Park Service proposals were resumed in 1970, with 7 such hearings being held. A supplemental appropriation late in 1970 allowed a bolstering of planning staffs throughout the system. As a result, officials feel that hearings on about 11 more units may be completed by the end of June, 1972. That would bring to about 36, the number of public hearings on wilderness proposals.

In light of this "marked acceleration" of the planning and review process, the Park Service feels confident that it will meet the 1974 time limit imposed by the Wilderness Act.

Classification as wilderness represents the best defense available for protecting the national parks from development. The benefits of nondevelopment—including the preservation of natural conditions and the reduction of uses not appropriate to the national park philosophy—are important enough to justify an accelerated Park Service wilderness classification program.

#### The President's 1971 proposals

In his 1971 environmental message to the Congress,<sup>16</sup> President Nixon outlined his proposals for the expansion of the Nation's recreation lands. Such an increase in lands available for recreation would relieve, in part, the growing pressures on the National Park System.

A key element of the President's proposals was to establish parks in proximity to population centers. As he stated:

"Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to nearby recreational areas. In my budget for 1972, I have proposed a new 'Legacy of Parks' program which will help States and local governments provide parks and recreation areas. . . ."

The President also recommended an increase in the appropriation for the Land and Water Conservation Fund to \$380 million. However:

" . . . The allocation formula should be changed to ensure that more parks will be developed in and near our urban areas."

These proposals, while useful in an overall sense, could be expected to contribute only slightly to any easing of pressures on major National Park units. The President did address himself to both wilderness protection and expansion of the National Park System.

Of wilderness, he said:

"I will soon be recommending to the Congress a number of specific proposals for a major enlargement of our wilderness preservation system by the addition of a wide spectrum of natural areas spread across the entire continent."

And, with regard to establishing new National Parks:

"The job of filling out the National Park

System is not complete. Other unique areas must still be preserved. Despite all our wealth and scientific knowledge, we cannot recreate these unspoiled areas once they are lost to the onrush of development. I am directing the Secretary of the Interior to review the outstanding opportunities for setting aside nationally significant natural and historic areas, and to develop priorities for their possible addition to the National Park System."

#### CARRYING CAPACITY

There is an ecological concept known as the "carrying capacity" which is defined as "the maximum number of a wildlife species which a certain territory will support through the most critical period of the year."<sup>17</sup>

The concept may be usefully applied to the number of visitors who may visit a national park without causing destruction of the "territory." Obviously, however, the concept cannot be applied as rigorously in a manmade situation as in a natural situation, because judgments are made about the degree of damage that is to be accepted.

The Darling and Eichhorn review of park policy stated:

"It is necessary to examine certain democratic convictions critically in relation to national parks: because they are out of doors, is the visiting capacity to be limitless? If we have a finite building in which an orchestra is to give a concert, the seats are reserved and unreserved and there is a limited amount of standing room, but when the building is full it is full, and if there are any doubts, fire regulations are posted at the doors, proclaiming the numbers of persons it is lawful to accept into the building.

"A national park has linear boundaries and a vast amount of empty air (even a concert hall has that) but its capacity is a matter of subtle and expert assessment. If the stage of "standing room only" is reached, the natural pageant which the people have come to see is largely obscured and the occupants of either reserved or unreserved seats will receive either a poor or even negative return for their trouble in having travelled to a national park. The fact must be faced up to that in our era of growing population, more leisure and increased mobility, a national park has need to post a "house full" sign at the gates long before "standing room only" is reached, for it is not merely reduction of enjoyment of the concert which concerns us, but damage to the national park which may be more fragile than a concert hall."<sup>18</sup>

In discussing the question of maximum levels of park visitation it is well to recall the previously quoted estimate of the Park Service official who felt that, without vehicles, up to 10 times the current visitation levels could be accepted without harm to the parks.

Another important consideration in arriving at any maximum visitation figure is whether the visitor is staying overnight within the park, or merely using the park during the day. Far more day use than overnight stays by visitors can be accommodated without harm to the park environment.

Thus, one cannot set arbitrary figures for the carrying capacity of a given park. There must first be a policy determination as to where the emphasis will be placed—on "park" or "pleasuring ground."

#### FOOTNOTES

<sup>1</sup> F. Fraser Darling, N. D. Eichhorn, Man and Nature in the National Parks (Washington: The Conservation Foundation, 1967), p. 33.

<sup>2</sup> Steven V. Roberts, "Visitors are swamping National Parks," *New York Times*, Sept. 1, 1969.

<sup>3</sup> *Washington Post*, July 6, 1970, p. A3.

<sup>4</sup> *Washington Post*, July 11, 1970, p. A20.

<sup>5</sup> Baldwin, Malcolm. The off-road vehicle

and environmental quality. Conservation Foundation, Wash. D.C. 1970. 52 p.

<sup>6</sup> Administrative policies for recreation areas of the National Park system. U.S. Dept. of Interior, National Park Service, Rev. Aug. 1968, p. 44.

<sup>7</sup> *ibid.* p. 73.

<sup>8</sup> A. W. Smith, Large purposes, large plans. *National Parks Magazine*, Jan. 1965, p. 2.

<sup>9</sup> A Yellowstone regional plan. *National Parks Magazine*, Jan. 1965, p. 4.

<sup>10</sup> Ernest M. Dickerman, "The National Park Wilderness Reviews," *Living Wilderness*, Spring, 1970, p. 40.

<sup>11</sup> *ibid.* p. 41.

<sup>12</sup> Author's notation.

<sup>13</sup> *Op. cit.* *Living Wilderness*, p. 42.

<sup>14</sup> Hon. Patsy Mink, Remarks in *Congressional Record* at H7214, 91st Cong., 2nd Sess., July 27, 1970, daily ed.

<sup>15</sup> Hon. John Saylor, Remarks in *Congressional Record* vol. 115, pt. 24, pp. 32499-32501.

<sup>16</sup> First Annual Report on the State of the Nation's Environment—Message from the President of the United States, House Document No. 92-46, Feb. 1971.

<sup>17</sup> Herbert C. Hanson, *Dictionary of Ecology*. (New York: Philosophical Library, 1962), p. 68.

<sup>18</sup> *Op. cit.* Man and Nature in the National Parks, p. 27.

#### ORDER FOR RECOGNITION OF SENATOR BROOKE AND FOR FURTHER PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business, the distinguished Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 20 minutes, and that upon the completion of his remarks there again be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

#### ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, APRIL 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next immediately following the remarks by the able Senator from Alabama (Mr. ALLEN) under the previous order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

#### ORDER FOR THE EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next the unfinished business, the Emergency School Aid and Quality Integrated Education Act of 1971, be laid before the Senate.

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

#### ORDER FOR EXECUTIVE SESSION ON MONDAY NEXT TO CONSIDER TREATY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next at 12:45 p.m. the Senate go into executive session for the consideration of Executive H, 91st Congress, second session, additional protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

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

#### ORDER FOR EXTENSION OF PASTORE RULE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next the Pastore rule be extended for a period of 5 hours rather than the normal 3 hours under paragraph 3 of rule VIII of the Standing Rules of the Senate.

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

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, at this time, the Chair recognizes the distinguished Senator from Massachusetts (Mr. BROOKE) for not to exceed 20 minutes.

#### PRESIDENT NIXON'S CHINA INITIATIVES APPLAUDED

Mr. BROOKE. Mr. President, U.S. relations with the Peoples Republic of China are entering a new and encouraging stage.

In his report to the Congress and the American people on "United States Foreign Policy for the 1970's," President Nixon made clear that 22 years of hostility between ourselves and the Government of Mainland China imperils not only our relations with 800-million Chinese people, but the security and well-being of the entire Pacific areas as well.

This region of the world, which is bordered by the most powerful and the most populous nations on earth—the United States, and the Soviet Union, China, and Japan—deserves our serious and creative participation in its affairs. A focal point of that participation must be normal and fruitful relations with all the nations of the Pacific littoral.

The dogmas and disappointments which have directed our policy over the last two decades are unsuited to present realities. China is no longer an isolated and aloof renegated power. In the wake of grave internal turmoil, China has re-ordered its own priorities and is reaching out to a world increasingly ready to welcome its advances. From only one ambassador serving abroad a year ago,

China now has 30 ambassadors in foreign posts, and more nations are establishing diplomatic relations every month. From only 11 nations supporting China's admission to the United Nations in 1951, the number has now risen to 52, and it seems certain that within the next year or two China's admission to the world body will be secured.

The policies of the Nixon administration have contributed heavily to the expanding role of China as a recognized world power.

Beginning in December of 1969, less than a year after taking office, President Nixon approved a number of significant changes affecting trade with Mainland China:

Foreign subsidiaries of American firms were permitted to trade directly with China in non-strategic goods, governed only by the requirements of the country in which they were located;

Resale of Chinese goods to foreign markets by American businesses was permitted for the first time since 1949;

Scholars, art collectors, museums, and private citizens were permitted to bring Chinese goods into the United States for private use, without regard to value.

At the same time, talks with Mainland Chinese delegates were resumed in Warsaw. These talks were scheduled, and held, in January and February of 1970, and were only terminated after the Cambodian incursion.

Since that time the President has undertaken significant new initiatives:

In April of 1970, selected licensing of nonstrategic goods for direct export from the United States to China was approved;

In August, permission was granted for foreign ships en route to and from Mainland China to use American bunkering and fueling facilities;

And the restriction on travel to Mainland China by Americans was not renewed, with the result that 270 American passports were validated for travel to the Peoples Republic of China in 1970.

The response of the Chinese people to these initiatives has been dramatic and heartwarming. The recent invitation to the American table tennis team, and the consistently friendly and appreciative quality of their reception, speaks louder and clearer than a hundred diplomatic pronouncements to the desire of the Mainland Chinese for more normal relations with the West. Table tennis is to the Chinese what football and baseball combined are to Americans. The fact that this team and accompanying members of the press have received an official invitation, that they have been permitted to see cities and universities, cultural and historic sites, and even to have a meeting with Premier Chou En-lai, is an event of historic significance. I submit this is ping pong power at its very best.

Though we may well have to look forward to future pronouncements regarding relations with the American people rather than its government, the fact remains that the log-jam of a generation has been broken.

President Nixon has now responded in kind, and I applaud his strong initiative.

Yesterday, the President announced that we will expedite visas for individuals and groups who might wish to travel to the United States from Mainland China. U.S. currency controls will also be relaxed so that Chinese citizens can use American currency in the course of commerce. U.S. vessels and aircraft will be permitted to carry Chinese cargoes between non-Chinese ports. And U.S.-owned foreign flag carriers will be able to call at Chinese ports.

Finally, and most important, President Nixon has taken a major step toward placing China in the same category as other Communist states in terms of trade in nonstrategic goods. A list of American products suitable for export to China is being prepared. After that list has been approved by the President, items for direct import from China into the United States will also be approved. Once the program has been initiated, American businesses will be far more competitive with the manufacturers of foreign nations for the vast and relatively untapped markets of Mainland China.

We and the Chinese alike have taken halting first steps toward removing the fears and prejudices which for so long have clouded and distorted our vision of each other. We cannot expect that because the mists have parted for a moment the way will always be smooth and free from danger. But at last the governments and peoples of two great and hostile powers seek a reasonable accommodation with each other. And I am pleased and proud that our President has responded in a manner that is fully consonant with our goal of a peaceful world.

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

Mr. BROOKE. I yield.

Mr. CASE. It is not unusual that I find myself in agreement with the Senator from Massachusetts on this matter. I am very happy he has spoken as he has. I join with him in warm support of the initiative taken by the President toward more direct contact with the Government in Peking. I am happy that the Senator from Massachusetts finds it possible, as I do, on this occasion not only to agree with the President but to express that agreement. I join with him in that sentiment.

I wonder if I may ask unanimous consent, with the Senator's indulgence, to have printed at the conclusion of this colloquy and any further remarks, a speech I made on the subject a week ago last Saturday in Cincinnati.

Mr. BROOKE. I am pleased to have the Senator do so.

Mr. CASE. Mr. President, I ask unanimous consent to have that statement inserted in the Record at the end of this colloquy.

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

(See exhibit 1.)

Mr. BROOKE. I am certainly pleased both to have the distinguished senior Senator from New Jersey comment on my remarks and to include his very enlightened speech, which he made some

time ago, at the conclusion of this colloquy.

The Senator, I, and others have long believed that we cannot ignore the existence of 800 million people on earth, and that at some time we would have to start to bring down the barrier. I think he and I both agree, as he has so eloquently stated, that President Nixon has taken a courageous step. It is a step for which this Nation and the world should be grateful, and for which we in the Senate and elsewhere across the country should commend him.

Mr. CASE. Mr. President, will the Senator yield for one further question?

Mr. BROOKE. I yield.

Mr. CASE. I thank the Senator. I join with him in his hope that this is only a step, and it is so regarded by the administration. We still have to consider the matter of representation in the United Nations. For myself, I want to say that the resolution of that problem is something that is a very difficult matter, in which the administration will have my full cooperation.

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

Mr. BROOKE. I yield.

Mr. BEALL. I also would like to associate myself with the remarks of the Senator from Massachusetts in his commendation of the President for the initiative the President has taken in the last few days with regard to the people of China. President Nixon announced that one of the goals of this administration was to build a foundation for a generation of peace for our people and all the people of the world. If we are going to have a generation of peace, it is necessary that we build good lines of communication as well as understanding with all the peoples of the world. I think this is the kind of action that will help build a foundation for a generation of peace.

I should like to point out also that I have a very vivid recollection of meeting, some months ago, with Bishop James Walsh, who was imprisoned in Red China for some 12 years, and who happens to have been a resident of the State of Maryland—and still is, as a matter of fact. I was interested to hear Bishop Walsh express his high regard for the people of China. The warmth he had for them was surprising to me, because in spite of the fact that he had been imprisoned in that country for such a long period of time, he had a great feeling for its people, and felt that there was and is hope for the United States and the Peoples Republic of China to have a cooperative relationship in the family of nations of the world.

I think the President is to be congratulated for the steps he is taking in helping build this kind of relationship, and I am happy to join the Senator from Massachusetts in commending him also.

Mr. BROOKE. Mr. President, I am happy to have the comments of the distinguished junior Senator from Maryland, and I welcome the contribution he has made to this colloquy.

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

Mr. BROOKE. I yield.

Mr. SAXBE. Mr. President, I am happy to join in commending the remarks of the distinguished junior Senator from Massachusetts.

It happens that I was in Hong Kong when the ping pong team was invited into Red China this week; and on Wednesday I was in Tokyo when the announcement of the President's message was made there.

I think it is a very realistic approach to the situation with Red China—a nation of 800 million people, with a cultural background and a background of contributions over the centuries that cannot be ignored.

I do not think we should be misled, nor do I think we will be, as to the aims and ambitions of the present Government in China. But regardless of that, I think that the pragmatic approach that the President has taken, the realism that has been displayed in his message, the fact that trade is going to be built up, the fact that we recognize that great strides have been made in their agricultural development, in their cultural development, and in the firmness of control which now appears to exist over the entire country, all indicate that we must take our position with other nations in recognizing that contact and trade must be established and maintained.

#### NIXON FOREIGN POLICY BEARS FRUIT

Mr. President, there have been in the past week several major and far-reaching developments in U.S. foreign policy. These developments, while not guaranteeing world peace, certainly remove some of the major roadblocks in that direction.

The sudden and dramatic decisions involving Communist China and a freer movement of citizens and goods between China and the United States are most significant. The continued negotiations between the United States and the Soviet Union are also of great significance.

Hopefully, both of these developments indicate a reduction of tensions between the United States and the other two great world powers, Communist China and the Soviet Union.

I was interested last evening in listening to commentators discussing these developments to find that absolutely no credit was given to Richard Nixon nor even to Secretary of State William Rogers for these developments. The commentators seemed to tell the American public that it was somehow a one-sided move on the part of both Russia and China to ease these tensions and that apparently the United States, and by this I mean the Nixon administration, had absolutely nothing to do with it.

The fact is, Mr. President, that for 20 years people have been saying would it not be great if we could open doors to Red China? The Nixon administration has nudged a door slightly ajar. But the President and his Secretary of State get no credit.

For 25 years people have said how wonderful it would be if we could ever sit down and discuss seriously with the Soviet Union some means to control the nuclear arms race. We are so discussing

with the Soviet Union at the present time; the first SALT talks began in Helsinki, Finland, on November 17, 1969. But again neither Richard Nixon nor Secretary Rogers have been given any credit for these developments.

Historians may well note that the spring of 1971 saw the first great thaw in the cold war. Credit will be given by historians to the men who are due this credit, namely President Nixon and his foreign policy chief, Secretary Rogers. I want to emphasize here and now that the American people today should be as aware of this great development and the men who brought it about as future historians will be.

Mr. BROOKE. Mr. President, I am pleased to have the remarks of the distinguished Senator from Ohio as a part of this colloquy, particularly since he was in Hong Kong, as he has stated, at the time when the ping-pong team was invited to come into Communist China.

As the Senator well knows, for two decades China has stood remote from the community of nations. We have had suspicions and fears of them, and they have had suspicions and fears of us. A continuation of these circumstances would mean that our children, our grandchildren, our great-grandchildren and generations to come might be living in fear and ignorance of Communist China. They are a nuclear power, as we all very well know, and they cannot be kept away from communications and intercourse with other nations throughout the world.

I was very pleased when President Nixon stated earlier during his administration that he was going to do all within his power to begin to break up this iceberg. I think that the invitation to the ping-pong team resulted largely from the overtures which have been made by President Nixon, and I quite agree with the distinguished Senator from Ohio that while perhaps this is not the time to be overjoyful that all is well—obviously there are still some dangers to be met, and the course may not be as smooth as we may like it—we have made a very important and significant beginning.

I think that with the exchange of scholars and others who will go into China and come into the United States and, more importantly, of course, the opening up of trade with the Communist Chinese, we are well on our way to really having a Nation working together with others for the generation of peace, and hopefully more, that the President has so often alluded to.

So again I thank the distinguished Senator from Ohio for his comments on my remarks, and I yield the floor.

#### EXHIBIT 1

#### U.S.—CHINA POLICY

(Text of Remarks by Senator  
CLIFFORD P. CASE)

Our first President gave us a great deal of good advice in his farewell address, perhaps none of it wiser or more appropriate to the subject of our relations with China than these words:

"The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which

is sufficient to lead it astray from its duty and its interest."

For twenty-two years we have been a slave to animosity in our relations with China. That was not the case earlier, for attitudes of Americans towards China have varied widely since the founding of the Republic. One American scholar has divided these periods into various ages, beginning with the age of respect and proceeding through the age of contempt, the age of benevolence, the age of admiration and the age of disenchantment to the age of hostility, beginning in 1949 and continuing to the present.<sup>1</sup>

In the 18th century, and the first third of the 19th century, Americans respected China, regarding this far away land, then visited only by clipper ships and a few missionaries, with "a blend of romance, excitement, obscurity, beauty, distance, oddity, quaintness and danger. . . ." In the mid-19th century, attitudes shifted. The age of contempt began, due in part to the wave of immigration from China composed principally of Chinese laborers coming to the United States to work on railroads in the west. Between 1854 and 1882, when the Chinese Exclusion Act was passed, some 300,000 Chinese entered this country. At the same time, foreign powers began imposing their will on China. As a result of the Opium Wars of 1839-42 and 1856-60, the Chinese were forced, by what came to be known as the unequal treaties, to open certain ports to foreigners, to permit foreigners to try their own citizens under their own laws and before their own courts, to let foreigners travel anywhere in China and to allow foreigners to continue trading in opium. Barbara Tuchman reminds us, in her latest book, that the United States profited from these developments. "Throughout the process of the opening of China," she observes, "the United States followed through portals cut by the British, avoiding the aggression and inheriting the advantages."<sup>2</sup>

In the early 20th century, American attitudes changed again. The age of benevolence began as missionary activity reached its height with some 12,000 American missionaries in China. Again, I turn to Barbara Tuchman for a description:

"China's vastness excited the missionary impulse; it appeared as the land of the future whose masses, when converted, offered promise of Christian and even English-speaking dominion of the world. Disregarding the social and ethical structure which the Chinese found suitable, the missionaries wanted them to change to one in which the individual was sacred and the democratic principle dominant, whether or not these concepts were relevant to China's way of life. Inevitably the missionary, witnessing China's agonies in the 19th century, took these as evidence that China could not rule herself and that her problems could only be solved by foreign help."<sup>3</sup>

In 1937, with the incident at the Marco Polo Bridge, the Japanese began their war against China. In the United States, public opinion rallied to the side of China, and the age of admiration began. It was, however, short-lived. Toward the end of the war we became disenchanted with the corruption, ineptitude and impotence of the nationalist government as well as with its inability to rally popular support. The age of disenchantment lasted until the victory of the communists and the flight to Formosa of Chiang Kai-shek and the Kuomintang. Since 1949,

when those events occurred, our relations with the government on the mainland, and their relations with us as well, have been of almost unremitting hostility.

Our hostility was due to the coming of power of a communist regime on the mainland. We saw this event as part of the relentless march of monolithic communism following the steps which the Soviet Union had taken in the Baltic states during the war, immediately thereafter in Germany, Poland, Yugoslavia, Hungary, Rumania, Bulgaria, Albania, and North Korea and subsequently in Czechoslovakia and Berlin. And if these events, and the installation of a communist government in China, were not sufficient, there soon followed the North Korean attack on South Korea in June 1950 and the intervention of Chinese forces in October of that year. A distinguished American foreign correspondent described the effect of the Korean war on American attitudes in the following way:

"Peking's intervention in the Korean war did more to 'set' American attitudes against the Chinese Communists than anything that had happened up to that time. It now dawned on us that the Chinese were capable of challenging us militarily as well as politically. . . . Now Chinese Communists were killing Americans. . . . The blow to our pride, the humiliation, could hardly have been more complete. Overnight, our view of the Chinese Communists was changed from patronizing superiority to one of deep anger and apprehension. In all our history we had never felt quite like this about the Chinese. . . . It was the rebirth of the 'Yellow Peril' specter. . . ."<sup>4</sup>

That specter still haunts our relations with the world's most populous country, although it no longer inspires the same degree of fear. Americans seem prepared, if not anxious, to look at China as we look at other countries, in a more pragmatic, and less ideological and emotional, way. We seem ready, in short, to see the age of hostility end and an age of adjustment begin.

There are, of course, serious obstacles to overcome before this transition can take place. But some of the political underbrush has already been cleared away.

First of all, we and the Chinese have started talking to one another, privately and discreetly but still officially, at the Warsaw Talks. These talks are not, of course, isolated from world events. The Chinese cancelled the last meeting scheduled in May 1970 because of the allied incursions into Cambodia. They have, however, indicated that they regard the cancellation as a postponement and not a final rupture of the talks. Thus, the framework remains available and can be used again.

Second, we have, for our part, removed certain obstacles to travel and trade, the necessary minimal intercourse between nations. To its credit, the present Administration has permitted American travelers to buy goods from the mainland for personal use, has allowed American subsidiaries abroad to trade with China, has authorized the licensing of some goods for exports, has removed some of the restrictions on American oil companies operating abroad so that most foreign ships will be able to use American-owned bunkering facilities on voyages to and from Chinese ports and has, most recently, dropped the requirement, in effect for the past twenty years, that American passports be specially validated for travel to China.

Third, we have begun to move from the rhetoric of hostility to more neutral language in the way we talk about China. In his latest report on foreign policy to the Congress, for example, President Nixon called the Peoples' Republic of China and Peking

by their rightful names, instead of referring only to Communist China and Peking as was the previous custom. At the same time, at the United Nations the United States has begun to place greater emphasis on retaining a seat for the Republic of China on Taiwan than on excluding the People's Republic of China.<sup>5</sup>

All of these developments reflect the passing of time and the fact that the questions of relations with China has been desensitized as a domestic political issue to such an extent that the New York Times could report last year that "organized pressure on behalf of Nationalist China, which once exerted a powerful influence on American politics in the direction of United States policy, appears moribund, a victim of old age and lack of interest."<sup>6</sup>

There is more that can be done in the field of trade. We should, in my view, treat trade with mainland China exactly as we treat trade with the Soviet Union, permitting American companies to trade in all non-strategic items with China as they do with the Soviet Union.

Trade is, of course, a relatively simple matter. Far more difficult is the thorny question of representation in the United Nations. As you undoubtedly know, the subject is current because of the trend of voting in the United Nations which makes it possible this year, if not probable next year, that the People's Republic will be seated and the Republic of China expelled from that organization.

This question is often presented to the American people—even by the Gallup poll, I might note—as whether to admit Communist China into the United Nations. But China has been a member of the United Nations since that organization was founded. The question is not one of admission but one of representation.

The question of Chinese representation first arose in the fall of 1949. The Prime Minister of the People's Republic sent a telegram to the UN Secretary General demanding that the UN transfer the Chinese seat to his government, but there was little feeling in the General Assembly that immediate action was called for there. Soon thereafter, in December 1949, the Soviet government raised the question in the Security Council. It did not press for immediate action, but on January 8, 1950, the Chinese Prime Minister sent a further telegram protesting the Council's failure to expel the representatives of Nationalist China. Shortly afterward, the Soviet government formally proposed that the credentials of the Nationalist representative be rejected. When this proposal was voted down, the Soviet delegate walked out of the Council and did not return until after the Korea war had begun.

From 1951 until 1960 the General Assembly regularly considered a Soviet proposal for including the matter of Chinese representation on the Assembly's agenda. This proposal was always rejected and instead a resolution, usually proposed by the United States, was adopted by the Assembly providing that the question of Chinese representation should not be considered. In 1961, in light of the increasingly close vote in the General Assembly, a different procedure was adopted by the United States. The Soviet proposal, calling for a change in Chinese representation, was included on the agenda for discussion but at the same time the United States introduced a procedural res-

<sup>1</sup> *Scratches on Our Mind*, Harold R. Isaacs, John Day Company, (1958), p. 71.

<sup>2</sup> *Ibid.*, p. 67.

<sup>3</sup> *Stillwell and the American Experience in China, 1911-1945*, Barbara Tuchman, McMillan, p. 29.

<sup>4</sup> *Ibid.*, p. 31.

<sup>5</sup> *The American People in China*, A. T. Steele, McGraw-Hill, p. 37.

<sup>6</sup> Statement by Ambassador Christopher H. Phillips to the General Assembly, November 12, 1970.

<sup>7</sup> "China Lobby Once Powerful Factor in U.S. Politics, Appears Victim of Lack of Interest," *New York Times*, April 26, 1970.

olution to the effect that the issue was an "important question" and that therefore under Article Eighteen of the Charter a two-thirds majority was required. This procedure has continued to the present, although since 1963, when the breach between China and the Soviet Union made it impossible for the Soviet government to continue to act as the principal advocate for China, the proposal calling for a change in representation has been contained in a resolution co-sponsored by a number of countries but generally called the Albanian resolution. At last year's session of the General Assembly, for the first time, a plurality of the members of the United Nations—that is, a majority of those voting—voted for the Albanian resolution. It is possible this year, and likely next year, that the procedural resolution will not pass and that therefore only a simple majority vote on the Albanian resolution would be necessary to effect a change in representation. At least that seems to be the prospect if the members of the General Assembly are not given another choice.

I believe, however, that they should be given another choice, and that is to see the People's Republic of China represented and the Republic of China not expelled.

Let me say quite clearly that I do not believe that the United States should continue to oppose the seating of the People's Republic in the United Nations General Assembly and Security Council. The advantages to having the People's Republic in the organization seem to me to outweigh the disadvantages.

Let me say, too, that I would like to see the United States recognize the People's Republic as the legitimate government of the mainland and that I would also like to see full diplomatic relations established with the People's Republic.

But I am not in favor of seeing the People's Republic represented in the General Assembly and on the Security Council on condition that the Republic of China on Taiwan is expelled from the General Assembly. The general lines of the position which I favor are expressed, I should note, in Senate Resolution 37, introduced on February 2 by Senator Javits, which I have co-sponsored. That resolution is now pending before the Foreign Relations Committee. It will, I hope, lead to serious Senate consideration of our relations with the People's Republic.

I realize that the position I have just described is bound to be criticized by the People's Republic and the Republic of China, and by some China experts and UN experts, on the ground that it amounts to a "two-China" policy. But I neither advocate nor oppose a "two-China" policy. I firmly believe that the United States should not declare itself for or against either the eventual reunification of Taiwan with the mainland or the eventual evolution of two separate states. We should, it seems to me, be prepared to accept whatever results in the long run from the natural play of political forces, provided that the wishes of the people of Taiwan are respected. It seems to me that this points the way to the only practical direction we can take in the period which lies immediately ahead.

And this position is not without its supporters among the experts. Professor Edwin O. Reischauer of Harvard supports it. He points out, and I quote:

"Taiwan and continental China have not been a single country and have not been so for more than half a century. A good bit longer than that, in fact.

"... I don't think we should be trying to force Taiwan out of existence, when it does exist and is the result in large part today of the will of the people who live there."

What will result in the long run? I do not believe that anyone can say. A Doak

Barnett, a widely respected authority on U.S. policy toward China, has recently written:

"Any real solution of the Taiwan problem will obviously require the passage of time—a considerable period of time—and it is difficult to predict what effect future events will have on the forces affecting it. The deaths of Chiang Kai-shek and Mao, generational as well as social, economic and political changes in both mainland China and Taiwan, pressures by Taiwanese for greater self-rule, growing links between Japan and Taiwan and other factors will have complicated and in some respects conflicting effects, the results of which are impossible now to foresee."<sup>8</sup>

We can thus only speculate about the future. But we can talk common sense about the situation that exists today. As a matter of fact, there are now two governments calling themselves the government of China. One is the People's Republic of China on the mainland. The other is the Republic of China on Taiwan. We have had a defense treaty with the government on Taiwan since 1954, committing us, in case of armed attack on Taiwan or the Pescadores Islands, to act to meet the common danger in accordance with our constitutional processes. I do not think that we can turn our back on that commitment.

The island of Taiwan has a population of 14 million. Twelve million are native Taiwanese. Two million are transplanted mainlanders who fled to the island as refugees when the communists came to power. These two million run the national government, continuing to pretend that they represent the mainland, through a central government of five branches elected on the mainland in 1947. Although most important provincial and local government posts are held by Taiwanese, these appointments must be approved by the central government. Since 1945, all governors of Taiwan have been mainlanders. Thus, the 12 million Taiwanese are ruled, in most respects, by the two million mainland refugees.

I believe that the time has come for us to stop pretending that the Government of the Republic of China on Taiwan represents the 650 million Chinese on the mainland. It does not and it will not. I also believe that the time has come for the Government of the Republic of China to stop pretending that it represents all of the 14 million of Taiwan. It does not, but it should.

I have already referred to the fact that both the People's Republic and the Republic of China have expressed their unwillingness to accept a dual representation solution. Both claim to be the government of China. Both say there is only one China and that Taiwan is part of that China. As I have said, however, as a matter of fact there is one government on the mainland of China and another government on the island of Taiwan. I see no reason why this fact should not provide the basis for our policy. After all, international politics, like domestic politics, is often a matter of compromise. I believe that it is important that the People's Republic be represented in the United Nations but I do not believe that this means that the international community must simply accept the terms set down by that government. After all, the Republic of China was one of the founding members of the UN and surely the 14 million people on Taiwan should continue to be represented there. If the United Nations were to adopt some kind of dual representation formula, over time the government of the People's Republic might reconsider its position and perhaps ultimately

<sup>8</sup> *Our China Policy, The Need for Change*, A. Doak Barnett, *Headline Series No. 204*, Foreign Policy Association, February 1971, p. 54.

abandon its present adamant opposition to the idea.

I have no illusions about the difficulty of devising a formula, acceptable to a majority of the members of the United Nations, that will assure UN representation both to China and to Taiwan and also will resolve the question of the Security Council seat. I am sure, too, Peking will create many difficulties and contentions in the United Nations when she takes her place there.

But, with American leaders from John Foster Dulles to, and including, President Nixon (in his recent State of the World message), I believe that world peace will be better served by having China inside rather than outside the family of nations.

And, difficult as it will be to attain the necessary support in the United Nations for this position, I cannot believe that it is beyond the scope of American leadership and ingenuity. The President will need all the help we can give him, however, and I urge that, as a practical evidence of our support of a position which I have been urging, the Javits resolution be considered and overwhelmingly approved by the Senate of the United States without delay.

#### ADDITIONAL ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, the Senate will proceed to the consideration of routine morning business for a period of not to exceed 15 minutes, with statements therein limited to 3 minutes.

#### OFFSHORE OIL LEASES IN SOUTH-EAST ASIA

Mr. AIKEN. Mr. President, on March 11, I inserted in the RECORD correspondence between the Committee on Foreign Relations and the Department of State concerning offshore oil leases in Southeast Asia.

On April 9, the committee received some additional information from the Department concerning this issue, and I ask unanimous consent to have it printed at this point in the RECORD.

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

DEPARTMENT OF STATE,  
Washington, D.C., April 7, 1971.

HON. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As Mr. Prentice indicated by telephone to Messrs. Jones and Dockery of the Committee's staff on April 1, we have discovered some additional information that indicates the United States Government did provide some indirect assistance, through a United Nations body, to scientific research on undersea mineral resources on the East Asian continental shelf including the area off the shores of Viet-Nam. This information was not known to us at the time of my letters to you of February 10 and 27 and has come to our attention only as a result of our continuing inquiries into the matter.

The Agency for International Development, at the request of the United Nations' Economic Commission for Asia and the Far East (ECAFE), has provided since November 1966 the occasional services of Dr. K. O. Emery from the Woods Hole Oceanographic Institute to serve on a six-member international Technical Advisory Group to ECAFE's Committee for Co-Ordination of Joint Prospect-

ing for Mineral Resources in Asian offshore areas (CCOP). A memorandum describing the work of the CCOP is attached. (Enclosure 1)

Dr. Emery, in his capacity as a member of the Technical Advisory Group, arranged for the U.S. Navy to permit a team of scientists to board Navy aircraft already engaged in magnetic anomaly research (Project Magnet) and a contract civilian research vessel (the R/V HUNT) engaged in hydrographic research. The Navy craft were not searching for underseas mineral deposits, but the visiting scientists were permitted to do so as long as their research did not interfere with the research missions of the craft involved. These missions were conducted widely in East Asian waters, including the continental shelf off Viet-Nam. A memorandum describing the Navy's role in this research is attached. (Enclosure 2)

The results of the CCOP research have either already been published or are soon to be published by ECAFE for public use.

If I can be of any further assistance to you in this matter please call on me.

Sincerely,

DAVID M. ARSHIRE,  
Assistant Secretary for Congressional  
Relations.

#### SUMMARY OF CCOP PROJECT

In 1966 the United Nations Economic Commission for Asia and the Far East (ECAFE) set up a committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP). The initial members of the committee were Japan, Korea, Taiwan, and the Philippines. (Cambodia, Indonesia, Malaysia, Thailand and Viet-Nam have subsequently joined.) One of the first acts of the committee was to invite the participation of representatives of Germany, France, U.K. and the United States as members of a technical advisory group. As a U.S. contribution information obtained through geomagnetic surveys made by the Naval Oceanographic Office's Project MAGNET was made available to CCOP on a continuing basis. (Under Project MAGNET two planes were employed by the Navy to collect data for use in air navigation and anti-submarine warfare based upon changes in isomagnetic lines. The same information also has some preliminary applicability in oil exploration in that data collected can be used to make some judgment on the advisability of moving on to the further step of seismic exploration.) Under Project MAGNET information was collected on the East China and Yellow Seas, as well as the South China Sea and the Mekong Delta. These data were turned over to West Germany, which had agreed to make geological interpretations of the information as its contribution to CCOP.

After review of these geomagnetic surveys and previous studies carried out by independent geologists in earlier years the CCOP decided that seismic operations were needed to provide more definitive data. After exploring various possibilities, it was decided that the best means was acceptance of an offer for joint participation of CCOP personnel in a study planned by the Pacific Support Group of the U.S. Naval Oceanographic Office to collect data on ocean sea bottoms using shipboard reflection seismic and geomagnetic methods. The ship was the *F. V. HUNT*, operated by the Marine Acoustical Services Co. of Miami, Florida, under contract to the Navy's Military Sea Transportation Service and directed by the U.S. Naval Oceanographic Office. As in Project MAGNET, operations by the *HUNT* were carried out in the East China and Yellow Seas, as well as in the South China Sea and the Gulf of Siam. At all times scientists of CCOP countries were aboard the *HUNT*. Information collected has been published in technical bulletins of CCOP and

has been made available to reference libraries in academic and governmental organizations throughout the world. Copies have also been provided, on request, to private industry.

In addition to the projects mentioned above, seismic refraction and sparker surveys were made in the southwestern offshore areas of Viet-Nam in November-December 1968. Equipment and technical personnel for this CCOP project were provided by the UK. Counterpart personnel, ships, and equipment were provided by the Government of Viet-Nam.

#### THE NAVY'S ROLE

The civilian oceanographic research vessel R/V HUNT is owned by a private company and chartered to the Navy Oceanographic Office. It has a civilian crew and embarks civilian scientific personnel for the conduct of a variety of oceanographic research projects routinely pursued by the Navy. Aircraft surveys using specially equipped Navy "PROJECT MAGNET" aircraft are frequently used to conduct a preliminary survey in advance of the work on board ship. When there is scientific space available on board during a scheduled research voyage, the Navy in the past has permitted international scientists to board the HUNT and collect data for their projects on a "not-to-interfere" basis with the HUNT's scheduled Navy work. Unclassified portions of the aircraft survey work deemed compatible with the projects of these international scientists have been made available to them.

In mid-1969 the Navy honored such a request from a team of international scientists working under the United Nations Economic Commission for Asia and the Far East (ECAFE). Four scientists from ECAFE's Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Off-Shore Areas (CCOP—established in 1966) were permitted to ride the HUNT during a research voyage in the off-shore areas of the Republic of Viet-Nam, Thailand, Malaysia, the Philippines and the Borneo coast. Aerial survey work for this particular voyage was deemed noncompatible with CCOP projects, and no aerial data was furnished.

During the voyage, the international scientists collected a variety of data, part of which may be used in oil exploration. This data is unclassified and is expected to be published by CCOP in May of 1971 for open international use. A copy of the data was furnished to the U.S. Navy Oceanographic Office which passed it to the Department of Commerce. It has been available at the National Oceanographic Data Center, an agency of the National Oceanographic and Atmospheric Administration, for use by interested parties.

The Navy conducts scientific voyages, such as that of R/V HUNT, to collect data for support of research and development of Navy equipment and does not make this information available for public release. The Navy does not conduct underwater surveys with the objective of oil exploration. During the 1969 voyage, the Navy provided only facilities for the CCOP scientists and exercised no influence over the type of analysis they conducted after their data had been collected. Whatever information is gathered by CCOP scientists embarked on the HUNT concerning mineral and petroleum resources is purely a "spin-off" from the principal effort of that ship's voyage and is collected on a "not-to-interfere" basis.

Mr. AIKEN. Mr. President, this information pertains to the committee's earlier questions about whether or not the United States either directly or indirectly had assisted South Vietnam in

determining the existence of any offshore oil potential.

In response to this line of questioning, the Department of State in its letter of February 27 told the committee:

Neither the U.S. Geological Survey nor the U.S. Navy has done any oceanic research work in the offshore areas of South Vietnam that would be useful in exploring for oil.

In its most recent letter, however, the Department now states that the U.S. Navy was involved in assisting a U.N. advisory group engaged in "scientific research on underseas mineral resources on the East Asian continental shelf including the area off the shores of Viet-Nam" and that through this advisory group the information collected has been made available to reference libraries, governmental organizations, and "on request, to private industry."

Mr. President, the State Department's letter and enclosures of April 7 make for interesting but tedious reading—interesting because it uncovers new information about a controversial subject and tedious because of the difficulty encountered in trying to sort out the relationships among various public and private groups.

It is a perfect example of complexity in Government—up to the point where the State Department itself was unable to keep track of who was doing what to whom and for what purpose.

However, I do commend the State Department for coming forward and correcting the information which it had previously supplied to the committee.

I hope that all the facts surrounding this matter can be brought to light so that the charges and allegations that have been raised can be judged accordingly.

Mr. President, I want it understood that I sincerely hope there is oil off the coast of Southeast Asia, and that if there is, it will be properly and adequately developed for the use of the people, particularly, of that part of the world, who now have to go long, long distances in order to get their supply. I am not opposed in any way to locating and developing oil supplies off the coast of Asia, but I do think the record should be kept straight, and this later letter from the State Department does show that we were officially engaged in assisting the people who were making a search for mineral resources on the East Asian Continental Shelf.

#### 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 second assistant legislative clerk proceeded to call the roll.

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

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

**CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT—REMOVAL OF INJUNCTION OF SECRECY**

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive A, 92d Congress, first session, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970. I transmit also for the information of the Senate the report of the Secretary of State with respect to the Convention.

The problem of aircraft hijacking has become a serious global threat to international aviation. No country or area is immune from this threat.

The Diplomatic Conference which met at The Hague December 1-16, 1970 had before it the urgent task of preparing a Convention to ensure that all hijackers, wherever found, would be subject to severe punishment for an act which endangers the safety and lives of passengers and crew aboard. I believe that the Conference achieved this objective and that it will be fully realized when States have ratified or acceded to the Convention and it has become widely accepted.

Because of the worldwide threat of hijacking, the Convention provides that all States may become parties. I hope that it will be applied universally. I made my views clear on September 11, 1970 when I stated that:

"It is imperative that all countries accept the multilateral convention providing for the extradition or punishment of hijacking which will be considered at the international conference which will be held under the auspices of the International Civil Aviation Organization. I affirm the support of the United States both for this convention and for the Tokyo convention, which provides for the prompt return of hijacked aircraft, passengers and crew. I call upon other governments to become parties to these conventions."

I believe that the Convention will be an important step in the development of international law and practice with respect to deterring hijacking. I urgently recommend, therefore, that the Senate give early and favorable consideration to the Convention.

RICHARD NIXON.

THE WHITE HOUSE, April 15, 1971.

**ORDER OF BUSINESS**

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

**CHANGE OF REFERENCE OF BILL**

Mr. MATHIAS. Mr. President, I ask unanimous consent that S. 1148, a bill to provide for the continued operation of the Public Health Service general hospitals, which was originally referred in error to the Committee on Labor and Public Affairs, be re-referred to the Committee on Appropriations. It is a bill which deals with the appropriation funds and should originally have gone to the Committee on Appropriations. Therefore, I ask unanimous consent that it be re-referred to the Committee on Appropriations.

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

**QUORUM CALL**

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

**ORDER FOR ADJOURNMENT TO 11 A.M. ON MONDAY, APRIL 19, 1971**

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

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

**ORDER GRANTING LEAVE OF ABSENCE TO SENATOR CHILES**

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Florida (Mr. CHILES) be granted a leave of absence during the dates of April 20 through April 23, 1971. He will represent the Committee on Agriculture and Forestry of the U.S. Senate at the Department of Agriculture's Conference on Latin-American Attachés and will be out of the country during that period.

In accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent that he be granted this leave of absence while he is away from the Senate on official business during the period stated.

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

**QUORUM CALL**

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

**PROGRAM FOR MONDAY, APRIL 19, 1971**

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 11 a.m., following an adjournment. Immediately following recognition of the majority and minority leaders under the standing order, the distinguished Senator from Alabama (Mr. ALLEN) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on speeches therein.

At the close of morning business on Monday next, the pending business will be laid before the Senate. The pending business will be the Emergency School Aid and Quality Integrated Education Act of 1971.

At 12:45 p.m. on Monday next, the Senate will go into executive session. A vote will occur—and it will be a rollcall vote—at 1 p.m., on Executive H, 91st Congress, second session, the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Following the vote, the Senate will resume consideration of the pending legislative business.

Mr. President, under the order entered earlier today, the Pastore rule, which normally runs for a period of 3 hours in accordance with paragraph 3 of rule VIII of the Standing Rules of the Senate, will be extended to cover a 5-hour period on Monday.

There will be at least one rollcall vote on Monday, and there could possibly be additional rollcall votes. It is not now anticipated that the Senate will complete action on the emergency school aid bill on Monday.

**ADJOURNMENT TO 11 A.M. ON MONDAY, APRIL 19, 1971**

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 o'clock on Monday next.

The motion was agreed to; and (at 1 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, April 19, 1971, at 11 a.m.