

By Mr. WILLIAMS:

H. Con. Res. 599. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Res. 950. Resolution providing for the consideration of the joint resolution (H.J. Res. 253) to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on Rules.

MEMORIALS

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

382. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to setting a date for U.S. withdrawal from Southeast Asia; to the Committee on Foreign Affairs.

383. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

222. By the SPEAKER: Petition of the mayor and City Council, Seattle, Wash., relative to the Federal food stamp program; to the Committee on Agriculture.

223. Also, petition to Ralph Boryszewski et al., Rochester, N.Y., relative to creation of a House Select Committee on Impeachment; to the Committee on Rules.

SENATE—Monday, May 1, 1972

The Senate met at 10 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

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

Almighty God, Ruler of men and nations, we thank Thee this day for the revelation of Thy law in nature and in Thy Word, and for the higher law of love made known by Thy Son. Be with all who create, all who interpret, all who administer, and all who enforce the law. Support them as the guardians of our safety. Accord them a place of honor and gratitude among the people. Guide those whose mission is to correct, reform, and rehabilitate offenders. Make us a people obedient to Thy laws and the laws of this Republic that we may go from strength to strength in advancing Thy kingdom of brotherhood, justice, and peace.

In the name of Him who came not to destroy but to fulfill the law. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 1, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal and the proceedings of Friday, April 28, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 26, 1972, the President had approved and signed the following act and joint resolution:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rules VII and VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to make certain changes in selection board membership and composition, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

INVOLUNTARY ACTIVE DUTY FOR COAST GUARD RESERVISTS

A letter from the Acting Secretary of the Department of Transportation submitting proposed legislation to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Employment Security Operations—the Impact of a Computerized

Job Bank in Baltimore, Md." (with accompanying report); to the Committee on Government Operations.

PROPOSED CONTRACT FOR RESEARCH PROJECT

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the Perkin-Elmer Corp., Pomona, Calif., for a research project entitled "Development of an Optical Carbon Monoxide Detector System" (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of that Office, for the calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF THE AMERICAN ACADEMY OF ARTS AND LETTERS AND THE NATIONAL INSTITUTE OF ARTS AND LETTERS

A letter from the assistant to the president, the American Academy of Arts and Letters, New York, N.Y., transmitting, pursuant to law, reports of that academy and the National Institute of Arts and Letters, for the year 1971 (with accompanying reports); to the Committee on the Judiciary.

REPORT ENTITLED "AN ANALYSIS OF URBAN HIGHWAY PUBLIC TRANSPORTATION FACILITY NEEDS"

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "An Analysis of Urban Highway Public Transportation Facility Needs" (with an accompanying report); to the Committee on Public Works.

INTERIM STANDARDS REPORT BY COMMITTEE ON MOTOR VEHICLE EMISSIONS

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, an interim standards report by the Committee on Motor Vehicle Emissions, of that Academy (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"S. 3482

"Resolution ratifying the proposed amendment to the Constitution of the United States insuring equality of rights which shall not be denied or abridged by the United States or by any State on account of sex

"Whereas, Equality of rights under the law ought not to be denied or abridged by the United States or by any state on account of sex; and

"Whereas, Recognition of the basic equality of women and protection of their basic rights must be emphatically resolved; and

"Whereas, The house of representatives of the United States and the United States senate, by the constitutional vote of two-thirds (2/3) of each house concurring therein, did enact during the sessions of the ninety-second congress of the United States of America in 1971-1972 a proposed amendment of the constitution of the United States; and

"Whereas, Said proposed amendment was submitted to the states for ratification and said proposed amendment to the constitution of the United States of America is in the following words, to wit:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

"SEC. 2. The congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

"Now, therefore, be it Resolved, That the general assembly of the State of Rhode Island and Providence Plantations does hereby ratify the above proposed amendment to the constitution of the United States of America; and be it further

"Resolved, That certified copies of this resolution be immediately transmitted by the secretary of state of the State of Rhode Island and Providence Plantations to the president of the United States, the president of the senate of the United States, the speaker of the house of representatives of the United States and the administrator of general services of the United States."

A resolution adopted by the City Council of Seattle, Wash., praying for revision of the regulations and guidelines of the food stamp program; to the Committee on Agriculture and Forestry.

A resolution adopted by Medford Barracks No. 2202, Veterans of World War I, Medford, Mass., supporting the action of the President relating to the invasion by the Army of North Vietnam; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, adversely, without amendment:

H.R. 7117. A bill to amend the Fishermen's Protective Act of 1967 to expedite the charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes (Rept. No. 92-769).

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

H.R. 9019. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket number 22-A, and for other purposes (Rept. No. 92-768).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1140. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes (Rept. No. 92-770).

By Mr. MCGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government (Rept. No. 92-771).

By Mr. MCGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 855. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes (Rept. No. 92-772);

S. 3380. A bill to permit immediate retirement of certain Federal employees (Rept. No. 92-773); and

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for,

and greater flexibility in management of, air traffic controllers, and for other purposes (Rept. No. 92-774).

ORDER FOR STAR PRINT OF S. 3537

Mr. CASE. Mr. President, on behalf of Senators HART, MCGOVERN, CRANSTON, and myself I would like to ask unanimous consent for a star-print on S. 3537, a comprehensive school lunch-school breakfast reform bill which we recently introduced. Due to a clerical mistake, one vital section was omitted from the bill. I would like now to submit the proper draft of the bill, to be replaced as S. 3537.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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. BELLMON:

S. 3561. A bill to exempt from taxation certain property of the National Society Colonial Dames XVII Century in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. HATFIELD:

S. 3562. A bill for the relief of Moo Soo Hwang. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 3563. A bill to incorporate World War I Overseas Flyers, Inc. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 3564. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 9, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS:

S. 3565. A bill to amend the Fishermen's Protective Act of 1967 in order to provide certain protection for U.S. fishermen and fish resources. Referred to the Committee on Commerce.

By Mr. HOLLINGS:

S.J. Res. 228. A joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON:

S. 3561. A bill to exempt from taxation certain property of the National Society Colonial Dames XVII Century in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. BELLMON. Mr. President, I am today introducing a bill to exempt from taxation certain property of the National Society Colonial Dames XVII Century in the District of Columbia.

The society is a nonprofit organization with patriotic, historic, and educational objectives. Among the activities of the society is researching and marking historic sites over the country and aiding in their preservation. It fosters research

and preservation of American 17th century colonial and genealogical records; financially aids education of American youth; commemorates the heroic deeds of our ancestors, and maintains a library specializing in 17th century American colonial data, and a library of heraldry.

The society has 165 chapters in 33 States: Alabama, Arkansas, California, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia.

The organization maintains a national headquarters in a late 19th century brick mansion at the corner of New Hampshire Avenue and N Streets NW., in Washington, D.C. Because of security problems and increasing costs for maintaining an old structure, plus some attractive offers from developers for purchase of the property, the society has considered moving its headquarters to a publicly owned historic site in Virginia or Maryland. However, its members not only like the idea of having the national headquarters in the Nation's Capital, but they also enjoy coming to Washington to attend the annual conference each April and board of management meetings in October.

The membership also is proud that for 17 years it has been able to restore and maintain a 19th century house and thus preserve one of the few remaining landmarks of that era in the city.

Mr. President, the president general of the National Society Colonial Dames XVII Century is Mrs. Olen Delaney of Oklahoma City. In behalf of Mrs. Delaney and the membership of this worthy organization, I submit this legislation to grant a real estate tax exemption for the society's national headquarters property.

By Mr. GURNEY:

S. 3563. A bill to incorporate World War I Overseas Flyers, Inc. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am pleased and proud today to introduce legislation which would grant a Federal charter to the World War I Overseas Flyers, one of our proudest and most patriotic veterans' organizations.

These men all saw action over the skies of Europe during the First World War. They fought bravely and gallantly, and their noble deeds are known to all.

Now, they have joined together "to promote peace and goodwill among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the air service of the great war 1917-18; to cement the ties of love and comradeship born of the service."

These are indeed noble aims, Mr. President. They remember what they did and why they fought, with serious pride, and now they seek to preserve the friendship made and the warm spirit of camaraderie fostered by those brave days. More important, they hope to be able to help bring about peace in our troubled world, which is the noblest aim of all.

Mr. President, I feel a special bond of affection for these fine gentlemen, because my great and good friend and our late colleague, Spessard L. Holland, was a member of this proud fraternity, having served as a member of the 24th Aero Squadron. I feel it would be a fitting tribute to Spessard Holland's memory, and to all his brave comrades if we grant the World War I Overseas Flyers a Federal charter.

I ask unanimous consent at this time to have the text of the bill printed following these remarks.

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

S. 3563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lawrence C. Ames of Oakland, California; Lucas V. Beau, of Washington, District of Columbia; Louis L. Carruthers of Memphis, Tennessee; John M. Davies of the Commonwealth of Virginia; Howard Eales of Washington, District of Columbia; Harold L. George of Los Angeles, California; Percival G. Hart, of Beverly Hills, California; Charles W. Kerwood of Washington, District of Columbia; Reed G. Landis of the State of Arkansas; John A. Logan of Washington, District of Columbia; John P. Morris of Washington, District of Columbia; Martin F. Scanlon of Washington, District of Columbia; Carl Spaatz of the State of Maryland; Leigh Wade of Washington, District of Columbia; and Ira Milton Jones of the State of Wisconsin and their successors, are hereby created and declared to be a body corporate by the name of "World War I Overseas Flyers, Incorporated" (hereinafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession. Such corporation shall have the powers and be subject to the limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, and the doing of such other acts as may be necessary to complete the organization of the corporation.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be:

- (1) To promote peace and good will among the peoples of the United States and all the nations of the earth;
- (2) To preserve the memories and incidents of the Air Service of the Great War 1917-1918;
- (3) To cement the ties of love and comradeship born of service; and
- (4) To consecrate the efforts of its members to mutual helpfulness and service to their country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to sue and be sued, complain, and defend in any court of competent jurisdiction;
- (2) to adopt, alter, and use a corporate seal;

- (3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

- (4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulation of its affairs;
- (5) to make and carry out contracts;

- (6) to receive contributions or grants of

money or property to be devoted to the carrying out of its purposes;

- (7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

- (8) to transfer, encumber, and convey real or personal property; and

- (9) to do everything and anything reasonably necessary, proper, suitable, convenient, or incidental to the aforesaid purposes or which may properly be done in furtherance thereof.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Milwaukee, Wisconsin, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, territories, and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the persons named in the first section of this Act.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to a member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents

to the making of such a loan and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use the name "World War I Overseas Flyers, Incorporated". The corporation shall also have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the World War I Overseas Flyers, Incorporated (a corporation incorporated under the laws of the State of Wisconsin), in carrying out its program and the right to which may be transferred to the corporation. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the World War I Overseas Flyers, Incorporated, chartered in the State of Wisconsin, upon discharge of all of the liability of such corporation and upon complying with all laws of the State of Wisconsin applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

By Mr. STEVENS:

S. 3565. A bill to amend the Fishermen's Protective Act of 1967 in order to provide certain protection for U.S.

fishermen and fish resources. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, on June 29 of last year, I introduced S. 2191. This bill was amended by the Senate Commerce Committee after hearings on the subject and was passed out in a form identical to H.R. 3304. On December 23 of last year President Nixon approved the bill, which is now Public Law 92-219 (85 Stat. 786). The act as passed differs to a certain extent from S. 2191 as I introduced it. For example, S. 2191 required the Secretary of Commerce to make certification directly to the Secretary of the Treasury who would then be required to prohibit the importation without granting the President discretion to act as he saw fit. Upon subsequent examination of the subject, the committees, both House and Senate, in their collective wisdom came to the conclusion that it would indeed be best for the President to have the discretion to make the final decision in this important matter. As the hearings and deliberations on these bills progressed, I, too, was persuaded that the President of the United States must have the discretion to act wisely as he sees fit.

However, there was another substantial difference between S. 2191 and H.R. 3304. S. 2191 expanded the acts constituting grounds for certification by the Secretary of Commerce to include, first, conducting fishing operations in the territorial waters or the contiguous fisheries zone of the United States; second, destroying equipment owned by U.S. fishermen; or third, engaging in any other activity which endangers U.S. fish resources. These three grounds are, of course, in addition to the present basis for such a certification—conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program.

Because H.R. 3304 was of such importance that action was immediately required, it was deemed best, and I did not protest, to provide immediate sanctions for foreign nationals violating international fishery conservation programs. I, therefore, did not at that time press for the inclusion of the additional three grounds for certification and possible importation prohibition. Because H.R. 3304 is now public law and we have implemented a program to deal with those countries which callously disregard international fish conservation programs, I should like to reintroduce the essence of these additional grounds for prohibition as contained in S. 2191. I am doing so in order that Congress may consider the necessity of inclusion of these additional grounds for certification and prohibition.

In recent months I have on many different occasions indicated the need for such legislation and have introduced numerous bills on the subject. I have also inserted many statements in the CONGRESSIONAL RECORD in an attempt to rectify this deplorable situation. For example, on March 6 of this year, I introduced S. 3299, a bill requiring the forfeiture of the monetary value of all fish aboard any vessel caught fishing in the

contiguous zone. At that time in my introductory statement I gave a brief indication of the seriousness of the problem.

On pages 53303 and 53304 of the March 6 CONGRESSIONAL RECORD, I inserted several letters from U.S. attorneys across the country, indicating the value of the fish and the number of vessels seized during the last 5 years in our territorial waters. Since March 6, I have received a report, Foreign Fishing Activities—Bering Sea and Gulf of Alaska—1970, published by the Enforcement and Surveillance Division of the National Marine Fisheries Service, Alaska region, and printed in Juneau, Alaska, in November 1971. I shall refer to a number of the tables contained therein, which are of particular importance, and I should like to append these as exhibits.

Exhibit 1—table 8—depicts the unauthorized entries of foreign vessels into U.S. territorial waters off Alaska in 1970. Exhibit 2, table 9, depicts foreign vessels within the U.S. contiguous fishery zone—the 9-mile-wide strip of water immediately beyond our 3-mile territorial sea—off Alaska in 1970. Exhibit 3 is the list I inserted in the CONGRESSIONAL RECORD along with S. 3299 on March 6 enumerating the vessels seized during the last 5 years for violation of American territorial waters off all U.S. coasts.

Mr. President, I believe these three charts will graphically depict the seriousness of the present situation.

The difficulties encountered by fishermen whose gear has been totally destroyed by foreign nationals is also well documented. Only last year two of Alaska's most valuable and modern fishing vessels were completely stripped of their gear by Soviet trawlers off the Alaska coastline. These vessels, the *Viking King* and *Viking Queen*, and another vessel, the *MV Endeavor*, were the subjects of considerable Soviet harassment prior to their disablement. I am attaching as exhibit 4 several of the letters I received from the owners and from the Departments of State, Commerce and Transportation on the subject. These letters graphically illustrate not only the occurrences in the Bering Sea on March 3, 1971, and the extent of the damage suffered by all three vessels, but more importantly, the total inability of the United States to deal with the Soviet fleet.

As the attached correspondence indicates, the United States was able to exert no legal compulsion on the offenders because the incident occurred in a fish sanctuary in international waters and because our present laws permit no unilateral recourse. The loss of this gear required both vessels to travel to Seattle to be reoutfitted. Such repairs could only be effected after a long delay. Needless to say, the financial loss fell not only on the vessel owners themselves, but also upon their fishermen employees and on those who were depending upon processing and transportation of the catch for a substantial portion of their yearly income. Fortunately, the Soviet Union has recently agreed to negotiate concerning reimbursement of the vessel owners. However, any reimbursement at all is ex-

tremely problematical and distant. I commend the Soviet Union for their negotiation offer and urge that they make speedy recompense. However, I believe the whole incident strongly demonstrates the need for strict laws to prevent the recurrence of just such an incident again in the future.

Last October I received a letter from Mr. Ed Fuglvog, a trawler captain from Petersburg, Alaska. This letter is one of the most amazing I have ever received in my entire public career. It indicates in detail with attached charts an amazing destruction of gear that he personally experienced at the hands of Russian trawlers. He even enclosed a piece of Russian trawl web which one of his bottom halibut hooks brought up near the scene of his gear destruction. This web clearly indicates that not only was the Russian fleet destroying American fishing gear in the area, but that it was also trawling for halibut and other bottom fish in violation of good fish conservation practices.

Unfortunately, there is no way to reproduce the net itself, the most graphic piece of evidence, in the CONGRESSIONAL RECORD. However, it along with the original letter, is available in my office files for any of my colleagues or their staffs who might wish to view them. I have attached a copy of Captain Fuglvog's letter as exhibit 5.

Unfortunately, these two cases are not the only examples of destruction of American fishing gear by foreign fleets. To indicate the extent of the problem, I have attached table 13 which indicates the total damage to U.S. fishing gear by foreign fishing vessels off Alaska in 1970. This I have identified as exhibit 6.

Needless to say, other types of illegal fishing activity also present serious problems and should serve as grounds for possible prohibition. Such activities include harassment of American fishermen and illegal and unsportsman-like fishing activities wherever they occur and which

may or may not be specifically prohibited or destructive of fishing equipment. Other activities would include the violation of foreign fish-licensing laws resulting in the depletion of U.S. fish resources.

Mr. President, these serious problems will not solve themselves. Although for many years we have been party to numerous fish conservation conventions, most such treaties require enforcement by the violator's home country. Such nations have usually been notoriously lax in prosecuting their own citizens. As tables 10 and 11 indicate, these treaties have totally failed to achieve their purpose. These tables are attached as exhibits 7 and 8 respectively.

There are, however, several means by which we can protect our own fish resources. The first is by the enactment of tougher treaties—treaties giving coastal nations control over their own fish resources and providing enforcement authority in the coastal state wherein the violation occurred rather than in the violator's home country. I am now pressing for just such action by the U.S. delegation to the Law of the Seas Conference.

The second step we must take is to increase our surveillance and protective activities off our coast.

I am informed that there are presently over 300 foreign vessels fishing off Alaskan waters alone. To patrol the Bering Sea, an area of 873,000 square miles, the Coast Guard has allocated but a single vessel, the U.S.S. *Mellon*. In that area alone are over 120 Russian and 140 Japanese fishing vessels. South of the Aleutians the Coast Guard has allocated but one additional vessel to patrol an area from the Alaska Peninsula to the southern tip of the Alaskan southeastern panhandle. These two vessels patrol an area with a coastline greater than that of the entire contiguous United States and have jurisdiction over fish resources at least equal to those in the remaining

49 States combined. Tables 5 and 6, attached as exhibits 9 and 10, depict respectively the summaries of U.S. Coast Guard vessel fisheries patrols off Alaska in 1970 and U.S. aerial fisheries patrols off Alaska for the same year. These tables similarly indicate the need for additional patrol and surveillance commitments to protect Alaskan fisheries.

A third solution is the one to which this bill is addressed—the stiffening of penalties for those nations committing illegal fishing practices.

Mr. President, I believe this bill is of the utmost importance and request that my colleagues review my statement carefully as well as the exhibits attached to it. I request unanimous consent that the text of the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point and followed by the several exhibits.

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

S. 3565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8 (a) of the Fisherman's Protective Act of 1967, as amended by Public Law 92-219, is amended to read as follows: "When the Secretary of Commerce determines that nationals of a foreign country are, directly or indirectly, (1) conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, (2) conducting fishing operations which are prohibited in the Act entitled 'An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels,' approved May 20, 1964 (16 U.S.C. 1081 et seq.); (3) destroying equipment owned by United States fishermen; or (4) engaging in any other activity which endangers United States fish resources, the Secretary of Commerce shall certify such fact to the President."

EXHIBIT 1

TABLE 8.—UNAUTHORIZED ENTRIES OF FOREIGN VESSELS INTO U.S. TERRITORIAL WATERS, 1970

Date	Nationality	Vessel	Location	Remarks
Apr. 13	Japanese	Cargo Yoho Maru, TKI-689	1.7 miles off St. George Island 56-34N 169-26W.	Coast Guard aircraft with NMFS agent sighted subject vessel drifting in position shown. Instructed vessel by message block to depart and observed her leaving territorial waters.
Apr. 13	Soviet	Tanker Mozyr and SRTM freezer trawlers 8484, Avtogenshchik, 8442, Olenyok, Apparatchik, Ossorka, and Verabelik and RT trawler Adler.	0.8 miles off Marmot Island 58-17N 151-50W.	Coast Guard aircraft sighted subject vessels fueling in position shown. Other Coast Guard aircraft and Cutters dispatched. Trawlers departed U.S. waters by arrival of 1st Cutter. Master of tanker arrested and fined \$1,500 for oil pollution violation.
May 3	Canadian	Longliners Diana II and Tradewind 3.	1.8 miles off Barren Island 54-43N 131-22W. 1.7 miles off Club Rocks 54-47N 131-20W.	Coast Guard helicopter sighted subject vessels near longline gear in positions shown. Instructed vessels by message blocks to depart and they complied. Cutter with NMFS agent dispatched and retrieved illegal gear. Gear and halibut taken were released to custody of and disposition of violation assumed by State of Alaska.
June 5	South Korean	Trawlers Tae Yang No. 203 and Tae Yang No. 205.	0.4 miles off Tanaga Island in Tanaga Bay 51-43.5N 177-59W.	NMFS research vessel reported subject vessels anchored inside Tanaga Bay. Coast Guard Cutter with NMFS agent dispatched to investigate and found subject vessels anchored in position shown. Vessels seized for failure to give notice of arrival at U.S. port or place (33 CFR 124.10) and fined \$500 each.
July 22	Japanese	Stern trawler Zuiyo Maru No. 3 and reefer Eiko Maru.	1½ miles off Spray Cape, Unalaska Island 53-38N 167-08W.	U.S. crab vessel reported subject vessels in positions shown. No patrol unit available for investigation.
		Stern trawler Soyo (possibly Shoyo) Maru and reefer Bansun (possibly Banshu) Maru.	2½ miles off Spray Cape, Unalaska Island 53-39N 167-07W.	
Aug. 6	Japanese	Unidentified trawler.	2½ miles off Puffin Bay, Baranof Island.	U.S. NOAA vessel reported subject vessel fishing in area shown. Coast Guard aircraft investigated and could locate no vessels in area.
Aug. 26	Japanese	Stern trawler Zuiyo Maru and cargo Hoyo Maru.	2 miles off Skan Bay, Unalaska Island 53-41N 167-08.5W.	ADF & G patrol ship reported subject vessels transshipping in position shown. Coast Guard Cutter diverted to investigate and found subject vessels anchored near same position 2.3 miles offshore. Vessels ordered to leave territorial waters and complied.

EXHIBIT 2

TABLE 9.—FOREIGN VESSELS WITHIN U.S. CONTIGUOUS FISHERY ZONE OR OPERATING IN VIOLATION OF IMPLEMENTING AGREEMENTS, 1970

Date	Nationality	Vessel	Location	Remarks
June 15	Japanese	Stern trawler Akebono Maru No. 11.	10 miles off Cape Cross 57-50N 136-51W.	U.S. fishing vessel reported subject vessel fishing in position shown. Coast Guard aircraft dispatched and sighted subject vessel outside contiguous fishery zone.
June 16	Japanese	Stern trawler Akebono Maru No. 11 Shinnichi Maru No. 31.	11.6 miles off Yakobi Island 56-57N 136-55W.	ADF & G test fishing vessel sighted subject vessels fishing in position shown. No unit available for investigation.
June 27	Japanese	Stern trawler Akebono Maru No. 11.	9.3 miles off Yakobi Island 57-48.5N 136-47W.	Coast Guard aircraft sighted subject vessel and maintained "hot pursuit" for 9½ hours until Coast Guard Cutter overtook and seized the vessel. Master fined \$10,000 and settlement of \$20,000 was reached in lieu of a civil suit against the vessel.
June 28	Japanese	Unidentified trawler	8 miles off Hogan Island	U.S. fishing vessel reported an unidentified trawler fishing in position shown. Delay between sighting and receipt of report precluded investigation.
Aug. 18	Japanese	Longliner Kaki Maru No. 18.	9.8 miles off Middleton Island 59-18.5N 146-05W.	Coast Guard Cutter with NMFS agent sighted subject vessel fishing in position shown. Vessel seized. Master fined \$10,000 and settlement of \$25,000 reached in lieu of civil suit against vessel.
Aug. 20	Japanese	Longliner Kiyo Maru No. 51.	9.7 miles off Cape Edgecumbe 56-57N 136-06W.	Coast Guard aircraft sighted subject vessel fishing in position shown. Rotating Coast Guard aircraft maintained "hot pursuit" for 16 hours until Coast Guard Cutter overtook and seized the vessel. Master fined \$10,000 and sentenced to 1 year imprisonment (suspended) and settlement of \$34,950 reached in lieu of civil suit against vessel.
Sept. 27	Japanese	Stern trawler Kyoyo Maru	10.2 miles off Atka Island 51-50N 174-13W.	Coast Guard Cutter sighted subject vessel fishing in position shown and maintained "hot pursuit" for 18 hours until vessel stopped and was seized. Master fined \$10,000 and sentenced to 1 year imprisonment (suspended) and settlement of \$39,625 reached in lieu of civil suit against vessel.
Nov. 22	Soviet	Unidentified trawler	3.5 miles off Unimak Island 54-36N 163-07W.	U.S. fishing vessel reported subject vessel fishing in position shown. Coast Guard aircraft with NMFS agent dispatched to investigate found 9 Soviet ships in the nearby Sanak Island loading zone but none in position of reported violation.
Dec. 5	Japanese	Stern trawler Zuiyo Maru and cargo Banshu Maru No. 2.	3.5 miles off Unimak Island	Coast Guard Cutter with NMFS agent sighted subject vessels transshipping in position shown, an area not authorized by the United States-Japan CFZ Agreement. In accordance with existing instructions the vessels were boarded and ordered to depart and they complied.

EXHIBIT 3

Date	Name of vessel	Nationality	Territory seizure made	Monetary penalties	Violation in—	Date	Name of vessel	Nationality	Territory seizure made	Monetary penalties	Violation in—
Mar. 2, 1967	SRTM 8-413	U.S.S.R.	Alaska	\$5,000	Territorial sea.	Aug. 20, 1970	Kiyo Maru No. 18	do	do	\$45,000	CFZ.
Mar. 22, 1967	SRTM 8-457	do	do	10,000	CFZ.	Sept. 17, 1970	Clipper II	Canada	do	5,000	Territorial sea.
July 16, 1967	Tenyo Maru No. 3	Japan	do	5,000	Territorial sea.	Sept. 27, 1970	Kyoyo Maru	Japan	do	50,000	CFZ.
Aug. 3, 1967	SRTM 8-457	U.S.S.R.	do	20,000	CFZ.	Feb. 10, 1971	SRTM 8484	U.S.S.R.	do	50,000	CFZ.
June 3, 1969	Zenpo Maru	Japan	do	5,500	CFZ.	Feb. 24, 1971	Lambda 54	do	Florida	25,000	CFZ.
Do	Koai Maru	do	do	3,500	CFZ.		Lambda 102	do			
Sept. 22, 1969	Matsuei Maru	do	do	10,000	CFZ.		Lambda 91	do			
May 3, 1970	2 long-liners	Canada	do	5,000	Territorial sea.	July-August 1971	3 trawlers	Canada	Washington	1,500	Territorial sea.
June 27, 1970	Akebono Maru	Japan	do	30,000	CFZ.	July 9, 1971	All Star	do	Alaska	3,800	Do.
July 2, 1970	Conrad	West Germany	Massachusetts	20,000	CFZ.	Aug. 18, 1971	Vodolaz	U.S.S.R.	do	50,000	CFZ.
Aug. 18, 1970	Kaki Maru	Japan	Alaska	35,000	CFZ.	Nov. 6, 1971	Ryusho Maru No. 5	Japan	do	115,000	CFZ.

(EXHIBIT 4)

PETERSBURG FISHERIES, INC.,
Petersburg, Alaska, March 4, 1971.

HON. TED STEVENS,
Senate Office Building,
Washington, D.C.

DEAR TED: We have been having one hell of a problem in the eastern Bering Sea this past week. Our two crab boats, *Viking Queen* and *Viking King*, have been fishing north of Unimak Island since January 15th. The weather has been absolutely terrible and they have fished a total of seven days the first month they were out there. None the less our fellows have kept struggling and have been picking up a few crab.

Last Saturday a Russian fleet of four stern trawlers moved in the "pot sanctuary" area and started dragging right where our gear was. As of last night, March 4th, our two boats had lost a total of twenty-four crab traps with a value of approximately \$10,000. Yesterday they reported one fleet of ten Russians and a mother ship and another fleet of seventeen Russians and a third fleet of ten Japanese plus a mother ship, all north of Unimak Island approximately 20 to 30 miles off shore.

The Coast Guard cutter "*Sorrel*" was in the area on Saturday and then, for some reason of prior scheduling, went south of the peninsula and headed for Kodiak or Cordova. Immediately the foreign fleets moved into the area, which they are bound by international treaty to stay out of, and started dragging up our crab traps. The first part of the week, March 1st and 2nd, there was a tremendous storm up there so our boats

had to find shelter in the Unimak Pass area but on Wednesday, the 3rd of March, they returned to the grounds and found this great concentration of foreign gear.

Finally on Wednesday, March 3rd, the Coast Guard got a plane to the area and was able to fly over the foreign fleets and photograph them in action. I understand that there will be a cutter back in this area by this weekend and hopefully this will resolve the problem. Not, however, our terrific gear losses.

I do not know how many other boats are fishing in the area but I do know that Carl Moses's boat the *Oceanic* suffered gear losses and another boat, the *Flood Tide* is reported to have lost 15 pots this week.

I think this points out several things, Ted. One is that the foreigners are not overly concerned with international agreements if they do not think they will get caught. The second is that we do not have sufficient surveillance in this area to assure that they abide by their agreements.

I feel that we should have a Coast Guard cutter stationed in Unalaska year around. Unalaska is now one of our major fishing ports. The nearest cutters to that area presently are in Adak and Kodiak which leaves a tremendously large unprotected area, not only from surveillance but also from the search and rescue viewpoint. There are probably a hundred boats fishing in this area in the winter months, including the Sand Point crab fleet, the Squaw Harbor shrimp fleet and the King Cove-False Pass crab fleet as well as Dutch Harbor and Unalaska. I have been working closely with Ernie on

this problem this week and he has been most helpful. Unfortunately Bud Weburg was replaced last Monday and Harold Hanson has not had very much experience in this field, in addition Harry Reetze, of the N.M.F.S., has been away from Juneau so we were not able to work directly with him.

I have been working with Lew Williams to get some good press coverage on this deplorable situation and hope, with your help, to bring the whole problem into focus.

It is a tough enough job to keep a fishing fleet working in the Bering Sea in the winter time without having the additional threat of being trampled by foreign fishermen on our shores.

I would appreciate anything you can do.

Very truly yours,

BOB THORSTENSON.

PETERSBURG FISHERIES, INC.,
Seattle, Wash., April 2, 1971.

Senator TED STEVENS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: In connection with the recent violation by the Soviet vessel CPT 4538, our vessels the M/V "*Viking King*" and the M/V "*Viking Queen*" lost respectively 35 and 5 King crab pots.

We therefore enclose our invoice for 40 pots at \$426.16 or a total of \$17,046.40.

We also feel that we are entitled to charge for lost fishing effort, which we are including in our invoice.

Very truly yours,

RICHARD C. KELLY,
Controller.

INVOICE

Soviet Vessel CPT 4538,
Embassy of the U.S.S.R.,
Washington, D.C.

King Crab Pots costing as follows:

7 x 7 pot.....	\$165.00
Buoys 2 at \$10.50.....	21.00
Buoy 1.....	6.90
33 fathoms nylon line at \$1.00.....	33.00
100 fathoms poly. prop. line at \$.82.....	82.00
4 fathoms poly. prop. line at \$1.27.....	5.08
1 bait decanter.....	.68
Labor for rigging pot.....	22.50
Shipping cost—Seattle to Dutch Harbor.....	90.00

Total.....	426.16
40 pots at \$426.16.....	17,046.40

Lost catch for the above pots March 22 to May 1, 1971 (scheduled departure of Viking King for Seattle. The vessel is returning to Seattle due to the gear shortage).

Present average of remaining pots is 25 legal King Crab per pot.

Pots are hauled every third day.

Average weight per crab is six pounds.

Pots are emptied and rebaited on the average of every third day.

39 remaining days divided by 3 equals 13 pots haulings.

40 pots x 25 King Crab x 6 pounds x 13 haulings equals 78,000 lbs. King Crab lost.

78,000 lbs. King Crab at 21¢ per lb. (current price) equals \$16,380.00.

Total Invoice, \$33,426.40.

Make check payable to Petersburg Fisheries, Inc. Fishermen's Terminal, Seattle, Wash. 98119.

PAN-ALASKA FISHERIES, INC.,
Monroe, Wash., March 24, 1971.

Hon. Senator TED STEVENS,
Senator from the State of Alaska,
Juneau, Alaska.

SIR: As you are no doubt aware, we have been having serious problems with the flagrant violations of the Japanese and Russians in the negotiated pot-sanctuary area in the Alaska Bering Sea.

Two days ago, one of our vessels, the M/V Endeavor, lost 42 king crab pots that were dragged off of their original locations by these foreign vessels. These pots have a value in excess of \$350.00 per pot, which made this vessel sustain a loss of over \$14,000.00.

Other vessels, such as the Viking King, Viking Queen and Sea Spray, have had similar experiences in the last three weeks which have been protested but have not seemed to produce results on the trawling operations in this area. Major concessions were given in the negotiations with the Russians to restrict the crab quota in the Bering Sea, raising the size limitations and prohibiting trawling operation in the pot-sanctuary area, but needless to say, the concessions that were given to them such as, calling at U.S. Ports for refueling, supplying and R & R have been one-sided as they have not stopped and obviously, do not intend to stop fishing with the illegal gear in this area. We as the largest packer of King Crab have wholeheartedly supported the Alaska Department of Fish and Game in all the conservation methods recently taken, such as (quotas, pot limits, registration area, and Season.)

Now, we find ourselves having to take necessary steps to protect the King Crab Fishing Industry being abused by these international violations.

This has got to stop. If we can't have protective measures, such as Coast Guard Surveillance of these areas, then these fishermen should be reimbursed for their pot losses. It seems to us that protection of one's resources is equally as important as protecting one's Country.

I can only impress on you, that we need all the help possible and all the pressures

brought to bear on stopping this problem, or the individual companies and fishermen will be forced to revert back to taking the matter into their own hands in protection of their property, which could lead to serious consequences.

May I please hear from you on behalf of Pan-Alaska Fisheries, Inc. and also, as President of Northwest Fisheries Association, which represents all the major fish processors in Alaska, Washington and Oregon.

Sincerely,

RONALD JENSEN,
President.

DEPARTMENT OF STATE,
Washington, D.C., March 19, 1971.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: The Secretary has asked me to reply to your letter of March 4 regarding fishing by foreign vessels in a sanctuary area north of Cape Sarichef on Unimak Island, Alaska.

The areas in question is that area of the southeastern Bering Sea described in paragraph 3 of the Appendix to the Agreement of February 12, 1971 between the United States and the Soviet Union relating to fishing for king and tanner crab. In that area, "Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs and tanner crabs for commercial purposes and no trawling may be conducted for other species . . ." This area, commonly known for obvious reasons as the "crab pot sanctuary", is depicted in the small chart attached, it being understood that the sanctuary includes only the waters seaward of the 12-mile fishery limit. The provisions of the February 12 Agreement regarding this sanctuary are the same as those of the previous Agreement between the two Governments on the subject, that of January 31, 1969.

On February 27, a Coast Guard air patrol, acting on a report from the American fishing vessel *Viking Queen*, observed four Soviet vessels trawling in the sanctuary area. Message blocks were dropped advising these vessels that they were operating in violation of the Agreement. The message blocks were not retrieved but the Soviet trawlers brought aboard their gear and got under way. A Coast Guard surface vessel was on the scene the following day but detected no further violations.

On March 3 a Coast Guard air patrol observed nine Soviet trawlers fishing in the sanctuary. Again message blocks were dropped to all vessels observed in violation. During the operation three of the nine vessels attempted to obscure their identification, as had one of the vessels at the time of the observation on February 27. Coast Guard surface vessels in the area during this period informed two Soviet transport ships of the provisions of the Agreement and the violations observed.

On receipt of this information, the Department called in an officer of the Soviet Embassy on March 5 to protest these violations of the Agreement. We have had no specific response so far to our representations on the subject, but there have been no reported observations of violations since those of March 3.

The provisions of the Agreement are enforced by each Government against its own nationals and vessels; no authority is provided for enforcement against nationals and vessels of the other country. In view of this, and since the area in question is part of the high seas beyond United States jurisdiction, the Coast Guard had no authority to seize the offending vessels.

We understand that the *Viking Queen* and perhaps other vessels have reported losses of fishing gear resulting from these

trawling operations and that affidavits on this are in preparation. The Department will, of course, give careful consideration to any such documents with a view to such further action as may be appropriate.

I hope the foregoing will be helpful. If there is any further information we can provide, please let me know.

Sincerely,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., April 1, 1971.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: The Secretary has asked me to reply to your letter of March 22 regarding the continuing problem of violations by Soviet trawlers of the so-called "pot sanctuary" area north of Unimak Island. I refer also to my letter of March 19 on this subject.

On March 19, pursuant to our earlier approach of March 5, we gave the Soviet Embassy a tabulation of such sightings up to that date. The Soviet representatives informed us that the information they had received from Moscow was to the effect that investigation has disclosed no evidence of violations by Soviet vessels. We pointed out that in view of the officially confirmed reports available to us this was obviously an unsatisfactory response.

On March 24 following two additional reports of sightings of Soviet vessels trawling in the area, we again protested this matter to the Soviet Embassy in vigorous terms. Simultaneously, the Regional Director in Juneau of the National Marine Fisheries Service, Mr. Harry Rietze, was attempting to establish communications with the Soviet fleet commander with a view to arranging a meeting of the two to discuss this problem. We understand that the Soviet fleet commander has now responded and has said that he would advise Mr. Rietze shortly concerning the proposal for a meeting. The Agreements between the United States and the Soviet Union contain provisions for such meetings between local representatives for the solution of various kinds of problems.

With respect to Japanese activities, we have informed the Japanese Embassy of sightings of Japanese vessels trawling in this area. Such activities by Japanese vessels are not a violation of the Agreements with the United States. However, the Japanese Government has in the past informed us that as a domestic measure it continues to prohibit trawling by its nationals and vessels in a larger area of the southeastern Bering Sea which encompasses the "sanctuary" area. Thus, trawling by Japanese vessels is a violation only of Japanese Government regulations, although it is obviously a matter of concern to us and we seek to bring such incidents to the attention of the Japanese authorities.

The Japanese have the same rights, of course, as American fishermen to set crab pots in this sanctuary area for the purpose of taking king or tanner crab, and we have reports that Japanese vessels are in fact engaged in this activity at the present time. It is possible, therefore, that some of the reports of Japanese vessels in the area may reflect entirely legitimate activities under the Agreements.

We trust that the latest representations and the communications between United States and Soviet local authorities will lead to a speedy solution of this problem. Meanwhile, we intend to take all practicable steps to correct the situation.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF COMMERCE,
Washington, D.C., April 13, 1971.

HON. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Thank you for your letter regarding Soviet trawling in areas of the Bering Sea closed to fishing with mobile gear by a U.S.-Soviet agreement renewed February 12, 1971.

On March 31, 1971, a meeting took place between the Commander of the Soviet fleet in the Bering Sea, and officials of the U.S. Coast Guard and the National Marine Fisheries Service. The U.S. Delegation included Robert McVey, Associate Regional Director, National Marine Fisheries Service, Juneau, Alaska, and Commander Schneider, Chief, Intelligence and Law Enforcement Division, 17th Coast Guard District.

Mr. McVey presented written and photographic documentation of Soviet violations in the pot sanctuary area in the eastern Bering Sea. The Soviet fleet Commander said it had been his understanding that the agreement establishing the pot sanctuary area had expired January 31, 1971. He claimed that the renewal of the agreement on February 12, 1971, was not reported to the fleet on the fishing grounds until March 6, 1971. He indicated he would investigate all violations reported after March 6, 1971, and penalize the masters of any vessels involved.

He also indicated that the Soviet fleet in the eastern Bering Sea had been removed to an area west of 170° W, which is beyond the pot sanctuary area. He gave assurances that there would be no further violations of the sanctuary during 1971 and 1972 while the present agreement is in effect.

We are very concerned about the incidents that took place before the meeting with the Soviet fleet Commander was arranged. We will continue to work closely with the U.S. Coast Guard and the Department of State in efforts to insure that compliance with the agreement is maintained in the future.

Sincerely,

WILLIAM M. TERRY,
Acting for Philip M. Roedel, Director.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C. April 22, 1971.

HON. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED: This is in response to your letters of March 11 and 22, 1971 concerning sightings of foreign vessels in the Unimak Island crab pot sanctuary.

As you are aware, the US-USSR King Crab Agreement of February 12, 1971 provides that no trawling may be conducted for any species in a described area north of Unimak Island and lying seaward of the nine mile fisheries zone contiguous to the territorial sea of the United States. This Agreement also specifies that each government will apply the measures of the Agreement to its nationals and vessels. Therefore, since the sanctuary in question is considered by the United States to be a high seas area, and the Agreement does not provide for coastal state enforcement, the Coast Guard's role in this regard is to conduct surveillance of the area, investigate reports of non-compliance and collect information to support appropriate action through diplomatic channels.

Since February 27 the date the *Viking Queen* reported foreign trawlers dragging in the crab pot sanctuary, Coast Guard vessels and aircraft have patrolled the area almost continuously. Message blocks dropped from aircraft, informing Soviet trawlers that they were in violation of the Agreement, have been ignored. Therefore, it appears that this increased presence of Coast Guard forces has had no deterring effect and that the present patrol effort provides sufficient information

for diplomatic protest, the only means of censure in this situation.

However, Coast Guard and National Marine Fisheries Service representatives did arrange for a meeting with the Soviet fleet commander. During this meeting, held on April 2, the fleet commander gave a verbal personal and a written guarantee that there will be no further violations of the crab pot sanctuary for the duration of the Agreement.

Japanese trawling in the halibut nursery grounds north of Unimak Island is a matter of concern to the United States but, again, since this fishing is in an area which the U.S. government recognizes as high seas the Coast Guard has no authority to restrict these operations. However, the Japanese Government has enacted domestic regulations which prohibit trawling in this area and, again, the Coast Guard's role is to conduct surveillance of the area, investigate reports of non-compliance and collect information to support diplomatic protest.

The matter of assigning additional Coast Guard resources to the Aleutian area is, of course, one which must be weighed against overall requirements for the deployment of resources. This is an area of continual review but, although units from other Pacific Districts are regularly assigned to supplement Alaska patrol during periods of the greatest foreign fishing activity no redeployment of a high endurance cutter or reassignment of resources from other areas is anticipated.

I hope that this information will be of help. If you find the need for any additional information, do not hesitate to ask.

Sincerely,

EXHIBIT 5

PETERSBURG, ALASKA,
October 20, 1971.

HON. THEODORE F. STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: The afternoon of the 24th of September we were in the process of setting our halibut gear consisting of 4 sets with 13 skates in each set. We were setting in depths from 100 fathoms to 90 fathoms and was midway through the 2nd set when we noticed some large boats ahead of us. Upon determining that they were part of a foreign trawl fleet we turned at a right angle to the starboard for 5 minutes and then made the same move again so that we were headed in the opposite direction. We continued in this direction with the remainder of our gear hoping we would be at a safe distance from the foreign trawlers.

We placed a blinking buoylight on the last end of the last set and then dropped the anchor nearby. About 0230 the next morning we awoke to begin hauling our gear back. We were surprised and concerned when we discovered we were surrounded by boats for there were lights all around us. Daylight does not appear until approximately 0700. There were boats moving by us at slow speeds, apparently towing their nets as there was activity on the decks.

We hauled one set back, 13 skates, and there was very little fish of any kind caught. The previous trip in the same area yielded considerable halibut plus assorted species such as gray cod, black cod and turbot. There was about 250 pounds of halibut or close to 20 pounds per skate average which is considered extremely poor. This average held up for the remaining gear that was hauled during the day.

The next set was very much the same, except that we hauled back only 10 full skates and half of another. Three and one-half skates were lost, plus one 45 lb. anchor, 150 fathoms of buoyline, one bag and flagpole. The next end of the third set should have

been close by but was not where it should have been.

We had to run to the other extreme end and haul from there and back. The entire set was hauled back without incident. During this time Russian trawlers were towing from the deep part of the edge and up towards shallower water. The next set had eleven and one half skates left on it, a loss of 2½ skates, plus 1 anchor, 150 fathoms of buoyline, one bag and one flagpole.

We conducted an extensive search for our missing gear with no sightings of any flags. Altogether we lost five skates of gear, 300 fathoms of buoyline, two 45 lb. anchors, 5 fathoms of ½" galvanized chain, two 75" buoy bags and 2 flagpoles for a total value of \$784.50. In addition we were not able to use as much gear during the trip. We had 40,600 pounds and hauled 699 skates averaging 58.1 lbs. per skate and we could have more if we had our full string during the trip. We had some spare gear with us that we used to replace what was lost. However, if we had no losses we could have hauled a total of 728 skates and at a 58.1 lb. average would have given us a total of 1685 pounds more. At 39¢ per pound, which we received for our fish, would have meant an additional \$657. Therefore, our total loss considering gear and fish would come to approximately \$1,421.50.

When it was apparent that our gear was lost we were able to read numbers on three of the boats and these were recorded in the logbook. It is not known which boat was involved in our gear because of the distance between our ends and the various trawlers. There were at least seven Russian ships in sight most of the time. The name and number of one ship was the Ternery, no. 0987. The other two were 06981 and T6-1935.

The entries in the logbook includes the loran readings IL6 and IL7 at each end of each set. When all the gear was in I notified the Coast Guard in Kodiak and gave them the loran reading IL6-3291, IL7-2788 as the position where our gear was lost. I also stated the value of the gear lost as approximately \$1,000.

We were forced to leave this area and move somewhere else. We felt we were being escorted away from the area as ship number T6-1935 moved along with us for a considerable distance.

Information constantly given to the fisherman indicates that the foreign trawlers are towing their gear above the bottom for perch, thus not tampering with bottom fish. The obvious decrease in fish caught plus the fact we had a portion of trawl web brought up on one of our hooks near where one of our ends had parted clearly shows that trawls are bouncing along the bottom and scooping up everything in its path.

The efforts of the International Halibut Commission becomes more meaningless as a regulatory body because we cannot control the areas foreign fleets operate. We are no longer operating on a sustained yield basis but on successive seasons of diminishing returns and it will become worse before it ever improves. The very slow growth rate of halibut means that it will be years before the younger fish can replace those that have been caught by foreign fleets. With the effort on pollock in the Bering Sea and the high mortality rate of the hundreds of thousands immature halibut caught in these foreign trawls they are destroying entire yearly quotas had they been allowed to mature. What is there to look forward to?

We would appreciate any effort you make that will lead to the recovery of our loss.

Sincerely,

ED FUGLVOG,
Captain, M/V Symphony.

P.S.—I have pictures of several of the vessels that were in the area which will be sent to you as soon as they have been developed.

EXHIBIT 6

TABLE 13.—DAMAGE TO U.S. FISHING GEAR BY FOREIGN FISHING VESSELS, 1970

Date	Reported by—	Alleged offender	Location	Losses and remarks
CRAB GEAR				
Feb. 28	Glen E. Evans, F/V selief	Soviet freezer-trawler SRTM 8426 and 4 unidentified freezer-trawlers.	Chiniak Gully off Kodiak, 57-32N. 151-37W.	8 pots lost, 1 buoy marker damaged. Observed the SRTM 8426 trawl through crab pot string. Severed and damaged buoys surfaced behind the Soviet trawler.
Mar. 5	Oscar Joos, F/V Mordic	2 unidentified Soviet freezer-trawlers	20 miles north northeast of Ugak Island and 15 miles off Cape Chiniak.	2 pots lost. Observed Soviet vessels fishing within 1/2 mile of where missing pots should have been.
Apr. 18	Gilbert J. Johnson, F/V Beluga	Soviet freezer-trawlers Sargassa, SRTM 8451 and 1 unidentified.	Chiniak Gully off Kodiak, 57-28N. 151-35W.	6 pots lost. Observed subject vessels trawling very near the Beluga's gear. Coast Guard helicopter with NMFS Agents sent to investigate found 7 Soviet freezer-trawlers in area of loss.
Apr. 23-30	do	Unknown (believed to be Soviet trawlers).	do	19 pots lost. No foreign vessels seen in area during subject period but Soviet trawlers caused earlier losses in same area.
Apr. 8-27	James R. Fogle, F/V Invincible	do	do	9 pots lost. On Apr. 8 unidentified Soviet trawlers were seen fishing very near the Invincible's gear.
Apr. 26	William K. Kukahiko, F/V Aleutian Queen.	3 unidentified foreign trawlers	Eastern Bering Sea, 56-15N. 161-51W.	3 pots lost. Observed 3 trawlers fishing near his pot gear. The trawlers moved off when approached. Found Japanese tangle net entangled in 1 of his crab pots.
Apr. 29	Malcolm S. McDonald, F/V Pacific Fisher.	Unidentified Japanese vessels of Shikishima Maru fleet.	Eastern Bering Sea, 55-51N. 165-21W.	5 pots lost. Several unidentified Japanese fishing vessels and the factory ship Shikishima Maru seen in area of pot gear.
May 1	do	Unidentified Soviet trawlers	Eastern Bering Sea, 56-12N. 161-51W.	3 pots lost. Observed Soviet trawler fishing in area of pot gear.
HALIBUT GEAR				
Mar. 29	Dale M. Samuelsen, F/V Eclipse	Japanese stern trawler Akebono Maru No. 15.	Central Bering Sea, 57-00N. 173-30W.	12 skates and associated gear valued at \$1,220 lost. Subject vessel trawled through Eclipse's longline gear five times. Attempts by Eclipse to indicate the presence of her gear were not understood or were ignored.

EXHIBIT 7

TABLE 10.—VIOLATIONS OF FISHERIES LAWS AND REGULATIONS IMPLEMENTING INTERNATIONAL AGREEMENTS, 1970

Vessel	Nationality	Type	Violation	Date	Remarks
Longliner Milbanke Sound	Canadian	IPHC	Failure to file statistical return within 96 hours of final landing.	Apr. 23	Referred to Canadian authorities.
Gill-netter Kofuku Maru No. 32	Japanese	INPFC	Possessing salmon within INPFC abstention area.	May 27	Seized and custody transferred to Japanese Fisheries Agency. Vessel impounded 25 days.
Gill-netter Dai Ichi Maru No. 8	do	INPFC	do	June 2	Seized and custody transferred to Japanese Fisheries Agency. Dismissed by Japan without penalties.
Gill-netter Koyo Maru	do	INPFC	do	June 17	Do.
Gill-netters Kiku Maru No. 28, Seifuku Maru No. 21, and Choyo Maru No. 31.	do	INPFC	Fishing salmon within INPFC abstention area.	June 19	Documentation of violations (detected by patrol aircraft) sent NMFS, Washington, D.C., for relay to Government of Japan. Dismissed by Japan without penalties.
Longliner Misty Moon	Canadian	IPHC	Failure to validate at Sand Point prior to fishing area 4B.	Sept. 26	Referred to Canadian authorities and fined \$100.

EXHIBIT 8

TABLE 11.—FOREIGN VESSELS FISHING IN VIOLATION OF CRAB AGREEMENTS, 1970

Date	Nationality	Vessel	Location	Violation	Remarks
Feb. 19	Soviet	SRT trawlers Ural, Klin, Algol, Kosmonaut Egorov, Eridan, Konus, Pogranichnik, Shtil, Kastor, Podosknovets, Urup, Pavel Popovich, and 6 unidentified trawlers.	Eastern Bering Sea, 55-28N. 165-05W.	Trawling within Unimak Island pot sanctuary.	Coast Guard aircraft with NMFS Agent sighted subject vessels fishing near position shown. Message blocks dropped to Soviet vessels informing them of their violation.
Apr. 13	do	Factory ship Konstantin Sukhanov	Eastern Bering Sea, 56-42N. 161-25W.	Undersized king crab ¹	Detected by NMFS Agent during boarding. Documentation forwarded to Washington, D.C., for possible protest to Government of the U.S.S.R.
May 13	do	Factory Ship Pavel Chebotnyagin	Eastern Bering Sea, 56-12N. 162-41W.	do ¹	Do.
Sept. 14-15	Japanese	Factory ship Chichibu Maru No. 2 and crab pot fishing boats Nitto Maru No. 28, Benta Maru No. 25, and YM2-643.	Central Aleutians, 155-22N. 179-33W.	Fishing crab in waters not fished historically by Japan.	Coast Guard aircraft with NMFS Agent sighted subject vessels fishing in position shown. Subsequent patrols did not locate vessels. Documentation of violation forwarded to Washington, D.C., and transmitted to Japanese Government in Tokyo, November 1970.

¹ Undersized tangle net was also observed but there was no evidence that such nets had been fished.

EXHIBIT 9

TABLE 5.—SUMMARY OF U.S.-VESSEL FISHERIES PATROLS, 1970

U.S. patrol vessels		Number of sightings of foreign vessels				
Name	Period of patrol	Miles patrolled	Japanese	Soviet	South Korean	Canadian
Storis	Jan. 5-Dec. 18	25,084	277	267	25	0
Confidence	Feb. 2-Dec. 4	11,988	75	35	22	3
Resolute	Apr. 2-May 22	7,191	134	51	0	0
Bittersweet	May 4-6 and Oct. 27-30	1,438	4	0	0	0
Yocona	May 17-July 15	7,160	85	5	3	2
Ironwood	June 14-July 5	3,712	7	0	0	5
Venturous	July 15-Aug. 27	8,102	137	1	0	8
Citrus	Aug. 6-14	1,053	0	1	0	0
Sweetbrier	Sept. 15-18	1,116	3	0	0	4
Clover	Sept. 20-22	768	1	0	0	1
Balsam	Sept. 21-29	1,399	19	11	2	0
Total		69,011	742	371	89	23

1,225

EXHIBIT 10

TABLE 6.—SUMMARY OF U.S. AERIAL FISHERIES PATROLS, 1970

	Number of patrols	Hours flown	Miles patrolled	Number of foreign ships sighted				Total sightings
				Japanese	Soviet	South Korean	Canadian	
Kodiak Air Station.....	109	732.4	137,993	1,883	935	37	28	2,883
Annette Air Station.....	78	378.1	52,736	187	0	0	0	192
Total.....	187	1,110.5	190,729	2,070	935	37	28	3,075

By Mr. HOLLINGS:

Senate Joint Resolution 228. A joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973. Referred to the Committee on the Judiciary.

LAW DAY

Mr. HOLLINGS. Mr. President, today is Law Day, America's annual observance of respect for the judicial system. I am proud that this year, through congressional approval of my resolution, the scope of the celebration has been widened to include special recognition for the country's law enforcement personnel.

For many years, Law Day has been a tradition observed in courtrooms and classrooms. The observance has been by, and for, judges and lawyers and law students. It has been a day reserved for the theorist of law.

But law does not begin in the quiet of courtrooms and class buildings. It operates in patrol cars and on the beat and in precinct stations. By the Congress' recent action, signed into law by the President on April 27, 1972, we have allocated a portion of Law Day to the practitioners of law. Sheriff's deputies, highway patrolmen, police men and women—these people are a part of the legal profession. In fact, they are its very foundation.

Our law enforcement personnel face formidable challenges today in protecting our rights and properties. Nineteen policemen were killed in ambush in 1970. Political activism fills the streets, and our law officers must be both safety personnel and diplomats, trying to maintain a balanced perspective about what is free speech and what is anarchy. While legislators and citizens talk about prison reform, prison guards encounter the daily hazards created by our neglect of the penal system. Will we forget the guards at Attica?

We must not forget, and that is what this Law Day is all about. Today we give our law enforcement personnel their well-earned praise and appreciation.

Congress in 1961 dedicated May 1 as Law Day, focusing on national rights and liberties under law. I hope that Congress, through appropriate legislative action, will continue what we have begun in 1972. I hope the Congress will see that each year a part of Law Day belongs to the law officer. I am reintroducing my resolution to attain this goal and I hope for earlier action next year. This year's action by the President came too late to prepare a full observance. We can do better in 1973, and we owe our law enforcement personnel no less than our full attention.

I ask unanimous consent that the new

joint resolution be printed in its entirety at this point in the RECORD.

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

S. J. RES. 228

Whereas the first day of May of each year was designated as Law Day, U.S.A. and was set aside as a special day of celebration by the American people in appreciation of their liberties and in reaffirmation of their loyalty to the United States of America; and of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the celebration of Law Day, May 1, 1973, special emphasis be given by a grateful people to the law enforcement officers of the United States of America for their unflinching and devoted service in helping to preserve the domestic tranquility and guaranteeing to the individual his rights under the law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 117

At the request of Mr. STEVENS, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 117, a bill for the relief of Angela R. Reyes.

S. 144

At the request of Mr. McGEE, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

S. 738

At the request of Mr. CRANSTON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 738, a bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation of permanent residents for possession only of marihuana, by the U.S. Attorney General.

S. 1690

At the request of Mr. GURNEY, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1690, a bill relating to the trial and review of criminal actions involving obscenity.

S. 2851

At the request of Mr. ALLOTT, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions.

S. 3514

At the request of Mr. PROXMIRE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3514, the Menominee Restoration Act.

S. 3538 AND S. 3539

At the request of Mr. ROBERT C. BYRD for Mr. BAYH, the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from New Mexico (Mr. MONTROYA) were added as cosponsors of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 191

At the request of Mr. CRANSTON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of Senate Joint Resolution 191, designating the week of May 1-7, 1972, as "National Bikeology Week."

SENATE JOINT RESOLUTION 225

At the request of Mr. GRIFFIN for Mr. SCHWEIKER, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 225, to prevent abandonment of railroad lines.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE JOINT RESOLUTION 160

At the request of Mr. FULBRIGHT, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 160, expressing the sense of the Senate with respect to U.S. policy toward Cuba.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—AMENDMENTS

AMENDMENT NO. 1173

(Ordered to be printed and to lie on the table.)

Mr. GOLDWATER (for himself, Mr. BELLMON, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GURNEY, Mr. HANSEN, Mr. HRUSKA, Mr. THURMOND, and Mr. TOWER) submitted an amendment intended to

be proposed by them, jointly, to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1174

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 3526), supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 891

At the request of Mr. RIBICOFF, the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTROYA), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 891 intended to be proposed to the bill (H.R. 1), the social security amendments of 1972.

AMENDMENT NO. 914

At the request of Mr. HATFIELD, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of amendment No. 914, intended to be proposed to the bill (S. 3108), the Military Procurement Authorizations Act of 1973.

AMENDMENT NO. 955

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of amendment No. 955, intended to be proposed to the bill (H.R. 1), the social security amendments of 1972.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on June 8, in room 3110 New Senate Office Building, on the following bill:

S. 2473, to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON JUVENILE DELINQUENCY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Indiana (Mr. BAYH) and notice of hearings to be held by the Subcommittee on Juvenile Delinquency.

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

STATEMENT BY SENATOR BAYH ON BARBITURATE LEGISLATION AND NOTICE OF HEARINGS ON ILLICIT BARBITURATE TRAFFIC AND USE

Mr. President, the Subcommittee on Juvenile Delinquency, of which I am Chairman, has been conducting an intensive investigation into the abuse of psychotropic drugs, particularly by our Nation's youth. Our hearings last summer on S. 674, a bill to more strictly control the manufacture and distribution of amphetamines and similar substances, played a persuasive role in the

decision by the Bureau of Narcotics and Dangerous Drugs to more carefully regulate these substances. During February of this year the Subcommittee heard testimony on the abuse of diet pills and the efficacy of these substances in the short-term treatment of obesity.

The Subcommittee has pursued its investigation of the abuse of psychotropic drugs with particular emphasis on the problem of barbiturate abuse. We quickly learned that barbiturates present a threat to the health of this nation that may well be more serious than amphetamines and even heroin.

I am deeply concerned that barbiturate abuse may indeed become the number one drug problem facing our Nation. The investigation and hearings conducted by my subcommittee have revealed a dramatic increase both in the availability of these dangerous drugs and in the extent of abuse. The problem is reaching epidemic proportions. We cannot afford to wait.

Until we have developed a more complete legislative record, it is difficult to predict what corrective legislation would be most effective in dealing with this problem. But it is clear that a substantial problem exists, and in order to focus the testimony of those who will appear before the Subcommittee, I have introduced two pieces of legislation.

The first bill S. 3539 would provide for the rescheduling of four commonly abused short acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls as well as to more stringent import and export regulations. The second bill S. 3538 would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products. This would facilitate police efforts in tracing barbiturates diverted to the illicit market back to the original production and distribution sources.

We are not yet sure whether either or both of these measures will be necessary to deal effectively with the abuse problem. However, they will provide a clear issue for future hearings and investigations of the Subcommittee. We intend to gather a wide range of opinion from people active in the area of drug abuse control as well as from the pharmaceutical manufacturers on the need for these or other legislative measures.

The Subcommittee will consider these bills and suggested alternative proposals during the coming months before recommending specific legislative action.

Since Thursday, April 27, 15 Senators have become cosponsors of these two bills. I wish to commend the following Senators for their swift action: the Senator from South Dakota (Mr. McGovern), the Senator from Wyoming (Mr. McGee), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from California (Mr. Tunney), the Senator from Minnesota (Mr. Mondale), the Senator from Missouri (Mr. Eagleton), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Virginia (Mr. Spong), the Senator from Illinois (Mr. Stevenson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Maine (Mr. Muskie), the Senator from New Hampshire (Mr. McIntyre), and the Senator from New Mexico (Mr. Montoya). I urge my colleagues to support these two measures.

The hearings schedules for April 26 and 27 have been rescheduled for May 2 and 3 and will focus on illegal diversion of legitimately produced barbiturate materials and pills; illicit barbiturate traffic; and law enforcement responses to the diversion and illegal distribution of these dangerous substances.

The hearings will begin at 10:00 a.m. in Room 3110 New Senate Office Building. Any

person who wishes to submit a statement for the record should notify Mathea Falco, Staff Director and Chief Counsel of the subcommittee at 225-2951.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs at 10 a.m. on May 25, in room 3110, New Senate Office Building, on the following bill:

S. 866, to establish the French Pete Creek Intermediate Recreation Area in the State of Oregon.

NOTICE OF HEARINGS ON REVISION OF FEDERAL COURT APPELLATE SYSTEM

Mr. BURDICK. Mr. President, I wish to announce that open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery on Senate Joint Resolution 122, a joint resolution to create a commission to study and recommend a revision of the appellate system of the Federal courts. Hearings will be held on May 9 and 10, 1972, in room 457 Old Senate Office Building and on May 11, 1972, in room 1202 New Senate Office Building. The hour is 10 a.m. on all three days.

The Judicial Conference of the United States has recommended that the several circuits be geographically realigned. Legal scholars have questioned whether this is anything but a short-term remedy and have pointed out that the problems of our circuit courts, brought on by increased caseloads, are in need of long-term solutions. At these hearings, we will be privileged to hear from the chief judges of the busiest circuit courts, from the Director of the Federal Judicial Center, and from legal scholars.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building.

ADDITIONAL STATEMENTS

"THE KEEPING OF THE REPUBLIC"—LAW DAY ADDRESS BY SENATOR ALLEN J. ELLENDER AT MCNEESE STATE COLLEGE, LAKE CHARLES, LA.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Law Day address entitled "The Keeping of the Republic," delivered by me at McNeese State College, Lake Charles, La., on April 29, 1972.

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

"THE KEEPING OF THE REPUBLIC"
(By Senator ALLEN J. ELLENDER)

Almost 200 years ago, an obscure but nonetheless historic conversation occurred on a Philadelphia sidewalk at the close of

the Constitutional Convention in which the structure of our American government was established. A certain Mrs. Powel of Philadelphia, mingling with those who were waiting outside Independence Hall, stopped Benjamin Franklin, a major architect of our liberties, and asked:

"Well, Doctor, what have we got—a Republic or a Monarchy?"

Wary from the hours of the long deliberation, yet ever hopeful for freedom's survival, Franklin responded: "A Republic—if you can keep it."

A Republic—a government of laws and not of human caprice,

—a government in which power was to be delegated to responsible, democratically elected representatives who would serve the common good,

—a government guided by men of good conscience who value truth and who put their talents and energies to the public interest rather than to their own.

I have taken this theme as a guide to my remarks for this occasion in which, as Americans, we celebrate Law Day. We engage in such public gatherings as this to reaffirm our commitment to our tradition of ordered liberty under law. In these troubled days, that tradition is on the defensive. It is under attack from many quarters—not least from those who vigorously claim its protection while assailing its integrity.

The clear responsibility of those who cherish this heritage—your responsibility and mine—is to honor the counsel of Franklin to keep the Republic. We must protect and keep it not only by defending it against its enemies without and within, but also by giving free obedience to its laws, and by upholding its fundamental institutions.

Of supreme importance, too, we must as a people find ways to rekindle in our youth the fire of enthusiasm for both its achievements of the past and its promise for the future.

It has been said often—and well said—that "eternal vigilance is the price of liberty." But today, as our people assemble across the land or pause to reflect upon the meaning of Law Day, let it be said that vigilance means more than defense, more than maintaining military strength (important as that may be in the world of today). It means, as well, vigilance for liberty, vigilance for law, vigilance for freedom. It means not only keeping watch, but keeping faith with the heritage of America.

One of the greatest Republics in the ancient world—that of Rome—gradually lost its distinctive, sturdy, self-reliant tradition. At one point it was the shining product of a system based on obedience to law. For all its faults and imperfections, it did enjoy several major institutions which underpinned its greatness. There was dignity of the family. There was a sense of civic responsibility. There was a well-formulated code of virtue and courage and honor. There was what the Romans called *pietas*, or reverence for the divine. These things constituted then as now the life blood of a free society. Where faith in the basic institutions of a society is absent or weak, that society is truly imperiled.

Our task in America today is to restore that faith, to revive the enthusiasm of the apathetic, to dispel the corrosive negativism of the cynical. Only by so doing can we hope to preserve and maintain the Republic.

If there are things wrong with America, let us move to set them right, confident that we can if we will. No matter what we find amiss, we have the capacity to correct it, if we will simply allow ourselves to be moved by the traditions from which our Nation has risen to take its place in the world community as a champion of human freedom and human dignity.

"Where there is no vision," wrote the author of the Book of Proverbs, "the people perish."

It is that very lack of vision—of enthusiasm, born of love—which afflicts too many of our people today. We confront it at every hand and in every area. It is the key to what is called loss of credibility or failure of nerve, a weakening of confidence in the American system, and an attendant decline in that innovative spirit which has made this Nation great.

It is not so much that people have turned against the system: that kind of utter alienation and open hostility is still—thank God. In my view it is confined to a very small (if vocal) minority. Rather, it is the complacency of the majority—the unhappy tendency to take for granted all that we have and are—which is at the heart of our dilemma. One analyst has called this disease "creeping meatballism."

These are difficult days for patriotism. It is unfashionable in many quarters to speak of love for one's country. Yet love—true love—is never critical. Love in its maturity—involves nothing more—and nothing less—than a deep and unshakable loyalty, a commitment of heart and mind which transforms both lover and loved.

So it is with patriotism: to love this land is to live and to act in its behalf, to be guided by concern for its well-being, to seek ever increasing realization of its ideals and promises for all our people.

To love America is to honor its basic institutions—the family, the church or synagogue, the school, and above all—the law. If one believes that certain laws require changing, the system itself makes that change possible by peaceful means. Only those who have lost faith will turn to violence or coercion to achieve their ends.

Having said these things—having, as it were, diagnosed the problem, what then is the remedy? The symptoms are rampant and visible; the solution is not so easily defined. Partly, it is a matter of knowledge—of historical perspective. Here in America we shall soon be celebrating our 200th anniversary as a Nation: think of it, barely two centuries of National life—and reflect on the kind of society we have built.

Sir Charles P. Snow, the eminent English scientist and novelist—and a sharp-eyed, sympathetic observer of the American system has written: "From the discovery of agriculture until today, the overwhelming majority of human lives have been those of peasants, as uncared for as animals, ill-fed, over-worked, dying young, servile. That had been the fate of 90 percent of the human beings who have ever lived, probably far more. There are three billion people alive in the world today. Of these, at least a third have enough to eat, some kind of medical care, a chance of education. That is a far higher proportion of men removed from stark need than there has ever been before." It is here in America that for the first time in history the possibility of a decent life for the average man was set forth as the fundamental goal of social—"life, liberty, and the pursuit of happiness."

We sometimes quote tributes from other lands, since distance may give a clearer perspective to what America has been and is. "It is worth saying over again," the London Times has written of America, "that no nation has ever come into the possession of such power for good or ill, for freedom or tyranny, for friendship or enmity among the peoples of the world, and that no nation in history has used these powers, by and large, with greater vision, restraint, responsibility and courage."

Although we are proud—and rightly so—to call ourself a young nation, we easily forget an important comparison among nations: I speak of the proud fact that the United States, under the present Constitution, has had a longer life unchallenged and unchanged by violent rebellion than any other great nation on earth except Great

Britain. The reason for this long life for democracy is the fact that the way has been open to peaceful change in our laws and refinement of our institutions by means of an orderly political process. What Daniel Webster called "the great right and the great duty of self-government" has been made possible in this land by "education and the diffusion of knowledge" and by acceptance of the law as the instrument of order and the guarantor of liberty.

Apart from law, liberty descends into anarchy and, eventually, into tyranny. Ordered liberty under law is our surest safeguard for the survival of individual freedom today as in the past. It is the function of Law Day to remind us of this simple yet profound fact, so essential to the keeping of the Republic, in Franklin's phrase.

The keeping of this Republic is, in fact, a sacred trust passed through each generation of Americans from the Founding Fathers, a trust which calls upon each new generation to be good and faithful stewards. The keeping of that trust requires the surety of faith in God, the author and source of both liberty and law.

In a nutshell, ladies and gentlemen, the thing we are really talking about is the fact that only by a system of laws can we hope to protect ourselves from oppressive government. If we allow more rule by men rather than by laws, we will certainly come to a terrible end.

In this regard and to conclude my message this evening, I will relate to you a little story from Confucius. One day Confucius, while walking through the countryside, came upon an elderly woman who was crying and kneeling by a grave. She told Confucius that her husband had recently been killed by a tiger. She told him further that her eldest son and her father had also been killed by tigers in years gone by. Confucius asked her, "Why then do you not leave this place?" Her answer was, "Because there is no oppressive government here." Confucius then said, "Remember this my children: Oppressive government is more terrible than tigers."

Another way of stating this rule is that a good system of laws, managed by men of good conscience, and sustained by faith in the future, is the only thing that stands between us and tyranny—which as Confucius said, is more terrible than tigers.

ABOVE AND BEYOND THE CALL OF POLITICS

Mr. BELLMON. Mr. President, Paul John, editor of the *Sulphur, Okla., Times-Democrat*, is not only a highly respected Democratic newspaperman, but also an astute observer of the political scene.

Like many Oklahomans, he supports President Nixon's efforts to achieve peace with honor in South Vietnam. In a recent newspaper column, he wrote:

No one wants out of Vietnam more than President Nixon. But he also has a duty and responsibility to the nation which is above and beyond the call of politics.

In that same column, Paul Jones offered some advice to members of his own political party regarding the Vietnam issue. His wise and thoughtful comments are worth sharing, because they are pertinent to the current debate over the President's actions in supporting the South Vietnamese in their resistance to the invasion by North Vietnam.

Mr. President, I ask unanimous consent that Mr. John's column be printed in the *RECORD*.

There being no objection, the editorial

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

THE ANVIL CHORUS
(By Paul John)

Democrats will fare a lot better this summer and fall if they will quit rushing to the microphone every time President Nixon makes a new move in his efforts to extricate us from South Vietnam with honor and without turning South Vietnam over to the Communists for a gigantic blood bath.

The recent bombing of Hanoi and Haiphong was long overdue. What we are seeing in South Vietnam is raw aggression from the north. North Vietnam has denied for years that its troops were in South Vietnam. That hypocrisy has now been dropped and North Vietnam has committed the best of its remaining divisions from the home front in an effort to knock out South Vietnam.

Americans must realize that President Nixon is getting out of South Vietnam as fast as possible. We, and the McGoverns and the Muskies, must also realize that if we abandon the South Vietnamese to slaughter, the day will come when our friends in the world will have departed and people of the United States will be face to face with the same problem now facing South Vietnam. In that day we will not have the choice of fighting OR dying. We will have only one choice. Fighting AND dying. We believe that is why President Nixon will use American air and sea power to prevent this from happening in South Vietnam. There is simply no place in the world where aggression can be condoned without signing our own death warrant.

Our presence in South Vietnam was to prevent a take-over by the North Vietnamese. The United States has been victorious in this limited goal. In fact, the war is being won right now by South Vietnamese troops, who will stop the offensive from the North. Sooner or later, the North Vietnamese will disappear back into the jungles for the long trek back home.

The bombing of Hanoi and Haiphong serves two purposes. It destroys North Vietnamese war materials and it tells Russia and China that the United States will not permit the enslavement of the people of the south.

This war would have ended long ago except for the aid and comfort given the enemy by such leaders as Senator Fulbright, and Democratic hopefuls McGovern, Kennedy and more recently, Muskie.

The final stages of the war in Vietnam are nonpolitical. Democrat leaders simply harm their own cause when they make political attacks upon the President as a result of moves in southeast Asia.

No one wants out of Vietnam more than President Nixon. But he also has a duty and responsibility to the nation which is above and beyond the call of politics.

There is only a short time left for Democrat hopefuls to quit asking that victory be turned into defeat.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I should like to report that according to current Census Bureau approximations, the total population of the United States as of today is 209,056,511. This represents an increase of 87,973 since April 1, and an addition of 1,851,733 since May 1 of last year, an increase which is about twice the population of Baltimore, Md.

ISOLATIONISM

Mr. McGEE. Mr. President, this country emerged from World War II with the

determination that we would not doom ourselves to repeat the mistakes of the past.

But, as Columnist Crosby Noyes pointed out in the Sunday Star, with a growing isolationism in this country, we may once again find ourselves in a parallel situation to that which existed immediately after World War I.

As Mr. Noyes pointed out:

That period started with a strong reassertion of legislative prerogatives by a Republican-controlled Congress. It was, in effect, a reaction to the fantastic expansion of presidential power assumed by Woodrow Wilson in the course of the war. It ushered in an era of rockbound isolationism in American foreign policy that was to last until the outbreak of World War II in 1939.

Although we may not be destined to repeat the tragic history of the past, recent events have given us sufficient reason to doubt that we can stem this tide of growing isolationism.

Therefore, I ask unanimous consent that Mr. Noyes column be printed in the RECORD.

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

DEMOCRATS FEEL NEW ISOLATIONISM RUNS DEEP

(By Crosby S. Noyes)

The problem of accurately assessing the mood of the country and the political results it is likely to produce is a critical one in this election year. It is hard to recall an election in which basic national policy was more at stake.

I realize that isolationism is a dirty word in American politics, but it may not be for very much longer. The mood of the nation today and the response of the political leadership to that mood have striking—and chilling—parallels to the situation that existed immediately after World War I.

That period started with a strong reassertion of legislative prerogatives by a Republican-controlled Congress. It was, in effect, a reaction to the fantastic expansion of presidential power assumed by Woodrow Wilson in the course of the war. It ushered in an era of rockbound isolationism in American foreign policy that was to last until the outbreak of World War II in 1939.

The period was marked at the outset by the refusal of the Senate, in 1919 and again in 1920, to ratify the Treaty of Versailles, establishing the League of Nations. Having assumed a commanding influence over the next two decades it reflected faithfully the prevailing isolationist sentiment in the country.

The neutrality acts of 1935 and 1937 which prohibited the shipment of arms to belligerent nations effectively tied President Roosevelt's hands during the period of buildup to World War II. At one point the Congress even considered limiting its own war-making powers by a proposed constitutional amendment requiring the submitting of a declaration of war to a popular referendum.

Exactly to what extent this long period of American isolation helped to promote the aggressive expansionism of Japan and Germany and the final plunge into world conflict may be open to argument. But certainly there has been a firm consensus since the war that the United States could never again afford the luxury of withdrawing from its role as a major world power.

And yet today in the country and the Congress the symptoms are all too familiar.

In the Senate, the move toward a first-class constitutional confrontation with the Executive Branch seems irreversible. In the name of "no more Vietnams," proposals for

drastically limiting the war-making powers of the President are gathering strong support.

So are other moves to set a date for a final withdrawal from Vietnam, to cut off support for military operations elsewhere, to withdraw our forces from NATO, to curtail the President's authority to make commitments under executive agreements with foreign countries.

The Senate is up in arms over what it deems an abuse of executive privilege by the Nixon administration. It is venting its anger by threatening to cripple the overseas operations of the U.S. Information Service in a way that would be certain to undermine American influence throughout the world.

And this may be only the beginning. In the developing electoral contest, virtually all of the liberal Democratic candidates are competing with each other in just how far they would go. What seems likely to emerge from the convention in Miami is a platform pledging drastic cuts in our Armed Forces and a candidate dedicated to the proposition of "reordering our priorities" to purely domestic concerns.

It also is entirely possible that such a candidate could be elected next November. President Nixon, in making his bid for re-election, is betting on a basic stability in the American electorate when it comes to national policy. His assumption is that a drastic turn toward a new isolationism will be rejected by a majority of voters.

But the congressional leadership and the liberal Democratic candidates are at least as sensitive to political trends in the country as the President is. They are responding to what they perceive as a profound sea-change of public sentiment. In exploiting "the war" as the central issue of the coming election, they are appealing directly to a growing mood of isolationism.

It may be that they are mistaken. It may be that Nixon is right and that a majority of Americans understand what it would mean if one of the two genuine world powers should abandon its responsibilities and retreat into a long period of isolationism. It may be that they understand how unsettling this would be to the world balance of power and how dangerous in terms of the ambitions of our adversaries.

The tragic history of the past, perhaps, is not destined to repeat itself. But we will not be certain for some time to come.

OBSERVANCE OF LAW DAY IN DELAWARE

Mr. BOGGS. Mr. President, as it has for the past 10 years, Congress has proclaimed today, May 1, as Law Day. This day is set aside as a time for Americans to appreciate the liberties which our laws protect and which no other country on earth claim, and also to rededicate themselves to the ideals of law and justice, on which our society rests.

As a sponsor of the joint resolution proclaiming Law Day, I am particularly pleased that special note has been taken of the debt of gratitude we owe to the courageous and dedicated law enforcement officials who work tirelessly to guard our safety and preserve our liberties.

Mr. President, I have long advocated a variety of programs benefiting our public safety officers, including policemen, correction officers, and firemen. These range from Federal assistance for volunteer firemen training to a national correctional personnel training program, to death benefits for those in these hazard-

ous occupations. It is, therefore, a great satisfaction to me that Law Day 1972 will lend special recognition to those men and women in law enforcement professions.

The Delaware State Bar Association has planned what I believe is a very meaningful observance of Law Day in the State of Delaware. In an effort to bring Delaware's legal community closer to the young people of the State, the State bar association has, over the past few months, urged junior and senior high schools to invite young lawyers to address their student bodies on drug laws. The response has been excellent. In all, about 50 young attorneys have visited different schools to speak on this subject.

Tonight, in a culmination of these sessions, a simulated trial will be held at Brandywine High School near Wilmington, Del. The State bar association is providing transportation for over a thousand young people who will attend the session. The trial, which will raise legal issues surrounding drug abuse, will follow the format of an actual court proceeding. The Honorable William T. Quillen, associate judge of the Superior Court of Delaware, will preside. A jury of 12 students will render a verdict at the conclusion of the proceedings. The trial will be followed by a discussion period.

Mr. President, this promises to be an unusually informative and stimulating session for all concerned. I am happy to note that it will be carried on radio for those who will be unable to attend.

All of those participating in this fine program: Students, lawyers, school officials, police, and broadcasters, are to be congratulated. The credit for initiating this imaginative program goes to the Delaware State Bar Association's president, Edmund N. Carpenter II, and to the chairman of its Law Day activities, Steven J. Rothschild, both attorneys in Wilmington.

I commend them on their efforts, which have made Law Day 1972 a truly meaningful observance in Delaware.

DECLINING VALUE OF THE DOLLAR

Mr. SYMINGTON. Mr. President, as we consider the vast new sums being requested of the American taxpayer for national security, let us recognize that a sound economy is also an indispensable component of any true security.

In that connection, I ask unanimous consent that an article this morning in the Wall Street Journal, "Gold Quote in Europe Pushed to New High as Speculators Still Doubt Dollar's Worth," be printed at this point in the RECORD.

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

GOLD QUOTE IN EUROPE PUSHED TO NEW HIGH AS SPECULATORS STILL DOUBT DOLLAR'S WORTH

(By Ray Vicker)

LONDON.—European speculators, still uncertain about the dollar's fate, have pushed the price of gold to a new high.

Their bidding propelled bullion on the London market Friday to \$49.60 an ounce, the highest since foreign central bankers pulled out of the so-called free market in March 1968. In late unofficial trading after

the market's close, the quote soared as high as \$50.05 an ounce.

At the time of last December's monetary realignment, by contrast, gold was selling in London at \$42.75 an ounce.

Traders on the principal bullion marts in London and Zurich attributed much of gold's brilliance in the eyes of speculators to nagging doubts about the dollar's worth.

The dollar actually has shown some strength on international currency marts. Massive assaults on the greenback have subsided in recent weeks, and foreign central bankers haven't had to absorb hoards of dollars to prevent the currency from tumbling below the value set in Washington last Dec. 18.

But speculators note that the dollar still carries a premium rate on the European loan market. Last Friday, for instance, borrowers paid 6½% interest to obtain dollars for one year. But borrowers of West German marks paid only 5%, and the charge for Dutch guilders was 4½%. For the Swiss franc, in a class by itself because Switzerland always has followed a policy of low interest rates, the fee was only 3 13-16% for a one year loan.

The dollar's higher rate reflects lenders' expectations that the currency may be worth less at a repayment in a year.

But if the dollar is suspect, consider the pound sterling with an even costlier fee. The one-year borrowing rate for that currency on the European market is 6⅞%.

Some traders also see gold's strength as a move away from the hard currencies that were speculator favorites in past months. The international Harry Schultz letter, a London-based investment advisory closely followed by gold and currency speculators, puts the case this way:

"What appears to have been totally overlooked by everyone is that investors and speculators in European hard-currency nations have generally been standing on the gold sidelines for many months. They opted for hard currencies, feeling they would enjoy greater appreciation than in gold bullion. Their calculations proved correct. Now many European investors feel that, at least temporarily, the hard currency bandwagon joy ride is over. They're going back to gold."

Industry observers don't see any rush out of marks, Swiss francs or Japanese yen, to name but a few of the stronger currencies. But they said the switching is just enough to strengthen the gold price. And more switching is possible as six-month and one-year mark, franc and other non-resident time deposits start maturing overseas.

Brokers in the field said it doesn't take much of a switch to influence gold's price. Sharps, Pixley & Co., a London bullion trader, said recent volume has been "relatively light." But Sharp's account, "It is simply persistent demand in a market lacking supplies that is forcing prices up."

WEST GERMAN TREATIES

Mr. GURNEY. Mr. President, I have been following with great interest, as I think all Americans should, the newspaper accounts of the current political struggle going on in West Germany over ratification of the so-called nonaggression treaties with Poland and the Soviet Union. I am deeply disturbed that these accounts state, as if it were fact, that rejection of these treaties by the West German Parliament would be a setback for Germany, the United States and the cause of world peace. Such statements could hardly be further from the truth.

In my view, the rejection of these treaties by the Bundestag would do much more for European stability and world peace than any ratification.

These treaties which Communist Russia is so anxious to see ratified are cleverly drafted for the benefit of Russia and to the detriment of West Germany.

Chancellor Brandt's ostpolitik is well named, if these treaties are an example. For Brandt's ostpolitik is indeed favorable to the East—that is, Communist East Germany and the Soviet Union—and is unfavorable to the West—that is, West Germany and the United States.

What the American public needs to understand about these treaties is that they are completely one sided. For instance, the treaty with the Soviet Union provides that neither side shall use force or the settlement of force, using instead the U.N. Charter as a guide in the peaceful settlement of disputes. On the surface that sounds good, but when one looks at the U.N. Charter there are two articles—53 and 107—that give the Soviet Union the right to intervene by force in West Germany. If the treaty is to mean anything or if it is not to be one-sided, it should specifically stipulate that the Soviet Union gives up its rights under those two articles. But, of course, the treaty does not do that, meaning that West Germany surrenders its right to use force while the Soviets retain theirs.

The treaties have also been painted by the press and by their supporters as a detente between East and West and as an eventual step toward German reunification. No one is arguing that an easing of cold war tensions is not desirable or that German reunification has not been a long-held objective of the United States, Britain, France, and West Germany. What is being asked is how can a treaty, that provides that the borders of the "German democratic republic"—the first time East Germany has ever been recognized by its unofficial Communist name in a treaty—be considered inviolate, help those causes along? All this provision would do would be to officially sanction, protect and make permanent a second German state, one completely controlled by the Communist bloc.

If history tells us anything, it should tell us that the Soviet Union will never permit the reunification of Germany under anything other than its own terms. For the Soviet Union reunification must carry with it the mechanisms of control; the entire postwar history of Europe demonstrates that the Soviet Union is determined to control as much of Europe as possible. How else does one explain the violation of the Yalta agreements on Poland, the takeover of Eastern Europe, the invasion of Hungary in 1956, the construction of the Berlin wall in 1961, the invasion of Czechoslovakia in 1968 or the Soviet refusal to sign a peace treaty with Germany providing for reunification of Germany as an independent nation.

One must also consider what West Germany would get in return for this giveaway. We are told that it would pave the way for a European Security Conference and a reduction of East-West tensions. But how valuable is such a security conference and how would it reduce East-West tensions? The main value I see in such a security conference would accrue to the Soviets. To be "successful"—meaning to reach any agree-

ment—such a conference would have to sanction the status quo—meaning the maintenance of Communist control over East Europe and East Germany. It would also have the effect of weakening NATO, which is likewise in Russia's interest. If the Russians were really interested in mutual reduction of tensions they would agree to negotiate with NATO for arms reduction—which they have consistently refused to do—or they would be more willing to come to an agreement with the United States in the strategic arms limitation talks—SALT. Still another gesture the Soviets could make would be to reduce their massive troop concentration in Eastern Europe. But, none of these things are happening, leading to the inescapable conclusion that the only terms by which the Soviets will agree to reduce tensions are those by which they can increase their sphere of influence and control in Europe. This policy of *ostpolitik*—of indulging in such wishful thinking about Soviet motives—is playing right into the hands of the Russians.

We hear also that economic agreements between the Soviet Union and West Germany would be threatened by rejection of these treaties. Maybe so, but it seems to me that the future of the West German economy is much more dependent on the continued strength of the Western European community. If the bonds between West Germany and the rest of Western Europe are weakened by ties to the Soviets, West Germany will be the real loser. The Soviets would like nothing better.

Also, in this context, it should be remembered that those who are opposing this treaty are from the same party and, in many cases, are the same people who were responsible for West Germany's truly remarkable postwar economic recovery. If they feel this treaty is not in the best interest of West Germany, people who use this economic argument should think twice about its validity.

Another set of arguments the treaty proponents have been putting forth with great regularity is that the United States favors a decrease in tensions and that West Germany should make the best deal possible before the United States pulls out of Europe. Those who adhere to the first line of reasoning base their argument on Secretary of State Rogers' statement about the Berlin agreements—yet to be ratified—being the “cornerstone” of improved relations. However, this argument conveniently forgets that the United States signed the four power Berlin agreements before the Soviets made ratification of the West German nonaggression treaties a precondition to their adherence. Also, conveniently forgotten is the fact that the U.S. has never officially endorsed either the nonaggression treaties or the policy of *Ostpolitik*.

As for the second line of reasoning, the recent events in Vietnam should convince just about everyone that the United States is not yet ready to crawl into its shell and abandon its world responsibilities. Traditionally, Europe has been a major area of U.S. concern—and there

is no reason to think we are about to withdraw now or in the near future. However, if West Germany ratifies these treaties it can only strengthen the hand of the Soviet Union in the upcoming talks with President Nixon. If they can point to a break in the anti-Communist front in Western Europe, the President will be in a poorer negotiating position. This can only encourage the Soviets to try and exact a higher price for any agreement on arms limitations or for any agreement on a reduction of support to North Vietnam.

Still another argument we hear for the treaties is that, if they are not ratified, the Berlin agreements will not be implemented. But since these do not apply to East Berlin, where the problem really is, and do not bring down the Berlin wall, how big a loss are they? In a number of instances we are dealing for rights already granted us by agreements in 1945 and 1946 but withheld by the Soviet regime in accordance with its well-known practice of violating an agreement whenever it is convenient.

In addition, the Soviets would lose any hope for that European security conference they want so badly. Given the fact such a conference is all to their advantage, such a result should cause those of us in Western Europe and the United States no sorrow whatsoever.

Finally, treaty proponents base their optimism concerning the value of the treaties on the premise that ratification holds the promise of a reduction in cold war tensions. But how valuable is that promise—or any Soviet promise for that matter? The recent invasion of South Vietnam by 120,000 North Vietnamese regulars backed by Russian tanks, guns, ammunition, petroleum and supplies should be another grim reminder of the worthlessness of a Communist promise. By launching this blatant invasion, Hanoi, with the full backing of the Soviet Union, violated both the 1954 Geneva accords and the 1968 agreements that led to a halt in the bombing of North Vietnam. There is no reason to believe they would live up to their word in Europe, if their goal of controlling as much of Europe as possible was in any way compromised.

No one would like to see an end to cold war tensions more than this Senator, but I do not believe one-sided compromises do anything to reduce tensions. Rather, the opposite is true. For this reason, this Senator is most concerned about the wisdom of ratifying these treaties in particular and about the policy of *ostpolitik* in general. I cannot help but feel ratifying treaties that ultimately give benefit only to the Soviet Union are not in the best interests of either West Germany or the United States and for that reason they should be defeated.

Defeat of the treaties would not only avert the possibility of weakening the Western Alliance but would also lay the groundwork for more meaningful and realistic negotiations in the future. It is little wonder the Soviets are pushing so hard for ratification; demonstrating to them they cannot get concessions of real substance in exchange for vague promises will, in the long run, benefit the cause

of world peace. Because I am so concerned about the threat to the peace these treaties offer, to say nothing of the threat to the free European Community and to the quarter century of close friendship between the United States and West Germany, I can only hope that the West German Bundestag, in its wisdom, will set these treaties aside and challenge the Soviets to make meaningful concessions—like tearing down the Berlin wall. Only in this way can a lasting peace be achieved.

ESCALATION OF THE VIETNAM WAR—STATEMENT BY NATIONAL COUNCIL OF JEWISH WOMEN

Mr. HART. Mr. President, there has been made available to me a persuasive statement on the Vietnam war, issued April 21, 1972, by the National Council of Jewish Women. The Council calls upon the Government of the United States to withdraw all American troops from Indochina and to “immediately resume the negotiations in Paris in the hope that some agreement can be reached to end the senseless killing of innocent people.”

I ask unanimous consent that this statement expressing opposition also to bombing the environs of Hanoi and Haiphong be printed in the RECORD.

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

The National Council of Jewish Women on a number of occasions has expressed grave concern about the continuation of the Indochina war which has maimed, crippled and killed or left homeless millions of people and produced several hundred thousand American casualties. We have urged our government, at various times, to work for an immediate cease fire, to withdraw all our troops from Vietnam and to bring an end to a war which is causing so much social unrest and division among our people. It was our hope that the withdrawal of our troops meant an end to American involvement in a struggle which has continued for several decades.

We do not believe that President Nixon's decision to bomb the environment of Hanoi and the Harbor of Haiphong and the possibility that our government might mine the harbor under certain circumstances, demonstrate his previously stated commitment to end the war through negotiations. On the contrary, it is our view that these military operations imply a military solution to the war and are conducive to the sparking of a confrontation with the allies of Hanoi and a possible widening of the war.

We implore the United States Government to resume the negotiations in Paris immediately in the hope that some agreement can be reached to end the senseless killing of innocent people. We further urge the withdrawal of all American forces.

The commitment of the National Council of Jewish Women to work untiringly for world peace impels us to urge upon our government every possible action for the achievement of this goal. We urge Congress to reassert its Constitutional authority and responsibility in the conduct of United States foreign policy.

THE QUIET REVOLUTION

Mr. PEARSON. Mr. President, amid the more strident proponents for change in America, there is a quieter but no less forceful movement taking shape. This

movement is composed of Americans who have experienced—and caused—more change than any one group in the history of our Nation.

These people are the 20 million Americans age 65 and older who have helped make this Nation what it is today. In every field, at every level of society, these men and women have accomplished the changes which turned this Nation from an adolescent in the world community to the most powerful, complex, and industrialized country on the globe.

Today, our senior citizens have accepted a new challenge. They are engaged in a quiet revolution to change their image and role in American life. Retired Americans are refusing to yield their places in the mainstream of our society. They are revolting against the institutions and attitudes which deny them opportunities to use their energies and talents as full participants in our national life. Above all, they are proving by their own actions that ability, creativity, dedication, and wisdom cannot be measured in terms of years.

Next month, Mr. President, is Senior Citizens' Month, an appropriate time to consider what Congress and the Nation can do to help our older citizens and, more importantly, to recognize what older Americans are doing to help themselves. For in the final analysis, older Americans want to be first-class citizens, partners in the progress of this Nation. They believe that they have earned the right to choose their own lifestyles, to retain the same options that other citizens enjoy, to reap the benefits of comfort and security which they have worked to provide for others throughout their lives.

Our task, therefore, is to provide the elderly with more options, with greater opportunities to enrich their own lives, with the chance to rekindle the spirit of purpose, dignity, and independence which is woefully lacking in the lives of millions of older Americans today. By doing so, we will be heeding the warning of our beloved and respected former colleague, the late Senator Winston Prouty of Vermont, who said:

We are short-changing both the United States and our older citizens when we refuse to give older Americans a chance to participate as fully as they can in our national life.

WHAT CONGRESS MUST DO

INFLATION AND INCOME MAINTENANCE

Mr. President, we are all aware of the grim statistics: Half of all Americans over the age of 65 are living in or near poverty, and one of every two retired workers living in poverty today is "poor" for the first time in his life. If these are what are called "The Golden Years," then surely our Nation ought to be ashamed.

Two factors contribute to this deplorable situation: inflation and inadequate income. We are all affected by inflation, of course, and are all deeply concerned about it. Yet it is our older citizens, whose life savings and financial security are being eaten away by this cruel economic disease, that have the most to lose. So I would venture to say that older Americans are unanimous in their support of efforts by Congress and the administration to reverse this trend.

We must develop in this country an equitable, effective, adequate system of income maintenance by improving both our present social security mechanism and our system of public and private pensions. Legislation now in the Senate will hopefully alleviate part of this problem by increasing minimum benefits, tying future benefit increases to increases in the cost of living, and for the first time, providing a basic income "floor" for older citizens. I am also hopeful that President Nixon's pension reform message and the pension hearings in the Labor and Public Welfare Committee will stimulate action to reform and improve our system of public and private retirement plans.

Despite these efforts, however, our work has only begun. For as long as older Americans are denied a share in the fruits of their labors, Congress must continue to act in their behalf.

HOUSING AND PROPERTY TAX RELIEF

Over 70 percent of Americans over age 65 own their own homes. Yet, few if any of the myriad of Federal and State housing programs developed during the last 20 years recognize this fact and directly benefit elderly homeowners. All the while, many of our older citizens are in danger of losing their homes because of ever-increasing property taxes and maintenance costs.

It is becoming quite clear that we must have property tax relief for both the older citizen and the middle-aged homeowner. While several States and localities have developed property tax relief programs for older residents, they can only be temporary solutions to a serious and complex dilemma. What is really needed is a new system which can provide new sources of revenue to States and communities for necessary public services. There are, to be sure, many approaches to this end, including a measure I have sponsored providing a credit on Federal taxes to all elderly homeowners and renters. Similarly, adoption of legislation to end the States' dependence on the property tax will help provide relief to millions of older Americans who must bear this intolerable and often inequitable financial burden.

For those who do not own their homes, the situation is equally serious. There is an acute shortage of low-cost housing designed for older Americans. In the past, we have included housing programs for the elderly in general programs for all low-income persons, with the result that the special needs of the elderly often go unmet. I believe that the Senate acted to correct this problem when it adopted recently an amendment by the distinguished senior Senator from Illinois (Mr. PERCY) creating the post of Assistant Secretary for Housing for the Elderly within the Department of Housing and Urban Development. This action emphasizes the need for greater concern and better coordination within the Department on housing programs for older Americans.

Whatever the type of housing, our older citizens must retain the right to choose their own surroundings. The construction of so-called "retirement communities" and "senior citizen housing

projects" throughout the Nation in recent years by both the Government and the private sector has resulted, in part, from the desire of many older Americans to live with persons of similar age and with similar interests. But we should not make what is desirable for some mandatory for all. The continued construction and planning of segregated housing for the elderly—housing which is often nothing more than a geriatric ghetto—leaves them with fewer and fewer alternatives. I believe that the Federal Government has a responsibility to insure old Americans freedom of choice in housing.

HEALTH CARE

Mr. President, many older Americans are now living in fear—fear of catastrophic illness, fear of medical neglect, fear of their inability to afford adequate health care. This fear is more easily understood when the findings of the Special Committee on Aging are considered:

America's medical bill in 1970 amounted to \$70 billion, 11 percent more than in 1969 and approaching three times the amount ten years ago.

Of the growth in medical expenditures in the last decade, fully 60 percent can be attributed to inflation—not additional or better health services.

Since 1960, medical costs have gone up twice as fast as the cost of living; hospital costs five times as fast.

In the two-year period ending June 30, 1969, health expenditures for the aged rose to 42.2 percent, twice as fast as expenditures for younger people.

Thus, it is our older citizens, who most need medical care, that are often the least able to obtain it because of its high cost or inaccessibility.

Several programs have been proposed to alleviate many of the problems in our present health care system, including one which I have cosponsored and which has received the endorsement of the American Medical Association. In my opinion, any plan for national health insurance adopted by the Congress must include two primary considerations:

1. It must guarantee the availability of comprehensive, quality health care to all Americans, regardless of age or the ability to pay. Comprehensive care should include preventive, curative, therapeutic, rehabilitative and long-term care; and

2. It must recognize the fact that simply providing a system of benefits is not the answer by taking into account the relationship of cost effectiveness, manpower, distribution of services, organization and research, as well as price, in the total health care picture.

Finally, we must reaffirm for all our citizens the fact that good health is a right, not a privilege based upon youth or wealth.

Mr. President, passage by Congress of the Conquest of Cancer Act, as well as Senate approval of the National Heart, Blood Vessel, Lung, and Blood Act underscore the need for medical research, yet another concern of millions of our older citizens. While we continue our efforts to cure or control cancer, heart disease, and other terminal illnesses, we must also expand our efforts to find cures for debilitating illnesses, such as arthritis, which cause great

pain and limit the ability and mobility of many older Americans.

No account of health care for the elderly would be complete, unfortunately, without mention of nursing home care in America. While many of these homes continue to provide excellent care, some, as President Nixon so forcefully emphasized last year, are little more than "dumping grounds for the dying" and "warehouses for the unwanted." I am heartened by the determination of the President and Congress to improve the standards of nursing home care throughout the Nation, and I trust that the Congress will support steps to eliminate the substandard nursing home.

RETIREMENT AND EMPLOYMENT

Mr. President, an obvious example of this Nation's attempt to force the elderly out of the mainstream of life can be found in our employment and retirement policies. The mistaken tendency to equate youth with productivity, combined with a "recession psychology"—the belief that older people must retire to make room for young workers in a limited job market—has created the shortsighted and discriminatory concept of compulsory retirement. This policy causes unnecessary financial hardship and contributes to mental and emotional deterioration among the elderly. Furthermore, it deprives our Nation of the services of millions of knowledgeable, experienced and dedicated men and women—a truly valuable resource.

In 1967 the Congress passed the Age Discrimination in Employment Act—a declaration that discrimination based upon age is just as evil and just as damaging to this society as racial or religious discrimination. However, the lack of proper enforcement of the provisions of this Act is a matter of increasing concern to Congress. It seems to me that age discrimination in firing is just as wrong and should be just as illegal as age discrimination in hiring, and I would hope that action will be taken to provide effective enforcement of this important act.

It may seem presumptuous to talk about more jobs for older Americans at a time when the general unemployment rate is high, but let me stress that I am not merely talking about paid positions. As the noted gerontologist, Dr. Nathan W. Shock, remarked recently:

We've not really accepted the importance of voluntary work. With the male, we've still got a culture that says, basically, unless you get a paycheck, what you're doing isn't worth doing.

In the next few years, I hope to see far greater emphasis placed on the concept of voluntary service—service which is ideal for many older persons who do not need or want salaried positions but still wish to remain active and involved. Older Americans have proved again and again that they can perform valuable service to society. We must strive to make this type of opportunity the rule rather than the exception.

In the final analysis, Mr. President, we must establish a national policy through which an individuals' opportunity for

employment—whether it be gainful or voluntary—is limited only by his ability or desire, not by his age.

TRANSPORTATION

Mr. President, when we hear tragic stories about older men and women who are spending years isolated in their rooms, we should remember that many such tragedies occur not because there people have no place to go, but rather because they have no way to get there.

The problem is one of total "mobility," since many older Americans have as much difficulty negotiating a flight of stairs or going through a revolving door as they have traveling across town or across the Nation. Wider doorways and ramps for wheelchairs, elevators and escalators instead of stairs, automatic doors, safety railings—all of these may seem insignificant to those who can move about without pain, but they are of vital concern to thousands of persons who cannot. In all new construction—homes, offices, stores and other structures—these problems must be recognized. In the construction of public facilities, the inclusion of safety and comfort features should be mandatory.

Our present system of mass transportation is designed for those who can walk through huge airports, endure crowded trains, and stand for long periods at bus stops and carry their own luggage. It seems quite clear that our transportation planners are going to have to redesign this system so that the elderly and others can have better access to it. Ideas such as a bill I have offered providing reduced air, rail, and bus fares, as well as other ideas such as mini-bus service, more convenient bus routes, reasonably priced taxi service, and other innovations must be included in this planning. Finally, we must attempt to expand programs such as meals-on-wheels so that the elderly will have access to necessary services even if they do not have access to transportation.

Thus, when considering transportation for the elderly, we are really concerned with barriers to mobility. And as long as these barriers exist, we can never create a truly comprehensive system of transportation which will serve all Americans.

WHAT OLDER AMERICANS ARE DOING

Mr. President, I have painted a grim picture of aging in America, and with good reason. Yet, there is another side—a brighter side—to this story. Millions of older Americans—the quiet revolutionaries—are refusing to accept the constraints imposed upon them because of their age. Instead, they have found that retirement can be a golden opportunity to contribute something of value to our society, to help themselves by helping others, to undertake new adventures in living.

To find examples of this new attitude among older Americans, one need look no further than the many organized and national senior citizens groups. Among these are the American Association of Retired Persons and National Retired Teachers Association—the largest combined organization of older Americans in the country. These two associations

represent over 3.7 million retired citizens—nearly one-fifth of all Americans over age 65. And they are growing at the rate of more than 2,000 members per day.

Behind the many commendable accomplishments recorded by these and other groups is a new concept of aging, a new approach to growing old in America. Members of these associations are proving that old age is a privilege, not a punishment, an opportunity, not a limitation.

These, Mr. President, are the "quiet revolutionaries". Theirs is a revolution of promise, of progress, of equality and compassion. With our help, they can succeed in contributing further to the accomplishments of this Nation, making a better place not for them alone, but for all of us as well.

LAW DAY, 1972

Mr. BURDICK. Mr. President, today, on May 1, we once again celebrate Law Day. It is odd, I think, that our country, which has so carefully based itself on a government of laws, did not create this day until recently.

Law is the essential prerequisite to our freedom. For our system to be effective, our citizens must have enough confidence in the law to obey it voluntarily. This has always been an essential point, but at a time in our history when many of our traditional institutions are crumbling, when counter-cultures are thriving and when old values are being rejected, confidence in the justice of our laws is especially vital.

People must believe that laws will be applied fairly to all and that every individual who comes before a court—from a corporation president to a ghetto teenager—will be subject to the same standard of justice.

Recent newspapers have been full of stories about the alienation and distrust of the American voter. If the voter and citizen come to feel that the law will not judge them fairly, then this distrust and alienation will be complete. Laws will not be respected and the fabric of our society will fall apart.

We must be concerned about both the content and the administration of our laws. As chairman of the Subcommittees on Judicial Machinery and National Penitentiaries, this has been a central concern of mine. In some cases, the administration of justice becomes the content of the law. Maladministration of the law effects people just as much as if a bad law were passed in the first place. If criminal punishments are to be effective, then the convicted offender must receive a just punishment. If civil cases are to be adjudicated fairly, it cannot take 5 years for an injured party to receive his just compensation. Justice delayed is justice denied, and our courts must be forums for fair and efficient justice—not endurance contests.

On this Law Day, I hope our citizens will stop to think about how important our laws and those who administer and enforce them are. In order for our system to succeed, we must have efficiency and justice from the top, where laws are

are made, to the bottom where the fines and punishments are handed out. It is our judicial system that sets us apart from many other nations in the world. Let us then resolve on this Law Day to preserve and strengthen that system of justice.

THE 10TH OF MAY: RUMANIA'S INDEPENDENCE DAY

Mr. TAFT. Mr. President, the 10th of May is the national holiday of the Rumanian people, celebrating three great events of its history.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen, a scion of the southern and catholic branch of the Prussian royal family, was proclaimed in Bucharest Prince of Rumania, and thus founded the Rumanian dynasty. It was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western non-neighboring reigning families in order to put an end to the strifes and rivalries among native candidates to the throne. This ardent wish, though officially expressed as far back as 1857 by the Moldavian and Wallachian Assemblies—the "Ad-hoc Divans"—convened as a result of the Paris Treaty of 1856, was nevertheless opposed by the Russian and Austrian empires, equally disquieted by the growth in power and prestige of the young bordering nation they both secretly hoped to absorb some day. It was due to unrelenting efforts made and wise steps taken by Rumanian patriots, and also to the constant diplomatic assistance of Napoleon III, Emperor of the French—to whom Prince Charles was related through the Beauharnais and Murat families—that all political obstacles were gradually removed and what was to be the prosperous and glorious reign of Charles I could be inaugurated on May 10, 1866.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the Principality of Rumania, until then nominally a vassal of the sultan, proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This independence had to be fought out on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Russia, played a noteworthy part in the defeat of the Turkish forces. The Congress of Berlin of 1878 confirmed Rumania's independence and conferred Europe's official recognition, a bright page in the country's dreary history though marred unfortunately by the loss of Bessarabia, cynically wrenched by Czar Alexander II and his government from the ally who helped them obtain victory over the Turks.

Another 4 years elapsed after the Rumanian people had proclaimed their independence and a further step was taken as they decided to raise their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania. A prosperous era, which lasted over six decades, opened on that day for the nation. Its apex was attained when national unity within the historic bound-

daries was reached after World War I. The socially progressive country had now become a factor of peace and equilibrium in the southeast of Europe.

During all those years and up to the present time, Rumanians have cherished and revered the 10th of May as their national holiday, the anniversary of happy and glorious events in their history, in which achievements of Monarchy and people were interwoven. It remains the symbol of their permanency and perseverance through woes and hardships to reach the ultimate end of freedom and well being.

The ruthless foreign rule which now oppresses the Rumanian nation has not been able to uproot the people's attachment to the traditional celebration of the 10th of May. In order to try and alter at least its significance, official celebrations were shifted from the 10th to the 9th of May, anniversary of the Soviet victory. But, though flags are now hoisted on May 9, Rumanians in their captive homeland celebrate in their hearts the following day, awaiting with faith and courage the dawn of new times, when freedom shall be restored to them.

WASTING TAXPAYERS' MONEY

Mr. PROXMIRE. Mr. President, the *Racine, Wis., Journal-Times* editorialized on April 10 about waste in Pentagon procurement.

The editorial ends with this paragraph:

People in government need to be sensitive to the wants of the people back home who foot the bills. They should sense that people now are more than just tired of hearing the same old promises, promises, promises of candidates. They are angry. They want action. What needs to be done is for government to take a hard look at its system and devise means to be responsive to the people.

I agree. This Government must become more responsive. It must remember it is here because of the people. We take their money in taxes. We have an obligation to see that it is spent wisely.

Wasting money is not wise spending. The purpose, in this case national defense, is absolutely necessary. About that there can be no doubt. But wasting money in the process cannot be defended—it cannot be defended as good business, as good government, or as good national defense.

Mr. President, I ask unanimous consent that the *Journal-Times* editorial be printed in the RECORD.

WASTING TAXPAYERS' MONEY

Taxpayers who are justly critical of the waste of money by government should be wrathful over the recent revelations at a Washington hearing on naval procurement of how their dollars are spent.

Two major areas were covered at a hearing of the Joint Economic Committee's Subcommittee on Priorities and Economy in Government, with Sen. William Proxmire as chairman.

One concerned a message from the chief of naval operations on how best to spend \$400 million by June 30, the end of the government's fiscal year, with the implication that if the money is not spent, next year's funds might be cut.

The other tied in, concerned the haziness with which the Navy settled millions of dollars of claims by civilian ship building contracting firms without any real proof that the government was responsible for delays and added costs.

Senator Proxmire lit the fuse to the first problem—how to spend \$400 million quickly—by reading a document from Adm. Elmo R. Zumwalt, chief of Naval operations, in which it was suggested consideration be given to such measures as expediting the provisional payment of contractor claims and using unlimited overtime on certain ship overhauling and transport projects.

Dated Feb. 9, the memo noted that the Secretary of the Navy had just promulgated the fiscal year "outlay targets" more than \$400 million above those in the earlier 1972 budget.

The admiral's message pointed out the difficulty of achieving the spending in the short time remaining before the fiscal year ends June 30 and the importance of avoiding shortfall to avoid cuts in the 1973 fiscal year funds.

We do not know how valid the Navy's budget needs for procurement might be. Apart from that, however, out of fairness to the Navy it must be said that although there is no justification for rush spending to support next year's budget requests, part of the fault also lies in the system by which funds are budgeted. Such funds expire at the end of a fiscal year and yet were not available until the current fiscal year was half over.

Senator Proxmire long has been a foe of waste in the military, and there are those who criticize him as using it as a political weapon to further Proxmire.

Those prepared to scoff for that reason, might be interested in the opinions of Sen. Charles Percy, Illinois Republican, and former Deputy Secretary of Defense David Packard, one of the most esteemed civilians to serve this country.

Percy, commenting on when he was a naval procurement officer 29 years ago during World War II in Washington, said the feeling then was one was being commended for spending more money faster than any other department. As a senator, he said, he has seen no change.

Percy said, "I never wasted more money faster in my life than I did then and I have been working hard ever since to make it up to the U.S. Government. But I did it under orders."

"Now the Congress must share some responsibility in this respect and it is the system and the procedure. You would think in 29 years we would be able to improve it, and I am somewhat shocked to find that the same incentive system has gone on, probably the same commendation letters will go out when the money is expended."

Packard on one occasion said, "Defense procurement is a mess." Upon receiving the Forrestal Award recently, he made a speech in which he spoke about the tendency of contractors to buy into contracts and the way they are bailed out after getting into difficulties.

"We are going to have to stop this problem of people playing games with each other. Games that will destroy us if we do not bring them to a halt."

Packard has said that contractors should be held to the line: "Although some companies may be forced to suffer financially because of this concept it will not be a major disaster to the country if we cannot get the military-industrial complex to play the game straight. Until and unless we can stop this attitude we are going to continue to waste the taxpayers dollars, get less defense for the dollars we spend."

Naval spokesmen at the hearing included several who said some civilian claims were almost fraudulent.

The aim of the hearings is to devise some

methods for combating waste and inefficiency that is going on at the federal level.

People in government need to be sensitive to the wants of the people back home who foot the bills. They should sense that people now are more than just tired of hearing the same old promises, promises, promises of candidates. They are angry. They want action. What needs to be done is for government to take a hard look at its system and devise means to be responsive to the people.

SOIL CONSERVATION

Mr. PACKWOOD. Mr. President, the Soil Conservation Service and the Oregon Game Commission have worked together for the past several years in an effort to turn southwestern Oregon's badly depleted meadows into green, fertile ranges. It is an experimental program, used to select the best species of grasses and legumes for a variety of soils and purposes. The information provided by these tests will help to refurbish rangelands throughout the State of Oregon.

Mr. President, the details of this excellent project are outlined in an article written by O. Eugene Hickman. I ask unanimous consent that the article be printed in the RECORD.

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

A PLOT TODAY, A RANGE TOMORROW (By Eugene Hickman)

For several years the Oregon Game Commission and the Soil Conservation Service have been cooperating in testing dryland grasses and legumes in southwestern Oregon.

The primary purpose of the experimental plots is to determine the adaptability of various grasses and legumes of various grasses and legumes to the climate and soils in that part of the state.

The Game Commission uses the data to select the best adapted species for local areas where wildlife forage plantings are needed. These areas include badly depleted meadows and grassland in high-elevation deer summer range and the low-elevation oak-grassland that is important as winter range for deer.

The data also provide guidelines for establishing perennial grass seedlings on the Kenneth Denman Management Area, a large tract of land managed by the Oregon Game Commission for wildlife. There, both cover and food are needed for pheasants and other upland game birds.

SCS uses the data from the experimental plots to help farmers, ranchers, and other landusers within the local conservation districts select the best species for various types of soils and for various uses, such as livestock forage, stabilization of critical and eroded areas, road cutbanks, and fills.

Southwestern Oregon is somewhat unusual in that it is in a transitional zone amid the dry continental climate of eastern Oregon, the Mediterranean-type climate of California, and the mild, moist climate of the Willamette Valley. Native plants from all three areas often intermingle in this region forming a delicate ecological balance that is easily disturbed by man's activities. Where man has disrupted this balance and left the grasslands in poor condition, natural recovery is extremely slow. Some areas have been nearly denuded, and others have been dominated by weeds for many years.

Common species and seeding techniques for eastern Oregon, California, and the Willamette Valley have needed considerable testing in this region. Range seedlings, for the most part, have not been successful. But now, as more and more species prove suc-

cessful in the experimental plots, more and more rangeland will be revegetated and improved.

Since the first test plot was established by the two agencies in 1965, SCS has established more than 20 additional plots, eight in cooperation with the Game Commission.

Nearly all seedings must be made during October, just before fall rains begin. Each plot is seeded to various grasses and legumes that have value for livestock forage, wildlife habitat, or conservation plantings. Test species are selected from those that show promise in regions surrounding southwestern Oregon. Fertilizers are applied on some plots, and broadcast seeding is compared with drill-type seeding on other plots.

Because there are several critical stages in the development of a seedling, information is collected periodically so that the progress of each species can be documented and evaluated. Data collection usually begins on new plots in December, to determine if germination has occurred. Plant height and stand density are estimated at this time.

Early the following spring the new plot is checked to determine how each species survived the winter. A third evaluation is made at the beginning of summer to record plant height, stand density, and the severity of competition from annuals. During the second growing season another evaluation is made to determine the degree of survival through the hot, dry summer. Yearly observations are made thereafter to evaluate further progress.

If a species fails, it is hoped that sufficient data will have been collected to determine why it failed. When a species succeeds, SCS and the Oregon Game Commission have another tool to use in their efforts to aid range, wildlife, the soil, and the environment.

JOINT TAX COMMITTEE CHIEF OF STAFF HONORED

Mr. LONG. Mr. President, it is with pleasure that I report to the Senate that Dr. Laurence N. Woodworth, Chief of Staff of the Joint Committee on Internal Revenue Taxation, has been given the Career Service Award for Sustained Excellence by the National Civil Service League at ceremonies held last week.

As chairman of the Committee on Finance, and in alternate years of the Joint Committee, which Dr. Woodworth directly serves, I have had an unusual opportunity to observe his performance at close range.

It is well known on both sides of the Capitol that Larry's abilities in coordinating the manifold economic, statistical, drafting—and sometimes diplomatic—tasks which underlie the development of the Nation's tax legislation have been extraordinary in every respect.

As an individual, Larry's modesty is extraordinary. You will not find his biography in the Congressional Staff Directory. He has prepared a biographical sketch which, however, he will release only with reluctance. As a result, Larry and his signal contributions to the field of tax legislation are less well known than they should be.

I should like to partially repair this omission by asking unanimous consent that Larry's short-form biography be printed in the RECORD at the the conclusion of my remarks. There are, of course, many other entries that could be made, including the honor bestowed on him by the National Civil Service League.

It is not often that we are given the satisfaction of publicly recognizing such extraordinary achievement. After 28 years on the staff, I think Dr. Woodworth can stand a little recognition, and I offer my hardest congratulations for the true and sustained excellence of his work as Chief of Staff of the Joint Committee on Internal Revenue Taxation.

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

BIOGRAPHICAL DATA ON LAURENCE N. WOODWORTH

Born in Loudenville, Ohio, March 22, 1918. Son of Rev. Alfred R. and Nora S. Woodworth. Attended schools in Perry, Cleveland, and Gallon, Ohio. Graduated first in class from Fredericktown High School in 1936.

Attended Ohio Northern University 1936-40. Sigma Phi Epsilon, 4 years Varsity Debate, Varsity "N" Association, President YMCA, Editor Northern Review, Alpha Phi Gamma, Who's Who in American Colleges. Graduated second in class with high distinction. Received honors and award for excellence in scholarship, campus activities and personal qualities.

One of 10 selected on a nationwide basis to receive the Alfred P. Sloan Fellowship to the University of Denver, 1940. Received Master of Science in Government Management 1942, University of Denver.

Received Doctor of Philosophy in Public Administration from New York University in 1960. Received honorary Doctor of Laws from Juniata College in 1965 and honorary Doctor of Public Administration from Ohio Northern University in 1966.

Has been on the staff of the Joint Committee on Internal Revenue Taxation since July 1, 1944. Became Chief of Staff on August 1, 1964. While on the staff of the Joint Committee on Internal Revenue Taxation, has participated in the development of most tax legislation since 1944, including the Internal Revenue Code of 1954, the Revenue Acts of 1962 and 1964, and the Tax Reform Act of 1969.

Previously employed by the Civic Research Institute, Kansas City, Mo. (1942-43) and by Tax Foundation, New York City (1943-44).

Married Margaret Bretz (Ohio Northern University, B.S. 1940); four children, ages 13 to 15. Served six years as Mayor of Cheverly, Maryland. Formerly member of Town Council for nine years. Former State President, Maryland Municipal League. Member Maryland Commission on State and County Finance 1962-64 and Member Maryland Governor's Fiscal Commission 1969-70. Formerly, Sunday School Superintendent and Chairman of Administrative Board, Cheverly Community Church. Currently Teacher, Young Adult Class.

ED CLIFF, FOREST CHIEF, RETIRES

Mr. BENNETT. Mr. President, over the weekend one of the Nation's most dedicated public servants retired. He is Edward P. Cliff, who served as Chief of the Forest Service for 10 years and who, I am proud to say, is a native of Utah.

Ed was born in Heber City, Utah, and is a graduate of Utah State University in Logan, Utah. His work as a Government forester spans four decades and began in the State of Washington. Between that assignment and the one as head of the U.S. Forest Service, Ed served for a time in Ogden, Utah, as assistant regional forester in charge of the Division of Range Management. He became the ninth Forest Service chief on March 18, 1962.

Ed has directed the Forest Service through a decade of immense growth and

redirection. It has also been a stormy period for all agencies dealing with conservation of the Nation's natural resources. While many self-styled ecologists have pushed their pet programs for salvaging the country's environment, Ed has led his Agency quietly and efficiently in its own great efforts to wisely manage our resources and clean up the environment.

During his tenure, Congress created a National Wilderness Preservation System, made up in part from National Forest lands; forest and land management research was expanded, and the multiple use concept of forestry developed. Under this concept, equal emphasis is placed on noncommodity values of the forest, such as recreation, water management, and wildlife, along with the commodity aspects, including timber, forage, and minerals.

Mr. President, I am sure I speak for all Members of the Senate in publicly thanking Ed Cliff for his excellent leadership of the Forest Service during the past decade.

DEVELOPMENT OF MINERAL RESOURCES OF THE OUTER CONTINENTAL SHELF

Mr. ELLENDER. Mr. President, I come before the Senate today to speak on a subject of great importance to the State I represent and to the Nation as a whole.

As I did in testimony on April 5 before the Senate Committee on Interior and Insular Affairs, I am today restating and reaffirming my strong views as to at least one positive step by which this country can better satisfy its energy demands. I am here to urge a more productive development of the mineral resources of the Outer Continental Shelf.

As you might imagine, this matter is of extreme importance to my State of Louisiana and to my constituents. This is so because the single, most productive segment of the OCS is that which is adjacent to the State of Louisiana. I need not explain what impact the disruption of orderly OCS development in the last 2 or 3 years has had on the lives of my people and on the economy of my State.

A NATIONAL PROBLEM

But it is not my intention today to dwell on the peculiar and particular ways in which this matter affects my people. I have addressed the Senate and its committees on this point on many other occasions. I want, instead, to point out in the strongest possible terms the effect that inefficient and disorderly OCS development has on the people of all our States. I want to explain to those colleagues who might not realize it just what bearing it has on the entire American economic posture, both nationally and internationally.

I want to point out to Senators from the Midwest and the East that their constituents, too, are hurt by the failure to develop OCS energy sources in the Gulf of Mexico and elsewhere. This is not a Louisiana problem or a coastal States problem. It is national—even international—in scope.

I have been impressed in recent days by the testimony of many experts who

have appeared before the Senate Committee on Interior and Insular Affairs. Many of them offered irrefutable statistics describing the severe and worsening nature of our energy crisis. They have stressed the OCS role in recent years in assuming an increasingly important role in providing the oil and gas this Nation needs.

They have pointed out that in 1965 OCS production was only 5 percent of the national total but that in 1970 it was 10 percent. In 1980 it is estimated that 25 percent of oil and 20 percent of gas production will come from the OCS—providing, of course, that orderly development of our resources there is allowed to continue and to expand.

RENEWAL OF OFFSHORE LEASING

I have also been impressed in recent weeks by the determined efforts of Secretary Rogers Morton and other officials of the Department of the Interior to break the log-jam on continued OCS mineral development. They feel, as I do, that there is a particularly critical need for new discoveries of natural gas, which now supplies one-third of our total energy requirement but which we are consuming at a much faster rate than we are discovering new reserves.

Assistant Secretary Hollis Dole of the Department of the Interior summarized the trends in consumption and discovery of natural gas. He said in part:

In 1970, gas demand was 22 trillion cubic feet and reserves were estimated at 265 trillion cubic feet. The reserve-to-production ratio is currently 11.7 to 1, compared with 20 to 1 in 1960. By 1980, gaseous fuel consumption would reach 33 trillion cubic feet—if the gas were available. Between 1971 and 1980, cumulative gas demand would amount to 275 trillion cubic feet, an average of 27.5 trillion cubic feet per year. However, annual additions to proved gas reserves have averaged only 15.2 trillion cubic feet in the past five years. The best five-year annual rate of additions to new reserves ever attained was about 22 trillion cubic feet.

It is obvious, Mr. President, that our reserve-to-production ratio will continue to decline until we reach the point at which neither homeowners nor industrial users will be able to count on supplies of natural gas beyond a year-to-year basis. That trend cannot be allowed to continue.

I am highly pleased that almost a month ago, on March 31, Secretary Morton moved in a positive way to reschedule a major lease sale offshore Louisiana. He did so by filing the Interior Department's preliminary environmental impact statement, which began the running of a mandatory 90-day waiting period which must precede a call for bids on the OCS tracts in question.

A simple bit of arithmetic indicates that these bids might be called for as early as July 1, although the complex nature of the matter might cause it to be delayed for a few days beyond the minimum legal waiting period.

Mr. President, I ask unanimous consent to have printed in the RECORD the Interior Department's press release of March 31, describing the action then being taken.

There being no objection, the release

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

INTERIOR CONSIDERING TWO OIL AND GAS LEASE SALES FOR OUTER SHELF OFF LOUISIANA DURING CALENDAR 1972

The Department of the Interior announced today that consideration is being given to two oil and gas lease sales on the Outer Continental Shelf in the Gulf of Mexico, offshore Louisiana, during calendar year 1972.

A new draft environmental statement on the first of the sales—offshore Eastern Louisiana, tentatively slated for this summer—will be filed Friday, March 31, with the Council on Environmental Quality. It involves 78 tracts totaling 366,440 acres estimated to be capable of producing from 75,000 to 150,000 barrels of oil per day, plus between 200 and 400 million cubic feet of natural gas daily by the sixth year after leasing.

A second sale also offshore Louisiana is contemplated by Interior's Bureau of Land Management for late autumn this year, and a draft environmental statement on that potential sale is scheduled to be issued within a few months, to be followed by public hearings, officials said. This sale originally had been planned tentatively for May 1972. Number and location of tracts will be announced in the near future.

The draft environmental statement for the potential summer sale covers the tracts involved in a lease sale originally scheduled for December 21, 1971. Public hearings had been held September 8 and 9 in New Orleans, but court action in mid-December caused Interior to retain the envelopes containing the bids unopened and sealed in a bank vault for nearly 30 days. The envelopes never were opened. They were returned to the bidders.

Public comments on the draft environmental statement for the potential summer sale are invited for 45 days beginning April 1, 1972. They should be addressed to the Director, Bureau of Land Management (310), Department of the Interior, Washington, D.C. 20240.

The document has been released by the Bureau for review by Secretarial officials, other Federal agencies, and State and local agencies. Members of the public may obtain copies at \$2.00 each from the Director of BLM at the address above.

Specific descriptions of the tracts may be obtained from the New Orleans office of BLM or from the Metairie, La., office of the U.S. Geological Survey.

The document is considerably more detailed than the previous environmental statements issued last year. In line with an opinion issued in January 1972 by the U.S. Court of Appeals for the District of Columbia Circuit, it also contains discussions of the impact of various possible alternatives to a sale of oil and gas leases.

LOUISIANA: A SPECIFIC CASE

Mr. ELLENDER. Mr. President, I suppose we could talk in generalities for a week or a month and review again all the statistics which seem so strongly to call for expanded OCS development. But at this point, I would like to get down to one particular case whose close examination might help us better understand the overall folly and illogic unduly impeding the orderly search for and production of oil and gas on our Outer Continental Shelf.

The case in point is the proposed Louisiana sale on which the preliminary environmental impact statement is now pending and on which the final statement should be filed 30 to 45 days from now if all goes well.

Mr. President, as you might suspect, I was greatly distressed early this year when Federal District Judge Charles

Richey enjoined the Department of the Interior from proceeding with this proposed Louisiana—OCS—lease sale. He did so on the grounds that the Department's environmental impact statement was inadequate. No doubt the judge acted conscientiously and sincerely, but let me point out the truly fantastic list of consequences and overtones, both immediate and long-range, of the good judge's decision. Among these . . .

First, the irony that in exchange for avoiding the possibility of water pollution by an oil spill there is now the certainty of air pollution from the burning of coal and fuel oil that will be used in place of the clean-burning natural gas, which was in particularly high prospect of being produced from the OCS tracts in question;

Second, the certainty that several thousand of my constituents will be either unemployed or underemployed between now and the time at which this troublesome matter is resolved;

Third, the certainty that many residential consumers not only in my State but in many Midwestern and Eastern States will be forced to turn for lack of natural gas—to more expensive, less desirable and dirtier sources for heating and cooking in their homes;

Fourth, the certainty that industrial consumers of natural gas in all these States will be more and more subject to rationing of gas and to shutdowns during periods of high residential demand;

Fifth, the certainty of injuring and restraining the growth of many industrial users whose plans for plant expansion and for additional hiring of labor depends directly on the guaranteed availability of natural gas;

Sixth, the certainty that both industries and municipalities in these many States will be increasingly at the mercy of the fines and penalties imposed on them under FPC rules for using more than their monthly, daily, or—in some cases—their hourly ration of our shrinking reserves of natural gas;

Seventh, the certainty that our already disastrous balance of payments position will deteriorate even more as we are forced to import the petroleum and the gas that might have been produced from the tracts in question;

Eighth, the certainty that we will become additionally dependent on potentially unreliable foreign sources for whatever amounts of oil and gas might have come from these tracts;

Ninth, the certainty that the Federal Treasury has been deprived of the several hundred million dollars of lease, bonus, and royalty moneys and corporate taxes that would have resulted from the sales and from the production which would have occurred;

Tenth, the certainty that the Government will either have to cut back programs or go out and borrow 6 percent money—or a combination of both—to make up for the substantial amount of income not realized from the lease and the production that would have ensued;

Eleventh, the certainty that our own oil companies and drilling companies will be further convinced that they should get out of American waters and spend

their capital, do their hiring, produce their oil, and sell it to American consumers from the more stable and predictable business situation in foreign lands—thereby compounding even farther our balance of trade, dependency, fiscal, and unemployment problems in years to come.

Mr. President, I have cited 11 certain and serious consequences that are now happening as a result of the way our laws work in seeking to prevent the possibility of offshore oil spills. It is indeed appropriate that the Committee on Interior and Insular Affairs should be reviewing the subject. It would be well if other committees which have jurisdiction would reexamine the laws that are now on the books to see if they are not being over applied in cases such as this, to the great detriment of the country.

FIND THE SCIENTIFIC FACTS

Now let me be the first to say that if the facts demanded it, then we should buckle down and prepare to suffer to an injurious consequence of our failure to proceed with the lease sale. If it were really necessary, we should make do without OCS oil and gas production of any kind.

My question of the Senate, however, is whether such an extreme result is necessary at all and whether the law and various environmental protection agencies of the Government are doing a responsible job of determining exactly what are the scientific facts of the matter. In particular, I have recommended that the Committee on Interior and Insular Affairs inquire into the following:

First. What specific steps have the Interior Department and the Environmental Protection Agency taken to define in acceptable legal terms the well-recognized ecological benefit to marine life that results from placing drilling platforms and production platforms offshore? It is an uncontested fact that the best fishing in the Gulf of Mexico is at the base of our offshore platforms. I have even heard it said that new varieties of fish have been attracted to the gulf as an indirect result of these platforms.

If there are specific ecological benefits derived from OCS drilling operations, there should be a well-defined system for crediting these against the alleged ecological damage that might result from various types of oil spills that might come from these same operations.

Second. What specific steps have the Coast Guard, the Department of the Interior, and the Environmental Protection Agency taken to work out technically sound and legally acceptable forecast charts on how much of the typical offshore oil spill can be recovered at sea before it can cause any ecological damage at all?

We have spent several million dollars to date on developing sophisticated oil-recovery devices. It seems to me that all of this investment can and should be translated into some predictable capacity for accomplishing the appointed task.

If, for instance, we could predict that equipment now being developed could pick up 50 percent of the typical individual spill or 50 percent of the combined spills that might be expected to occur

during a certain period, then the estimated ecological damage of such potential spills should also be cut in half in calculating the advisability of proceeding with OCS development.

Another area where forecast charts might be easily devised is the one involving application of certain types of microbes and enzymes to oil spills with the result of changing the chemistry of the oil and making it either harmless or actually breaking it down into elements that can be absorbed into the marine food chain.

Third. What specific steps have been taken by the EPA, the National Bureau of Standards, the Department of the Interior, the National Marine Fisheries Service and other Federal agencies to define exactly what is the chemistry and the detailed ecological effects of an offshore oil spill?

ECOLOGICAL BENEFIT?

It has even been suggested that under some conditions and on total balance an offshore oil spill is an ecological benefit to more forms of marine life than those to which it is a detriment. This might sound like a farfetched notion.

However, when we realize that microbes and enzymes have been used experimentally to transform crude oil into cattle feed, is it also possible that marine enzymes, microbes and even tiny shellfish and plantlife at sea might attack the oil and begin rendering it ecologically harmless. These processes might even add the oil to the food chain of the sea, as described in the previous argument.

On this point, I ask unanimous consent to have printed in the RECORD two newspaper articles describing scientific inquiries whose results seem to downplay the harmful effects of oil spills as well as of certain other types of chemical pollutants.

One article is from the National Observer. It is entitled "That Big Oil Spill Off Santa Barbara Caused Little Damage to Marine Life." Without going into great detail on the subject, it tells how a team of about 40 researchers from a number of California universities did an in-depth study of the after effects of the gigantic oil spill there and found that "harm to plants and animals in the channel had been much less than predicted and that the area was recovering well."

The article states further that:

The report concluded that only marine birds and a small species of barnacle were harmed severely by the oil.

It also says that:

In the several months since the study was published, however, no serious scientific challenge to the honesty of its conclusions has emerged. Indeed, though the study continued to have its critics, it is gaining new acceptance among some scientists who didn't take part in the research.

The other article, entitled "Pollution, Good For Fish," is from the Houston Post of November 13, 1971. In this article, Dr. Carl Oppenheimer, director of the Marine Science Institute of the University of Texas, suggests that many pollutants in proper quantities are "not the pure poison they are cracked up to be, but are

instead a nourishing feast for fish and shellfish."

While I do not endorse or vouch for the scientific conclusions which these articles seem to suggest, I do urge the Senate to note the possibility that offshore oil spills might not be as ecologically damaging as some have advertised them to be.

The possibility that such might be the case should be the subject of intense inquiry because of the obvious effect such a conclusion could have in simplifying and promoting the Nation's entire program for developing the resources of the Outer Continental Shelf.

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

[From National Observer, July 26, 1971]

REPORT OF A SCIENTIFIC STUDY: THAT BIG OIL SPILL OFF SANTA BARBARA CAUSED LITTLE DAMAGE TO MARINE LIFE

(By Roy H. Copperud)

When an offshore Union Oil Co. well blew out on Jan. 28, 1969, spewing hundreds of thousands of gallons of oil into the Santa Barbara Channel, it was widely predicted that the waterway no longer would support marine life.

The immediate effects of the spill were depressing enough. A thick, gooey layer of oil coated the water and sloshed up on the beaches. An estimated 3,500 to 4,000 sea birds out of a population of 12,000 died after becoming coated with oil. Most commercial fishermen thought it useless to put out in their boats.

And so, deep skepticism greeted a scientific report last February. The report concluded that harm to plants and animals in the channel had been much less than predicted and that the area was recovering well. The skepticism was especially intense because the \$240,000 to finance the study has been put up by the Western Oil and Gas Association, made up of oil companies. Criticism that the study was a whitewash was widespread.

Confidence in the findings, perhaps, was affected also because Dr. Dale Straughan, who directed the research, is not only a woman, but 31 years old, attractive, and given to wearing miniskirts.

In the several months since the study was published, however, no serious scientific challenge to the honesty of its conclusions has emerged. Indeed, though the study continued to have its critics, it is gaining new acceptance among some scientists who didn't take part in the research.

The grant for the study was offered to the Allen Hancock Foundation at the University of Southern California. Dr. Straughan, who was at the university on a post-doctoral fellowship, was already regarded as an expert on marine pollution in her native Australia. The grant was accepted by the university on the condition that the oil industry would have no influence on the study and that the findings would be published regardless of what they disclosed.

Dr. Straughan recruited experts from Southern Cal, the University of California campuses at Santa Barbara and Santa Cruz, and the Johns Hopkins University. About 40 researchers worked on the project.

SOME KEY FINDINGS

Whales and seals were among the animals reported as having suffered from the oil, but the 18-month-long study found the mortality of neither had risen. The California Department of Fish and Game said it had found no decrease in the fish catch in the channel for the months following the spill, compared with the like period in 1968, nor was there any evidence of a decline in the fish population. Though Santa Barbara fishermen

generally avoided the oily waters, fishermen from elsewhere continued to work in the channel.

Dr. Straughan's report concluded that only marine birds and a small species of barnacle were harmed severely by the oil. The Undersea Gardens, a Santa Barbara Harbor Aquarium that circulates surrounding sea water in its tanks, reported no abnormal loss of life among its specimens even when the surface of the harbor had a six-inch layer of oil. Marine divers in the area reported no evidence of underwater contamination.

Criticism of the report as rigged almost died out in the light of public approval from some distinguished scientists who did not take part in the study. One of them is Dr. Wheeler North, professor of environmental science at the California Institute of Technology.

NOT COMPREHENSIVE?

A leading dissenter in the scientific community is Dr. Max Blumer, a senior scientist at the Woods Hole Oceanographic Institution in Massachusetts. He says that the study was not comprehensive enough.

The study found that for hundreds of years there has been, and continues to be, natural seepage of oil into the channel from fissures in the sea bottom. The result of this may be that oil-sensitive creatures long since departed from the area, or that some of them may have developed a tolerance for oil.

Another point brought out was that just before the spill, unusually heavy winter rains had occurred, causing a tremendous runoff of fresh water, some of it containing pesticides from orchards. This in itself would have had an adverse effect on marine life in the channel. Much of the oil adhered to particles of the 80,000,000 tons of sediment swept into the channel by the floods, and settled to the bottom by a depth of 1,800 feet, reported Dr. Ronald L. Kolpack of the University of Southern California.

Marine life is known to have been declining steadily in the channel over the past 30 years for reasons not yet known. Dr. Straughan says she does not pretend that the study is the last word on the subject. One of her principal conclusions was that it is often difficult to isolate the effect of oil pollution from other causes.

[From the Houston Post, Nov. 13, 1971]

POLLUTION GOOD FOOD FOR FISH?

(By Harold Scarlett)

Pollution may actually be increasing the seafood yield of Galveston Bay, a University of Texas marine scientist said Tuesday.

Dr. Carl H. Oppenheimer said a lot of pollutants, in proper quantities, are not the pure poison they are cracked up to be, but are rather a nourishing feast for the bay's fish and shellfish.

Oppenheimer pointed to federal fishery reports which he said show a steady upsurge in seafood landings from Galveston Bay in recent years—from 6.9 million pounds in 1967 to 12.4 million pounds in 1970.

"Galveston Bay's fish catch has doubled over the past four years, which I think is probably due to an increase in productivity from the waste materials or pollution, if you want to call it that," Oppenheimer said.

Oppenheimer is director of the Marine Science Institute, a research branch of the University of Texas, at Port Aransas.

He disclosed his views in a letter to Hugh C. Yantis, Jr., executive director of the Texas Water Quality Board. His letter was triggered by last week's federal pollution conference, which was based on a federal contention that pollution is damaging shell-fish production in Galveston Bay.

Oppenheimer urged a thorough statistical analysis of bay fish catches to determine whether changes in water quality "might in reality in some cases be beneficial with respect to fish productivity."

Elaborating on his letter in a telephone interview, Oppenheimer said:

"I'm not advocating that position is what we need to do, but that sensible management could come in and separate positive pollutants from negative pollutants."

The scientist said a lot of pollutants are nutrients.

"Properly distributed sewage treatment material could be beneficial if correctly managed," Oppenheimer said. "Many byproducts from industrial firms are nonharmful nutrients."

"On the other hand, many materials highly toxic in concentrated form could become nutrient when diluted. Most anti-biotics can become nutrients at a very low level. Many heavy metals will stimulate population at very low levels."

Joe Teller, deputy director of the water board, said that technically speaking there is nothing fishy about Oppenheimer's views.

"I concur to a certain extent with what he says," Teller said. "We do have too much pollution going into the bay system right now. But I don't think we ought to go to zero pollution."

The water board has cited figures to show that it has curbed pollution going into the Houston Ship Channel and thence into Galveston Bay during the same years that fish landings have risen. Asked about this apparent contradiction in Oppenheimer's position, Teller said:

"We did have too much pollution in the past. But I think now we've got it headed toward balance, and so seafood production is increasing."

Teller recalled that as a boy growing up in East Texas, he used to bait fishing holes with cottonseed cakes. "With those cottonseed cakes, we would catch fish when nobody else could," he said, "but isn't cottonseed cake pollution if you put in too much of it?"

Mr. ELLENDER. Mr. President, there is no question that the chemistry and ecological impact of an oil spill in salt water at sea is radically different from one in a fresh water lake or stream. So is there a difference between the final chemical results of a spill far at sea and one so near to shore that the oil is soon on a beach or in an estuary or a marsh.

But just what are the specific differences in each case? What are the facts as they affect each of many different and competing forms of marine life? Is the typical spill more messy and ugly than it is dangerous?

Is it possible that we are unnecessarily punishing ourselves and even undermining the national economy through extreme measures to avoid any spills whatever from OCS drilling operations while the deliberate spillage and dumping from the world's shipping fleets each day equal twice the entire volume of the Santa Barbara spill in 1969?

URGENT NEED FOR ACTION

Mr. President, it seems to me that we cannot sit idly by while all of these questions are being looked into. We must find some means in the interim to proceed with the much needed development of our natural resources. We have a particular need to find more natural gas for use as the least environmentally harmful of our major energy sources.

In his testimony to the Committee on Interior and Insular Affairs late last month, Assistant Interior Secretary Hollis Dole described the significant technological advances that have been made and are in process of being implemented to reduce the incidence of spills

from OCS drilling operations. He pointed out that there has been a great reduction in incidents of noncompliance with regulations and that small leaks and spills have been cut in half. New safety systems, he said, have already prevented several platform fires from becoming major disasters.

In conclusion, therefore, I wish to urge that the administration propose and the Congress adopt a plan for OCS development which will avoid areawide "freezes" and injunctions against orderly offshore exploration, drilling, and production. I think, too, that we need to safeguard against application of our environmental protection laws in ways that have insufficient relationship to the scientific facts and to the many complex and urgent needs of our national economy.

In effect, we should not only allow OCS development to continue, we should strongly encourage and promote it as a matter of national policy. If more safety precautions are needed as a means of avoiding oil spills, then those efforts should be directed toward those functions on each individual drilling platform which have actual bearing on the potential of a spill.

If a platform's operations and safety standards do not meet the criteria which has been found essential to protect against the danger of pollution, I would be the first to encourage you to shut that operation down until necessary corrective measures are taken. Our shrimpers and oystermen, our sportsmen, our beaches, and the wildlife and marine life of Louisiana and the Nation all deserve and must have reasonable protection from such damage.

However, such protection need not be at the expense of the economy of the State and at the costs of thousands of jobs held by hard-working citizens of Louisiana. Nor should it be at the expense of the Federal Government, which stands to lose vast sums in lease, bonus, and royalty payments at a time when there is an urgent need to balance the national budget. Nor should it be at the expense of residential and industrial consumers of natural gas across the entire country, who for lack of natural gas would have to turn to fuels that are more expensive and that are much worse polluters of the environment than is natural gas.

Our efforts should be directed, instead, toward a more individualized watch—well-by-well, platform-by-platform—over the operating procedures and safety measures employed by the industry.

OIL IMPORT REFORM NEEDED NOW

Mr. PROXMIRE. Mr. President, I have spoken often of the need to reform our present oil import quota system. President Nixon's own Cabinet Task Force on Oil Import Control after 11 months of careful study concluded that the oil import quota program was not adequate and events have proven the task force correct.

Unfortunately, politics have prevented the needed reform. Fortunately, we have

an alternative: the courts. Under our system of government we have recourse to the courts when our Government is not obeying the law. I think it is quite clear that the present oil import quota does not meet the legal requirements established by Congress when we passed the Trade Expansion Act of 1962, and I am pleased that the New England Governors, Consumers Union and Public Citizen, Inc., have taken this issue to court.

I ask unanimous consent that their complaint be printed in the RECORD so that we may all examine the issues the suit raises.

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

COMPLAINT FOR DECLARATORY JUDGMENT INJUNCTION, AND RELIEF IN NATURE OF MANDAMUS

INTRODUCTION

1. This suit challenges the program which restricts the importation of crude oil and its derivatives into the United States. The program is based on authority delegated to the President in 1958 and 1962 trade legislation to limit imports which threaten to impair national security. The program was established by a 1959 Presidential proclamation, which, as amended, sets levels of permissible imports of crude oil and oil products into the United States and sets specific import levels for oil from Canada and Mexico. Separate rules are established for determining the levels of oil imported into the western United States and into the rest of the country. The program further allocates rights to import oil among refiners and others. The oil import program requires consumers to purchase mainly derived from domestic crude oil which sells for approximately \$3.40/barrel, rather than foreign produced crude oil which sells at a world price of between \$1.80 and \$2.40/barrel. As a result, consumers pay approximately five billion dollars more for oil per year. Plaintiffs contend that this program is unconstitutional and is not authorized by the statute, and that the program's administration is inconsistent with the Presidential proclamation.

JURISDICTION

2. The jurisdiction of this court is based on 5 U.S.C. 702, 703, which provide judicial review of the acts of agencies of the United States; 28 U.S.C. 1361, which authorizes the district courts to entertain an action in the nature of mandamus compelling an officer of the United States to perform a duty owing to plaintiffs; 28 U.S.C. 1331, which gives district courts jurisdiction over cases involving federal questions in which the amount in controversy is over \$10,000; and 28 U.S.C. 1337, which gives district courts jurisdiction over any action arising under federal statutes regulating commerce. The amount in controversy exceeds \$10,000 without interest or costs.

PARTIES

Plaintiffs

3. The New England Governors' Conference is an organization of the six governors of the New England States—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. It is suing individually and on behalf of its members—Kenneth M. Curtis, governor of the State of Maine; Deane C. Davis, governor of the State of Vermont; Frank Licht, governor of the State of Rhode Island; Thomas J. Meskill, governor of the State of Connecticut; Walter R. Peterson, governor of the State of New Hampshire; and Francis W. Sargent, governor of the Commonwealth of Massachusetts. All of the members of the New England Gover-

nors' Conference are purchasers of oil products, including fuel oil and gasoline.

4. The agencies of the State of Connecticut purchase approximately 5,700,000 gallons of No. 2 fuel oil and 8,800,000 gallons of gasoline per year. The agencies of the State of Maine purchase approximately 3,900,000 gallons of No. 2 fuel oil and 4,100,000 gallons of gasoline per year. The agencies of the Commonwealth of Massachusetts purchase approximately 5,100,000 gallons of No. 2 fuel oil and 6,500,000 gallons of gasoline per year. The agencies of the State of New Hampshire purchase approximately 1,300,000 gallons of No. 2 fuel oil and 1,300,000 gallons of gasoline per year. The agencies of the State of Rhode Island purchase approximately 2,400,000 gallons of No. 2 fuel oil and 1,600,000 gallons of gasoline per year. The agencies of the State of Vermont purchase approximately 2,400,000 gallons of No. 2 fuel oil and 3,000,000 gallons of gasoline per year.

5. Consumers Union of U.S., Inc., is a non-profit membership organization, with approximately 350,000 members, chartered in 1936 under the laws of the State of New York to provide information and counsel to consumers about their purchases and to represent consumer interests. Consumers Union engages in extensive testing of products and publishes test results and general information for consumers. It takes public positions on many significant issues of importance to consumers and advances those positions in administrative agency proceedings and before the courts. Consumers Union publishes Consumers Reports, a monthly magazine which is purchased by over two million persons. Consumers Union purchases No. 2 fuel oil to heat its administrative offices and testing facility in Mount Vernon, New York, and gasoline for automotive travel by its employees connected with their work and for the testing of automobiles and other products.

6. Consumers Union is suing on its own behalf and on behalf of its members. These members are purchasers of fuel oil, gasoline, and other oil products.

7. Public Citizen, Inc., a consumer of petroleum products, is a non-profit corporation organized under the laws of the District of Columbia with purposes, among others, of increasing governmental accountability to the public through various means, including litigation. Over fifty thousand citizens who consume petroleum products support Public Citizen and its aims and activities and have made monetary contributions to its work.

8. Consumers throughout the United States paid approximately five billion dollars more for petroleum products in 1969 as a result of the oil import program. If the program continues, the annual additional cost to consumers will be approximately 8.4 billion dollars per year by 1980. The increased consumer costs are generally highest in New England. It was estimated in 1969 that the average increased cost to every resident as a result of the oil import program was \$29 in Connecticut, \$41 in Maine, \$35 in Massachusetts, \$39 in New Hampshire, \$32 in Rhode Island, and \$45 in Vermont.

Defendants

9. Rogers C. B. Morton is the Secretary of Interior of the United States. He has been delegated the responsibility by the President to administer the oil import quota program. Presidential Proclamation 3279, as amended, 24 Fed. Reg. 1781.

10. Gene P. Morrell is the Director of the Office of Oil and Gas of the Department of Interior. The Director has been delegated by the Secretary of Interior the authority conferred upon the Secretary by the President under Presidential Proclamation 3279, as amended. Oil Import Reg. 1 (Rev. 5), Sec. 2, 36 Fed. Reg. 21284.

11. George A. Lincoln is the Director of the Office of Emergency Preparedness of the

United States. The Director has the responsibility under the Trade Expansion Act of 1962, 19 U.S.C. 1862(b), to investigate the effects on national security of imports of an article, to determine such effects, and then to advise the President if imports of the article "threaten to impair the national security," so that the President can review the determination and, if he concurs, can act to adjust imports to protect against this threat. The Director also has the responsibility to maintain a constant surveillance and to determine whether any increase of prices of crude oil or its products or derivatives after the date of the 1959 proclamation is necessary to accomplish the national security objectives of the oil import quota program. Presidential Proclamation 3279, as amended, Sec. 6(a).

FACTS

Background

12. Until the late 1920's, large amounts of foreign crude oil were imported into the United States—24 percent of total demand in 1921—without objection from the domestic oil industry. Technological improvements and extensive exploration in the 1920's resulted in the discovery of vast reserves and increased domestic production. Domestic oil companies first proposed import controls at that time, and organized the Independent Petroleum Association of America for the avowed purpose of reducing imports.

13. Modest import duties were imposed on oil in 1932. Revenue Act of 1932, Sec. 601 (c)(1), (4) 47 Stat. 259, 260, later embodied in Int. Rev. Code of 1954, Sec. 4521. In 1933, pursuant to the Petroleum Code adopted under the National Industrial Recovery Act (Art. III, Sec. 1, 48 Stat. 195), the Secretary of the Interior imposed a voluntary import quota of approximately 4.5 percent of domestic production. The import quota terminated in 1935 when the NIRA was found unconstitutional. Imports, however, remained stabilized at about the level permitted under the Code, "as a result of voluntary action on the part of a few companies which controlled the production of crude in Venezuela and other Latin American countries." Oil Import Digest of the National Petroleum Refiners Association, A-13 (8-7-70).

14. During World War II, with demand for petroleum products far above domestic capacity, foreign sources of supply were considered and pressures to impose import controls subsided. By the late 1940's, the post-war production boom began to catch up with demand and anti-import sentiment in the industry again rose. The issue was debated between the international companies and independent domestic producers within the National Petroleum Council, an industry advisory group established by the Executive in 1946. In 1949, an amendment to the Reciprocal Trade Act to limit oil imports to 5 percent of demand was defeated by only one vote in the Senate.

15. In February 1955, an Advisory Committee on Energy Supplies and Resources Policy, appointed by President Eisenhower, reported that, if the imports of crude and residual oil should "exceed significantly" the respective proportions that these imports bore to the production of domestic crude in 1954, "the domestic fuel situation could be so impaired as to endanger orderly industrial growth which assures military and civilian supplies necessary to the national defense." The thrust of the Committee's findings was that the petroleum supply situation was adequate and that oil imports at 1954 levels had no ill effects upon domestic production capacity and exploration incentives. The Committee did not undertake a comprehensive study of the relationship of oil to national security, and did not study the degree, if any, imports in excess of 1954 levels would

impair the national security. Such a study was thought too complex and time consuming, and necessary data was not available.

16. The 1955 Trade Agreements Extension Act contained the precursor of the authority on which the present oil import program is based. Section 7 authorized the President to restrict imports upon a finding of the Director of the Office of Defense Mobilization (later the Office of Civil and Defense Mobilization, the Office of Emergency Planning, and now the Office of Emergency Preparedness) that imports of the product "threatened to impair national security." 69 Stat. 162.

17. In 1957, the President appointed another committee to consider the oil import issue. That committee, referring to the 1955 report, concluded that 1957 imports would exceed the 1954 level and that this would result in decreased domestic exploration and production which, in the event of a serious emergency, would prevent the country from meeting "national security needs." The Committee did not make a national security study; an interdepartmental committee was established to undertake such a study, but the study was never completed.

18. On July 29, 1957, the President promulgated a Voluntary Oil Import Program which was not successful.

Present oil import program

19. The Trade Agreements Extension Act of 1958, 72 Stat. 673, provided the underlying authority for the 1959 Presidential proclamation establishing the present program. Section 8 of the Act provided that the Director of Defense Mobilization should investigate an article subject to inquiry, determine whether the quantities of or circumstances surrounding the import of the article threatened to impair the national security, and, if so, inform the President so that the President could make a determination and act, if necessary, to adjust imports. Considerations to be taken into account in making the finding of national security were generally described.

20. The text of the relevant subsections are as follows:

"(b) Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Director of the Office of Emergency Planning (hereinafter in this section referred to as the 'Director') shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from other appropriate departments and agencies, to determine the effects on the national security of imports on the article which is the subject of such request, application, or motion. If, as a result of such investigation, the Director is of the opinion that said article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall promptly so advise the President, and, unless the President determines that the article is not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security as set forth in this section, he shall take such action, and for such time as he deems necessary to adjust the imports of such article and its derivatives so that such imports will not so threaten to impair the national security.

"(c) For the purposes of this section, the Director and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense, the requirements of growth of such industries and such supplies and service including the investment, exploration, and de-

velopment necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Director and the President shall further recognize the close relation of these economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security."

These provisions were reenacted without change as Section 232 of the Trade Expansion Act of 1962, 76 Stat. 877, 19 U.S.C. 1862.

21. On February 27, 1959, the Director of the Office of Civil and Defense Mobilization, referring to the 1957 report, found that "crude oil and the principal crude oil derivatives and products are being imported in such quantities and under such circumstances as to threaten to impair the national security." On March 6, 1959, the President's Special Committee to Investigate Crude Oil Imports made a report to the President describing the outline of a mandatory oil import program. On the basis of this finding and this report, the President, on March 10, 1959, issued Presidential Proclamation No. 3279 establishing the Mandatory Oil Import Program, which, as changed in subsequent years, is the subject of this litigation.

22. No quota has ever been imposed on any commodity other than oil and oil products under the "national security" provisions of the 1955, 1958, or 1962 laws.

23. On March 25, 1969, the President created a Cabinet Task Force, consisting of the Secretary of Labor (chairman), Secretary of State, Secretary of the Treasury, Secretary of Defense, Secretary of the Interior, Secretary of Commerce, and Director of the Office of Emergency Preparedness, to undertake the first comprehensive review of the program by a Cabinet-level committee.

24. The present program divides the United States into five administrative districts and establishes the overall levels of oil import restriction. For the West Coast states and Hawaii (District V), the overall limit is set at the difference between domestic supply and demand. For the rest of the country (Districts I-IV), the level was set at 12.2% of estimated production within those districts. It is now set at a specified number of barrels per day determined on the basis of the 12.2% figure with adjustment adding approximately another 2%. Numerous subcategories are established within the overall limit. Although once exempt from the limit, Canadian oil, except on the west coast, and Mexican oil are now subject to special quotas which are subtracted from the overall limits. Special rules apply to Puerto Rico and the Virgin Islands. The program allocates permitted imports among domestic refiners and others through the grant of licenses called "quota tickets," distributed mainly on the basis of refinery "inputs," the amounts of oil used in their refineries. Domestic oil is considerably more expensive than foreign oil; licensees, therefore, realize a benefit from their quota tickets of about the difference in the delivered price of domestic and foreign oil. The ultimate result of the import program is that consumers are forced to purchase products derived from high priced domestic oil or allocated imported oil rather than products derived from foreign oil that could be imported at substantially lower prices. Since the program, which is implemented through Oil Import Regulation 1

(Revision 5) promulgated by the Secretary of Interior, is highly complex, this complaint will describe in more detail below only those portions of the program which are relevant to this litigation.

National Security

25. Before imports can be restricted under Section 232, the Director of what is now the Office of Emergency Preparedness must conduct an investigation and must find that imports of the product in question would "threaten to impair the national security" and so advise the President. On the basis of such advice, the President must adjust imports unless he finds that imports do not threaten to impair the national security.

26. In connection with the "national security" determination, the Cabinet Task Force found, on the basis of an analysis of legislative history, that (paragraph 110 of the Cabinet Task Force report, later referred to by paragraph citation only):

"The purpose of Section 232 is quite clearly not to give protection *per se* to domestic industry. Section 232(c) makes the impact of imports on individual industries relevant, but only to the ultimate determination of 'whether such weakening of an internal economy may impair the national security.' * * * No determination under Section 232 or its predecessors has ever been made on the ground of economic impact alone, and in a generally healthy economy it cannot be presumed that unrestricted trade in any one sector would itself impair the national security."

The Task Force further found that (paragraph 401):

"[T]he governing statute authorizes government intervention in support of domestic price and production only for the extraordinary and compelling purpose of protecting national security—either in order to prevent a weakening of the internal economy which would be so serious as to impair the national security or to safeguard military and essential civilian consumption against reasonably possible foreign supply interruptions that cannot be overcome by feasible replacement steps in an emergency."

27. The Cabinet Task Force found that the 1959 findings of the Director of the Office of Civil and Defense Mobilization and the 1959 report of the President's Special Committee to Investigate Crude Oil Imports—the two documents on which the mandatory oil import program is based (see Complaint paragraph 21 above)—as well as previous governmental reports on this subject, "did not articulate with any precision the objective standards used in appraising the threat to national security." It pointed out that no specific findings had been made explaining how the national security would be damaged by higher imports (paragraph 108).

28. Section 232 creates a limited exception to the general purpose of the Trade Expansion Act which is to promote freer trade. The basic purpose of the Act was:

"Through trade agreements affording mutual trade benefits—

"(1) to stimulate the economic growth of the United States and maintain and enlarge foreign markets for the products of the United States agriculture, industry, mining, and commerce;

"(2) to strengthen economic relations with foreign countries through the development of open and non-discriminatory trading in the free world; and

"(3) to prevent Communist economic penetration."

29. The Cabinet Task Force concluded that "it is evident that national security [under Section 232] requires a balanced appraisal of possible detriments as well as benefits arising from import restrictions—in terms of foreign relations and foreign trade policy in general" (paragraph 109). These factors were analyzed neither in the 1959 Presidential

proclamation, the findings of the Director of the Office of Civil and Defense Mobilization, nor the report of the President's Special Committee to Investigate Crude Oil Imports.

30. The present oil import program is purportedly related to national security on the following grounds. In the absence of import restrictions, the present domestic wellhead price of oil would decline to the world market price; high-cost wells would shut down; spare capacity in more efficient wells now being conserved would be soon drawn into production; and new domestic development and exploration would decline, with the result that imports would supply a larger share of petroleum needs. At some future time, a substantial volume of such foreign oil might be cut off to our military, political or economic detriment. The reasoning continues that, although oil import restrictions guarding against these contingencies induce inefficient use of our resources and impose a higher price on consumers, these costs must be borne because of the possible national security effects of the potential cutoff and the political leverage foreign governments would possess because of dependency on their oil.

31. Neither this nor any other explanation of the oil import program has ever rationally related it to protecting the national security. Allegedly, the principal purpose of the oil import program is to ensure that adequate oil supplies are available in case of war or other national emergency.

In fact, the oil import program has encouraged the depletion of domestic oil sources and will leave the United States dependent on foreign sources. If the oil import program is maintained and present trends continue, it is predicted that the United States domestic supply, including Alaskan resources, will be exhausted in less than thirty years. In sum, the program has created the dependency and the risk to security that it was allegedly intended to avoid.

32. If the oil import program were logically related to securing adequate oil supplies for American use in times of national emergency, the program should, as the Cabinet Task Force found (paragraphs 405b and 427b), treat imports from friendly sources the same as domestic products if those imports can reach the United States by means of transportation which cannot readily be disrupted. In fact, the program has not done so.

(a) These principles were originally recognized in the oil import program which allowed unlimited oil imports overland from Canada and Mexico outside the general quota. Pres. Proc. No. 3279, Sec. 1 (a) (4), as amended, by Pres. Proc. No. 3290, 24 Fed. Reg. 3527. In 1962 however, this provision was changed, even though a national security determination was not made that the change was needed and imports from Canada and Mexico were deducted from the overall overseas import quota. Pres. Proc. No. 3279, as amended by Pres. Proc. No. 3509, 27 Fed. Reg. 11985. If Canadian oil and Mexican oil are virtually indistinguishable from domestic production for the purposes of national security, there is, of course, no legitimate reason to reduce overseas imports because of imports from these secure sources. The Cabinet Task Force found restrictions on overland imports from Canada were "non-security limitations" and therefore recommended ending these limitations and the policy of subtracting these imports from the general quota (paragraph 303; see paragraph 427b).

(b) More recently, quotas have been established directly limiting imports of Canadian oil to all but the western United States and limiting imports of all Mexican oil. The first quota on Canadian oil was established in March, 1970 (Pres. Proc. No. 3279, as amended by Pres. Proc. No. 3969, 35 Fed. Reg. 4321), and the quota for 1972 is 540,000 bar-

rels per day (Pres. Proc. No. 3279, Sec. 1A(a) (2), as amended by Pres. Proc. No. 4099, 36 Fed. Reg. 24203; Oil Imports Reg. 1 (Rev. 5), Sec. 29(c)). The Mexican quota for 1972 is 30,000 barrels per day. Pres. Proc. No. 3279, Sec. 1A(h), as amended by Pres. Proc. No. 4025, 35 Fed. Reg. 19391. There is no national security justification for limiting imports from secure foreign sources.

(c) Refineries have generally not been allowed to use the oil imported from Canada or Mexico as the basis for obtaining allocations of overseas imports. Allocations to refineries for overseas imports are calculated on the basis of "inputs" used by these refineries. Pres. Proc. No. 3279, Sec. 3 (b) (1); Oil Import Reg. 1 (Rev. 5), Sec. 22 (k) (2). These inputs consist of domestic production, to stimulate use of domestic oil, and have excluded foreign production. The Cabinet Task Force found that there was no national security reason to discriminate against secure Canadian and Mexican oil or to discourage such imports (paragraph 314e). Subsequent to the Cabinet Task Force report, Presidential Proclamation No. 3279 was changed to consider Canadian oil admitted under the quota as refinery input, although Canadian non-quota oil is not considered refinery input. Pres. Proc. No. 3279, as amended by Pres. Proc. No. 4025, 35 Fed. Reg. 19391. This change is directly inconsistent with national security considerations. Canadian oil imported subject to a quota is presumably not the equivalent of domestic oil for national security purposes. On the other hand, Canadian oil not subject to a quota is presumably the equivalent of domestic oil. Consequently, national security would require non-quota Canadian imports be considered as inputs, rather than vice versa.

(d) The oil import program has recently been modified to allow Canadian imports to enter by inland waterway as well as overland, and to eliminate any requirement that Mexican oil enter the United States overland. Pres. Proc. No. 3279, Sec. 1A(d), as amended by Pres. Proc. No. 4018, 35 Fed. Reg. 16357, and Sec. 1A(h), as amended by Pres. Proc. No. 4025, 35 Fed. Reg. 19391. Previously, as noted above, Mexican oil could enter the United States outside the quota only if it entered overland. Since no pipeline existed from Mexican wells to the United States, oil was shipped from Mexico by ocean to Brownsville, Texas. It was there transferred to trucks which crossed back over the Mexican border, then turned around, and reentered the United States. The oil was then shipped by ocean to the east coast of the United States. This oil was deemed until 1970 to have entered the United States "overland" and was therefore not subject to a quota. Yet, at the same time, the quota was applied to oil entering the United States by boat from Canada across the Great Lakes or by rail from Canada to southern Alaska since a short inland waterway was crossed by rail ferry. This compelled Alaskan dependence, at that time, on such products shipped via the same waterways from the State of Washington. These policies demonstrate the lack of relevancy of the oil import program, as it has been administered, to national security.

33. One of the principal purposes of the oil import program is allegedly to encourage development of domestic reserves so that domestic capacity would be available, if needed, in emergency situations. However, the program makes no effort to allocate oil imports in such a way as to encourage development of reserves.

(a) Imports are allocated to refineries (Pres. Proc. No. 3270, Sec. 3, as amended by Pres. Proc. No. 24 Fed. Reg. 1781) rather than to companies which explore for or produce oil. Domestic exploration for oil has declined substantially since the start of the oil import program.

(b) An allocation formula has been developed to promote small business rather than encourage exploration or production of domestic oil. Small refining companies receive a higher percentage of imports per unit of refinery input than large refineries. For example, in Districts I-IV, the percentage of imports granted relative to domestic input is 21.7 percent for the first 10,000 barrels per day and 3.8 percent over 100,000 barrels. In District V, the percentage of imports granted for the first 10,000 barrels is 67.5 percent and only 5.6 percent over 100,000 barrels. Oil Import Reg. 1 (Rev. 5), Sec. 10(b), 11(b).

34. Residual fuel oil, which is used largely for heating purposes by large institutions and for power generation by utilities, is no longer subject to quota restrictions in District I (the east coast). Oil Import Reg. 1 (Rev. 5), Sec. 12. As a result, imports of residual fuel oil have steadily risen in District I. As of 1970, residual fuel oil constituted 40 percent of the heating fuel market in that District. This dependence on foreign oil has been permitted because domestic refineries have steadily reduced their output of residual fuel oil in order to produce gasoline, jet fuel, and other oil products of higher value and with a higher profit margin. The Cabinet Task Force said, "[o]ne may wonder whether the security test should be different when imports do not threaten the profits of the domestic industry than when they do" (paragraph 310).

35. The Cabinet Task Force analyzed the almost entirely different import programs which have been established in District V (the west coast) and Districts I-IV (the rest of the country) (see Complaint paragraphs 42-49 below). It found that (paragraphs 305 (b), 305c) :

"Separate treatment for District V is inconsistent with the Districts I-IV principle that import restrictions insure against the risks of interruption of foreign supplies. By discouraging the development of interdistrict oil flows, the program has tended to perpetuate greater District V dependence on foreign oil."

"The conclusion indicated by our analysis is that continued separate treatments cannot be justified on grounds either of security or of equitable geographic distribution of the cost of the program."

See also paragraph 307c.

36. The Cabinet Task Force concluded its study with the following national security findings (paragraph 421) :

"The fixed quota limitations that have been in effect for the past ten years, and the system of implementation that has grown up around them, bears no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent. The present system has spawned a host of special arrangements and exceptions for purposes essentially unrelated to the national security..."

Continued validity of 1959 determination

37. Even though Section 232(b) of the Trade Expansion Act of 1962 authorizes the President only "to take such action, and for such time, as he deems necessary," the President did not establish any time limit in the 1959 Presidential proclamation. Since 1959, there has been neither a finding by the Director of the Office of Emergency Preparedness that the national security presently requires the oil import program generally or oil restraints at any particular level, nor such a determination by the President on the basis of the Director's findings. Various changes in the proclamation have formally and perfunctorily referred to national security, but no meaningful or reasonably thorough analyses or findings were ever made or referred to in connection with these changes.

The Director of the Office of Emergency Preparedness concurred in the Cabinet Task Force report, which found that the present program bears no reasonable relationship to protecting national security.

38. The oil import program was based on the assumption that domestic production could supply essentially the same share of demand as it did in 1954. In 1959, the Special Committee to Investigate Crude Oil Imports and the Director of the Office of Civil and Defense Mobilization concluded that the national security would be endangered if imports rose proportionately faster than domestic production and, on this basis, recommended voluntary and then mandatory restraints. The Cabinet Task Force has concluded, however, that "the growth of domestic energy demand is such that imports will have to supply an increasing share of our market" and that imports will rise from 19 percent in 1968 to 27 percent in 1980, even if the present import program continues (paragraph 233 and Table C). Consequently, the basic assumption on which the oil import program was based is invalid today.

39. The distinction between the methods for establishing quotas in District V and Districts I-IV was based on the fact that, at the time the program began in 1959, domestic production in District V could not meet demand. However, since 1959, Districts I-IV have developed as large a percentage deficit between demand and production as District V, and District I alone has a much larger percentage deficit. Nevertheless, the decision to create two different oil markets within mainland United States has not been changed.

40. Numerous important changes have been made in the proclamation since 1959. Perhaps most important were the determinations, first, to deduct Canadian overland imports from the general quota (Pres. Proc. No. 3279, Sec. 2(a)(1), as amended by Pres. Proc. No. 3693, 30 Fed. Reg. 15459), and, second, to place a quota on Canadian imports into Districts I-IV (Pres. Proc. No. 3279, Sec. 1A(a)(2), as amended by Pres. Proc. No. 3969, 35 Fed. Reg. 4321). Neither an appropriate investigation nor a determination has been made that the import of Canadian oil threatened to impair national security nor has such an investigation or determination been made as to any other changes in the oil import program.

41. The Cabinet Task Force concluded with regard to the national security requirement under Section 232(b) of the Trade Expansion Act, that, "after ten years it is obvious that a contemporary judgment is required" and that the 1959 judgment of the Director of the Office of Civil and the Defense Mobilization cannot now be controlling (paragraph 101). The Cabinet Task Force further found that "present quota levels do not reflect current judgments about the relationship between the national security and domestic production on imports" and that an annual report and periodic adjustments are needed (paragraph 302; see also paragraph 345.)

Geographic Discrimination

42. The oil import program divides the country into five districts plus Puerto Rico. District I consists of Maine, New Hampshire, New Jersey, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, Georgia, Florida, South Carolina, and the District of Columbia. Pres. Proc. No. 3279, Sec. 9(b), as amended by Pres. Proc. No. 3389, 26 Fed. Reg. 507, 811. District V consists of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii. *Id.*, Sec. 9(e). Districts II-IV consist of all the other states not in District I or District V. *Id.*, Sec. 9(c).

43. There are in reality two distinct oil import programs—one for District V and one for the rest of the United States. The quota for District V is based on the estimated difference between oil production and demand

in the district. Pres. Proc. No. 3279, Sec. 2(b), as amended by Pres. Proc. No. 3328, 24 Fed. Reg. 10133. The quota for Districts I-IV has been 12.2 percent of estimated production in the districts, although it is now stated as a specified number of barrels per day based on the 12.2% figure with adjustment. The latter method has the effect of allowing the state authorities in Louisiana and Texas who prorate oil production in their states to control in large measure both production levels and import levels in Districts I-IV and thereby to effect significantly price levels.

44. The distinct nature of the oil import programs in Districts I-IV and District V is made clear by other provisions of the oil import program. For example, while a refinery or petrochemical plant may exchange its imported crude oil for domestic oil, the imported oil must be processed in the same district for which the allocation was made. Oil Import Reg. 1 (Rev. 5), Sec. 17(b)(4). Refineries in Puerto Rico and the Virgin Islands are allowed to export refined products only to Districts I-IV with the exception of Sun Oil which, for some unknown reason, can also export to District V.

45. These restrictions have helped produce independent markets in Districts V and I-IV. The Cabinet Task Force found that, while the Rocky Mountains obstruct flows between the two areas, these flows do exist in some volume and would increase if the oil import program was not administered to encourage isolation of these two markets (paragraph 305). As a result of this isolation, a pipeline between the two areas only handles approximately half of its capacity, and no new pipelines have been constructed.

46. The different methods of establishing quotas have allowed District V to import a far higher proportion of the oil it uses than Districts I-IV. For example, in 1968 District V imported 18.5 percent of its demand, and Districts I-IV were allowed to import only 9.9 percent. As a result of the lower prices for imported oil and of the separation of the markets in District V and Districts I-IV, prices on the west coast have generally been below those in Districts I-IV. This means that consumers in Districts I-IV are paying higher prices for oil and oil products than they would if the geographical discrimination did not exist. The Cabinet Task Force noted that if import restrictions into Districts I-IV were reduced, a unitary, national level of prices could be established, decreasing prices in Districts I-IV (paragraph 305d).

47. Presidential Proclamation No. 3279 stated that the reason for the original difference in treatment between District V and Districts I-IV was that District V was an area where domestic production could not cover demands while Districts I-IV had excessive production which had to be limited by state regulatory bodies. However, today, Districts I-IV have a deficit comparable to District V and District I, considered by itself, has a far larger deficit than District V. The Cabinet Task Force found that there is no more reason for District V to be treated separately than for District I (paragraph 306f).

48. The oil import program makes numerous other distinctions between Districts I-IV and District V.

(a) Canadian oil imported overland or by inland waterway into Districts I-IV is limited by quotas to 540,000 barrels a day in 1972, but there is no restriction on such imports into District V. Pres. Proc. No. 3279, Sec. 1(a)(4), 1A(a)(2), as amended by Pres. Proc. No. 4099, 36 Fed. Reg. 24203. This means that lower-priced Canadian oil is prevented from entering Districts I-IV as freely as District V.

(b) Importers with a license to import crude oil can use only 15 percent of their allocations for unfinished oils in Districts I-IV as opposed to 25 percent in District V. Oil Import Reg. 1 (Rev. 5), Sec. 10(c), 11(c). Unfinished oils are products which have been refined beyond crude oil but which will be

refined even further. Pres. Proc. No. 3279, Sec. 9(h), as amended by Pres. Proc. No. 3389, 26 Fed. Reg. 507, 811.

(c) Allocations among refineries are different for Districts I-IV and District V. For Districts I-IV, the allocation is made on the basis of 21.7 percent of input for below 10,000 barrels per day of input; 13 percent of input for 10,000 to 30,000 barrels per day of input; 7.6 percent for 30,000 to 100,000 barrels per day of input; and 3.8 percent for input above 100,000 barrels per day. Oil Import Reg. 1 (Rev. 5), Sec. 10(b). For District V, the allocation is made on the basis of 67.5 percent of input for input of 0 to 10,000 barrels per day; 16.9 percent of input for inputs of 10,000 to 30,000 barrels per day; and 5.6 percent for inputs above 30,000 barrels per day. *Id.*, Sec. 11(b).

(d) Refineries in District V are entitled to additional allocations of one barrel of imported crude oil for every barrel they manufacture of low-sulphur residual fuel oil of less than .5 percent sulphur content in order to meet local air pollution requirements. Pres. Proc. No. 3279, Sec. 3(b) (5), as amended by Pres. Proc. No. 3794, 32 Fed. Reg. 10547; Oil Import Reg. (Rev. 5), Sec. 11A(b). This allocation is added to the overall quota from District V. In contrast, a regulation was adopted in 1968 for Districts I-IV to allow the allocation of an additional barrel of imported crude oil for every barrel of Western Hemisphere residual fuel oil with at least 2 percent sulphur content and which was desulphurized to not over 1 percent sulphur content in order to comply with government requirements. Oil Import Reg. 1 (Rev. 5), Sec. 28 (a) (1). (c) (1). This allocation was to be in addition to the general quota for Districts I-IV. *Id.*, Sec. 28(b). The provision, however, was suspended in 1969 and is still not operative. 34 Fed. Reg. 7535. As a result the oil import program does not provide assistance for air pollution control in Districts I-IV which is given in District V and provides additional oil imports into District V which are less expensive than domestic oil. The distinction cannot be justified either on the basis of national security or more severe air pollution problems in District V.

(e) Refineries of oil in District V are entitled to allocations for "low sulphur residual fuel oil" which is either produced in a foreign country and has no more than .5 percent sulphur content or is manufactured in a foreign trade zone and meets local government requirements. Pres. Proc. No. 3279, Sec. 3(b) (5), as amended by Pres. Proc. No. 3794, 32 Fed. Reg. 10547; Oil Import Reg. 1 (Rev. 5), Sec. 28(a). No similar provision has been adopted for Districts II-IV. Consequently, the oil import program has failed to give the assistance to controlling air pollution in Districts II-IV which has been given in District V. This distinction cannot be justified either on grounds of national security or of a more severe air pollution problem in District V.

(f) Allocations are provided to import feedstocks for refineries or petrochemical plants in foreign trade zones in District V if this is "consonant with the objectives of Proclamation 3279." Oil Import Reg. 1 (Rev. 5), Sec. 27(a). No such provision has been adopted for Districts I-IV.

49. The Cabinet Task Force found that the separate treatment of Districts I-IV and District V has tended to perpetuate greater dependence by District V on foreign oil "and cannot be justified either on grounds of national security or equitable geographical distribution of the cost of the program" (paragraphs 305b and 305c; see paragraphs 307c and 429).

Justification of price increases

50. Section 6(a) of Presidential Proclamation 3279, provides that the Director of the Office of Civil and Defense Mobilization

"shall maintain a constant surveillance of imports of petroleum and its primary derivatives in respect of the national security." It further states that:

"In the event prices of crude oil or its products or derivatives should be increased after the effective date of this proclamation, such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of the act of July 1, 1954, as amended, and of this proclamation."

51. In 1959, the price of domestic crude oil was approximately \$2.80/barrel, and the world market price was between \$1.25 and \$1.90/barrel. Prices of crude oil and its derivatives have been increased many times since 1959. The domestic wellhead price is presently approximately \$3.40/barrel, and the world market price is between \$1.80 and \$2.40/barrel. The wholesome tank car price of No. 2 home heating oil in New England has increased from 9.4 cents per gallon in 1964 to over 12 cents per gallon in 1971; the retail price has increased in that period from 15.37 cents per gallon to 19.84 cents per gallon. Recently, prices of some oil products were increased in August 1971, one week before price controls were publicly announced, and in April 1972.

52. Neither the Director of the Office of Emergency Preparedness nor any of his predecessors has ever made a determination that any of these price increases is necessary to accomplish the national security objectives of the statute or proclamation. His only study relating to prices was a Report on Crude Oil and Gasoline Price Increases of November 1970, completed by the Director of Emergency Preparedness in April 1971. The Director recognized the obligation to make a determination pursuant to Section 6(a). He concluded "that the November price increases were not required to meet any national security objectives" related to short term considerations but he made no conclusions concerning long term national security considerations.

CAUSES OF ACTION

1. Section 232 of the Trade Expansion Act, 19 U.S.C. 1862, which provides the statutory authority for the mandatory oil import program, establishes extremely general and unspecific criteria purportedly relating to national security for the exercise of this authority. If the authority of the executive branch under Section 232 is not strictly confined to protecting the national security, a serious issue would be raised under Article I, Section 1 of the Constitution concerning whether Section 232 constitutes an unconstitutional delegation of power.

The oil import program is not authorized by Section 232 because:

(a) As described in Complaint paragraphs 25-31 above, neither the 1959 findings of the Director of Civil and Defense Mobilization nor Presidential Proclamation No. 3279 nor any other studies relied on in 1959 analyzed the threat to national security as required by the statute before a quota can be imposed;

(b) As described in Complaint paragraphs 32-36, above the oil import program neither was designed nor is presently operated to protect national security. Instead, it was designed and now operates primarily to protect the American oil industry from competition from imports at substantially lower prices. As a result, many of the principal provisions of the oil import program are either irrelevant to, or actually damage, national security, including (1) the depletion of American oil reserves; (2) the restrictions on imports from Canada, and (3) the division of the country into two separate oil markets and the discrimination against Districts I-IV.

(c) As described in Complaint paragraphs

37-41, no finding has been made since 1959 that oil imports continue to threaten to impair the national security even though significant changes have occurred concerning factors considered by the President in 1959 which would be relevant to any current finding and even though major changes have been made in the oil import program.

(d) As described in Complaint paragraph 40, no finding was made that oil imports from Canada threatened to impair the national security when a quota was imposed on overland imports from Canada for the first time in 1970.

2. Presidential Proclamation No. 3279 and Oil Import Regulation 1 (Rev. 5) violate Article I, Section 8, Clause 1 and Article 1, Section 9, Clause 6, of the Constitution since, as described in Complaint paragraphs 42-49, they impose import restrictions which are not uniform throughout the United States and give a preference to ports in District V over those of Districts I-IV.

3. Presidential Proclamation No. 3279 and Oil Import Regulation 1 (Rev. 5) violate the due process clause of the Fifth Amendment by discriminating arbitrarily and without rational basis, as described in Complaint paragraphs 42-49, against Districts I-IV.

4. Presidential Proclamation No. 3279 and Oil Import Regulation 1 (Rev. 5) violate Section 232 of the Trade Expansion Act since the Act does not authorize different import restrictions, as described in Complaint paragraphs 42-49 above, for different areas of the United States.

5. The oil import program, as implemented, violates Section 6(a) of Presidential Proclamation No. 232, because, as complaint paragraphs 50-52 above describe, the Director of Emergency Preparedness has failed to determine whether price increases are necessary to accomplish the national security objectives of the statute.

RELIEF

Wherefore plaintiffs respectfully request that this Court:

1. Declare that the oil import program or its implementation violates Article I, Section 8, Clause 1, Article I, Section 9, Clause 6, and the due process clause of the Fifth Amendment of the United States Constitution; Section 232 of the Trade Expansion Act, and Presidential Proclamation No. 3279, as alleged in the five causes of action.

2. Enjoin the defendants from continuing to impose quotas on oil imports into the United States under Section 232 of the Trade Expansion Act, Presidential Proclamation No. 3279, or Oil Import Regulation No. 1 (Rev. 5) unless and until a program is adopted which is fully consistent with the Constitution, Section 232, and Presidential Proclamation No. 3279.

3. Enjoin the defendants from operating or enforcing oil import quotas unless and until:

(a) The Director of the Office of Emergency Preparedness has made current findings, based on thorough investigation and analysis of all factors relevant to protecting the national security, which show that oil imports are threatening to impair the national security and that import quotas at a specified level are necessary to protect the national security;

(b) The President has issued a proclamation based on the findings of the Director of the Office of Emergency Preparedness which establishes an oil import program reasonably designed to protect the national security; and

(c) The Director of the Office of Emergency Preparedness has made a determination as to whether each oil price increase since 1959 was necessary to accomplish the national security objectives of Section 232.

4. Even if the present oil import program is found in other respects to be valid, enjoin the defendants from:

(a) Operating or enforcing a different quota system for different areas of the country; or

(b) Imposing a quota on oil imports from Canada without a finding that such imports threaten to impair national security.

5. Order defendant Director of the Office of Emergency Preparedness to make current findings based on analysis of all factors relevant to protecting the national security, as to whether:

(a) Oil import quotas are needed to protect the national security and whether the present program in fact protects the national security;

(b) Oil import quotas on Canadian oil are needed to protect the national security and whether the present program restricting Canadian oil in fact reasonably protects the national security.

6. Order defendant Director of the Office of Emergency Preparedness to determine whether past oil-price increases were necessary to accomplish the national security objectives of Section 232 and to make similar determinations as to all future oil-price increases.

7. Order defendants to pay the costs of this suit.

8. Provide such other relief to the plaintiffs as the Court may consider just and proper.

RICHARD A. FRANK.

JOSEPH ONEK.

BRUCE J. TERRIS.

Attorneys for Plaintiffs.

James S. Erwin, Attorney General, State of Maine; Richard J. Israel, Attorney General, State of Rhode Island; James M. Jeffords, Attorney General, State of Vermont; Robert K. Killian, Attorney General, State of Connecticut; Robert H. Quinn, Attorney General, State of Massachusetts; Warren B. Rudman, Attorney General, State of New Hampshire; Alan Morrison, Attorneys for Public Citizens, Inc.

April 27, 1972.

VISIT TO SOVIET UNION BY SECRETARY BUTZ

Mr. ALLOTT. Mr. President, Secretary of Agriculture Earl L. Butz, as we all know, has recently returned from an historic visit with leaders of the Soviet Union. The possibility of large sales of grain to the Soviet Union and the resulting potential stimulus to American agriculture is exciting. I applaud the Secretary's initiatives. So that Senators can more fully acquaint themselves with the Secretary's activities on this mission to the Soviet Union, I ask unanimous consent that an address by the Secretary to the Fort Wayne Press Club at Fort Wayne, Ind., on April 21, be printed in the RECORD.

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

ADDRESS BY SECRETARY OF AGRICULTURE
EARL L. BUTZ

I would like to report to you on our recent mission to the Soviet Union. This mission was vitally important for the United States as a nation, and for farmers in particular.

I was invited to Russia by Soviet Minister of Agriculture Matskevich, who has twice visited the United States. He first came in 1955 leading a dozen Russian farmers for the first visit of such a Russian group to the United States. That was during the Eisenhower Administration while I was Assistant Secretary of Agriculture. In my official capac-

ity, I went to the airport at New York City to welcome the Russians. I was the first American that Minister Matskevich shook hands with when he touched American soil 17 years ago.

Last December he returned to the United States and we were together for two long conversations and a couple of luncheons in Washington, at the start of his American tour and again at the close of his American tour. At that time, Minister Matskevich issued an official invitation to me. As President Nixon's plans for his May 22 trip to Russia developed, and as the possibilities for further trade in grains with Russia began to unfold, the plans were set.

Our mission had two main purposes: (1) to improve United States relations with Russia; and (2) to explore the possibilities of United States grain trade with Russia.

Did we achieve our goals? I think we did. *The entire trip produced an open atmosphere for further discourse between Russia and the United States.*

The highlight of our journey, which occurred the evening before our return from Russia, was spending nearly an hour and a half with Soviet General Secretary Leonid Brezhnev. U.S. Ambassador Beam and I were the only Americans in the room. Minister of Agriculture Matskevich was there and the interpreter. We had a very frank and open discussion. Our exchange covered the problems involved in expanding trade between our two nations and the desirability of expanding trade and furthering exchanges of various kinds between our nations.

This meeting was historic. This was the first time that General Secretary Brezhnev had met in private discussion with an American representative since he took office in 1964. The meeting was carried on the front page of Pravda—the Soviet Party Official Newspaper—and was reported as having taken place in an “unforced” atmosphere, which officially tags it as a friendly visit.

Our unprecedented meeting with General Secretary Brezhnev as well as the cordial treatment accorded us by Minister Matskevich and the Russian people helped open the way for more friendly relations between us and the Soviets. I mingled with the Russian people, made speeches where curious Russians gathered and spoke to them about food, trade, peace, and prosperity—and I was heartened by their warm and spontaneous applause.

And—we were able to carefully plant the seed for potential sales of U.S. grain to Russia.

Most of our journey focused on Russian agriculture and trade in grains. Minister of Agriculture Matskevich was a most cordial host. He met us at the Airport and then escorted our party on a number of farm visits. We visited a cooperative farm, a state farm which included some processing facilities, and a cultural center on one of the farms. We saw the 150-year-old Russian Botanical Garden; a state farm just outside Moscow where they have more than 120 acres under glass in a very efficient, attractive and obviously well-managed vegetable production plant; and a horse breeding farm near Moscow.

We had a favorable impression of the Russian people we saw. The farm people were genuinely friendly. The people on the streets were colorfully dressed and appear healthy. One should not discount the fact that the Russian people have made progress in the last 25 years, and this is the main standard that the Russian people have to judge—they compare what they now have with what they had before. To them that is progress.

There is evidence that the Russians are allowing more incentives to enter their system. Maybe they don't get paid off in more money for doing a good job, but they do

get some amenities that are an incentive. The Russian people can also put extra money in a state bank and draw interest. They can buy a cooperative apartment if they don't want to wait until they get better quarters furnished by the state.

We saw incentives on farms, too. In the villages where the farmers live, they have individual plots of ground where they have fruit trees and a vegetable garden. They also have some individually owned livestock—and these do better than the state-owned livestock—as one would expect. The individual owner can sell some of his livestock products—again, a recognition of more incentive creeping into the system. A considerable part of Russian agricultural production comes from private plots and privately-owned livestock.

Russian productivity is increasing. Sooner or later this type of rising productivity reflects itself in a rising standard of living—now reflected in Russian housing, dress and diets. It's an old cycle. After you get enough to eat, you then try to make the diet more exciting. You no longer eat to live; you live for more excitement.

The Russian government has given the people reason for their rising expectations by publicizing the goal in the current five-year plan of increasing the protein component in the Russian diet by 25%. In other words, the Russians are looking forward to more meat, meat that comes from grain-fed livestock.

Although we could see only a small fraction of Soviet agriculture—and even though that which we saw was carefully selected for us—the grain situation was fairly clear. Russia has had a hard, cold winter with little snow cover. Even Moscow has had little snow. There has been considerable winterkill of wheat, and there is a definite lack of moisture. Both General Secretary Brezhnev and Minister Matskevich readily admitted this situation in our discussions.

Russia now needs added grain because her people are moving in the direction of a rising level of living and a rising level of expectations regarding animal protein in their diet. Now that the Russian government has acknowledged this as a goal, it makes it difficult if they do not follow through. That's why Russia will be in the market for grain, and that's where we come in.

Russia can buy some wheat from Canada, Australia, and France—but there is little corn available anywhere in the world except in the United States; and we are, of course, about the only country with soybeans available in any quantity. They want what we've got—and we've got what they want! So, we talked about trade.

A special grain trading team accompanied me to Moscow. I made the opening statement on the part of the United States in the formal discussions between our trading team and the team of the Russian Ministry of Foreign Trade. Then our trading team, headed by Assistant Secretary of Agriculture Clarence Palmby, remained in Russia for further negotiation.

The real thrust of these negotiations was to explore the respective trade positions of the two governments. These were the first formal talks over such matters. The negotiations were used by both sides to establish their formal, opening positions. These discussions will continue as a part of other negotiations between the countries.

I discussed the possibilities of grain trade in great detail with Minister Matskevich and with General Secretary Brezhnev. These discussions and the work of the negotiating team have led to better understanding of Russia's food needs, of our ability to supply coarse grains and soybeans, and the issues which must be resolved to arrive at meaningful and substantial trade in the years ahead.

So—in terms of the goals of the mission—it was very successful.

But, like everything else that we put in the ground—no matter how carefully we ready the soil and plant the seed, lots of things can happen and lots of other work has to be done before the harvest. There are several important items that have to be worked out.

The greatest issue appears to be terms of credit.

Our export sales of grain are made by commercial trading firms, and it is not easy to substitute government credit for a commercial sale on our side to a state trading monopoly on the other side. But these difficulties aren't necessarily insurmountable.

We are currently offering Russia the opportunity to buy grains in the United States on identically the same terms we offer any other nation in the world. We have certain limitations imposed by the Congress on the rate of credit we can extend, and the length of credit terms. Our maximum term as set by the Congress is three years, and the allowable interest rate is the going rate, now 6½ percent. It's not easy for the Soviet leaders to understand the difficulties of revising a law in the United States. For example, one of the Russian negotiators who wanted lower interest rates turned to me and said—"Well, you're the Minister of Agriculture, why don't you change the law?" It was obvious that they never saw a Secretary of Agriculture before a Senatorial Committee in Washington!

The volume of any grain sale is still a major item in the negotiations.

It might well be that we will be negotiating for annual sales of something in excess of \$200 million worth of coarse grains and soybeans. This is based upon our best calculations—and frank discussions with General Secretary Brezhnev and Minister Matkevich—of the amount of grain Russia will need to boost her meat supply enough to keep the commitment made to the Russian people.

Part of the consideration will be what the United States might buy in return.

It would be unrealistic to think that it would be possible for Russians to make a purchase from the United States in the magnitude of \$200 million without selling something in return. I pointed out that we fully understand that, to develop that kind of trade on a long-term basis, we have to develop a two-way trade. The only way that the Russians can pay for \$200 million worth of grain each year is with exports. In that connection, we discussed the current explorations taking place on development of the natural gas and petroleum reserves in northern Russia which are very substantial, and which represent items we're going to need in 10 years. The Continental United States is now virtually doubling its energy requirements every 10 years, and by the latter half of the 1970's we'll be desperately in need of energy.

General Secretary Brezhnev indicated that he would also like to develop a list of consumer commodities for which we might consider trading, and Ambassador Beam said that he would be happy to receive such a list through the Office of Foreign Trade. I anticipate that such a list will be developed.

There is also a question about the length of any agreement.

I have assured the Russians that they are absolutely safe in building up their livestock population based on a continuing supply of coarse grains and soybeans from the United States, because it will always be there. We have 70 million acres in reserve now that has been taken out of production that we can put back in as needed. We produce corn and soybeans efficiently; we are truly the world's breadbasket in the Corn Belt and Great Plains areas. We have the world's largest contiguous area of fertile

soil, adequate rainfall, good growing season, well-capitalized farms, and well managed farms. We have the capacity to meet our end of a long-term grain trade agreement with the Russians.

Our negotiations are just beginning, and there are many things to be worked out, but I am confident.

The Russians are tough—but they are also smart. I made one critical point with General Secretary Brezhnev that struck home. I pointed out that, in the last 20 years in the United States, we have tripled our per capita consumption of poultry meat, and we have doubled our per capita consumption of beef, primarily because we have learned how to balance our rations. We have learned how to put high quality soybean meal, a protein supplement, with corn, which is one of the most efficient energy sources we have, to increase the efficiency of meat production. The General Secretary is vitally interested in efficiency. He quickly grasped this concept—that with a limited amount of energy grain available, if you supplement it well, you increase your efficiency. That point, I believe, helped to convince him that U.S. coarse grains and soybeans together—are needed to enable Russia to meet its commitment of supplying more meat to her people.

I'm confident. It all boils down to this. The expectations of the Russian people are rising. They're doing better and they want to live better. Part of that is eating better—which means they want meat. It takes grain to produce meat. Russia has a shortage of grain and protein. We have the coarse grains. They know we have them. We have the soybeans. They know we have them. So, I am confident that, sometime, we're going to be trading on a substantial basis.

IN THE NAME OF ECONOMY

Mr. CRANSTON. Mr. President, since World War II, the United States has spent \$1.1 trillion on arms and war—much of it needlessly, much of it wastefully.

Now, in an attempt to cut back Government expenditures, there is a danger that unwise reductions will be made in our space budget. There can be wise reductions in our space program. There also can be very unwise reductions.

A fine and timely article written by a Los Angeles Times columnist who is attracting a rapidly rising national readership and respect—D. J. R. Bruckner—expresses my own views on the value of the knowledge to be gained from carrying on, in a prudent way, our space program.

I ask unanimous consent to have printed in the RECORD an article entitled "In the Name of Economy, All Systems Stop," written by D. J. R. Bruckner, and published in the Los Angeles Times of April 17, 1972.

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

IN THE NAME OF ECONOMY, ALL SYSTEMS STOP

(By D. J. R. Bruckner)

NEW YORK.—Going to the moon may seem old hat to many people. The news media have had a hand in creating this illusion. We did not intend it that way, but the man who is on the street and not in the rocket has seen enough space travel on television and read enough about it, that he may have the notion he has participated in it and no longer finds it exciting. That is a pity, too, because lack of popular excitement makes it easier for the budget-cutters to rip up the

space program, a program which, ironically, begins to pay its biggest dividends in knowledge precisely when its probes into space become regular, unexciting, valuable work projects rather than thrilling joy rides.

One of the most striking features of the history of technology in this country has been our repeated failure to develop many of our own best inventions until some other country did it first. A leap of imagination has been followed by a period of uncertainty in many fields of science and technology where Americans have pioneered. The current depression in the space program may be only the downbeat in that historical rhythm.

There will be only one more Apollo moon flight after Apollo 16. In the last three years, since that day when Neil Armstrong first stepped on the moon, the space budget has been reduced steadily, the number of Apollo flights cut back, the proposed grand tour of all the planets in the Solar System by an unmanned vehicle canceled. Even the economists in Congress must sometimes wonder what has been achieved by these cutbacks; for almost 200,000 jobs in aerospace have been lost.

The Apollo program cost the nation about \$25 billion in a decade. The argument one hears in Congress is that spending at this level is too high, that the money should be applied to necessary social programs on earth. It is true that, when your resources are limited, you have to choose which things you want to do. But it is not unreasonable to reckon that, by the time we get out of Vietnam, we will have spent 10 times the Apollo budget on that venture.

Last year Congress, at the urging of the White House, gave business a series of tax breaks that will cost the Treasury nearly twice as much in the next decade as the Apollo program cost in the last. During the Apollo decade we spent at least five times as much on highways as on space. The total Defense Department budget for that decade was at least 24 times as great as the Apollo budget. We spend more every year to pay farmers for not growing food than we ever spent in one year in the effort to go to the moon.

We do all kinds of costly things we need not do. Space exploration budgets suffer, as indeed do all scientific research budgets, if all we get from them is knowledge. One of the strongest arguments now being made for building the proposed space shuttle is that it will be of great military usefulness. The argument may persuade Congress to fund the vehicle, but do we really need another weapon? The great use of the shuttle, in fact, will be as a tool supporting research, including the construction and maintenance one day, one hopes, of a research station on the moon's surface. But, of course, that is not reason enough when one is arguing with Congress about money and national priorities; if we cannot convince ourselves that it will help destroy something, we won't put up the money for it.

And the Apollo program destroyed nothing. It only added a cubit to the stature of every American in the eyes of mankind. It only benefited the understanding, the imagination and the spirit of humanity. It has only opened up enormously fruitful areas of knowledge about how the world we live in was formed, and how it works.

The space exploration program, like the high energy physics research programs (which delve into the tiny insides of matter, while the rockets reach out into its huge extensions) represent the place where technology becomes the living tool of the intellect, allowing the human mind to understand a little of the astonishing poetry of creation.

Every one of us shares in such knowledge and through it we share a little in the lives of the great discoverers of nature, "whose lives," Sir Thomas Browne once said truly, "are pure flames, and they live by invisible

suns within them." But for three years now, when budget-trimming time has come in Washington, we have trimmed away the funds for scientific research, for high energy physics, for space research. We will stunt our understanding and lop off pieces of our minds to save money. This is the economizing of brutes and barbarians.

The Apollo program has been a work of merit, even if glory, in a dark time of our history. If any achievement of mankind is remembered, this one will be. To ask whether it was worth it is to ask whether anything is worth what it costs. I, for one, would rather be counted a citizen of that nation which opened up to heavens and sent men to the moon than one of a nation which built more highways than any in history, or was richer than any in history, or as a citizen of that nation which, at unspeakable cost, went to Vietnam.

ADDRESS BY THE VICE PRESIDENT TO MAINE REPUBLICAN CONVENTION

Mrs. SMITH. Mr. President, the Vice President came to Maine this past Friday and said some things that needed to be said. He said them with clarity. What he said should be repeated many times with the dignity in which he said it.

I ask unanimous consent that his address to the Maine State Republican Convention be printed in the RECORD.

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

Several months ago, in his State of the Union message, President Nixon used the word "good" to describe the United States. "America is great," said the President, "not because it is strong, not because it is rich, but because it is good."

Now there was a time when a statement like that might have been regarded as bland, even obvious. It was the kind of remark you heard at Fourth of July ceremonies. The speaker would say what a fine country the United States was, and everybody would nod absently and wonder when the fireworks began.

Today the climate is different. Today the modest statement that America is a good country comes under the heading of hot controversy. And anyone who has the temerity to utter it does so with the knowledge that many will disagree—and that those who do disagree will be treated with respect, even big media.

For we live in a curious era when the national spotlight is forever focused on the paranoid and the masochist and the smear-America cheap shot artist. We live in an era that panders to those darlings of the left who delight in denouncing this country, its history, its traditions, its principles, its achievements, its dreams and its people.

America, shout the cicerones of self-hate, is not a good country. America is an evil country. To become a good country, they tell us, we must forsake our heritage. We must overthrow our institutions. We must abandon our beliefs and our methods and our goals. And if we suffer grievously in the process, so much the better. After all, they tell us, we have many sins for which to atone.

And it isn't just the hard-core left that shrills the refrain. You find condemnation of America on the editorial pages of some of our most influential newspapers and magazines. You hear diatribes against America on nationally-broadcast TV and radio programs. You encounter anti-American philippics in our classrooms and our churches and corporate board rooms—even in the Halls of Congress.

I should point out that I am not referring

here to criticisms of specific flaws and injustices, for like all societies we have our flaws and our injustices and they should be exposed. And they must be corrected.

What I am talking about are blanket indictments of the Nation as a whole—of Americans as a people—of 200 years of the toil and the sacrifice and the inspiration that hampered a wilderness into the envy of the world.

What I am talking about is the tendency of some of our most esteemed citizens to describe America as bad beyond redemption. Beyond redemption, that is, under our present system of Government.

The extent to which this nihilist mood has engulfed us can be seen in much of the current, Presidential-year oratory. Vicious attacks on America have become standard items in the campaign kits of men who aspire—or have aspired—to our Nation's highest office.

Of New York Mayor John Lindsay, for example. Shortly before announcing his candidacy for President, he devoted an entire speech to a condemnation of the United States. It was during this talk that he called America "the most violent Nation on earth." But I shouldn't be too critical of Mayor Lindsay. He did make one major contribution to the national welfare. He saw the handwriting on the wall and stopped running for the Presidency.

And Senator Muskie has also exhibited a singular lack of enthusiasm for his native land. At the time of the Attica prison uprising, the Senator sympathized openly with the inmates who, in his words, "would rather die than live another day in America." Not in prison, you will note. "In America." It's easy to see how Senator Muskie feels about this country. In fact, during the Presidential primary campaigns in New Hampshire and in Florida, Senator Muskie asked his audience this question, "Wouldn't it be nice if we had a country we can love, believe in, work for and die for?" Well, I have news for the Senator. We have such a country. It's called the United States of America.

And then there is Senator McGovern, who recently called America "sin-sick," and Senator Kennedy, who has stated that "our national spirit is in eclipse."

Perhaps nothing reflects this mood of self-abasement so clearly as the reaction by certain members of Congress to the news just about a month ago that North Vietnam, in violation of specific agreements and the basic principles of international law, had invaded its neighbor to the south and that America had responded by bombing the assault columns along with military installations in North Vietnam.

The response by Senate Democrats was immediate and vigorous.

Senator Muskie of this State denounced the "shocking development" and warned of the possibility of "irreparable harm" and a "serious international incident."

Senator McGovern termed the events "sickening" and "immoral" and "reckless." "It was all," said the Senator, "a desperate gamble."

Senator Humphrey was somewhat more restrained. He used the phrase "most unfortunate."

Senator Kennedy spoke of a "senseless, reckless policy," "a bloodbath" and "a dangerous and extravagant exercise in brinkmanship."

Senator Fulbright referred to the situation as "drastic," "barbarous," "inhumane" and "obscene."

Senator Tunney called it a "horrible and tragic mistake."

Senator Hartke was appalled by the "massive savagery" and "terror"; Senator Mondale was sickened by the "slaughter and folly and deception" and Senator Pell was "saddened and sick at heart."

Now what was it that was so "shocking"

and "sickening" and "immoral" and "reckless" and "senseless" and "barbarous" and "inhumane" and "obscene" in the eyes of these aroused Democratic Senators? Was it the unprovoked, vicious invasion of South Vietnam by the tanks and infantry of North Vietnam? Was it the systematic destruction of South Vietnamese villages by North Vietnamese artillery? Was it the hurling of rocket and mortar rounds into the cities? Was it Hanoi's flagrant disregard of international agreements?

Of course it wasn't. Those Democratic Senators have difficulty thinking of anything derogatory to say about this ruthless nation that has already invaded three of its neighbors—Laos, Cambodia and South Vietnam. They have no words of disapproval for the Hanoi regime that seems intent on swallowing up Southeast Asia in precisely the same way that Adolf Hitler swallowed up half of Europe.

No, ladies and gentlemen, the words I mentioned a while back—the harsh, bitter, vituperative words—were used by Senators Muskie and McGovern and Humphrey and Kennedy and Fulbright and Tunney and Hartke and Mondale and Pell to describe, not the actions of the North Vietnam invaders, but those of the *United States of America*. Their country, as well as ours.

And what did the United States do to warrant this invective? What was our terrible crime? Well, in the eyes of the Democratic high command we committed the unpardonable sin of responding to the invasion. We deployed our air power to help South Vietnam defend its villages and its people against the onslaught from the north . . . and to protect the lives of American soldiers still on duty there . . . soldiers, I might mention, who were sent over to Vietnam by the two previous Democratic Administrations and are now being brought back by President Nixon.

To the Democrats, this was a serious escalation of the war and, in their Alice in Wonderland world, it was not the attackers who escalated the war, but the defenders. It was not the invaders, but those who tried to stop the invasion. It was not the armored columns from North Vietnam rolling into South Vietnam, but the American airplanes sent out to halt these columns.

And on April 20th, the Democrats in the House of Representatives made their views official by adopting an astounding resolution that criticized the President of the United States for his "dangerous escalation" of the war. This is the President who has brought back from Vietnam almost a half million American soldiers sent over by his Democratic predecessors. This is the President who offered Hanoi the most generous peace terms ever offered an enemy of the United States. And this is the President they accuse of escalating the war.

Then came the incredible letter from Madame Binh, head of the Vietcong delegation to the Paris peace talks. She wrote to the members of the United States Congress, urging them to repudiate their President, to condemn America's actions in Vietnam and to support the efforts of the Hanoi regime. Obviously encouraged by America's pro-Vietcong activists, Madame Binh was, in effect, asking the Congress of the United States to collaborate with the enemy.

Did those Democratic Congressmen who were so quick to denounce President Nixon at least reproach Madame Binh for her unbelievable impertinence? Of course not. There has been no affirmative answer to telegrams from Bob Dole asking Senators McGovern, Humphrey, Muskie and Kennedy to reject the Binh letter and to declare their opposition to Hanoi's policy of aggression.

Nor did the Democrat-controlled Senate reply affirmatively to Senator Goldwater's request for a vote on what he described as "a simple resolution condemning aggression

and supporting the government which we all serve."

He made the request in a memorable speech on the Senate floor—a speech that was shamefully, but predictably, ignored by the major news media. In it, he referred to the Vietnam-related activities of the Senate Democrats as "the most selfish brand of politics I have ever seen indulged in, in this country."

He said President Nixon had done more than anyone else in the world to end the war in Vietnam, and he added that "never has an American President had so little help . . . from the opposition party" in trying to achieve peace.

Senator Goldwater recalled the well-publicized incident on the morning of April 19th when 20 American radicals showed up at the Soviet Embassy and made a formal request for more Russian military aid to North Vietnam. These members of the People's Committee for an N.F.L. victory, as they called themselves, carried signs saying "Avenge Hanoi and Haiphong" and "Send More Missiles to Shoot Down More U.S. Planes."

"I wonder," said Senator Goldwater, "if Senator McGovern feels 'a sense of horror' when he reads about Americans agitating in the streets for more equipment to kill American fighting men."

In repeating his call for a vote on the resolution supporting the U.S. Government, Senator Goldwater made this statement:

"If we don't take some action of this kind very soon the Senate of the United States will look for all the world as though it was taking orders directly from Mrs. . . . Binh. . . . Her letter received worldwide publicity. It should be formally rebuffed by Senate action on my resolution."

But as you know, Madame Binh's letter was not rebuffed. It was not rebuffed because some Americans seem to have become so blinded by their opposition to this war and by their hostility to this Administration that they have apparently forgotten whose side we are on. So let me remind them. United States airmen and sailors are fighting gallantly today on the side of the victims of naked Communist aggression. We are not on the side of the Hanoi aggressors.

Yet some United States Senators continue to act as though we were. They are outraged by our bombardment of the North Vietnamese invaders, but strangely silent about the indiscriminate enemy shelling of South Vietnamese civilians.

They are fearful that our actions against the invaders might antagonize the Soviet Union, but they fail to ask whether Soviet support for the invasion should antagonize the United States.

They vilify and badger and harass the leaders of the United States, but they can find nothing wrong with the leadership of this country's enemies.

They have taken the old Stephen Decatur line and twisted it into a grotesque parody of itself. No longer is it "our country, right or wrong." To them, it is "our country, always wrong."

To me, ladies and gentlemen, an essential difference between President Nixon and his Democrat critics is that he believes this is a good country and they do not. What other reason could they have for belittling and besmirching and berating America, as they do? Why else would they continually find fault with this country's principles and institutions? What other explanation could account for the fact that, whenever America is criticized by another nation, they always seem to be standing four-square behind the other nation?

It is more than anger at those who malign our country that prompts me to speak up today. I do so because I am convinced that, by creating an atmosphere of doubt and despair, the defamers of America are inhibiting the efforts of dedicated Americans who want

to make this good Nation of ours an even better one. To work effectively for improvement, you have to believe in the essential wholesomeness of what you are improving. Some of our more outspoken critics obviously do not believe in the essential soundness of America, and they are doing their best—or perhaps I should say worst—to infect others with their own destructive melancholia.

I sometimes think we Americans are too close to America to appreciate it . . . to realize what a truly wonderful country this is. We do not love America enough because we take it for granted, because we have basked for so long in the freedom and the luxury and the security of our great country.

Perhaps you have to live in another land to grasp completely the glory of America. And foreigners do seem to grasp it. Millions of them exhibit their knowledge in the most meaningful way possible—by doing everything in their power to come to the United States. There can be no doubt that if all the immigration and emigration barriers around the world were suddenly lifted, the biggest human caravan of all would head our way.

While many other nations post guards along their borders to keep their citizens in, America must patrol its borders to keep illegal aliens out. Last year, the Immigration Service turned back 340,000 illegal immigrants along just one boundary of the United States, and it is known that many illegal aliens managed to slip through, despite our efforts. Some of them pay as much as \$250 to smugglers to cross the border, and all of them run the risk of imprisonment or injury or both.

Can you, in your wildest imagination, conceive of hundreds of thousands of people trying to get themselves smuggled into Cuba? Or North Vietnam? Or some of the other pleasure spots idealized by the New Left?

I think a most moving expression of a non-American's attitude toward this Nation can be found in Mary Antin's *The Promised Land*. In it, she recalls her emotions when, as a teenager growing up in Europe, she heard she was moving to the United States.

"At last I was going to America," she wrote. "Really, really going, at last! The boundaries burst. The arch of heaven soared. A million suns shone out for every star. The winds rushed in from outer space, roaring in my ears, 'America, America!'"

Mary Antin put into words what so many of us feel and cannot say. But feel it we do. That is why the enemies of America, both at home and abroad, will never succeed. That is why the American ethic—those qualities of decency and honor and self-reliance and, yes, patriotism, upon which this Nation was founded and through which it has flourished—that is why these fundamentals of Americanism will always prevail. For, contrary to the irresponsible and shameful rhetoric of some of our Democrat opponents, America is a good country. And with all our strength—with all our dedication, we are going to keep it that way.

CRITIQUE OF THE FINANCE COMMITTEE WELFARE PROPOSAL

Mr. RIBICOFF. Mr. President, the welfare program tentatively approved by the Committee on Finance represents a long step backward on the road to welfare reform.

The Finance Committee proposal leaves intact the existing, widely discredited welfare system, although at lower payment levels, and adds on top of it an overlapping jumble of wage subsidies, social security tax rebates, children's allowances, work disincentives, and subpoverty wage programs.

Rather than coordinate and improve the operation of our welfare program,

the committee proposal compounds the lack of coordination by scattering new programs throughout the Federal Government. The new "workfare" programs would be administered by the Departments of Labor, HEW, Treasury, and a new Federal Employee Corporation in addition to 1,152 administrative units at the State and local level which already handle the AFDC program.

The committee's proposals supposedly increase work incentives, but the combined effect of the disparate array of income supplements, tax rates, and job programs is to discourage people from working. Welfare recipients will be in a continuing state of confusion about how to relate to all the offices and programs involved.

Even more importantly, however, the vast majority of welfare recipients who are unable to work would be frozen at a payment level of \$2,400 for a family of four or more payable by the Federal Government. No incentives or requirements for the States to make supplementary payments are included in the committee's plan. As a result, most welfare recipients would suffer massive payment cutbacks.

The costs of the committee proposal would exceed those of H.R. 1 by over \$10 billion and would cover some 30 million people. Yet much of the money for the program would not be concentrated on the poorest of the poor. Instead, large amounts would go to those earning relatively more money. Administrative costs would also be increased since records would have to be maintained and transferred between many different Federal, State, and local agencies.

A more detailed analysis of the committee proposal illustrates the confusion and inequities inherent in the plan.

I. WELFARE FOR UNEMPLOYABLE FAMILIES WITH DEPENDENT CHILDREN

The committee proposal would retain the present AFDC Federal-State program for families without an employable adult at a payment level of \$2,400 for a family of four or more—\$1,500 less than the poverty level. The Federal Government would pay 100 percent of this cost rather than matching State costs at formulas now varying between 50 and 83 percent.

But the Federal Government would provide absolutely no financing of payment levels above the \$2,400 level, leaving the States free to pay nothing in addition. My proposal would require the States to supplement above a \$3,000 basic payment up to a January 1971 level and even H.R. 1 would provide incentives in the form of Federal assumption of administrative costs for those States which chose to make supplemental payments.

The effect of the committee's proposal is that recipients in over 30 States whose payment levels now exceed \$2,400 for a family of four would be threatened with cutbacks in payments. My proposal would assure that no one receives less under welfare reform than he or she receives under AFDC.

The committee proposal would also establish residency requirements for welfare—requirements which repeatedly have been held unconstitutional as a violation of the equal protection clause of the 14th amendment.

The problems of the AFDC program lie beyond abuses and loopholes which can be plugged. They lie in the very structure of the program. Lines of responsibility are split up between the Federal Government, 54 State level jurisdictions and 1,152 local administrative units of varying degrees of inefficiency. Payment levels are inadequate. And the present program is structured to encourage family disintegration, discourage work, demean the recipients, and assure inefficiency and inadequacy.

What is needed is an entirely new program—the family assistance plan—where lines of responsibility are clearly drawn—at the Federal level.

The new program which I have proposed does just that. Administrative responsibility would rest at the Federal level in a coordinated partnership between the Departments of HEW and Labor. Experience in the Social Security Administration has shown that the Federal Government is best equipped to handle the payment functions of income maintenance. Most service functions would be left at the local level where people knowledgeable about specific local conditions can tailor programs to meet the needs of people.

II. WELFARE PROGRAMS FOR EMPLOYABLE ADULTS

The committee proposal for employable adults is a complicated and tangled web of programs, subsidies, rebates, allowances, and makework programs almost defying description and certainly defying understanding by participants in the program.

Included in the "Workfare" program is a wage subsidy administered by the Employment Services of the Department of Labor, a payment to individuals by the Internal Revenue Service equaling 10 percent of wages covered by social security, and a children's allowance administered by a newly created Federal Employment Corporation, to which all employable welfare recipients would be referred. The inequities of these subsidies are obvious.

A. WAGE SUBSIDY

A wage subsidy would be paid by the Employment Service equaling three-fourths of the difference between a low wage in private or certain public jobs and the minimum wage. Such a subsidy would encourage employers to pay low wages since they could expect the Federal Government to pick up the costs of higher wages. In addition to this wage depressant effect, workers would be better off only if they worked longer hours. Nothing would be done to upgrade hourly wages.

This Nation should avoid a policy of encouraging workers to work more than 40 hours a week for subpoverty wages. Raising wage levels would be wiser. Furthermore, recipients would not be automatically eligible for the wage subsidy. They would have to apply to the local employment service—agencies which have consistently fallen down on the job of providing jobs and services to the poor.

The wage subsidy would only apply to jobs paying between \$1.20 and \$1.60

per hour. Thus, the most impoverished workers—those in jobs which pay less than \$1.20—would not be aided. This group, comprising well over half a million individuals, is in dire need of assistance.

The wage subsidy has the effect—desired by the committee—of increasing the payment as hours of work increase, but it adds a 75 percent tax rate for earnings above \$4,000—certainly no incentive to make more money. In fact, such a tax rate is more confiscatory than either present law, H.R. 1 or the Ribicoff proposal.

B. 10-PERCENT PAYMENT

Participants referred to private sector jobs would receive an additional subsidy of 10 percent of wages covered by social security. This payment, made by the Internal Revenue Service, would only apply to the base hourly wage, not to the wage subsidy portion of hourly income. This payment would be phased out as income rises above the poverty line at a 75-percent rate, thus ending any incentives to move above the poverty line.

Such a proposal rewards those with high hourly wages more than workers with lower hourly wages since the 10-percent subsidy is based on hourly wages. It provides no incentive for a worker to improve his lot, only to work longer hours.

Administratively this proposal would involve the keeping of a huge volume of records and the maintenance and transfer of records between IRS, the Federal Employment Corporation, and perhaps other agencies. Millions of tax records would become a part of the welfare maze.

While I share the view of the committee that it is desirable to relieve the poor of the burden of paying social security taxes—I have publicly supported a social security rebate to impoverished working Americans—I cannot accept the committee proposal since it is part and parcel of an unworkable and inequitable overall plan.

The legislation I have developed—amendment 559—would provide relief from both social security and income taxes through the earnings disregard feature. This is, in determining what is income for the purposes of computing the welfare payment, my proposal disregards the first \$720 of income, 40 percent of additional income, and amounts paid for social security and income taxes.

C. CHILDREN'S ALLOWANCE

A children's allowance would be payable by the newly created Federal Employment Corporation at a rate of \$25 monthly for the fifth family member, \$15 for the sixth family member, and \$10 for each additional member. Allowances would be payable only for family members born before June 30, 1973, and would be scaled down when family income reached \$300 a month. Above this amount the allowances would be payable to families only if the employable adult worked at least 100 hours a month. Those working between 50 and 100 hours a month would receive only half the allowance and those working below 50 hours would receive nothing.

The result of this proposal is that chil-

dren would be rewarded or penalized according to the hourly work effort of their parents. Need would not be considered and the only incentive to work would be to put in longer hours, not to upgrade skills or move up the job ladder.

No attempt should be made to equate the committee's restrictive children's allowance with allowances in other countries. In Canada, Denmark, Finland, France, Great Britain, Ireland, and Sweden children's allowances are paid to almost all children without regard to need. In Sweden, for example, all residents with one or more children receive an allowance at a rate of \$16 per month per child. There is neither a needs test as in the committee's proposal nor is there a birth cut-off date for eligibility. In none of the countries does the children's allowance embody a philosophy that payments for the needs of infants and youngsters should be based on the hourly work effort of the breadwinner. The committee proposal is a children's allowance, then, only by a long stretch of the imagination.

D. FEDERAL EMPLOYMENT CORPORATION

While the vast majority of welfare recipients are unemployable, the Finance Committee proposal concentrates heavily on the small minority who are employable. The main structure of the program for families with an employable individual is the Federal Employment Corporation.

The FEC would attempt to provide job placement, job development, employability plans and manpower training. All employable adults registering for welfare would be required to become employees of the Federal Employment Corporation as a condition of receiving assistance. The FEC would attempt to place registrants in private jobs at the minimum wage or "subsidized" public or private jobs at less than the minimum wage. The 10-percent supplement would be provided for those taking private jobs and for the nonsubsidy portion of subsidized public or private jobs.

Those not so placed in "regular" jobs would become direct employees of the corporation at \$1.20 per hour, far less than either the poverty line or the Federal minimum wage. These employees would receive no wage subsidy or 10-percent supplement. In fact, the FEC employees would be in limbo between Federal and private employment—ineligible for social security, unemployment compensation or workmen's compensation.

These direct corporation employees would be required to perform "useful work which can contribute to the betterment of the community." For mothers with younger children, training to improve the quality of life—improve homemaking, beautifying apartments, acquiring consumer skills—would be provided. The corporation would also provide temporary employment on a "Kelly girl" basis with reimbursement to the corporation. In effect, the Federal Government would be maintaining a subpoverty wage manpower pool at the disposal of the business community.

The concepts embodied in the Federal

Employment Corporation are confused and often erroneous. While the basic idea of making the Federal Government the employer of last resort is a sound one, the downgrading of public service jobs relative to private sector employment is unfortunate. The emphasis on providing "incentives" for workers to move into "regular" private employment by paying corporation employees only \$1.20 per hour is absurd at best.

A major problem with the committee's proposal is that the private sector does not have sufficient jobs. In fact, over 5 million Americans are employed. Thus, even with extraordinary motivation, a corporation employee cannot escape his \$1.20 per hour job if there are not other jobs. He is doomed to remain at a menial \$1.20 per hour salary—\$1,500 below a poverty level wage on an annual basis. And the corporation, by paying only \$1 an hour for those in manpower training, is discouraging rather than encouraging participants to upgrade their skills and increase their income.

Rather than discouraging public service employment we should be fostering it. It has been estimated that State and local government could utilize as many as 4 million people in public service activities of all kinds—conservation, education, health, recreation, sanitation, criminal justice, child care, consumer protection. It should be obvious to all that our inner-cities are decaying, our air and water getting dirtier and our public services becoming increasingly unable to meet the challenge of providing us with the manner of existence we as Americans desire. Public service jobs should provide workers with at least a poverty-level wage. In this way we can both fight poverty and improve our communities.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. FANNIN. Mr. President, on April 27, the Committee on the Judiciary voted 11 to 4 to reaffirm its earlier recommendation of February 29, 1972, that Richard G. Kleindienst be confirmed as Attorney General of the United States. I would remind Senators that this vote came after the longest hearings on any confirmation in the history of the U.S. Senate. They began on February 22, 1972, and continued through April 27, 1972, with 24 days of testimony, over 3,000 typewritten pages of transcript, and a mountain of documents submitted to the committee.

I observed a good bit of these hearings and have gone over the record. Most of that record has nothing—absolutely nothing—to do with Richard Kleindienst. That part of the hearings which did deal with Mr. Kleindienst produced nothing that indicates he is unworthy of confirmation. From the more than 3,000 pages of transcript, his opponents have laboriously constructed arguments against confirmation that are based on statements taken out of context and strained beyond their meaning. There is nowhere any proof of improper conduct or of any character defect on the part of Mr. Kleindienst that would justify withholding consent to his nomination.

Yet for weeks now, a handful of opponents on the Judiciary Committee have been able to tie up this nomination. Time after time, extensions were granted to allow the opponents to hear more and more witnesses who had less and less to say about Mr. Kleindienst. When it became apparent for all to see that these opponents were stalling, they continued to delay the confirmation for political reasons. The opponents put the same questions to the same witness over and over again, and they ranged far beyond relevant issues. They were allowed to broaden the scope of the hearings. They were permitted to extend the hearings to April 20. They were permitted to extend them again to April 27. Mr. Kleindienst's opponents have had every opportunity to develop the record on all relevant issues.

But I have heard that the stalling is not yet over—that efforts will be made to delay the nomination from coming before the full Senate. In fairness to Mr. Kleindienst and to all concerned, this nomination should be presented to the U.S. Senate without further delay so that the Members of the Senate may decide whether the nominee should be confirmed. Simple justice demands that, after such a trying, time-consuming and unproductive period during which ITT's internal workings were more important than Mr. Kleindienst's qualifications, his nomination be acted upon promptly.

THE EQUAL RIGHTS AMENDMENT

Mr. GURNEY. Mr. President, on March 22, the Senate passed, by an overwhelming margin, landmark legislation assuring equal rights for men and women. The equal rights amendment, in my opinion, was long overdue, and I am personally aware of the great deal of time and effort which was involved in the committee and floor debate on this bill.

Constantly at the forefront in the effort to achieve passage of the equal rights amendment was my friend, the distinguished Senator from Kentucky, Mr. MARLOW COOK. During our Judiciary Committee meetings and Senate debate, Senator Cook played a major role in organizing and leading the cause of equal rights supporters. Time and again, in his familiar straightforward manner, he spoke on the background and need for this legislation, and his own convictions about its urgency. I commend Senator Cook on a job well done, and I am pleased to have worked with him on the joint resolution.

Mr. President, in view of his knowledge and interest in this subject, I was most impressed by a recent address to the Louisville Ad Club, in which Senator Cook comments on the practical effects the equal rights amendment will have. I think some people are still unclear as to the meaning of this legislation, and, as usual, MARLOW COOK tells it like it is.

I ask unanimous consent that his speech be printed in the RECORD.

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

SPEECH BY SENATOR MARLOW COOK

I chose the equal rights amendment as my topic for discussion with you today since I

believe it will have beneficial effects for every man and every woman in this room. Its main thrust is to abolish the discriminations against women that are imbedded in our laws, since so many of them are founded on the old English common law principles where women had the status of chattels—of property. But the equal rights amendment will also end legal discriminations against men.

It seems ridiculous to me that the laws of this country should discriminate so arbitrarily. I think it is intolerable that the freest form of government in the world, a government dedicated to the proposition that all persons are equal in the eyes of the law, should draw lines of sex discrimination so unreasonably and unjustly. This is why I have worked so hard to gain passage of the equal rights amendment to the constitution. The discriminations against men and women are so pervasive in our laws, that a constitutional remedy is necessary.

After 49 years, the U.S. Congress finally agreed to the amendment—the House of Representatives by a vote of 354 to 23, and the Senate by a vote of 84 to 8. Eleven States have already ratified the measure and I hope Kentucky will follow their example as soon as its next legislative session begins. Two years after 38 States ratify the amendment, it will become effective. Thus, legislatures will have at least two years to change their laws which discriminate on the basis of sex.

But already I am reading in newspapers, and hearing from some who oppose the amendment, of the most terrible predictions as to what will happen when the amendment becomes effective. Well, the laws will have to treat all citizens equal regardless of their sex. To me this is a matter of simple justice and common sense.

There is already a trend in court decisions to equalize our laws, caused by legislation such as the 1964 civil rights act. But even that measure affects women only in the employment area, since sex discrimination was not included in the areas of equal opportunity in housing and education.

In addition, a change in women's legal status by way of judicial interpretation of the 14th amendment is not presently feasible. The Supreme Court has upheld the position, even as recently as this year, that differences in legal treatment, on account of sex, do not violate the equal protection clause of the 14th amendment so long as the law-making body has reasonable grounds for making such a classification.

The Supreme Court can overrule or ignore its own decisions as its membership changes. But I do not foresee the kind of decision forthcoming that is absolutely necessary to assure all our citizens equal protection and due process of law.

Constitutional amendments do not change. Only the 18th amendment was repealed. And just as the 19th amendment was necessary to assure our women citizens the right to vote in 1920, the 27th amendment is necessary now to assure them their other constitutional rights. The amendment, then, is necessary. But what will be its effects?

Opponents say, for example, that the amendment will mean that women will have to be drafted and sent to combat. Opponents cannot fathom this possibility and even tried, unsuccessfully, on the floor of the Senate, to strip Congress of its power to draft women even in the direst national emergency, and to exempt women from combat areas.

Thank goodness these opponents were not around in the past to tell women to stay in their place when it came time to defend their country. Thank goodness Joan of Arc did not know that she could be exempt from military service when she led the French to victory over the English in the 100 Years' War. Her country could not worry if there would be some inconvenience in the battlefield because men and women would be together. They had to win the war.

Thank goodness Molly Pitcher wasn't denied the opportunity to fight in our Revolu-

tionary War. General Washington so appreciated her valor and prowess that he gave her a lieutenant's commission and placed her name on the roll of honor. She was in the battlefield with her husband, and when he was killed, she took up his gun, with great skill and accuracy. She was recognized as greatly contributing to the winning of the battle, and is credited with saving the cannon from capture by the British.

Thank goodness that Barbara Fritchie did not know that she did not have to enter combat when she said, "Shoot if you must this old gray head" to Stonewall Jackson when he and his Confederate army invaded Frederick, Maryland in our Civil War. She did not mind that she was going to be shot. She just did not want anyone to desecrate the American flag.

And thank goodness Clara Barton wasn't denied the opportunity to care for the wounded on the actual battlefields of the Spanish-American and civil wars because she was female. After her experiences in seeing such misery and the worst possible medical care for the wounded, she founded the American Red Cross to improve such conditions.

I could go on and on recalling the valiant women in this country's history. But I can also say that today, I thank goodness that our servicewomen serving their country in Southeast Asia were not told: "Sorry, because you are a woman, you may not serve your country in a combat area." Some 720 American servicewomen now are in Southeast Asia, and some have died there.

The point is this: Women are willing and capable of defending and serving our country, even in combat if necessary. Our laws not only deny women an equal opportunity of entering military service, since there are limitations on the number of women personnel in some services, but these same laws also deny equal protection of law to men, since only men are drafted.

Under the equal rights amendment, if we have an all-volunteer army, as I hope we will by the time the amendment goes into effect, women could volunteer for service on an equal basis with men. If we still have the draft, women could be drafted, once they pass the tests and meet the standards set, and would be assigned jobs in the military according to the needs of the service. Thus, opponents are incorrect when they say women would be assigned to combat units under present conditions, but in emergencies such as an invasion, they might be so called upon.

I have supported an all-volunteer army for some time. I do not particularly want my four daughters to be drafted any more than I want my son to be. But I would hate to ever tell my daughters and granddaughters not to worry about ever defending their country, that they can depend on their brothers and husbands to do it, even if the country's female population increased from its present 53% to, say 60 or 65%, and even if they, as women, were better able to serve than their brothers. No. As a matter of simple justice, the responsibilities of citizenship should be shared by all. When women serve their country equally with men, they will not only share in the benefits of service—such as job training and experience, and veterans' benefits such as preference over non-veterans in employment and educational, housing, insurance and health benefits—but their status as citizens will rise, since they perform all the duties of citizenship equally with men.

Another dire prediction that opponents raise concerns privacy. They state that all prisons, all accommodations in military bases and all rest rooms will have to be open to both sexes when the equal rights amendment becomes law. They're wrong. They are entirely incorrect. The legislative history of the amendment is what governs its interpretation, and from that it is very clear that the amendment would not force violations of a

person's right to privacy. This constitutional right would still permit the state to segregate the sexes in such places as public restrooms, as well as sleeping quarters of public institutions as coeducational colleges, prison dormitories, and military barracks. The traditional power of the State to regulate cohabitation and sexual activity by unmarried persons reinforces the state's power to exercise separation of the sexes in such areas. This argument against the equal amendment was clearly answered in the Senate Judiciary Committee report and I suppose that those persons who continue to repeat it have chosen to disregard the clear intent of the amendment and ignore what courts will look to—the legislative history.

Opponents sometimes express the opinion that the equal rights amendment might adversely affect family life as we know it in America. The amendment only states that our laws shall treat citizens equally, without regard to their sex. It will not affect social customs or amenities. Equalizing family law is the only effect the amendment will have on families, and family law is another area where laws discriminate against both women and men. The equal rights amendment will force courts to judge each case on its merits. Too often now the granting of child custody, child support and alimony is based solely on the prejudices and generalizations that legislatures and courts have made that one party, solely because of their sex, should win. A better way to make a decision is on the facts of the case. Under the 27th amendment, the court would consider the needs of the parties and the ability of each to pay support or to care for children. Thus, the best interests of children would mean more than the sex of one of the parties.

I am sure that the men here can appreciate the justice of no longer forcing a man to pay alimony to his independently wealthy former wife. I am just as sure that the women here can appreciate the justice of making money awards according to the needs of the parties involved. If a woman is a homemaker, her financial status and not her sex would determine her needs in the awarding of support payments for herself and for any of her dependent children. The point of the amendment is to assure that justice is done to all parties, and only the facts of each situation should determine the outcome—not presumptions made because of ancient conceptions of marriage roles.

The equal rights amendment would also abolish the legal restrictions placed on married women, such as upon their property rights, their ability to engage in an independent business and their right to establish a legal domicile. I believe women are homemakers because they want to be homemakers and not because of the laws that restrict their activities outside the home. When we equalize family laws, I believe family life in this country will continue as it always has, or be strengthened.

Opponents of the equal rights amendment never seem to notice those criminal laws which impose longer prison sentences upon offenders because of their sex. Some laws discriminate against male offenders while others discriminate against female offenders. Such laws clearly deny equal protection of the law, yet have been upheld as recently as 1970 and 1971. The 27th amendment would equalize such criminal laws—as well as laws which impose different ages for males and females in child labor, age for marriage, cutoff of the right to parental support, and juvenile court jurisdiction. There is no reason to make sexual distinctions in these areas. We should grant protections and privileges equally to both sexes.

This is true also of our labor laws, the final area I wish to discuss. Opponents state that the equal rights amendment will abolish leg-

islation that protects—that is their description, not mine—women workers. If these laws are truly protective, then courts and legislatures can extend the protections to men. Some headway has already been made in that direction in states like Kentucky which have added sex to their laws assuring equal employment opportunity to all. But it is also possible that courts and legislatures can strike down those laws which do not really protect women at all but restrict them from, for example, lifting over 15 pounds. My wife is a good example of a pretty strong gal. She does not weigh a great deal, but she has brought up five children and she lifts and carries around the house a whale of a lot more than 15 pounds. Women carry 15 pounds every time they lift a child. They work more than 60 hours a week in taking care of a family. So, many of these so-called "protective laws" aren't really protective but restrictive. They lock women out of higher paying jobs—because supervisors need to work overtime occasionally, or to lift more than 15 pounds at times.

We've been protecting women so well that they earn less than men in all lines of employment. In 1970, the median earning for a working woman was only 59% of the median earning for a man, and that was a drop of 5% since 1955. Women have been losing ground in the labor field. We've been protecting them so well that they hold most of the lower paying and less satisfying jobs. What a waste of potential and talent. If these laws really restrict women in their jobs, then they should be abolished.

On the other hand, if protection is really needed, then why should we discriminate against men? Why not protect everyone from a job that could injure their health? Why not set up laws that protect persons according to individual needs and capabilities, and not according to that person's sex?

Those who oppose the equal rights amendment because they fear that women could no longer be protected by labor legislation are not quite facing realities. Truly protective measures should be extended to protect all workers, and restrictive measures should be abolished. In fact, hours and weight-lifting laws can be held unlawful even now, under legislation such as the 1964 Civil Rights Act. The equal rights amendment will only reinforce the directive to State legislatures to equalize their protective labor laws, or the courts will.

And what of the benefits that accrue to workers in the form of social security? These laws discriminate in particular against men. The equal rights amendment would cause some very welcome changes. For example, the annuity of a man retiring at age 62 would have to be computed on the same basis as that of a woman retiring at that age. Right now a husband whose wife worked can receive his wife's social security only if he supplied less than half the family's income during the wife's lifetime. But any wife, even if she is independently wealthy, can claim her husband's benefits.

Any such discriminations in our laws, based solely on sex distinctions, would be abolished under the equal rights amendment—and they should be.

So, in conclusion, I will only add that this country will celebrate its second century of existence in four short years. In all that time our Constitution has been interpreted to contain a flaw. The Constitution provides that all men—all persons—shall be equal before the law of the land. But even made citizens are denied equality under the law and surely our female citizens are. This flaw needs correcting. Legal equality for all citizens is a matter of simple justice and common sense. In fact, I am very sorry that equal rights for women and men is a cause whose time has come. Because this is a cause that should have always been.

NATIONAL MINERALS POLICY

Mr. ALLOTT. Mr. President, the Secretary of the Interior has just submitted to Congress his first report under the Mining and Minerals Policy Act of 1970—Public Law 91-631. I had the honor of sponsoring the measure which became that law, and wish to compliment the Secretary of Interior and his capable staff for the thorough review of our minerals status and the searching analysis made of the problems facing private enterprise in the development and strengthening of our domestic natural resource base in minerals and fuels.

This report is a monumental work, and I am confident that nearly everyone interested in mineral development, the availability of mineral and metal commodities, and energy mineral supplies will find this report a very handy reference work. Those without any particular expertise in mining or mineral commodities will find it especially useful, since the data is succinctly laid out in layman's terms.

Mr. President, I wish to congratulate the many individuals who labored so hard to create this important document for a job well done. It will be of immeasurable value to thousands of decisionmakers, both in government and in private industry. Assistant Secretary Hollis Dole and his Deputy, Assistant Secretary Harry L. Moffett, are deserving of special recognition. It has been their leadership which has brought about the successful completion of this outstanding report.

I also wish to commend the U.S. Bureau of Mines, the U.S. Geological Survey, the Office of Oil and Gas, the Office of Coal Research, and all other agencies and bureaus that contributed to this monumental work.

This report bears out the longstanding concern that many of us in Congress have had as to the capability of our domestic minerals industry to keep pace with our growing needs. Last year our gross national product passed the \$1 trillion mark. To support this gross national product level, energy and processed materials of mineral origin valued at over \$150 billion were required. Annually we require over 4 billion tons of new mineral supplies—a startling 20 tons per person. This ever-growing appetite for minerals is making us more and more reliant upon foreign sources, and points to the need for policies to encourage not only the efficient development of our mineral resources here at home but to obtain needed supplies from secure foreign sources.

It also underscores the need to accelerate our ability to recycle metals and other mineral commodities. As a follow-on measure to the Mining and Minerals Policy Act, I have introduced S. 2556, which authorizes the construction of a full-scale demonstration plant to reclaim the prodigious amounts of valuable metals found in the residue of municipal incinerators. Present practice is to remove such residue and deposit it in a landfill. Our projected mineral requirements, as displayed by this report, shows clearly that we, as a nation, can no longer afford such waste. As I pointed out in my introductory statement on S.

2556, the economics of the ingenious method of separation developed by the Bureau of Mines appear to be exceptionally good. But, they need to be proven, and that is the purpose of S. 2556. I am happy to announce that the distinguished chairman of the Minerals, Materials and Fuels Subcommittee, Senator Moss, has not only joined me in sponsoring this measure (S. 2556) but has also scheduled hearings on May 12.

It is my belief that this report and its successors will provide information necessary to help us find other solutions to our pressing mineral supply problems.

The report shows that we solely depend upon foreign sources for such important minerals as thorium, rutile, long fiber asbestos, and sheet mica to name a few. We are seriously deficient in supplies of chrome, cobalt, manganese, fluorine, and others. We have a growing gap between supply and demand for many other minerals and metals and also are placing an alarming reliance on foreign sources for our liquid fuels.

The United States uses over 90 important minerals and of these 58 were imported in varying degrees during 1970. More than half of our requirements for 23 minerals were imported, more than three-fourths for 17, and 100 percent for eight. These percentages continue to grow each year.

This reliance occurs because of our deficiencies here at home, the attractiveness of lower cost development abroad, and because of the lack of encouragement for development of U.S. reserves. This reliance on foreign sources has also brought about supply instabilities. Nationalism in both developing and developed nations coupled with expropriation of mineral properties have hampered our ability to maintain some of our foreign sources.

A brief look at some of the report's findings will give us all much cause for concern and should spur the Congress to take all needed steps to further encourage private enterprise to bring out the needed minerals if we are to maintain the high standard of living which means so much to all of us.

In 1950, domestic primary demand for all minerals was \$14 billion. In 1971, it rose to \$42 billion. In 1970, U.S. primary production of mineral commodities fell over \$8 billion short of meeting demand. Projections indicate that in 1985 it will fall \$31 billion short, and in the year 2000 it will be \$64 billion short. The report estimates domestic primary demand for year 2000 representing 11 billion tons of minerals needed to feed our economy. If we fail to adopt programs to fill this gap, not only will our standard of living suffer but our capability to maintain our national security is likely to be greatly diminished.

The growing gap between mineral supply and demand is also complicated by other deterring factors. Our minerals exploration programs have fallen off, the decline continues in the number of students engaged in studying mineral science and technology, availability of skilled manpower is lessening, technology is not keeping pace with need, environmental constraints are taking their toll of production, and research into all fac-

ets of mineral development and production is lagging. These deterrents also come at a time when all nations are reaching out for raw materials to meet their own needs, thus providing heavy competition for the available resources and possibly lessening the supplies that we too may need.

However, these problems are not insurmountable. The minerals report points out that we have ample reserves of a majority of the minerals we need. It emphasizes that a climate must be created which will encourage private enterprise to: invest in development and expansion of domestic resources, step up exploration for new sources of supply, improve technology so that a lessening of environmental impacts will result, increase the recycling and reuse of our mineral supplies, and stimulate new and improved processes both for production and end use. In many instances, close industry-Government cooperation is clearly indicated. We must also seek out and maintain assured foreign supply sources to meet the deficit areas in our total resource needs.

With respect to research, a bill (S. 635) which I introduced and which was cosponsored by a most distinguished group of Senators from both sides of the aisle, passed the Senate on July 19, 1971, and has been ordered reported by the House Committee on Interior and Insular Affairs. The bill would provide a continuing basis for research in mining, mineral processing, and related environmental problems. It is my sincere hope that final action can be taken on this overdue program shortly.

The report also points out:

First. Shortages of skilled manpower must be overcome by accelerated training and education. The bill I mentioned earlier, S. 635, will have some beneficial spin-off of educational opportunities.

Second. Research should be expanded in all areas—technology, production, safety, uses, recycling, and design of materials with a mineral base.

Third. The current organization of the Government for implementation of a national minerals policy is inadequate. However, Assistant Secretary Dole has already taken decisive action, within his authority to correct this situation as much as possible under existing law.

Fourth. Mineral information collection, analysis, and dissemination need to be markedly improved.

Fifth. Mineral transport systems need to be improved to meet modern-day requirements.

Sixth. Creation of industry advisory councils would assist Government in obtaining views and suggestions for consideration in developing policies.

Seventh. Consideration might be given to permitting joint research efforts within industry to accelerate improvement in technology, production methods, environmental controls, safety, and so forth.

Eighth. Acceleration of programs to encourage mineral exploration and the utilization of new prospecting methods on a broad scale basis can be a vital influence. Coupled with this there is a need for strengthening programs to inventory our mineral and fuels deposits.

Ninth. Expanded programs are needed to convert our waste material piles, refuse, and so forth, into economically usable products.

Tenth. The rapidly emerging field of materials systems development is an area requiring Government-industry cooperation. Composite materials and improved combinations of materials can enhance performance and durability. Federal, State, and local governments, through their purchase of goods and services, can strongly influence materials design and selection.

These are but a few of the facets of our mineral supply problem discussed in the report. If Senators will take time to go through this report and appendixes, I believe you will obtain a better understanding of our mineral base, our mineral posture, and the urgency of taking steps now to assure our future.

I should like to call particular attention to the appendixes to this report. I believe it will be a most valuable reference source for all of us—for our educational institutions, industry, and the public. I am sure each of us will find it a ready source of much information we need when considering mineral and fuel-related problems.

It is my contention that if we are to maintain our high standard of living and our security, Government, industry, and the public must work together to create a climate within this country that will encourage investment in development of our domestic natural resources base. Policies and laws that deter this should be reviewed and redirected, else we shall be in dire straits come the next century.

I hope that in our consideration of future legislation affecting our minerals base we do not take actions which will restrain or discourage mineral development in the United States.

Again, I wish to compliment Secretary Morton, Assistant Secretary Dole, Dr. Osborn of the Bureau of Mines, Dr. McKelvey of the Geological Survey, Deputy Assistant Secretary Harry L. Moffett, and their entire team for the high quality and useful format of this important document.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. FANNIN. Mr. President, President Nixon made an excellent talk last night explaining the situation in South Vietnam and our policy there.

I am deeply gratified to see that President Nixon is holding firmly to the course he has set, that he has not been intimidated by either the military threat or the diplomatic risks abroad, nor by the political rhetoric here at home. There is no question that the vast majority of Americans support the President in his effort to win a just and lasting peace in Southeast Asia and the world, and I believe they understand that peace was never obtained through weakness, nor is it preserved in fear.

It is precisely because the President is willing to do the difficult thing, because he understands the uses and the responsibilities of power, and because he

puts the Nation ahead of political expediency, that I think we are going to obtain that generation of peace he has talked about and worked so hard to achieve.

GENOCIDE: PAKISTAN SUPPRESSION OF BANGLADESH

Mr. PROXMIRE. Mr. President, during the past few weeks several of my colleagues and I have issued statements deploring the violence on the Asian subcontinent. Public attention focused on the brief 2-week-war between India and Pakistan and especially on the early actions of the infant state of Bangladesh. At that time I made statements castigating those Bengalis who brutally retaliated against Pakistani collaborators, in the stadium outside Dacca, and I later criticized the intent of the government of Bangladesh to try captured Pakistanis for war crimes.

These acts are wrong and unjustified. They cannot and should not be condoned. But the 2 short weeks of open warfare overshadowed the 9, long, bloody months of Pakistan's suppression of the East. During that time it is estimated that 3 million Bengalis were slaughtered and many thousands more were forced to flee their homes.

Thirty years separate the atrocities of Nazi Germany and the Asian subcontinent, but the body counts are not so far apart. Those who felt that genocide was a crime of the past had a rude awakening during the Pakistani occupation of Bangladesh. Fortunately that period of carnage is now only an unhappy episode of world history, but it has demonstrated that the international community cannot stand back and hope for peace. We must all accept a certain share of the responsibility for actively supporting that peace and preventing further acts of war and atrocity.

For the United States, assuming our share of the effort means ratifying and supporting the Treaty for the Prevention and Punishment of Genocide. For 24 years we have neglected that humanitarian declaration, but the incidents on the Asian subcontinent make this treaty all the more essential.

PSYCHOLOGY OF MURDER

Mr. KENNEDY. Mr. President, I invite the attention of the Senate to an essay published in Time magazine of April 24, entitled "Psychology of Murder." The presentation offers a clear and chilling account of the tragedies of gun crime. It describes the mystique of guns and our apparent national fascination with homicide.

No account of the concern about violence in this country can afford to ignore the stupendous number of guns in American homes. According to the essay, there are enough civilian owned guns in America—over 115 million—to arm every male between 14 and 65. The easy accessibility to guns is clearly a stimulus to murder. Countries that do not permit their citizens to build up awesome arsenals, the way we do, predictably do

not suffer the senseless bloodletting that we see in this country.

The essay is a telling account of violence and firearms abuse in American society. I ask unanimous consent that the essay be printed in the RECORD.

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

PSYCHOLOGY OF MURDER

For all its sinister drama, the Mafia's bloodletting accounts for only an insignificant fraction of the killings that occur every year in the U.S. The rising toll sometimes seems to validate H. Rap Brown's mordant dictum: "Violence is as American as cherry pie." In 1970 there were 16,000 criminal homicides in the nation—one every 33 minutes. With the carnage mounting—up 8% from the previous year and 76% over the decade—the U.S. is maintaining its long-held, unhappy distinction of leading advanced Western nations in the rate at which its citizens destroy one another. Philadelphia, for example, with a population of 2,000,000, has the same number of homicides annually as all of England, Scotland and Wales (pop. 54 million).

This murderous pre-eminence, fostered by the nation's longstanding habit of violence, occurs against a background of street crime, political assassination and an almost obsessive violence in movies and television. It has led many behavioral scientists to begin talking about a national "crisis of violence." In the U.S., warns Psychiatrist Thomas Bitter, "violence is practiced as if it was productive." It may have been so far the Stone Age hunter of mammoths, but in the era of H-bombs it is not only non-productive but distinctly suicidal. Man has become so dangerous to himself that his continued existence has been called into doubt.

Saul Bellow's Mr. Sammler reflected gloomily that killing is "one of the luxuries. No wonder that princes had so long reserved the right to murder with impunity." Yet there has always been a democracy of homicide. Ever since Cain slew Abel, murder has been a classless crime. The East Harlem father who hurls his children from the roof is paralleled across the Hudson in the affluent New Jersey suburbs: a Westfield insurance salesman named John List was indicted last winter on a charge of shooting his wife, mother and three children arranging four of the bodies side by side in his mansion's empty ballroom.

Although murder is part of the fabric of history, it has assumed an alarming quality in America today. It is a new truism that violence has become what sex used to be, the object of morbid fascination. A sort of blind Mansonism hangs in the air—an incomprehensible glorification of death and destruction.

However common it has become, murder is still the crime committed by others: men and women dissociate themselves from murders by assuming that all killers are psychotic. But most are not. Psychiatrists do not know precisely how those who have killed are different from those who have not. In contrast to the Mafia's business killing, for example, murder among laymen is generally a very personal matter. In three out of four cases, the murderer and victim know each other; in one out of four, they are related by blood or marriage. An estimated five out of six killers are men, and 60% of murders are blacks—as are 55% of victims. In 1970, 43% of the suspects arrested for homicide were under 25; 10% were younger than 18. Nearly half (45%) of all killings occurred in the South, which has about 30% of the nation's population. But the murder rate was highest in big cities: 17.5 murders for every 100,000 inhabitants, compared with 6.4 in rural areas and only 3.8 in the suburbs.

The sheer availability of firearms is undoubtedly a stimulus to murder. There are perhaps 115 million privately owned guns in the U.S. almost one for every male between 14 and 65. Indeed, guns are used in 65% of all U.S. killings. Twenty percent of the victims are dispatched by knife, while poison is rarely used. In Manhattan, there have been two recent cases of murder by bow and arrow, and some years ago another New Yorker attempted murder by rattlesnake. As Princess Sita observed in *Ramayana*, the ancient Indian epic of nonviolence: "The very bearing of weapons changeth the mind of those that carry them."

Most nonprofessional killings are impulsive—done in a flash of anger triggered by a minor insult or a quarrel over money, love or sex. Many are committed by people who, Sociologist Stuart Palmer says, "tend to be overconforming most of the time"—which may help to explain their extreme violence when their rebellious impulses finally break out. Often the killer does not intend to kill, in at least 20% of the cases, he is acting in self-defense.

Sometimes murder can be indirect, an act that Psychoanalyst Joost Meerloo calls psychic homicide: consciously or unconsciously, the murderer pushes someone into suicide. Meerloo cites an engineer who had struggled "all his life with a harsh, domineering and alcoholic father." On a final visit, he took along a bottle of barbiturates, suggesting that they could "cure" his father's addiction. In combination with alcohol, the prescription was fatal.

The impulse to murder seems to be universal, but the reasons that men and women yield to it are as varied and mysterious as human history. To most psychiatrists, murder usually implies a defect in the killer's ego. Sometimes, of course, the motive appears to be nothing more complicated than the desire for material gain. In family murders, a frequent motive is the killer's conviction that no one, not even his wife, understands him. Says Psychiatrist Frederick Melges: "He may expect empathy without communicating his feelings. Paradoxically, attempts at communication may lead to the discovery that the partner does not understand." If that happens, he may feel embittered, deserted and alone, and may strike out in sudden rage at the thwarting of his expectations. A number of criminals, Psychiatrist George Solomon believes, "feel that the only attention they can evoke is punishment," and for them "murder may be a way to be killed." Long before being convicted of murdering his landlady, whom he liked, a New York sculptor named Robert Irwin told a psychiatrist: "I was going to kill somebody so that I would be hung."

Even this crime is less terrifying than what Poet Robert Penn Warren calls "blank, anonymous murder," the motiveless, gratuitous atrocity. In Warren's words: "An old man on a park bench reading his papers, smoking his morning cigar, is dead suddenly because some kid decided to kill him." These days, says Theodore Solotaroff, editor of *New American Review*, "a kind of anarchic murder is in the air."

Anarchic murder is not new. It occurred during the European plague epidemics of the 16th century, when hooligans plundered at will, sometimes cutting the throats of the sick. It was common during the Thirty Years War in the 17th century, when troops ravaged the countryside indiscriminately. New or old, wanton slaughter recalls the question posed by Nietzsche's red judge: "Why did this criminal murder?" Nietzsche's reply: "His soul wanted blood; he thirsted after the bliss of the knife."

Not many contemporary thinkers would accept this view of man as essentially savage. True, Freud once believed that human beings are born with an aggressive instinct and that

"the aim of all life is death," but he later abandoned the idea. Currently, Ethologist Konrad Lorenz insists that aggression and violence are inevitable because they were bred into man by natural selection during prehistoric times. But there is widespread disagreement with this theory. Psychiatrist Fredric Wertham, for example, considers the Lorenz view "nonsense," calling it "not explanation but rationalization."

Frustration frequently touches off aggressive behavior. It can take many forms, and often arises from a feeling of physical, social or intellectual inferiority. It can also result from physical and psychological brutality inflicted during childhood. Describing one parental attack, a mother told Sociologist Palmer, "I thought the boy was done for. His father knocked him from one end of the house to another like a man gone insane." Observes Palmer: "Perhaps it was coincidence, perhaps it was not. But when he was 24, that same boy beat to death a man 30 years older than himself."

Sometimes the frustration that fires aggression is highly impersonal. Yale Psychoanalyst Robert Jay Lifton links at least some violence to general frustration, anger and anxiety over countless "little deaths"—the failure of national morality, the breakdown of family life and feelings of alienation in a mobile population. Boredom, too, drives people to look for meaning in nihilistic violence, to accept the philosophy "I kill, therefore I am."

Most behavioral scientists believe that aggressive behavior is learned, often by observation, and some are convinced that violence on TV fosters violent behavior in both children and adults. Along with eleven other researchers who carried out studies for the U.S. Surgeon General, Psychologist Robert Liebert asserts that, for healthy as well as disturbed children, "a clear and important link has been shown between TV violence and aggressive behavior." As for the theory that watching TV violence drains off the viewer's own savage impulses, Political Scientist Ithiel de Sola Pool maintains that "if there is any kind of cathartic effect, it is swamped by the incitement effect." A few experts consider the TV-violence controversy something of a red herring. "Even if we did away with all the violence on TV we would have solved nothing," says Psychoanalyst Ner Littner. "There is no such thing as a single simple cause or a single simple solution. Searching for scapegoats allows us to avoid facing the problem of why we are violent, and also postpones the solution."

In the opinion of many behavioral scientists, historians and philosophers, the Viet Nam War, more than any previous conflict, has helped to foster violence at home. One evidence of the war's impact is indicated by a recent national survey of attitudes toward the Calley case. According to Harvard Psychologist Herbert Kelman, many Americans regard Lieut. Calley's behavior at My Lai as normal. That suggests, Kelman concludes, that an alarmingly large segment of the population might be willing to employ extreme violence if ordered to do so.

Even more ominous is the trend toward the philosophical and artistic glorification of violence and death. Following Sartre, many young people believe that "violence is man re-creating himself," and that savagery is a kind of purifying force bearing, as Historian Richard Hofstadter puts it "the promise of redemption." Murder has always been a central theme in the arts. There were killings (off-stage) in the Greek theater. The Shakespearean stage was often littered with bodies by the fifth act. As early as the 19th century, American writers like Melville and Poe were beginning to show what Historian David Davis had called "undisguised sympathy for sublime murders and amoral supermen moved by demonic urges." That sym-

pathy seems to have deepened recently, especially among movie directors. Arthur Schlesinger Jr. speaks of "a pornography of violence," and Critic Pauline Kael complains that "at the movies, they are desensitizing us." She objects to a film like *Straw Dogs* because it equates violence and masculinity. Few psychiatrists would argue with her. Nor would they disagree with critics who object that filmed violence has become the ultimate trip, the stimulus for mind-blowing sensations wilder than any induced by LSD.

Some behavioral scientists, philosophers and aestheticists believe that violence in the arts is not bad *per se* and that it may in fact, be the best means of inspiring a horror of violence. Brutality in films, asserts Robert Lifton, "can illuminate and teach us about our relationship to violence." *The Godfather*, he believes, provides that kind of illumination by brilliantly contrasting the Coreleone family's sunny private life and its brutally dark professional life. Critic Robert Hatch rejects that view, calling the movie a "chronicle of corruption, savage death and malignant sentimentality" that wreaks harm by forcing the viewer "to take sides in a situation that is totally without moral substance." It was chilling, he says, "to hear an audience roar its approval when a young gangster on 'our' side blew the brains out of two gangsters on 'their' side."

That easy empathy with cinema slayings, together with a growing tolerance of real-life brutality, suggests a dismaying conclusion: beneath the surface, Americans may be less alarmed by murder—and more attracted to it—than they care to admit. Just as an individual must become aware of his problems before they can be solved, the nation, too, will have to acknowledge its unhealthy fascination with murder as the first step toward coming to terms with it.

THE NEW JOURNALISM

Mr. ALLOTT. Mr. President, last weekend the Public Affairs Conference Center at Kenyon College in Gambier, Ohio, was the scene of a 4-day conference on "The Mass Media and Modern Democracy."

Among the important papers delivered at this conference was Mr. Robert D. Novak's "The New Journalism."

It is Mr. Novak's contention that in recent years "a rigid conformity has emerged among the Washington press corps." This conformity has encompassed a constantly shifting but always definable catechism of liberal doctrines. This catechism has been inflicted on the public with all the considerable energy at the command of those who favor "advocacy journalism." This is the journalism of those who think that the journalist's job is not to understand the world but rather to change the world.

I ask unanimous consent that Mr. Novak's essay be printed in the RECORD.

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

THE NEW JOURNALISM

(By Robert D. Novak)

On July 14, 1964, at the Republican National Convention in San Francisco, General Dwight D. Eisenhower roused the drowsy delegates when he read this line from the speech written for him: "Let us . . . scorn the divisive efforts of those outside our family, including sensation-seeking columnists and commentators, who couldn't care less about the good of our party." Neither General Eisenhower nor the thousands of

journalists covering the convention were quite prepared for the reaction. Delegates rose in their seats with an angry roar, shaking their fists at the glass-enclosed booths containing Huntley and Brinkley, Walter Cronkite and the other famous television journalists. In the tumult, it seemed as though the delegates, who a few nights later would nominate Barry Goldwater for President, were about to storm the broadcast booths.

The incident revealed dramatically an animosity toward journalism by conservatives that had been building for years. In that 1964 campaign and in the years to come, press buses following candidates would encounter jeers and shaking fists time and again. The most intense reaction came from active conservative political workers but was by no means limited to them. Across the land, the journalist, and particularly the television journalist, was distrusted and disliked by the ordinary citizen, who may or may not have considered himself a conservative but surely did not embrace the programs and policies of the liberal establishment.

This deepening change in mass attitudes toward the communications media, in turn, reflected a gradual transformation in the media through the 1960s and into the 1970s. The change was not dramatic transformation but an acceleration of trends begun some twenty-five years earlier. It consisted basically of two developments. First, the journalist working for the television networks, the big news magazines and the important metropolitan press had now become part of the liberal establishment, both in his manner of living and in his ideological commitment. Second, in a later and less fully developed trend, these journalists were increasingly advocating causes of the moment rather than functioning as neutral observers. Taken together, the developments widened the gap between the mass media and the great mass of citizens, a gap that can only result in diminished credibility by the media and, therefore, the inadequate fulfillment of the necessary function by the press in a democratic society.

II

In *Commentary* of March, 1971, Daniel P. Moynihan wrote:

"One's impression is that twenty years and more ago, the preponderance of the 'working press' (as it liked to call itself) was surprisingly close in origins and attitudes to working people generally. They were not Ivy Leaguers. They now are or soon will be. Journalism has become, if not an elite profession, a profession attractive to elites. This is noticeably so in Washington where the upper reaches of journalism constitute one of the most important enduring social elites of the city, with all the accoutrements one associates with a leisured class. (The Washington press corps is not leisured at all, but the style is that of men and women who choose to work.)"

Moynihan's article generated a storm of angry rebuttal from Washington journalists. In fact, Moynihan had missed the mark in the details of his formulation. As Martin F. Nolan pointed out in the *Boston Globe*, the press corps contained more alumni of Boston College and the University of Illinois than of Harvard and Yale. Only a tiny fraction of them move easily in the upper social circles of Washington. Even a tinier fraction possess independent financial means. They work because they must, not because they choose to.

But having pointed out these misperceptions, it must be said that Moynihan is basically on the track. The Washington press corps had changed. The employees of the networks, news magazines and important daily newspapers did now have a more prestigious position in the society, higher than that of their counterparts in any other Western capital. After years of shamefully poor pay scales,

they are now receiving salaries at least commensurate with those paid by the Federal Government.

Partly because of this and partly separate from it, the press corps has been ideologized into a part of the liberal establishment. More and more, the members of the Washington press share in total the world view taken by the dominant liberals who control the Democratic Party. More and more, they share axioms that profoundly influence their coverage of day-to-day events in the worlds of politics and government.

What follows is a list, by no means complete, of axioms shared by the Washington press corps of 1972:

Axiom No. 1: The Vietnam war has been a shameful, immoral episode in American history, which blackens the good name of this Republic. Consequently, the anti-communism which as a policy led to involvement in Vietnam should be subuded and, ultimately, abandoned.

Axiom No. 2: The military-industrial complex is a sinister conspiracy, robbing the nation of its wealth and imperiling its future. To cut defense spending, therefore, is a laudable goal no matter what the international realities.

Axiom No. 3: Severe measures must be taken to prevent the despoiling of the nation's natural resources by pollution industrial and otherwise. If these stentorian measures result in unemployment, that will be unfortunate; but protection of the environment must take precedence.

Axiom No. 4: White racism, as defined by the Kerner Commission report in 1968, is a cancer that must be removed from the American body. That goal must take precedence over any personal inconveniences caused by such devices as forced busing for the racial integration of schools.

Axiom No. 5: The forces of repression in modern America threaten our liberties, a neo-fascist danger becoming a sinister reality under President Nixon and Attorney General Mitchell.

Axiom No. 6: A reordering of priorities is essential and past due so that great quantities of Federal funds can be funneled into the cities for social rebuilding purposes. That a substantial increase in Government spending would result in at least some improvement is scarcely debatable.

Axiom No. 7: A redistribution of wealth in the country is similarly overdue through a realignment of the tax system and a general overhaul in fiscal policy.

The list of axioms is flexible. A year earlier, it surely would have included a belief in the transcendent wisdom of youth, now undermined by the present quiescence on the campus. Whatever the lost contains, it is a considerable amount of ideological baggage for a journalist to be carrying. In short, he is approaching the political and governmental developments he is covering with a set of axiomatic beliefs identical to those held by some political figures and wholly antithetical to others.

These axioms exert a pervasive influence over journalistic coverage. Senator Henry M. Jackson violates so many axioms—the Vietnam war, the military-industrial complex, white racism, the ecology—that no matter what his competence or his own professions of liberalism, he can scarcely be taken seriously. Mayor John V. Lindsay, on the other hand, is so closely in conformity with these axioms that he must be taken seriously, notwithstanding suspicions about his depth or administrative efficiency.

On a broader basis, issues are viewed by the press corps in relation to these axioms. Inasmuch as President Nixon did not write off the Vietnam war as shameful and immoral, his Vietnamization policy is indefensible. In any controversy between environmentalists and industrialists, the environmentalists must be given every benefit of the doubt.

The specter of white racism casts its shadow on a vast number of public questions, granting the indisputable benefit of any doubt in behalf of spending programs for the cities or any scheme of racial integration.

To be sure, there are many journalists on the Washington scene who do not share these axiomatic beliefs. But increasingly, a rigid conformity has emerged among the Washington press corps. That reflects in part the conformity in the colleges producing the new journalists. But beyond this, the young journalist who violates these axioms can scarcely expect a rapid rise up the ladder of advancement. A young television network correspondent who reporting reveals a lack of sympathy for environmental protection or racial integration or a reordering of priorities will soon find himself in some professional difficulty with his superiors.

Moreover, the Washington press corps exerts peer group pressure as will any other group. When Washington journalists gather among themselves socially as often they do, there is a startling consensus on the basic perceptions. There may be a difference of opinion on the relative merits of politicians or programs but seldom is there debate about goals or broad principles.

The result is a gap of widening proportions between the national journalist and the mass of Americans, paralleling a gap between liberal politicians and the masses, specifically the white workingman. Whereas the national journalist feels Vietnam is immoral and shameful, the white workingman is angered by the failure to win it. Whereas the national journalist condemns President Nixon's efforts to restrict school busing as demagogic, the white workingman feels a sense of outrage and futility over the whole busing process. Whereas the national journalist is basically convinced that the solution of our national problems lies in the area of governmental spending, the white workingman is disillusioned with the effectiveness of government.

There is, further, a vast difference in the instinctive reaction of the journalists and the white workingman. An example: On March 14, 1972, badly beaten by Governor George Wallace in the Florida Presidential Primary, Senator Edmund Muskie went on national television to denounce Wallace and those who had voted for him. Walter Cronkite, on CBS, immediately commented on the courage and eloquence of Muskie's statement. But polling data shows that a vast majority felt Muskie's statement was graceless and ill-tempered, an attack on the wisdom of the voters of Florida.

The gap between the national journalists and the mass of voters is so basic in its reaction toward life that it can scarcely be bridged. Furthermore, it transcends questions of the journalist's individual background. It really makes no difference whether his school is Ivy League or land grant college, whether his family background is first family or immigrant, whether he comes from Manhattan or Main Street. The national media is a melting pot where the journalists, regardless of background, are welded into a homogeneous ideological mold joined to the liberal establishment and alienated from the masses of the country.

III

Advocacy is by no means a new element in American journalism. The early 19th Century newspapers were open advocates of a political party with no pretense of objectivity. The muckrakers of the Progressive Era were practitioners of advocacy journalism. Until recently, the great conservative dailies of the Midwest followed the example of the *Chicago Tribune* in brazenly espousing, in news columns and editorial columns alike, an undiluted prairie conservatism.

But until the early 1960s, objectivity was at least the goal, though not always achieved, of journalism and journalists. The concept of

the journalist openly advocating one point of view or another was abhorrent, at least in theory, throughout the profession. Even today, many journalists who fully subscribe to the axioms outlined above at least give lip service to the concept that these beliefs should not intrude upon the way they report on the news.

The new advocacy journalism became evident in the early 1960s and has been rising steeply since 1970. It is centered among a new generation of journalists who view objectivity in a wholly different light than their senior colleagues and are themselves a reflection of the turbulent 1960s on the college campus.

Sharing the campus consensus, they see the American system as basically corrupt, in need of drastic and immediate revision. It must be changed root and branch; simple reform alone will not do at all. To accomplish this, the young graduate has several options to follow. He may seek a post somewhere in government. He may seek to enter directly into the political process, as a campaign worker. He may join one of the new activist organizations, such as Common Cause or Nader's Raiders. He may join a public interest law firm or a law firm that permits its employees to take time off for public interest work. If wholly despairing of the system, he may seek to promote the revolution as a demonstrator or through an underground organization, though these courses have now become less fashionable.

Or, he may become a journalist. The rise in social status and remuneration of journalism described earlier makes this a more attractive option than would have been the case even a decade ago. But the young activist fresh from the campus enters journalism not solely to seek fame, fortune and adventure as did his predecessors, but to redress the ills of the Republic.

The journalist as advocate makes no pretense at objectivity. He is the avowed enemy of the industrial polluters, and his writing is intended to flay them, not to merely describe and analyze. In any coverage of the Nixon Administration's prosecution and persecution of dissenters, the journalist advocate intends to actively help the cause of the dissenter and stay the repressive hand of the Administration. An advocate-correspondent covering the Pentagon must as his first priority seek out the waste and inefficiency that will discredit the military-industrial complex.

The middle-aged news executives encountering these advocates are appalled by their unconcern with objectivity and resist it. But they may well be fighting a losing battle. In the nationally important media of communications, the shared axioms between the executives and the new advocate journalists make the argument strictly one of objectivity or non-objectivity. Furthermore, the new journalist is fresh from the turmoil of the campus, knowledgeable in skills of organization for dissent. In the news rooms of the great metropolitan newspapers, the executives are encountering young journalists organizing and mobilizing to influence the editorial policies of the newspaper. Far less certain of themselves, the executives can scarcely resist the temptation to retreat.

The full impact of the new generation of journalists is yet to be experienced. But even now, advocacy journalism can be detected in newspapers of national importance. For example, thorough coverage by the Washington Post of the hunger controversy in 1969-70 did not disguise the reporter's obvious belief that Senator McGovern was correct and his opponents incorrect in their assessment of the seriousness of the problem. The Post's accounts left no doubt as to its sympathies in the question; in the news stories, it was implicitly advocating greater expenditures for food distribution to the poor. Again, the ac-

counts of both the Washington Post and New York Times of the recurrent difficulties of the Nixon Administration in dealing with school desegregation in the South have made no pretense at neutrality. Advocacy for vigorous school desegregation and against any compromise is undisguised.

Advocacy journalism also has accelerated in the abbreviated news reports of network television, reaching an audience so much larger than that of the newspapers and news magazines. The coverage by CBS of social welfare legislation during the Nixon Administration, reflecting superb reportage, is unmistakably on the side of vigorous racial integration in the schools, a considerably larger Federal stipend to welfare recipients and a substantial Federal role generally in the solution of social problems. The widely supposed fear cast in the hearts of the network executives by Vice-President Agnew's invective had no apparent effect on this brand of advocacy journalism.

All three networks in their reporting of the school busing controversy have played the role of advocate. By implication, busing is defended as necessary, however unpleasant it might be, whereas the foes of busing are interested wholly in political advantage and catering to popular passions.

After President Nixon addressed the nation with new anti-busing proposals, the immediate analysis over CBS was revealing. One correspondent, not a lawyer and with no access to expert legal opinion at that moment, asserted flatly that the President's proposal was unconstitutional by resorting to the old separate but equal doctrine declared unconstitutional by the Supreme Court in 1954. Disapproval of what Nixon had done was imprinted in his and his colleagues' brief remarks.

All these examples of advocacy journalism, implicit and indirect, involve mature journalists raised in a tradition of objectivity and balance. Their advocacy quite probably is not a conscious design but rather an intrusion on their intentions of objectivity caused by the depth of their adherence to the axioms listed earlier. The sea change in journalism will come if and when the new generation of avowed advocates is ascendant, unencumbered by any obsolete notions of objectivity and balance.

Why not? That is the question posed by the young journalists. Why should a strait-jacket hinder their ability to right the wrongs of a corrupt and failed society? And in such a society, what is wrong with advocacy? Indeed, is it not the older generation of journalists who failed to condemn the evils in our land who should be condemned?

Certainly, there is no dishonor to the advocate. He is welcomed in many fields: politics, government, the law, social work, education. Advocacy is an integral part of journalism as well. The editorial writer, the columnist, the writer for journals of opinion all must be advocates by definition.

It is the reporter of news, either in the electronic or printed media, who is subject to heated controversy over advocacy journalism. It is in the news columns and on the news broadcasts that the new journalists want to carry on their advocacy.

But to do so subverts the function of the press in informing the citizenry of a Democratic Society. If the evening news telecast and the morning newspaper are advocating positions and policies, how can they be relied upon to report accurately on the news? The problem is aggravated significantly if the advocacy is based on axiomatic beliefs foreign to the mass of citizens. If the vast majority of citizens are clearly opposed to school busing and the national communications media are advocates of school busing, the credibility of the media on this and other questions is eroded and with it the media's ability to fulfill its vital function.

IV

On March 31, 1972, regular North Vietnamese divisions poured across the Demilitarized Zone into South Vietnam to begin three years of relative quiescence in the endless Indochinese War. The reaction by the most prestigious national communications media was remarkable, in keeping with the coverage of the war that had developed over the years.

On April 4, the banner headline of the New York Times declared: "U.S. Says Hanoi Open." The quotations around "invaded" derived from the lead paragraph of a Washington dispatch: "The United States accused Hanoi today of launching an 'invasion' of South Vietnam and said Washington was leaving open all retaliatory options—including renewed American bombing of North Vietnam." Implicitly, the "invasion" was a figment of the imagination of the U.S. Government, not the natural description of massive artillery bombardment preceding columns of armor and infantry pouring down across the border.

That same morning, in the Washington Post, a dispatch from Danang began: "Hanoi's offensive in the northernmost section of South Vietnam means that the Saigon government's stumbling pacification program in that bloody battleground has taken a bad fall." Pacification in Vietnam generally is measured in terms of government control in heavily populated areas, and the North Vietnamese offensive by April 3 had occupied mostly wilderness with a relatively small outflow of refugees. On the basis of that small amount of evidence, the dispatch implied a major defeat in the critical struggle for the countryside. The headline: A Setback for the Pacification Program.

That evening on the three national television networks, a picture of impending doom in the northern provinces of South Vietnam was painted, the South Vietnamese Army in full retreat as it ran from the enemy legions. Flashed on the screen were pictures of hapless South Vietnamese soldiers, who having lost or thrown away their weapons, joined the stream of refugees fleeing from the front line. The televised reports gave the unmistakable impression that the end was near, military collapse at hand. From watching them, no television viewer could have guessed that in a few more days the northern front would be stabilized at a point not much further south than the line of April 4.

These accounts of the early days of the 1972 Communist offensive reflect dominant themes in coverage of the war by the national media that first appeared years before: A disinclination to put the North Vietnamese in the clear aggressor's role (as in the use of quotation marks around "invaded"); a quick trigger in proclaiming the failure of American-managed programs in Vietnam, such as pacification; an inclination to assume the worst in any military confrontation between North Vietnamese and South Vietnamese.

These dominant themes are part of a general pattern of reportage on Vietnam by the national media, encapsulating more than any single other issue the trends discussed earlier in this paper. The view of the Vietnam war given the American public by the national media is shaped by the axiom on Vietnam commonly held by the vast majority of the news correspondents who cover or have covered the scene.

There are practical reasons for much of this. The young journalists who won a name for themselves by critical reporting of the Vietnam war a decade ago—David Halberstam, Neil Sheehan and Malcolm Browne—pointed the way to the young men subsequently assigned there; surely, the Pulitzer Prize does not await he who is positive in reporting the war.

Beyond the practical lies the ideological

Both the correspondents in Saigon and their editors back in Washington and New York share, in overwhelming numbers, axiomatic beliefs about the war. The correspondent, consciously or not, tends to look at the worst side of things. The editor, consciously or not, tends to select news that is negative.

An example occurred last autumn when a CBS correspondent, an excellent reporter with previous Vietnamese experience, visited Binh Dinh Province, the worst hotbed of Communist insurgency in South Vietnam. In absolute terms, the situation in Binh Dinh was dreadful; in relative terms, however, it was much better than it had been only six months past, thanks to an accelerated pacification campaign. The treatment given by the CBS correspondent was that, despite the new campaign, pacification was far off in Binh Dinh. He described the glass of water as half empty rather than half full. Furthermore, the introduction to his account by the network anchorman was to the effect that nothing ever changes for the better in Vietnam.

Both the correspondent and the anchorman in question are known critics of the present war policy, a view which may well have cast a long shadow on their treatment of the Binh Dinh story. But there is another dimension to the problem. Assume the correspondent, inhibiting his own beliefs, approached the story from the standpoint of limited progress being made in Binh Dinh. There is serious doubt that this would have made the evening network news, ostensibly on grounds that the story lacked bite and viewer interest. Here too, however, the beliefs of the editors come into play, though perhaps subconsciously.

The problem can be framed in this pattern, which fits the experience of several young correspondents assigned to Vietnam. Arriving from the United States, the neophyte is prejudiced against the war and looking for the worst. But as he digs into the problem, he discovers new elements of hope and accomplishment that surprise him and, he believes, deserve being reported. The dispatches he writes on these subjects are then relegated to the back pages of a back section of his newspaper. It is the stories of despair and failure that receive front page treatment. This is in the ancient journalistic tradition that man-bites-dog is news whereas dog-bites-man is not. But it also conforms to deeply felt beliefs about Vietnam within the media. The fact that the negative stories also conform to the correspondent's personal beliefs about the war makes it easier for him to write the negative stories that please his superiors and win him advancement.

All of the above concerns, more or less, *subconscious* tailoring of Vietnamese reportage to anti-war beliefs. There is, in addition, *conscious* emphasis on the negative by correspondents in Vietnam who believe in advocacy journalism and practice it, either clandestinely or openly. Most of these are free-lancers, but some correspondents for national media view their mission as one of undermining U.S. policy in Indochina.

To them, this is the highest form of patriotism. Many are not many years away from the college campus, where U.S. intervention in the Vietnam war was universally perceived as an abominable moral outrage. To be assigned to Vietnam is for them to be given a rare opportunity at advocacy. This is the highest form of patriotism; to retreat to obsolete standards of objectivity would be unthinkable.

The most famous of the journalist-advocates in Vietnam has been Seymour Hersh, winner of the Pulitzer Prize for his exposure of the My Lai massacre. In interviews, Hersh has made no secret of the fact that his avowed purpose in Vietnam is to discredit the U.S. effort there. Obviously, to balance the atrocity at My Lai against Communist

atrocities at Hue and elsewhere in the 1968 Tet offensive would not be to his purpose.

Just how many correspondents in Vietnam share Hersh's goals but are less candid about it is impossible to say.

On the surface, it would seem that the new journalism has profoundly affected public opinion on Vietnam. Widespread support for the war in 1965 has gradually changed to widespread opposition. Seldom has the public change in viewpoint been so complete on a major issue in so short a period of time. It would seem that, on this issue at least, the mass media and the masses are together.

But how much the media really converted the masses on Vietnam is debatable. The national media's opposition to U.S. policy, mirroring the attitudes of the peace movement, is that it is ineffective, unwise and immoral; the masses have accepted only that it is ineffective. The national journalists have argued it was indecent of the U.S. to have been in Vietnam; the masses have come to the conclusion that our one and only sin was not winning. The gap between the masses and the media over the underlying moral basis of Vietnam persists.

It may be said that the media played a major role in pushing the masses to the conclusion that the war was unwinnable. That judgment was surely formed by years of televised news from Vietnam putting the military situation in the blackest of terms. Certainly, the great turning point in American public opinion on the war was the great Communist Tet offensive of 1968, where the national media failed badly in reporting the magnitude of the Communist military defeat.

At this writing, a national inquest into who is to blame for Vietnam seems unlikely. But in any such inquest, the media would be sharply attacked for its role and a demagogic politician, following Vice-President Agnew's success, might well whip up a torrent of public hysteria. The potential exists because of the gap between the masses and the media on Vietnam and the lack of restraint by the masses in either consciously or subconsciously shaping the news of the war to fit its own axioms.

On most controversial events of the last decade, the gap between mass media and the masses has been even more obvious than in the case of Vietnam. On no point was the gap more noticeable than in the coverage of the disturbances at the 1968 Democratic National Convention in Chicago by the national journalists, particularly the television networks.

The televised accounts gave the unmistakable picture of a police riot against unresisting young protesters. But polling data shows a wholly different picture perceived by the masses, who felt the networks were distorting an anti-police provocation by organized radicals. So intense was the disbelief by the masses that even indisputable excesses by the police visually portrayed on television were doubted by viewers.

Though the truth of the situation rested somewhere between the version of the media and the perception of the masses and probably closer to the media version, the consensus of disbelief showed a rugged resistance by the television viewer against being forced into new patterns of belief.

On a less violent level is the gap on the school busing question. Television coverage that tends to defend busing has had no effect whatever in diminishing mass abhorrence against the practice. The public believes that busing is irrational, ineffective and against its interests. Television commentators cannot convince it otherwise.

But even if the impact of the national media is limited in transforming public opinion, the effort is not without significance. As the gap widens between the public and the media, so does the media's credibility decline. The media must play a role as watchdog critic in a free society but scarcely can do it

effectively if it lacks credibility. If separated from the masses and disbelieved by them, the media is vulnerable constantly to political attack, which could ultimately result in a shrinking of freedom.

An easy corrective is not at hand. Any governmental or quasi-governmental agency to police the press is unconstitutional and unthinkable, the corrective being worse than the malady. Self policing by press boards probably would reflect existing views of the media, which constitute the heart of the problem. Informal watchdogs over the press, such as the journalism reviews around the country, are so dominated by advocates of advocacy journalism that they denigrate examples of objectivity and balance.

The return of the media to a goal of objectivity, balance and nonadvocacy, though difficult to blueprint, is nevertheless essential. Without progress toward this end, the communications media cannot be free from growing fears and dangers in the years to come.

NORTH DAKOTA POLL

MR. PACKWOOD. Mr. President, in a poll taken by the distinguished senior Senator from North Dakota (Mr. YOUNG), some interesting results have appeared to which I invite the attention of all Senators. More than 10,000 North Dakotans responded to Senator Young's request for comments on some of the most important and controversial issues facing us today.

As we look toward action on permanent transportation strike legislation, and toward a June 1 deadline for two more potentially devastating railroad shutdowns, I wish, especially, to draw the attention of the Senate to question No. 14 in the poll. It reads as follows:

14. Do you think Congress should enact permanent legislation which would provide compulsory federal arbitration to end serious transportation strikes, such as the dock strikes, when agreement appears impossible through voluntary arbitration?

The answer to this question was overwhelmingly "Yes." Ninety-three percent of all responses indicated that they felt such legislation should be enacted, with only 7 percent in disagreement.

Mr. President, this points to a clear message from the public that legislation is badly needed, and needed now.

I ask unanimous consent that the entire poll and results be printed in the RECORD.

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

FROM THE OFFICE OF SENATOR MILTON R. YOUNG

This is the tabulation as of March 14 of the returns from the 70,000 questionnaires I sent out late in February. Returns received after this date will be added to the 11,000 already received. A very high percentage of those returning questionnaires made helpful comments expressing additional views on a wide range of subjects.

Previous similar polls, mailed to every precinct in the state, have quite accurately forecast how North Dakotans voted in the following election.

People identifying themselves as farmers were tabulated separately, as were nonfarmers and students. There was a somewhat higher percentage of returns from farmers than they represent to the total population. Farmers indicated by F; nonfarmers, NF; students, S.

This questionnaire was sent to only 2,000 students, 1,000 each at the University of North Dakota and North Dakota State University. Unfortunately, more were not sent to students and other young people because I didn't have adequate lists. It is interesting to note that the percentage returns from students was as high as those from the other groups. This indicates they have an active interest in issues and politics. They were the only group that showed a preference for any of the Democratic candidates for President—favoring Senator Edward Kennedy over President Nixon. Their views on other questions did not vary greatly from the other groups.

Since President Nixon will undoubtedly be the Republican candidate and the Democrats have many candidates at present, it's possible that when they select their candidate, that candidate's strength in North Dakota could be greater than this poll indicates.

In the following summary, where there was less than a three percent difference in the preferences among groups, only the total tabulation is shown.

1. How would you rate President Nixon's general handling of the war in Vietnam:

[Answers in percent]

GOOD	
Total (4,467)	41
Farmer (2,221)	34
Nonfarmer (2,158)	55
Student (88)	30

FAIR	
Total (4,252)	40
Farmer (2,901)	44
Nonfarmer (1,221)	31
Student (130)	44

UNSATISFACTORY	
Total (2,043)	19
Farmer (1,412)	22
Nonfarmer (552)	14
Student (79)	26

2. Do you believe we should retain a residual military force in Vietnam until all of our prisoners of war are released?

YES	
Total (7,976)	77
Farmer (4,853)	77

Nonfarmer (2,959)	77
Student (164)	59

NO

Total (2,428)	23
Farmer (1,439)	23
Nonstudent (876)	23
Student (113)	41

3. Do you favor the President's welfare reform proposal with its guaranteed annual income?

YES	
Total (2,992)	30
Farmer (1,709)	29
Nonfarmer (1,187)	32
Student (96)	35

NO

Total (6,835)	70
Farmer (4,184)	71
Nonfarmer (2,473)	68
Student (178)	65

4. If a Presidential election were held now and the choice were between the following persons, for which one in each group of two would you vote?

	Total		Farmer		Nonfarmer		Student	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Nixon.....	5,723	67	2,972	60	2,596	77	155	57
Muskie.....	2,835	33	1,951	40	769	23	115	43
Humphrey.....	2,570	31	1,874	40	624	19	72	28
Nixon.....	5,643	69	2,858	60	2,593	81	192	72
Nixon.....	5,826	72	2,987	65	2,684	84	155	60

	Total		Farmer		Nonfarmer		Student	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
McGovern.....	2,230	28	1,625	35	499	16	106	40
Jackson.....	1,584	21	1,131	27	405	13	48	19
Nixon.....	5,929	79	3,090	73	2,636	87	203	81
Nixon.....	5,691	71	2,967	65	2,595	82	129	49
Kennedy.....	2,289	29	1,573	35	584	18	132	51

5. Which Farm Price Support Program do you like best?

a. The present program (which was in effect last year).

b. The program in effect the previous five years.

[Answers in percent]

a. Total (4,335)	51
Farmer (2,951)	52
Nonfarmer (1,304)	50
Student (80)	42

b. Total (4,109)	49
Farmer (2,695)	48
Nonfarmer (1,303)	50
Student (111)	58

6. Do you believe that price supports under the present program for wheat and feed grains should be increased?

YES Total (8,606)	84
Farmer (5,844)	90
Nonfarmer (2,581)	75
Student (181)	76

NO Total (1,589)	16
Farmer (665)	10
Nonfarmer (867)	25
Student (57)	24

7. Do you approve of the Nixon Administration's farm policies?

YES Total (2,983)	32
Farmer (1,672)	28
Nonfarmer (1,262)	40
Student (49)	22

NO Total (6,369)	68
Farmer (4,330)	72
Nonfarmer (1,870)	60
Student (169)	78

8. Do you favor President Nixon's proposal to abolish the draft and replace it with an all-volunteer armed force?

YES Total (7,437)	72
Farmer (4,598)	74
Nonfarmer (2,644)	70
Student (195)	82

NO Total (2,844)	28
Farmer (1,660)	26
Nonfarmer (1,143)	30
Student (41)	18

9. How would you rate President Nixon's foreign policy decisions?

GOOD:

Total (3,759)	35
Farmer (1,813)	28
Nonfarmer (1,854)	48
Student (92)	31

FAIR:	
Total (5,432)	51
Farmer (3,643)	57
Nonfarmer (1,630)	42
Student (159)	57

UNSATISFACTORY:	
Total (1,417)	13
Farmer (989)	15
Nonfarmer (394)	10
Student (34)	12

10. Do you approve of President Nixon's trip to:

[Answers in percent]

a. Communist China	
YES	
Total (9,117)	86
Farmer (5,323)	83
Nonfarmer (3,525)	90
Student (269)	92

NO	
Total (1,517)	14
Farmer (1,102)	17
Nonfarmer (393)	10
Student (22)	8

b. Russia	
YES	
Total (8,414)	83
Farmer (4,888)	80
Nonfarmer (3,265)	87
Student (261)	92

NO	
Total (1,715)	17
Farmer (1,223)	20
Nonfarmer (469)	13
Student (23)	8

11. Do you favor trade in both agricultural and industrial goods with Communist China?

YES: (8,871)	85
NO: (1,540)	15

12. Do you favor increased trade in industrial and farm goods with Russia and satellite nations?

YES: (8,604)	83
NO: (1,719)	17

13. How do you believe the President's Phase II wage and price stabilization controls are working?

GOOD	
Total (841)	8
Farmer (375)	6
Nonfarmer (442)	11
Student (24)	8

FAIR	
Total (5,307)	50
Farmer (3,065)	48
Nonfarmer (2,080)	54
Student (162)	57

UNSATISFACTORY	
Total (4,373)	42
Farmer (2,941)	46
Nonfarmer (1,333)	35
Student (99)	35

14. Do you think Congress should enact permanent legislation which would provide compulsory Federal arbitration to end serious transportation strikes, such as the dock strikes, when agreement appears impossible through voluntary arbitration?

YES: (10,013)	93
NO: (702)	7

COMMENDATION OF CITIZEN EXCHANGE CORPS

Mr. GRAVEL. Mr. President, I should like to formally commend the Citizen Exchange Corps for its sustained service in bringing about greater understanding between the U.S.S.R. and ourselves. Theirs is a citizen-to-citizen counterpart program involving visits to the Soviet Union and private meetings with persons there who have similar interests to visiting Americans. Historically, the Soviets have

reciprocated and the Citizen Exchange Corps has done an extensive job of hosting visiting Russians in a nonofficial effective fashion. In short it has great credibility on both sides and its contacts with Soviet citizens are probably wider than any other groups, private, or public.

With this record behind it and the likelihood of holding a "World Congress" in Moscow during 1973 on the subject of international education and private citizen exchanges the CEC has launched yet another effort—a "China Corps." Similarly, the idea here is to promote private exchange visits between citizens of the People's Republic of China and our own citizens in the interest of peaceful coexistence and increased understanding. Accordingly, CEC has "enrolled" hundreds of interested U.S. citizens who would travel to China when that becomes possible. As is the case of CEC visitors to the U.S.S.R., these persons will be nonpolitical persons from all walks of life but will include interpreters and professors who will work in cooperation with their host country counterparts to arrange lectures, discussions and counterpart visits to homes, education institutions, industries, and the like.

The idea is a good one—and, like most good ideas, deceptively simple. As a longtime advocate of normalizing relations between the United States and the People's Republic, I applaud the new CEC initiative and wish them well in this enterprise.

CRISIS IN NUCLEAR FISSION: A HARD WAY TO BOIL WATER

Mr. GRAVEL. Mr. President, according to the Atomic Industrial Forum:

As of the end of March, it has been one full year since a nuclear power plant in the United States has received a full construction permit or operating license from the AEC—There is little hope that the across-the-board delay will soon end.

Is this delay the fault of environmentalists, hysterics, or kooks? No, the fault is with the technology itself. Even some of the AEC Commissioners are beginning to realize there is a safety crisis, according to the trade journal, *Nucleonics Week*.

Its front-page article April 20 claims that Chairman Schlesinger is—

Upset to find that the scientific basis for, and conservatism of, the interim Emergency Core Cooling System criteria are now in doubt after he had been assured by AEC staff of their validity.

Mr. President, I ask consent that this article, entitled "ECCS Situation Growing Steadily More Ominous for AEC, Industry," be printed at the end of my remarks.

PERSONAL INTERVENTION BY SCHLESINGER

Shortly after James Schlesinger's appointment as new AEC Chairman in July 1971, the well-known nuclear critic, Dr. John Gofman, predicted that the Chairman would eventually wonder "how ostensibly objective scientists of the AEC staff perform the miracle of all thinking alike on subjects of great debate outside the AEC headquarters."

One agent of this miracle turned out to

be an AEC memo warning AEC-supported scientists that they should "never disagree with official policy" about the adequacy of emergency core cooling systems.

After this memo was discovered and publicized by the national intervenors in early February, Schlesinger personally intervened to encourage witnesses from the AEC's Oak Ridge National Lab to present their views about ECCS "fully and without reservation."

Subsequently, Oak Ridge experts did reveal severe doubts about ECCS performance and adequacy.

In view of their revelations and others, I cannot understand Chairman Schlesinger's support for bills like H.R. 14065 and H.R. 13752, which would accelerate the operation of new nuclear powerplants.

CREDIT WHERE CREDIT IS DUE

However, credit should be given where it is due. Apparently Chairman Schlesinger has at least been fighting, perhaps alone inside the Commission, to find out the facts about ECCS troubles, in spite of probable obstruction by frightened management below.

Is it unrealistic to hope that Chairman Schlesinger, in view of present nuclear safety problems, will find the courage to advocate a temporary nuclear power moratorium?

He would become an American hero overnight. Even the purest capitalists would soon realize that a moratorium is necessary to protect the American economy and industry from uninsurable nuclear power calamities.

Because Chairman Schlesinger is newly involved in atomic energy, he is free from the deep ego involvement which so commonly perverts human perception. He certainly cannot be blamed for nuclear follies of the past.

On the other hand, he will have to share the blame for nuclear accidents in the future, if he fails to take appropriate action now to protect public safety.

A VIGOROUS NEW WARNING

A pertinent editorial about nuclear technology appeared in the *American Journal of Public Health*, February 1972. It states that there needs to be "an increasing awareness of the consequences, actual or potential, that mistakes may entail for present or future generations."

The *Journal* then discretely expresses an extremely strong warning:

Indeed, Cromwell's appeal to the General Assembly of the Scottish Church, "I beseech you in the bowels of Christ, think it possible that you may be mistaken," might well provide the basic position from which to approach the [nuclear] problems discussed above.

COULD JAMES SCHLESINGER BE THE ONE?

Perhaps Chairman Schlesinger is destined to be the man who turns to the other Commissioners, to the Joint Committee on Atomic Energy, and to the nuclear industry, to say, "Think it possible that you may be mistaken."

Already he has warned readers of *Science* magazine, in the issue of January 14, 1972, that "atoms may or may not be useful."

If it is a mistake to boil water with nuclear fission, which is the most inherently dangerous process known to man, then let us simply pay off our debt to those who explored nuclear electricity for us, as proposed in S. 3223.

Meanwhile, let us get on with the job of gasifying coal and developing solar technologies. A sunshine economy is intrinsically more attractive than a radioactive one.

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

[From *Nucleonics Week*, April 20, 1972]

ECCS SITUATION GROWING STEADILY MORE OMINOUS FOR AEC, INDUSTRY

"The interim criteria are in tatters and AEC is going to have to make some very major decisions," a lawyer who has been following the emergency core cooling rulemaking said this week. Other observers agree. They think AEC will have to choose from among new and possibly arbitrary formulae to add conservatism in ECCS criteria. There is speculation that these will embody one or all of the following: 1. a strict time-temperature formula; 2. tough power density limits well below manufacturers' present usage; 3. an arbitrary across-the-board limitation of reactor operation, say, 30% of rated capacity. Such operating criteria would hold until there has been confirmation of ECCS design adequacy.

The AEC commissioners held a special meeting last week to discuss the ECCS situation with top staff officials. Present were reactors chief Milton Shaw, ECCS task force director Stephen Hanauer, reactor standards chief Edison Case, regulatory director L. Manning Muntzing and general counsel Martin Hoffman. An AEC spokesman said the meeting was called simply to brief the commissioners on what was happening. However, sources close to those attending said it was a tough meeting with "hard questions" on how AEC had gotten into its present position. These sources said AEC chairman James Schlesinger was upset to find that the scientific basis for and conservatism of the interim ECCS criteria are now in doubt after he had been assured by AEC staff of their validity.

Some of those who have followed the rule-making hearings in detail think there is indeed a crisis for AEC and the nuclear industry. Last week's AEC meeting suggests that the commissioners are beginning to feel similarly. The commission is expected officially to maintain the position that it cannot act or comment until the hearings record is complete; however, it also is expected to keep so abreast of the situation that it will be prepared to take prompt action at conclusion of the hearings.

National Intervenors, the coalition of environmental organizations represented by attorney Myron Cherry, came into the rule-making hearings with little technical expertise. As one source put it: "They came in here with little idea what they were going to do; they were going to wing it. This, in fact, they did," this source continued, "but in the process they have opened up a Pandora's Box of scientific doubts and bureaucratic heavy-handedness." Witnesses from Oak Ridge National Lab, Aerojet Nuclear and AEC's regulatory staff have expressed varying degrees of doubts that have effectively discredited the alleged conservatism of the criteria and the scientific assumptions on which they were based. Weeks of bullying cross-examination by Cherry have revealed gaps in AEC data, a lack of tests, generous assumptions, and considerable numbers of doubting individuals, especially at Oak Ridge. AEC answers, in effect, that each of these men has

only limited expertise; that when all of the data is assembled the big picture is different. AEC may yet prove its case but, with its staff witnesses in such disarray, observers think it unlikely.

The reactor vendors had contended that the interim criteria are needlessly conservative and that the vendors would be vindicated by their testimony on specific of their respective systems. But on the basis of their direct testimony so far, it appears that they will have failed. It is known that the AEC commissioners are considerably disappointed with the substance of the formal prepared testimony of the vendors, which they feel fails to address the critical issues adequately. Observers at the hearings say the computer codes are the most discredited item; that these have been shown to be crude and arbitrary.

Said one vendor source: "The trouble is that there is only so much that we can prove, because most of the assumptions and data relate to AEC-sponsored tests that are outside of our control." He said top management of vendor companies—primarily the three manufacturers of pressurized water reactors—had failed as yet to grasp the full consequences of the predicament in which they may find themselves. He said the situation reminds him of the failure of AEC and industry to grasp the full impact that the National Environmental Policy Act was to have on nuclear plants.

At the ECCS hearings last week, Robert J. Colmar, a senior nuclear engineer in the Div. of Reactor Licensing, stated flatly that some form of power reduction was desirable. Colmar said that at present there is no way of evaluating the course of a loss-of-coolant accident. "In view of the fact," he said, "and in view of the testimony of many knowledgeable people on the subject, it is my feeling that we ought to stay at some power level where a great many of these uncertainties are lessened."

Colmar said the principal concern was low-flooding rates and that there was a need to explore this problem and come up with analyses and solutions to it. He said that if the problem was directly related to another factor, such as steam binding, then that should be dealt with, too; possibly by a design fix. Colmar added: "But I think what we are really striving for is to reach a power level where the problems that we've heard of during this hearing are mitigated substantially." But Colmar admitted that he didn't know how such a reduced power level should be arrived at.

EXTENSION OF TERRITORIAL JURISDICTION FOR 200 MILES

Mr. STEVENS. Mr. President, on March 22, 1972, in the Daily Sitka Sentinel, at page 6, an article appeared which is of particular importance. The article, entitled "SEATA Responds to 'Advocates' Debate," contained a letter to the producers of the "Advocates" television program. It was prepared and drafted by the Southeast Alaska Trollers Association in response to an issue described on one episode of the Advocates. This was the proposition that America should extend its territorial jurisdiction for 200 miles.

I reported in the CONGRESSIONAL RECORD the overwhelmingly favorable response of the American public to that program. However, at that time the response of the fishermen themselves was not available. This article reflects their opinion. For this reason, I ask unanimous consent that the article be printed in the RECORD.

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

SEATA RESPONDS TO "ADVOCATES" DEBATE

Southeast Alaska Trollers Association at an Executive Board meeting Sunday night released for publication a letter to "The Advocates".

The letter was written in response to membership request after the NBC-TV showing of the debate on extending U.S. coastal jurisdiction.

The breadth of territorial claims to the sea will be one of the principal subjects at the 1973 international Law of the Seas Conference.

Following is the SEATA letter:

Gentlemen:

Our organization, exceeding 350 members from Alaska to Oregon, and by membership request, wish to comment about your program for U.S. Extended Coastal Jurisdiction.

Our type of fishing is principally "hook and line" and chiefly on Pacific salmon. We should not be confused with the trawl (drag) method as we often are. Some of us troll for tuna, and some are diversified trollers, engaging in the long-line bottom fishery for halibut and sablefish, or inshore in the salmon gill net and seine effort. And some, are small-boat fishermen who supplement their income troll fishing in protected waters such as that in the Alaska Alexander Archipelago.

We realize we are only a small segment of the national fishery, but we find it incomprehensible a program such as yours can be presented without reference to Alaska as "the nation's greatest fishery today"; quoting the National Marine Fisheries Service.

The general public, and far too many congressmen, visualize a fisherman as a squint-eyed individual clad in a so'wester; a little below the norm in literacy, and fiercely independent.

Independent he has been—the near-last of the free enterprise system to be involved in international diplomacy and bureaucratic dictates. He may be squint-eyed, but he is not illiterate, and he has become distrustful of diplomacy.

The fisherman knows he can no longer "just go fishing and forget the world", for when he sailed in the past 15 years, he was face to face with super foreign fleets on his coastal breeding and rearing grounds—grounds systematically drug the year round. And off which American fishermen sometimes do not fish, partly as a conservation measure, and sometimes by regulation. The excuse the foreigner gives for being there is they "are fishing under-utilized stocks."

Concerned American fishermen can't take much "stock" in that statement when they read, by those purported to know, "that the world fisheries are 70 per cent over-fished", and, by another, that, "the ocean outside the continental shelves are virtual deserts."

The fisherman is distrustful when he hears the term "limited entry" for the simple reason that it is not the American fisherman who has built up, and invaded, these grounds with super fleets—who have made our experts admit to decline of the herring on the Atlantic, the menhaden, and the flounder. It is not they who have caused the decline of ocean perch on the Pacific, the sable fish off Alaska. The American fishing fleet, as also admitted by the experts, is not capable of carrying out that depletion!

Information, such as that declassified and published, from the late Dr. Wilbert Chapman was that, in the 1958 and '60 Law of the Sea negotiations, "the last ditch bargaining material used was FISH" (his emphasis). It was used in an attempt to establish exclusive jurisdiction of the coastal state over the resources of the continental shelf without losing the navigational rights!

What our diplomats did, was trade "fishing rights" for "navigational rights", and the fisherman is not so naive he doesn't know it!—Nor why he now has the foreign fleet to contend with on North American stocks.

Neither are the bulk of American fishermen so naive as not to know that the U.S.-South American "tuna war" is partly involved in the diplomacy for protecting billions of American investments in South American oil, fish, fruit, coffee, rubber and a host of other "programs".

The time has come when the American fisherman, with a good many more Americans think a portion of this largess being strewn around the world, might well be used at home—at least in protecting our resources. By every expert projection, our continental shelves are most important; oil, minerals, and, a protein resource for a burgeoning nation.

Oh yes! the fishermen know that "certain rights" were worked out for exploration on "the shelves"—but not for fish! They also know one of the reasons for the gigantic oil lease sale in Alaska was because many of the foreign recipients of our largess, and diplomatic actions, have forced these companies to come home. Most Americans realize that one of the richest countries on earth has developed a "poor image" and does not justify its balance of deficits (including sea-food imports), its underemployed, and its national debt.

If this sound far from fishermen, it is not!

The subsidizing of the American fishing fleet, tax write-offs for oil, the paying of American fishing "fines" from everyone's tax dollars will in no way stop the foreign incursion on our continental shelves. To invest in it we must protect it! As one researcher writes, "by the time we get through 're-searching' what damage the Russian and Japanese fleets have done to our continental stocks, they will have left for South American waters, and the fishermen will all be broke."

A statement often heard among fishermen, thinking in terms of conservation, is "you know what happened to the whale!" We DO know what happened to the whale! It was put on the endangered species list. Americans no longer take whale, but foreign nations take them just the same!

We fishermen, on both coasts and the National Marine Fisheries Service, know how heavy is this foreign pressure on North American stocks. To cite only one month on Alaska's shelf (Dec. '71) there were 204 Soviet and Japanese vessels. 176 of those were trawlers taking ground fish, ocean perch, flounder, herring and sable fish; all species showing a decline on our coasts, and largely out of U.S. control. The NMFS estimates (probably conservatively) that the Russian and Japanese take 3 billion pounds of all fish species off Alaska each year.

The Japanese concentration on the last great North American salmon stocks is accomplished by high seas gill net—from which some reports estimate a 70 per cent loss! The Soviets say they take salmon only "incidentally", but one report states they admit to 300,000 salmon (perhaps 3 million pounds) each year, taken "incidentally" in their trawls just in the Bering Sea.

All Northwest fishermen continually witness Soviet trawl fleets moving into concentrations of returning salmon. When reporting violations, the trawlers move outside the 12 mile limit, and fishermen know their calls are monitored. In Japanese and Soviet fish schools the English language is a required subject, at least for fishing masters.

To summarize, we see no effective control for protecting bottom habitat, and the stocks who feed and rear therein, without coastal state jurisdiction over its conservation. Neither is there logic to subsidizing American fleets, and limiting unit effort, so long

as foreign fleets have relatively free rights on the continental shelf. The anadromous Pacific salmon, and of course the warm-water tuna, must be considered. But, for the greatest fishery this nation has today there will be no adequate conservation until coastal states have custody of the continental feeding and rearing grounds—for all its inhabitants; ground and shell fish, salmon, the pelagics, birds, whales and even sea otter and fur seal. These grounds are the world's greatest contributors to a renewable protein resource, and they deserve attention of every North American!

Thank you for your program; we wish we could have participated more fully. And, we hope we've justified our stand—for all Americans!

U.S. DEPENDENCE ON FOREIGN FUEL SUPPLY

Mr. STEVENS. Mr. President, some projections indicate that the United States will be depending on foreign nations for as much as 60 percent of its oil and be a significant importer of foreign natural gas by 1985. The cost of this dependence on "cheap" foreign fuel is awesome.

Department of Commerce estimates of the cost of new tankers for crude oil are up to \$49 billion.

The Navy says an expansion of the U.S. fleet by almost 60 ships would be necessary primarily to keep the ocean lanes open for U.S.-bound tankers.

Higher prices and taxes are the inevitable consequence of our increasing dependence on foreign fuel supply.

The current issue of Petroleum Independent contains an article relating to this subject titled "Navy Wants Billions To Protect 'Cheap' Foreign Oil." I ask unanimous consent that it be printed in the RECORD.

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

NAVY WANTS BILLIONS TO PROTECT "CHEAP" FOREIGN OIL

The cost of "cheap" foreign oil is beginning to look more and more like an economic burden that even the big rich U.S. can ill afford.

With some projections that the nation could be getting as much as 60 percent of its oil from abroad and be a significant importer of foreign natural gas by 1985, the "costs" of building in this kind of dependence on foreign fuels are awesome.

Some of these costs include:

1. Up to 2600 new tankers for crude oil which Andrew E. Gibson of the Department of Commerce estimates would cost up to \$49 billion.

2. An expansion in the U.S. fleet by almost 60 ships that would cost several billions and that the Navy says will be needed primarily to keep the ocean lanes open for U.S.-bound oil tankers.

3. A negative impact on the U.S. balance of payments which indicates, conservatively, that the 1985 dollar outflow for petroleum fuels could be \$30 billion—\$20 billion for oil, \$10 billion for liquefied gas.

None of these "costs" reflect fully the rapidly growing prices that will confront consumers for foreign oil and gas. Higher prices and taxes imposed on concession-holding companies in the past year by host governments in the Organization of Petroleum Exporting Countries are considered "only a beginning" by most observers of the foreign oil scene.

Buoyed by their negotiating success in the past year, the OPEC countries now are in

initial stages of dealing for direct "participation" in the ownership of operating companies. Their strategy is to claim stake ownership rights nominally, at 20 percent or so, then increase their share by stages until oil concessions revert to host countries late in this century or early in the next.

Success of the OPEC partners in extracting increased dollars, whether through "participation," higher prices, increased taxes, or combination of all three—could substantially hike the dollar outflow and the intolerable impact on the U.S. balance of payments position.

The economic cost of dependency on foreign sources for fuels at levels now being forecast by some government agencies would, of itself, be more than the U.S. could afford—even if buying and paying for the fuels were all the costs involved.

But it is increasingly apparent that the cost of the foreign fuels—and they will be far from "cheap"—will be only a part of the cost of building in a U.S. dependence on foreign supply.

NAVAL OIL PROTECTION?

New elements of costs to consumers and/or taxpayers have been raised regularly, some that nobody had thought of before. The latest of these was embodied in the Navy's appeal for 50 swift new frigates and eight mini-aircraft carriers that would have the assignment of keeping open the sea lanes "for transport of critical resources into the U.S."

Adm. Elmo R. Zumwalt, Jr., chief of naval operations, laid heavy stress in expansion of the U.S. fleet to protect future oil tanker traffic in putting the Navy's \$23 billion budget request for fiscal 1973 before the Senate Armed Services committee.

"During the past year," Zumwalt said, "it has become increasingly clear that, by 1985 or so, we will have to import perhaps half of the petroleum we need. The quantities imported by sea will be vast—on the order of 12 million barrels a day."

Adm. Zumwalt said this kind of oil traffic would require up to 1,000 tankers of 70,000-ton capacity delivering foreign oil to the U.S., and he warned the Senators:

"The potential for coercion of the U.S., with or without allies, inherent in this situation is ominous when one considers the measures the Soviets are taking to improve their navy."

In making the Navy's case on its budget requirements, Zumwalt showed the Armed Services committee some 25 slides. Significantly, "U.S. Dependence on Oil Imports—1985," showing the import level at 50 percent of requirements.

A key role in protecting oil tanker movements would be assigned by the Navy to a new "Patrol Frigate" which Zumwalt said is needed to augment and eventually replace World War II vintage destroyers. The "most vital function" of these frigates, he said, would be "to help keep open the searoutes for the transport of critical resources into the U.S."

The Navy wants 50 of these ships, with contract for the "lead (first) ship" expected to be let in 1973. Zumwalt requested \$191.5 million for design and procurement of the first of these, and said the 50 would be spread among three contractors.

Should these frigates cost, ultimately \$150 million each—the 50 would mean an outlay of \$7.5 billion for tanker escorts, not including manning and maintenance. Eight aircraft carriers (Sea Control Ships) that would carry 17 aircraft, including helicopters, and cost about \$100 million each, also would have a role in maintaining access to searoutes.

Tanker needs weighed. Levels of potential U.S. dependence on foreign oil by 1985 vary, depending on who is doing the estimating. The Pentagon is planning on the assumption that it will be 12 million barrels a day, but the Department of Commerce anticipates

oil imports by the mid-1980's of 14 million barrels daily.

And the Assistant Secretary of Commerce for Maritime Affairs, Andrew E. Gibson, has estimated the new tanker capacity to move that much oil at 2,600 ships of 47,000-ton capacity—or 500 of 250,000-ton capacity for which the U.S. presently does not have any port facilities.

If deepwater port facilities are not provided, at least one each of the East and West Coasts, and another in the Gulf, Gibson estimated, the cost for smaller tankers will be \$49 billion. The tankers of 250,000-ton capacity, he said, would cost only about \$22 billion, but would require construction of deep water terminal facilities that would cost several hundred millions but may be opposed by environmentalists.

Whether the 1985 U.S. import traffic is in the \$49 billion worth of small tankers, or larger ones, protected by 50 new naval frigates or more, it is increasingly apparent that the myth of "cheap" foreign oil is an economic illusion of treacherous proportions.

As IPAA's President, Tom B. Medders, Jr., put it recently:

"There are those who have asked—and will continue to ask—how we can afford to rebuild an adequate (domestic) energy resources base. My answer to that question is another question: How can we afford to neglect this challenge which may be the most important in the history of our country?"

"The question our government ought to face up to is simply this: Can we afford the economic cost of dependence on foreign energy supplies in the tremendous volumes that will be needed. The evidence already visible suggests that prospective costs for building in a dangerous dependence on foreign oil and gas would be far greater than the cost of assuring secure supplies from our own resources."

NEIGHBORHOOD YOUTH CORPS

Mr. HART. Mr. President, as we look forward to debates on reforming welfare and reducing unemployment rates, we must not overlook the opportunity we have today to provide jobs this summer for the segment of our population hardest hit by unemployment—our rural and urban poor youths.

We can do that by supporting the increases in funds for the Neighborhood Youth Corps programs recommended by the Senate Appropriations Committee.

Unemployment figures tell the story of the need for these funds.

The jobless rate for teenagers in poverty neighborhoods is 25 percent; for black teenagers in such areas, 34.7 percent.

It is estimated nationally that as many as 1.5 million youths will be eligible to participate in the Neighborhood Youth Corps jobs program this summer.

Under the administration's budget requests, the same as last year, the Neighborhood Youth Corps will only be able to fund 610,000 9-week jobs.

That is not enough.

For example, in Detroit, that could mean less than 15,000 job slots.

Detroit officials report that 35,000 youths could qualify for the program and that public and nonprofit organizations are prepared to offer 25,000 job opportunities, provided the funds are available.

Detroit Mayor Roman Gribbs, members of the Detroit Common Council, Detroit Superintendent of Schools Charles J. Wolfe, and James F. Coughlin,

director of the Catholic Youth Organization for the Archdiocese of Detroit, all have written to urge a sharp increase in funds for this program.

The National League of Cities—U.S. Conference of Mayors have made this request a top priority item.

Let me emphasize this is not a big-city program only. Under the committee's proposed increase, the number of job lots funded in areas smaller than the Nation's largest 50 cities would be increased from 328,000 to 538,000. So poor youths of towns, large and small, across the Nation have a deep interest in what we do today.

Certainly I would be remiss in not thanking the Senate Appropriations Committee in general, and Senator WARREN MAGNUSON, chairman of the Health, Education, and Welfare Appropriations Subcommittee, for approving the large increase.

A number of Senators joined in requesting the subcommittee to provide an extra \$200 million, which would have funded 950,000 10-week jobs, and increased appropriations for Neighborhood Youth Corps summer recreation and transportation programs.

The committee recommendation for an increase of \$152 million will fund the same number of jobs, but for 9 rather than 10 weeks, and will provide the additional funds for the other programs.

It is my hope then that not only will the Senate give strong support to the committee's action, but that our conferees will be able to convince their House counterparts to accept the higher Senate figure.

As I said in my statement to the Senate Appropriations Subcommittee, to ask our youth to work within the system but to provide no jobs is like inviting a hungry person to dinner but neglecting to tell him where the party is and forgetting to buy the food for the meal.

Also, I want to thank Senator MAGNUSON and the Appropriations Committee for their responsiveness to the plea of several Senators that \$9 million be added to this bill so that 26 follow through programs scheduled to be terminated this year can be funded.

One of those programs is in Lansing, and I have been working with officials of the program to reverse the decision of HEW to cut off funds. We can best assure such a reversal by providing the necessary funds today.

NEIGHBORHOOD CONSUMER INFORMATION CENTER

Mr. PERCY. Mr. President, in recent months, the Neighborhood Consumer Information Center—NCIC—has worked vigorously with programs and institutions in the State of Illinois to enable them to improve their services to the low-income community. Assistance was provided for institutions ranging from Northern Illinois University, the Illinois State's Attorney General's Office, and WMAQ television station in Chicago, to community action and model cities programs throughout the State.

It is my understanding that this pro-

gram was funded by the Office of Economic Opportunity on the hypothesis that, given specialized training in consumer protection and education, interested organizations could then effectively utilize existing structures of local governments to solve their consumer problems. Groups that could avail themselves of such programs included metropolitan consumer agencies designed to help the low-income consumers, community action agencies engaged in consumer affairs, and welfare groups concerned with consumer problems. In order to achieve its objective, NCIC provided technical assistance throughout the Nation, making specialists available to analyze geographic consumer problems and compare them with available remedies. They then conducted training programs in Washington, D.C., to appropriately train staff to negotiate and implement practical solutions.

It was further anticipated that a national program such as this would serve as a focal point for consumer protection agencies to continuously receive technical assistance regarding Federal, State or local aid in solutions to the problems of impoverished consumers.

Under the outstanding leadership of Executive Director Joseph F. Smith, NCIC approaches these problems in a manner best designed to analyze low-income consumer problems. The organization furnishes consumers with timely solutions, plans solutions in accordance with expert analyses, and implements such plans and analyses in the District of Columbia to determine their feasibility and applicability to consumer problems throughout the United States.

Successful approaches are subsequently refined into systematical techniques and procedures that are published and distributed to the community action agencies, model cities programs, private programs, and ombudsman programs of local government across the country. Recently, NCIC released a 300-page "how to do it manual" entitled "Neighborhood Consumer Information Center and Low-Income Consumer Protection." In this manual NCIC has chronicled its history and development, forthrightly describing its failures as well as its successes, in an conscious effort to help others profit from the knowledge and expertise gained over the years.

The empirical data for NCIC analysis is acquired through a complaint division that provides an immediate solution for those consumers who register complaints. This information is subsequently used by the complaint division to demonstrate to merchants, through an accumulation of cases, the deficiencies in their operations and to relate these deficiencies to the deterioration of good will between the merchant and his customers.

This same data is simultaneously used for a remedial consumer education program that enables NCIC's education division to provide practical solutions for problems that consumers can identify with, while at the same time providing them with ample insight in recognizing and avoiding further problems.

Another special aspect of the NCIC program—which no governmental orga-

nization could hope to accomplish—is its immediate access to the inner-city community. This facet of its operation becomes especially important in the field of consumer education since inner-city residents often tend to be suspicious of outsiders who attempt to teach "buy-manship." Because of this unique access to and trust by the inner-city community, and NCIC's detailed knowledge of low-income consumer complaints, the organization has been an excellent source of information about promising enforcement activity.

Congressman ROBERT ECKHARDT placed a highly informative report written by the Neighborhood Consumer Information Center in the CONGRESSIONAL RECORD of July 10, 1969. The report explains in detail the structure I have outlined. It also presents a penetrating analysis of existing and proposed remedies. Although it has been superseded by NCIC's most recent publication, I recommend that it be carefully read by all who are concerned with consumer protection.

After a consumer education graduation exercise held by NCIC on September 3, 1969, Representative SEYMOUR HALPERN reviewed NCIC's activities in the CONGRESSIONAL RECORD on September 15, 1969. He concluded by stating:

In short, then, the NCIC has covered the field from A to Z, recognizing all the facets of the consumer problem and providing innovative techniques.

In the case of national organizations, the potential involved in the NCIC program seems so great, that a failure to examine carefully what these bright law students have done in the ghetto community in a positive fashion in a time when American society seems only to conceive of these problems negatively would be a lost opportunity of tragic proportions.

In a news release of October 13, 1970, Mrs. Virginia A. Knauer, Special Assistant to the President for Consumer Affairs, stated:

The Neighborhood Consumer Information Center has a wealth of information which can be exceedingly helpful to all consumers. They are very knowledgeable about the conditions affecting Black Americans and Spanish-speaking Americans. I think they should be congratulated for cooperating with our office to distribute information to consumers throughout the United States.

Such reaction is typical of the comments on NCIC's excellent work nationwide. I would like to add my own compliments and acknowledge the outstanding services that this program is providing to the citizens of the State of Illinois and the country at large. This is, assuredly, a program deserving of continued Federal encouragement and support.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair

lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENTS NO. 1172

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate amendment No. 1172, which the clerk will state.

The assistant legislative clerk read the amendment as follows:

On page 21, beginning with line 20, strike out through line 26 on page 22 and insert in lieu thereof the following:

"SEC. 201. There are authorized to be appropriated for the United States Information Agency for fiscal year 1973, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

"(1) \$194,213,000 for 'Salaries and expenses' and 'Salaries and expenses (special foreign currency program)', except that so much of such amount as may be appropriated for 'Salaries and expenses (special foreign currency program)' may be appropriated without fiscal year limitation;

"(2) \$5,036,000 for 'Special international exhibitions' and 'Special international exhibitions (special foreign currency program)', which amount may be appropriated without fiscal year limitation; and

"(3) \$1,000,000 for 'Acquisition and construction of radio facilities', which amount may be appropriated without fiscal year limitation."

On page 29, line 11, strike out "(a)".

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, with the time equally charged against both sides on the amendment.

The ACTING PRESIDENT pro tempore. The Chair will make this announcement: Under the previous order, the time is limited on the McGee amendment to 4 hours. After the vote on the McGee amendment, the Senate will proceed to the consideration of H.R. 14582.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. McGEE. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 1172 of the Senator from Wyoming to S. 3526.

Who yields time?

PRIVILEGE OF THE FLOOR

Mr. McGEE. Mr. President, I ask unanimous consent that two members of my staff, Mr. Bob Bullock and Mr. Dick McCall, be permitted to be present in the Chamber to assist me through the vote as well as during the debate on this amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, few questions have engendered the very widespread interest and concern that this question has with respect to the role of the USIA. I would hasten to add that there is really little disagreement on most of its ramifications, even on the committee itself. As the chairman of the committee, Mr. FULBRIGHT, has stressed in the report, a part of the reason for the action taken to cut the USIA budget by approximately 30 percent was, in effect, to get their attention to reinforce the committee's concern about executive privilege in the relations between the executive branch and the legislative branch.

What this would seem to be saying to us is that in the much larger picture, there is a very broad consensus about the high purpose and the conduct of the USIA, but what is being tested here is the implication of a cut of the dimensions that was carried in the committee's action, for the reasons given in the committee's report. So I have undertaken to initiate this amending action for the purpose of restoring the full authorization figure for the USIA, which would restore approximately \$45 million. In a moment, I will have statements from two or three of my colleagues who have asked in particular to have their position reinforced on this question.

It is my understanding that, with the limitations we have agreed to, a rollcall vote on the question will fall somewhere between the minimal interval suggested by the acting majority leader, Senator BYRD, of 1:30 and the other end of the line, roughly 2:30, and that between those two potential points we will indeed arrive at a rollcall vote.

It was a further part of the unanimous-consent agreement of last week that set this up, as a matter of expediting things and as a matter of convenience to the Senator from Wyoming—a gesture which I appreciate very much—that this amendment, at this time, on this issue, would not be open to further amendment today; that the issue is the full restoration.

My concern, Mr. President, has to do with the impact of this cut as a recorded act of the Senate. Its complications in representing what the Senate would intend in this case would go far beyond the halls of this Chamber and would, indeed, carry to almost every corner of the world and be read and misread, interpreted and misinterpreted, by many other governments and peoples.

Among other effects, a cut of this magnitude would require that the agency close its offices completely in some 30 countries, in some 35 branch offices in related areas. It would force the Voice of America to terminate 25 of its 36 language services. It would reduce the agency's television and motion picture capability by 50 percent and stop many of the USIA's most valuable publications abroad.

We may be well advised to remind ourselves that nobody very seriously intended to do all these things; but sometimes our own tactical intents in this

body have a way of being misunderstood in many other areas, and in the misunderstanding we never quite succeed in making back the ground that is lost through misinterpretation. It is this that concerns me, too.

I have sat many times, informally, in the Advisory Council of the USIA. I have had occasion to visit many operations of the USIA abroad and, innumerable instances, to examine in depth the dimension of the operation, the scope and the effectiveness, or lack of it, in which it was being conducted. The most recent of those studies of the USIA in the field I made just 2 months ago, in February of this year. I came out again convinced that this, indeed, was one of the most positive and the most constructive and the most necessary of the many things that our country strives to do in projecting its motivations, its role, its objectives to others in the world; and that applies to the countries that speak our language or understand our institutions fully as much as it applies to those areas that would seem to be more remote culturally, linguistically, or institutionally from us.

I think what is fundamental in the question is that whether we have our say or not, others are judging, and they are judging very often from the extremes of headlines, of very short newscasts. In fact, I suppose that is one of the blind spots of which we all have something—that we tend to judge others by the extremes of their action because it gets a bigger play than the things that might be going well. All the more reason why, in a role in which we find ourselves in this decade, it is important that our explanation and our exposition of what we do, what we say, and what we are, not be penalized or curbed by a lesser effort when a greater effort is called for.

The Information Agency enables us to communicate directly to the peoples of other countries. It explains what we think we mean, rather than what others may conclude from the headlines that they think we mean. Suffice it to note that this is important even in our own country in that sense and that there are many interpretations of the news of the day. But here at home we take this for granted, and we even make allowances for it, shall we say.

But there is a certain inclination, which most of us have noted overseas, to regard anything that comes out of the Senate of the United States as something that is far more sacrosanct than we, ourselves, perhaps would expect it to be. Among other governments there is a greater proclivity toward accepting any statement from an elected official as somehow a reflection of official policy of the Government position, and this, too, contributes to the confusion of the interpretation of the United States overseas. The very freedom that we hold dear in this body, to be a free man in our own right as individuals—the freedom to disagree, the responsibility to disagree when we believe it to be our conviction—is one of the great riches of the Senate of the United States. But to say that in parts of the world it does tend to confuse would put it mildly.

That is why it is all the more important that among the input of information

going to other portions of the globe there be the input from an agency such as the USIA, which seeks to lay out, for any who will read or who will listen or who will view, a position—or the positions—that reflects American opinion in its government.

The cuts that are now a matter of record by recommendation of the committee, of which I am a member, would tend, in my judgment, to give an impression abroad that we on the committee, whichever way we voted, never intended that much of what we did was aimed tactically at home consumption, such as delivering a message to the executive branch of our own Government, for example. The refinements of the sophistication of competition between the Senate—or Congress—on the one hand, and the executive branch, on the other, are quickly lost upon most foreign audiences, among those who are not close to the mechanisms, the characteristics, and the tradition of competition for ideas and policy that we take for granted on our side.

All major nations and some minor ones recognize the important role of an information agency in its own behalf. I think it is important to underscore that many nations of the world are involved consciously and deliberately in this kind of activity. I would only say that a nation as large as the United States, cast in the role into which history has thrust us, has perhaps a greater concern over this kind of involvement than any other nation in the world.

We are not a nation of soldiers. We have a proud tradition in this country of being a nation of civilians. We decree in the Constitution that only a civilian, in his role as a civilian, shall be President of the United States, and that the Commander in Chief in time of crisis shall be a citizen of the United States rather than a general of the Army.

But in one field we have taken great pride—our history bears it out—and that is in the field of ideas, the field of communication, the field of image projection. We believe that if all the relevant circumstances are surfaced, if all of them are circulated, if all are dialoged, we can only gain.

There are areas of the world, of course, where that is not the case. There are areas where communication is carefully selected, where the news or the information is severely curtailed. Thus, as we look upon our problems around the world in projecting our image, we recognize that the conscious effort to distort whatever the American image may be, to exploit it in its extremes in a moment of crisis, or to blur it or to blot it out, remains the option of a great many other governments.

That being the case, it should underscore that if we are caught doing anything, we should be caught working at projecting the full story of our country's activities in its decisionmaking, in its policy projection, in its goals, and even in the more ambiguous profile of its fondest dreams.

Our record also stands well the test of criticism, the test of ideas, and the test of skepticism. It is the attempt to make

sure that these are all surfaced—not just some of them—that deeply involves the energies and the efforts of the U.S. Information Service.

When I was in Eastern Europe last February—in effect, behind the Iron Curtain, I guess we would say—I had occasion to visit again another of the cultural centers that the USIA operates, this one in Bucharest, Rumania. I must say it was, once more, impressive, for here, in low key, with an austere budget, in the simplest of settings, an opportunity had been opened up, for those who were interested, to expose themselves to American culture, to American literature, and to American imagery in many forms.

Mr. FULBRIGHT. Mr. President, will the Senator from Wyoming yield for a question?

Mr. McGEE. I yield.

Mr. FULBRIGHT. Just to keep the record straight, the proposed cut does not affect information centers or libraries. The implication in the Senator's remarks might seem to indicate that we are cutting those, too. But the Senator recognizes that this cut does not affect information centers or libraries, does he not?

Mr. McGEE. The Senator from Wyoming readily recognizes that, and he appreciates the correction from the distinguished chairman of the Committee on Foreign Relations.

The point the Senator from Wyoming is making is that the overall imagery problem we seek to address ourselves to in the use of the USIA is hardly separable into too many categories, for the reason that they are weighed in balance as they seek to project the American story. Thus, it could not be done with the Voice of America alone, for example, and it could not be done with libraries alone, or with cultural centers alone. It is the composite that makes up the total measure that needs to be applied to this operation that we are discussing as the essence of this amendment.

The point is then, that whatever else we may do in these rather uncertain days for some and dark days for others, in our role of leadership around the world, this effort is one of the more sensitive and the one, if we have any doubts at all, that should be tolerated, even in the sense of doubt, as the projector of information and ideas that can only enrich the pool of ideas and the forces influencing opinion elsewhere in the world.

Mr. President, that is my informal statement. In more formal phrasing, let me say that today, this body will vote on my amendment to restore the USIA authorization for fiscal year 1973—an authorization which was slashed by \$45 million in the Senate Foreign Relations Committee.

At this time, I would summarize the reasons I feel this cut to be unwise now. The cutback of almost 30 percent of the operating budget of the USIA would, in effect, cripple a small agency with a big and important job.

As I emphasized last week, there can be no serious question about the need for a Government information program of

the importance of the USIA's function in the conduct of our foreign affairs. Its efforts are closely integrated with the activities of other U.S. agencies engaged in foreign relations, and its role is a permanent one.

The need for an official information program to support our foreign policy and advance the interest of the United States has been repeatedly recognized by successive Presidents over the past 20 years.

The charge has been made that the USIA is nothing more than a holdover from the cold war. This view is surprising, since certainly none of the other major powers regards official information programs as anachronisms. The Soviet Union leads the world in international broadcasting, both in the number of hours broadcast weekly and in the number of foreign languages used. The People's Republic of China is second. The Soviet Union distributes some 67 magazines in over 15 million copies each year, and eight newspapers in 38 million copies in 20 languages. The U.S.S.R. also sends about 50 million books abroad each year in over 30 languages, and through foreign publishers produces some 8,000 titles in around 100 million copies.

China has an extensive program for the distribution abroad of magazines and books in many languages, and Cuba is extremely active in international broadcasting, as well as in the distribution abroad of magazines, films, and its own version of the news.

It is no exaggeration that the cut of over \$45 million proposed in this bill would cripple the U.S. Information Agency. By specifying the cuts for each media and activity while denying the Agency the flexibility to transfer funds between programs, the damage is compounded.

As I pointed out last week, under S. 3526 the Agency's salaries and expenses appropriation has been subdivided into five categories—radio; press and publications; motion pictures and television; centers and related activities; and direction and general support. Funds for four of these five have been cut by 30 percent, and the Director of the Agency is denied the right to change the "mix" of the media used in responding to events and opportunities. It is obviously not possible to plan in advance precisely what media tools will be needed to use total resources most effectively. A missile crisis may require more radio broadcasting. A dramatic space achievement can be exploited by more films and television. An opportunity in Eastern Europe can be seized by the establishment of a new cultural center. These actions cannot be anticipated. Yet this needed flexibility would be precluded under this bill.

Some of the results in this \$45 million cut would include the closure of approximately 65 USIA installations abroad, including the total abolition of its posts in some 30 countries. The Voice of America would stop broadcasting in about 25 languages, including some or all of those to Eastern Europe and the Baltic States. It would also have to close down perhaps seven of its 15 relay stations and three of its regional program centers.

The cutback would eliminate the regional magazines distributed throughout Africa, the Arab countries, and the Far East, as well as the highly regarded magazine in Polish, *Amerika Illustrated*. Between 80 and 90 percent of the magazines the Agency tailors for single country distribution would also have to be dropped.

Mr. President, I have traveled widely as a Senator of the United States, and I have made it a particular point to look into the effectiveness of the Voice of America wherever I have gone. Without exception, I have found it to be highly respected, responsible, and listened to. All over the world, VOA's name newscasters are recognized.

I would like to briefly comment on the impact of this cutback on the USIS. USIS would be abolished in Guyana where the battle for power between Moscow-inspired Cheddi Jagan and the more moderate Forbes Burnham has kept a tragic country divided between blacks and Asians; Trinidad, a vital Caribbean port with more than one-half billion dollars in U.S. investments and one of the pillars of constructive Caribbean efforts toward regional government and closer relations with the United States; Bulgaria, one of the most hermetically-sealed countries in the world; the Dominican Republic, which only a few years ago was the scene of one of our great foreign policy crises; most of the countries of Central America, important to the United States politically, economically, and historically; Libya and Kuwait, two of the great reservoirs of petroleum of the Western World, upon which the entire Western economy has come to depend; and 17 countries in Africa.

In sub-Saharan Africa, the cutback would require the elimination of all U.S. informational and cultural activities normally handled by USIS in more than half of the countries comprising 50 million black Africans. Out of 28 countries where USIS posts now operate, as many as 15 could lose the entire program. In five more countries, a total of 11 branch posts and reading rooms outside the capital cities are tentatively slated for closing.

These developments, taken together with the elimination of most of the African division of the Voice of America—except for French broadcasting—and the demise of the single printed medium for reaching people throughout the continent—means in effect that all efforts to communicate with 50 million Africans will have been largely curtailed by the U.S. Government.

Mr. President, it is difficult to understand why the committee proposed such a drastic cut in the Agency's authorization request. The committee report states the decision was based "in large part on the Agency's refusal to make its country program memoranda and other planning information available to the committee as requested." Yet the Agency was only acting under written instructions from the President. While I deplore the excessive use of executive privilege to deny to the Congress the information we need to carry out our legislative responsibilities, I do not think we should make the USIA the victim of an executive-legislative dis-

agreement of principle which is vastly beyond the Agency's authority.

Therefore, I urge Senators to join with me in supporting a restoration of the cut in the USIA's budget authorization.

Mr. SYMINGTON. Mr. President, will the able Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. CHILES). Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. McGEE. I am happy to accept a question from the Senator from Missouri.

Mr. SYMINGTON. The question I would ask, being a member of the Foreign Relations Committee with my able colleague from Wyoming, does he believe, with respect to the country program memorandums requested by the Committee on Foreign Relations and refused in accordance with the memorandum received from the President, that the request was in order; and if so, does he believe this information should be furnished to the committee, or that we should simply appropriate this money, without getting information necessary to understand how it will be expended?

Mr. McGEE. Mr. President, I would say to the distinguished senior Senator from Missouri that I think we have to be very careful about separating a few questions here. I have found that at any time access to the background materials in countries in the USIA program has always been available upon occasion. I found no reluctance to withhold it. And I found even a disposition to discuss them very frankly, even now. However, I think the difference here is that, for whatever reason, the decision by the President, rightly or wrongly, was to override the department's disposition in its candor to treat this as a test of Executive privilege. And I think that is straining it a little bit in this respect, if I may be candid and say so.

The point is that we are talking about authorization here. We are not talking about appropriations. That comes further down the line. I would hesitate for us to risk the consequences of this severe a nature in its implication and the way it would be interpreted abroad.

Mr. SYMINGTON. Mr. President, separating the question, may I ask whether the able Senator from Wyoming believes the Foreign Relations Committee is justified in receiving said information?

Mr. McGEE. I think the Foreign Relations Committee is justified in receiving a great deal more information than it has. As the Senator knows, I have some differences with some members of the committee on how far that goes. However, I think that there has been an overlap the other way, against making some information available to the committee, both in the Pentagon and in this case in the USIA.

Mr. SYMINGTON. The Senator agrees that in this particular case the executive should furnish the information requested. Is that correct?

Mr. McGEE. The USIA was willing to furnish it. That is the agency we are testing. And we sat down and went over some of it. I think it is not a related issue here in the cut, to get into the debate between the executive and the legislative branch on the executive privilege issue. That is

what I am trying to separate out at this point.

Mr. SYMINGTON. Does the Senator from Wyoming think the information should be given to the committee?

Mr. McGEE. I think the committee has had the information on these background phases. The question now concerns the public, and that is the old fight we have been in for a long time with the Executive.

Mr. SYMINGTON. As I understand it, the Senator feels the committee already has the information the committee requested.

Mr. McGEE. I feel that all the information on the background for these countries has been available to any member of the committee who wanted to take the time to look at it. The issue is the formal receipt of the information for public purposes, and that I would have reservations about.

Mr. SYMINGTON. I want to be sure I understand the Senator. The Senator would be willing for the committee to have the information on a classified basis; but he thinks it in order not to give the information to the committee on an unclassified basis?

Mr. McGEE. I think that on a classified basis this issue is readily more understandable than on an unclassified basis for the very reason that country planning, even in this field, enters some sensitive areas with regard to other governments. I would like to draw that line very carefully. I think it is a much larger question than just making this information available. It is under what circumstances it should be done.

Mr. SYMINGTON. The Senator believes the Foreign Relations Committee should have this information on a classified basis?

Mr. McGEE. There has been an executive directive, I am told, to most agencies that on the major questions the President would make the decision about executive privilege, not the agency.

Mr. SYMINGTON. In this particular case does the Senator know of any other way the information can be obtained by the committee so as to have knowledge to exercise its responsibility in authorizing the taxpayers' money than refusing to authorize and appropriate said money unless information is obtained that normally would be considered necessary prior to making a decision?

Mr. McGEE. Mr. President, I think there is occasion for the committee to take it as classified information and look at it and make a judgment as to whether to authorize the money. The issue is whether we will treat it as classified or public information. I think it makes a difference.

Mr. SYMINGTON. I thank the Senator.

Mr. McGEE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by the Senator from Utah (Mr. Moss), who is representing this country at this moment in an all-important conference in London.

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

THE NEED TO RESTORE FULL USIA FUNDING
(Statement by Senator Moss)

Mr. President, I support Senator McGee's amendment to restore the full 1973 authorization requested by the United States Information Agency.

While I appreciate the sentiments of the Foreign Relations Committee on the Administration's all-too-casual use of "executive privilege" in withholding information needed for Congressional decision-making, I believe a move by the entire Senate to cut the U.S.I.A. funds would be an extremely reprehensible means of retaliation. It would be analogous to cutting off funds to welfare children in order to punish the conduct of their parents.

International communication, through all the media: radio, television, films, books and magazines could, in many parts of the world spell the difference between peace and war. Far from being cut back, the U.S.I.A.'s work in this area should be broadened. Educational broadcasting should more and more supplement Voice of America programming which has traditionally tended to emphasize all too much news and propaganda.

Mr. President, short of outright isolationism, the United States cannot turn its back on the immense potential of communications technology as a means of improving international understanding and economic growth. Cutting the U.S.I.A. program would severely reduce our foreign policy flexibility leaving us with one less tool in assisting the world's peaceful development.

Mr. McGEE. Mr. President, likewise I call attention to a phone call just received from the Senator from Minnesota (Mr. HUMPHREY), who is out tilling the soil, as it were, today. However, he did not want the need for that activity at this moment to cast any kind of uncertainty over where he stands on this issue.

The Senator from Minnesota has made the very strong and very clear statement that he wants to be recorded in favor of the full restoration on this issue. That is an unequivocal endorsement at his request.

Mr. SYMINGTON. Mr. President, will the able Senator say whether or not he would approve holding up this money if the information were refused on a classified basis? If the Executive refused to give us said information on either a classified or declassified basis, would the Senator still feel it advisable to appropriate this money?

Mr. McGEE. Does the Senator's question concern an authorization process or an appropriations process.

Mr. SYMINGTON. I think authorization is becoming more of an issue, along with appropriation.

Mr. McGEE. I want to find out whether the issue involves my membership on the Appropriations Committee or on the Foreign Relations Committee.

Mr. SYMINGTON. My question is: If the administration refused to give the information to the Foreign Relations Committee even on a classified basis, would the Senator from Wyoming still feel it was wise and in the interest of the country to appropriate the money?

Mr. McGEE. I would think it would be wise in this case. I would think this is the wrong agency for the test stand to be taken. I think it is a wrong one. And I would have opposed it had I been able to be there when the vote was taken in committee.

Mr. President, I have here likewise a statement from the distinguished junior Senator from Washington (Mr. JACKSON), who issued a statement this morning in Cleveland, Ohio, in which he gives unequivocal support for the full restoration, singling out for emphasis the symbolism of this action as it will be interpreted by other peoples and other governments around the world, and carrying with it a followup pledge.

I ask unanimous consent that the statement of the Senator from Washington be printed in the RECORD. Later today he will demonstrate how strongly he feels by flying to Washington to cast his vote today for full restoration. And that is a request from the Senator from Washington (Mr. JACKSON) who also is out tilling the soil.

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

STATEMENT BY SENATOR HENRY M. JACKSON

In a short while I shall fly to Washington to cast my vote today on a measure that deeply affects the future of individual liberty. I will be on the Senate Floor this afternoon to help save the people of Hungary, Yugoslavia, Poland, Czechoslovakia and a dozen other countries from being shut behind a curtain of silence that would leave them isolated from the voice of America and cut off from the spirit of the free world.

Later today the Senate will decide whether to continue the activities of the United States Information Agency in bringing to the countries of Eastern Europe, principally through the VOA, the uncensored truth about world affairs. Unless the Senate votes the funds, the Voice of America will have to eliminate broadcasts in Polish, Lithuanian, Bulgarian, Albanian, Czech, Slovak, Estonian, Latvian, Hungarian, Greek, Serbo-Croatian, Slovene, Turkish and Rumanian, among others.

The vote today goes beyond the immediate question of whether the United States will slash its overseas broadcasting programs to fewer hours than are transmitted by Albania. I believe that America has promises to keep. And one of these is to the free flow of the truth wherever our voice can be heard.

I am concerned at the isolationist impulse that lies behind the outrageous effort to deny millions of people living in oppression in East Europe and the Soviet Union access to news from the free world. What are we to say to the student in Budapest or the teacher in Warsaw or the worker in Prague—that America is being misled into a moment of isolationism and that they must therefore get along on Radio Moscow?

Those of us who are proud of America's tradition of free speech have a special obligation to speak for those who have none. All over the world there are brave men and women who risk their liberty every time they tune in forbidden broadcasts from the West. Their governments fear the truth because they know that the spirit of freedom will survive so long as there is access to it.

To cease our efforts to make that truth available—to abandon the people of Eastern Europe—is to abandon ourselves. For much that is great in America has been built by men and women who once lived, or whose parents, once lived, in those countries now behind the Iron Curtain. I am confident that the Senate in its vote today will restore full funding to the United States Information Agency.

Mr. McGEE. Mr. President, I will rest my comments at this time.

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

Mr. McGEE. I yield.

Mr. CHURCH. I merely want to observe that both the Senator from Washington and the Senator from Minnesota are indeed tilling the soil, the presidential soil, and it is not surprising, in view of their presidential ambitions, that they would support the Senator in this endeavor because the issue here does represent a tug-of-war between the legislative branch and the executive branch. Therefore, it comes as no surprise to me that both of those distinguished Senators who aspire to be President would hold to the executive view.

Mr. McGEE. Mr. President, I am prepared to yield the floor. I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Will the time come out of the Senator's time?

The PRESIDING OFFICER. The time will come out of the Senator's time.

Mr. FULBRIGHT. Not to be equally divided?

The PRESIDING OFFICER. No.

Mr. McGEE. Mr. President, I ask unanimous consent that the proceedings under the proposed quorum call not be undertaken.

The PRESIDING OFFICER. The request is withdrawn.

Mr. McGEE. I am glad to yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I join the Senator from Idaho in pointing out that these very ambitious Senators, who no longer think it is very significant to be Members of this body and who would like to move downtown, are supporting the Senator from Wyoming. They see themselves in the White House, also denying Congress information necessary to exercise the legislative function.

Mr. McGEE. Mr. President, will the Senator yield to me for 10 seconds to clear the record?

Mr. FULBRIGHT. I yield 10 seconds to the Senator from Wyoming.

Mr. McGEE. I note that the chairman of the committee and the Senator from Wyoming are in that elite few who are not aspiring to any position downtown.

Mr. FULBRIGHT. That is correct. We are both Senators. I am interested in re-establishing the function of the Senate in our governmental structure, so I do not think that citing the Senator from Washington and the Senator from Minnesota as authorities, I assume, for the purpose of persuading other Members that this is a good move, is a very appropriate one.

Mr. President, the Senator from Wyoming has made various statements about the USIA. I personally think there is very great question about the merits of some of the Agency's activities but that is not the main issue. I am not sure that the record shows what the action of the Committee on Foreign Relations was.

I call to the attention of interested Senators to page 51 of the committee

report. The radio activities, assuming the action of the committee stands, will be funded at \$36,485,000; motion picture and TV activities, \$11,150,000; press and publication activities, \$17,914,000; program direction, general support and related activities, \$40,914,000. In other words, this is not the death knell of these activities; the committee recommendation is only for a reduction in them.

There is no cut whatever, as I pointed out, in the international fairs and exhibits, none in acquisition and construction of radio facilities, and none in information centers, libraries, and related activities. The committee was very discriminating. This is not an across-the-board cut on all USIA activities; it is on those activities which are deemed by the committee after long study to be justifiable.

Mr. President, while the ostensible purpose of the pending amendment is to restore funds to the USIA budget, Senators should be aware that passage of the amendment will be viewed as a "green light" by the executive branch in its determination to withhold information from the Senate and the Congress as a whole.

I say this, Mr. President, because the origin of the amendment offered by the distinguished Senator from Wyoming stems from the committee's 9-to-4 decision to reduce the USIA authorization request by \$45 million, because of the Agency's refusal to make its country program memoranda documents available to the committee. The refusal—based on a claim of executive privilege—was delivered to the committee on March 16, just a few days before the committee began its hearings on the USIA authorization legislation. The lack of this information makes the hearing record and committee's investigation of USIA activities incomplete and disjointed, but, just as important, the decision to withhold the information requested lays the groundwork for a dangerous precedent, which if left unchallenged could result in the further erosion of the committee's efforts to carry out its legislative oversight responsibilities. The President's memorandum on executive privilege to the Director of the U.S. Information Agency states:

I, therefore, direct you not to make available to the Congress any internal working documents concerning . . . international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda . . . and which are not approved positions.

This is just this one instance. The Senator from North Carolina (Mr. ERVIN) in the Committee on the Judiciary has been struggling with similar questions in other areas. The Senator from Missouri, who was here a moment ago, in his Subcommittee on Commitments Abroad time after time ran into the same question of the refusal of the executive branch to furnish to the legislative branch, specifically the Senate, relevant information which is necessary to make a well-reasoned judgment upon the various issues.

Many of those other cases involve some aspect of our military activities or intelligence activities, especially in the case of the Subcommittee on Security Agreements and Commitments Abroad so that

one could make some case about it being especially sensitive while a war is going on in Asia and that security was involved in a rather specialized way.

But of all the agencies in Government, the one which professes to be telling the truth and informing the world about America is USIA, and to have them refuse to give Congress information seems to me to be almost ludicrous.

This extreme application of the doctrine of executive privilege, is not a constitutional doctrine. Nowhere is it mentioned in the Constitution—it is a concept that is to be applied to only the very personal communications of the President. It used to be confined to the very personal matters of the President. The issue before us does not involve such matters. If we accept the executive privilege claim in this case, Congress might as well forget about trying to exercise any serious oversight or even to be informed about its legislative function. This is the most sweeping claim of executive privilege ever asserted and it raises a number of considerations:

This decision is broad enough to preclude from presidential review future requests for information on all USIA activities. The effect of the decision is to permit working level officials to determine what will and what will not be made available to the committee by labeling the material requested an "internal working document." They could label anything in that way. Nearly anything any committee does could be so considered. The decision serves to foreclose the possibility of the committee and its staff having access to information in the executive branch that runs counter to an official policy position. Again, I emphasize that we are dealing here with an information agency, presumably devoted to informing the world. Certainly, it should inform Congress, which authorizes its activities.

Mr. President, faced with this unacceptable situation, the committee voted to reduce the agency's authorization request, because in the absence of the information sought by the committee, the Members could neither justify the full amount requested nor could they ignore the questionable claim of executive privilege. In explaining their decision on the issue, the report points out:

The Committee finds this refusal to provide information pursuant to the legislative duty of oversight as set forth in the Legislative Reorganization Act particularly dismaying because first of all it comes from the Information Agency itself—an Agency which should fully appreciate the value of information in the decisionmaking process. The Agency's refusal raises serious doubts as to whether it has such an appreciation and leaves the impression that USIA is willing to supply the Committee and the Congress with only that information which supports one point of view. Such a practice is hardly conducive to building a reputation for a "balanced and objective information program" and is more akin to a straightforward propaganda effort.

As to the specific documents in question, the report states:

The information contained in the Agency's Country Program Memoranda and other planning documents may provide a full and adequate justification for the \$200 million

authorization request. The Committee simply has no way of knowing. It was in effect asked to approve this request "in the blind." It could not do so. And in the absence of such information and justification, the Committee believes the taxpayers of the country ought to be given the benefit of the doubt. Accordingly, it recommends a substantial reduction—a reduction of \$45 million in the USIA authorization request.

If the Agency decides at a later date to furnish the information requested, the Committee of course would consider a supplemental authorization request.

Mr. President, the claim of executive privilege for the purpose of withholding the USIA's country program memoranda is, I think, particularly questionable given the nature of the documents as described in "The Agency in Brief 1972" an annual USIA publication. This publication states that the Country Program Memoranda:

Are designed to integrate USIS planning and resource allocation with overall U.S. objectives in the country. The CPM's encompass total Agency resources devoted to the country, including media products and materials supplied from Washington.

After the CPM's are submitted to Washington, the four media services, and other headquarters elements prepare Program Memoranda detailing program plans and resource usage in support of worldwide activities. Area offices prepare Program Memoranda highlighting and summarizing the CPM's and treating program and resource issues of general area concern.

The country and Washington element Program Memoranda become the principal documents for proposing and planning program changes. When proposing changes, the Memoranda must detail explicitly the what, how much, and the why of the proposals, including discussion of possible alternatives.

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

Mr. FULBRIGHT. I yield to the Senator from Idaho for a question.

Mr. CHURCH. I agree fully with what the distinguished chairman is saying. This is a test case.

Can he think of any other way to obtain a remedy than that of pulling up on the purse strings.

Mr. FULBRIGHT. There is no other. We have exhausted all other remedies that I can think of.

Mr. CHURCH. Yes. Through the years it has become apparent that, as Congress has delegated authority to the Executive, it has lost the means of retrieving that authority, unless it is willing to use the power of the purse. The proposition also applies to classified information, where Congress has given authority to the executive to classify information, and has watched the executive branch throw up a cloak of secrecy on the operations of Government on a scale never contemplated at the time the enabling legislation was enacted. Yet we have given ourselves no way to deal with the problem.

Tomorrow, we are going to have a secret session, if I am correctly informed, the purpose of which is to determine whether a memorandum which has been prominently published in the major newspapers should be inserted into the CONGRESSIONAL RECORD, simply because it bears a classified stamp that the executive has placed upon it.

We have no procedure for determining that question. We have furnished ourselves no congressional method for declassifying information, with the result that one Senator must take it upon himself to do so, relying upon his constitutional immunity from prosecution as a Member of the Senate, and then we must hold a secret session to determine whether or not that Senator has acted properly or whether the majority in this body is willing to have inserted into the CONGRESSIONAL RECORD what is already common knowledge to the American people, for they have read it in newspapers from coast to coast. What an absurdity. If the President is contemptuous of the Congress, it is because—

Mr. FULBRIGHT. Congress has invited it.

Mr. CHURCH. We invite it on ourselves. We make ourselves contemptible. I am sorry the Senate has fallen to such a low estate. I remember the great role played by this body in the last century and the prominent Senators of that period who are still remembered to this day.

Mr. FULBRIGHT. If I may say so, that is why so many Members of the Senate are running for President. They do not regard this forum as significant.

Mr. CHURCH. I must say, in all honesty, I doubt if there is a Senator among us today who will be remembered 10 years after his demise, with the possible exception of the Senator from Arkansas (Mr. FULBRIGHT). That is the living truth. We have invited this low estate upon ourselves.

Now, how do we deal with this situation? Obviously, we can deal with it only if we are willing to assert the last power left to us—the power of the purse—but as soon as we begin to do so, we are immediately told that we must not tamper with executive privilege, we must not tamper with any other authority now firmly entrenched in the executive branch of the Government, for to do so would be to bring down the pillars of the Republic.

Mr. FULBRIGHT. If the Senator will allow me to read a provision in the Foreign Assistance Act of 1971 signed into law in February 1972, Public Law 92-226, I think he will see that we have sought alternatives; we provided, in subsection (b) of section 11 as follows:

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to its activities and responsibilities.

One cannot be more positive as to what the law says.

What has happened is that by the use of this very dubious, and what I believe to be unconstitutional procedure, these agencies simply deny information to us.

Mr. CHURCH. May I ask the Senator a question? The power to define executive privilege rests with the executive branch, does it not?

Mr. FULBRIGHT. It assumes it. I do

not assume they have it. That is their theory.

Mr. CHURCH. The executive branch defines executive privilege and, having assumed that power, it has extended the scope of executive privilege beyond anything it was originally conceived to be, so that now even committees of Congress cannot get information on legislation before them, because of the misapplication of executive privilege.

Mr. FULBRIGHT. That is correct.

Mr. CHURCH. Yet the authority to define executive privilege lies exclusively in the hands of the Executive.

Mr. FULBRIGHT. That is correct.

Mr. CHURCH. Once again we come back to, What does the Congress do? It has just one recourse—the power of the purse—and that is what we are attempting to do here.

Mr. FULBRIGHT. That is correct. It is just that simple. As a matter of fact, in the discussion preliminary to the action of the committee, I had thought that even the Senator from Wyoming was sympathetic to the idea that Congress and the committee sought to have access to relevant information. It is the only action anybody can think of that has the slightest chance of bringing about a change of attitude on the part of the Executive. This case only illustrates once again how very powerful the Executive is in the Government, when Members of this body, whenever the question arises involving the Executive, feel the pressure so great that they always cave in. As the Senator from Idaho has said, that is what has made us a contemptible body, and it is being recognized as such by more and more people—that we have no authority here, that we have not the will and determination to assert our constitutional prerogatives.

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

Mr. FULBRIGHT. I yield for a question.

Mr. McGEE. For an observation, due to the fact that my position in this matter has been referred to.

Mr. FULBRIGHT. I yield on the Senator's time if it is to be an observation. I do not know how long his observation is going to be.

Mr. McGEE. I do not mean to filibuster. If I were to do that, I would do it on my own time.

I merely want to raise a point in regard to the question of executive privilege. The attitude is that we are caving in to the Executive; that either we do not respect what this body is doing or we do.

I do not think that is really the issue.

Mr. FULBRIGHT. I think it is the main issue.

Mr. McGEE. We all have deep feelings on that. We want this body to have a more responsible role, and we have deep feelings about it.

Mr. FULBRIGHT. The Senator is not helping us get that. I call to the Senator's attention that the report states that if they will give us the information which I thought at one time he thought we ought to have—I am not sure since his exchange with the Senator from Missouri

whether he thinks we ought to have it or not—we said we would give consideration to a supplemental authorization if they made the relevant information available. That is in the report of the committee.

Mr. McGEE. I understand that. But my point to my chairman is that there are very honest genuine and positive differences of degree on this question on the committee and in this body as a whole, and it is not simply one of caving in to the Executive and forfeiting the responsibilities of the Senate.

For example, we want to act wisely on this matter, let us say. Anything we want to know about those background papers we know we have access to now. The difference is whether we have them publicly.

Mr. FULBRIGHT. No, the Senator is incorrect. I cannot yield further to him on my time. We did not ask for the papers on a classified or unclassified basis. They simply refused to give them on any basis.

Mr. McGEE. The Senator can have a look at the papers any time he wants to. Name your country and your paper, and you may have a look at it.

Mr. FULBRIGHT. Mr. President, I do not yield further on my time. The Senator is restating his own speech.

Mr. McGEE. The Senator made allegations about what I said in my speech. I thought the record ought to be clear.

The PRESIDING OFFICER. Does the Senator from Arkansas decline to yield further?

Mr. FULBRIGHT. I decline to yield further on my time. I am glad to debate with the Senator, but he is insisting on using my time for his comments. He can use his own time for his comments if he wishes to do so.

Mr. McGEE. Mr. President, may I ask, on no one's time, a parliamentary inquiry about the time that has been used? Is that permissible, or does it come out of someone's time?

The PRESIDING OFFICER. The time continues to run.

Mr. McGEE. Then I shall not make the request.

Mr. FULBRIGHT. This is from the President's letter:

I therefore direct you—

This is directed to Mr. Shakespeare—not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

There is nothing in that whatever to support the view of the Senator from Wyoming that they are willing to make it available on a classified basis. If they had been willing to do that, then there would arise the subsequent question about the appropriateness of this kind of information being held on a classified basis. I do not know whether that would have arisen or not. But that is not the question here. It is the flat refusal on the broadest possible terms to make available information to the committee. It is not unlike the same question that arose before Senator ERVIN's subcommittee

with regard to the surveillance by the military of private citizens, et cetera. He ran into a very similar thing. And there are many other examples. We have had many examples, as I say, relating to matters involving military matters, where it has some legitimacy.

But this question of executive privilege is not a constitutional provision. There is no mention of it there whatever. It is an assumed power which Congress has gone along with up to now. The significance of this particular case is that it is a test case, and I submit that this broad statement is utterly unacceptable if you believe in the constitutional system of this country, and if you believe Congress ought to play a significant role in the decisionmaking of our country.

Mr. President, I submit that the Agency's own description of the documents requested makes the executive privilege claim an unacceptable one; there is nothing in the description or in the President's memorandum to indicate that the information sought by the committee involves confidential communications between the President and the Director of the U.S. Information Agency. Rather from the Agency's description of these documents, it is evident that they are the basic planning documents used within the executive branch to review and evaluate USIA's annual budgetary requirements. As such, these documents ought to be available to the committee and the Congress so that in turn we can use this information to evaluate the Agency's budget request and thereby exercise more effectively our legislative oversight responsibilities.

Mr. President, in a very real sense the pending amendment is a test case for the Senate. It raises the question: Does the Senate believe that the U.S. Information Agency, or any other executive agency for that matter, ought to be responsive to the people and the Congress?

Just a few short months ago we in the Senate and the Congress said yes by requiring—for the first time in the history of the U.S. Information Agency—that its activities and programs be authorized periodically, rather than continuing the permanent authorization of appropriation under which it had operated for two decades. The same periodic-authorization requirement was applied to the State Department as well. All of this was done in an effort to make these two executive branch agencies more responsive to Congress by requiring them to keep the proper congressional committees informed and up to date on foreign policy matters. The provision of law requiring periodic authorization of State and U.S. Information Agency also includes the following sanction:

The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

This provision of law was written into the Foreign Assistance Act of 1971, which

passed the Congress on January 25, 1972 and which was signed by the President on February 7. Now, less than 3 months after the signing of this bill, we find ourselves faced with the same problem which the Committee and the Congress had labored long and hard to correct.

In view of the Executive's challenge to these efforts, the issue before us—posed by the McGee amendment—is whether we are up to the challenge, whether we meant what we wrote into the law just a few short months ago.

Will the Senate assert its right to information so that it can properly discharge its responsibilities or will it bow to the will of the Executive?

Will the Senate demand a voice in the policymaking, decisionmaking processes of our Government or will it permit but one voice, the voice of the Executive to speak for the Government and the people?

The issues raised by the McGee amendment are just this fundamental.

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

Mr. FULBRIGHT. I yield for a question.

Mr. CHURCH. I wonder if the Senator would yield for an observation concerning the need to utilize the power of the purse. There is an excellent example, the Mansfield amendment, and the way it was subsequently disregarded by the President. I think the example illustrates in a classic way the need for Congress to enforce the policy positions it takes by utilizing the power of the purse. If the Senator will yield for that purpose, I would appreciate it.

Mr. FULBRIGHT. I yield to the Senator. How much time does he wish?

Mr. CHURCH. I think it will take 5 minutes.

Mr. FULBRIGHT. I yield the Senator from Idaho 5 minutes.

Mr. CHURCH. Mr. President, three times last year the Senate of the United States passed the Mansfield amendment, and it was enacted into law. The first time the Senate approved the Mansfield amendment was June 22, 1971, by a vote of 57 to 42. It was then attached to S. 9718.

On September 30, 1971, the Senate again approved the Mansfield amendment by a vote of 57 to 38. This time it was attached to H.R. 15582, the military procurement authorization bill.

Finally, on November 11, 1971, without a record vote, the Senate approved the Mansfield amendment for a third time.

As I say, Mr. President, it became the law of the land, and as such it clearly enunciated a congressional policy for bringing an orderly termination to our participation in the war in Vietnam.

Listen to the words of the Mansfield amendment as it was enacted into law. It speaks for itself:

It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such

Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an account for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Without any question, Congress laid down an orderly policy for terminating our participation in the war. How did the President treat the policy of Congress? One can hardly imagine a more cavalier treatment than the President gave to it. When he signed the law containing the Mansfield amendment, this is what the President said:

To avoid any possible misconceptions, I wish to emphasize that Section 601 of this Act—the so-called Mansfield amendment—does not represent the policies of this Administration. Section 601 urges that the President establish a "final date" for the withdrawal of all U.S. forces from Indochina, subject only to the release of U.S. prisoners of war and an accounting for the missing in action. Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended.

However, it is without binding force or effect and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end.

The President simply said, "I choose to disregard the policy of Congress. It has no binding effect. I disagree with it, and I will continue to follow my own policy."

It is inconceivable that an American chief executive would have disregarded congressional policy in such a peremptory manner a century ago; it reflects upon the lowered stature of Congress that the President deals with us in this high-handed and cavalier way, dismissing a statutory provision because it does not accord with his view of how American involvement in the war in Vietnam should be concluded.

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

Mr. CHURCH. I ask for 1 additional minute.

Mr. FULBRIGHT. I yield 1 additional minute to the Senator.

Mr. CHURCH. So, Mr. President, it is clear that if Congress is going to give force and effect to the policy provisions it enacts, it must use the power of the purse. It is all we have left. Of course, we may continue to lay down and permit Congress to be walked over in this way, but history will not deal generously with us for our weakness.

For this reason, the Foreign Relations Committee adopted an amendment to the pending bill, offered by the distinguished Senator from New Jersey (Mr. CASE) and myself, to give teeth to the Mansfield amendment by backing it up with the power of the purse; and the real test of how we stand in this body, will come when the Senate votes, perhaps within the coming week, on whether it is willing to stand behind its own declared policy or whether it prefers to acquiesce in the disavowal of that policy that the President has expressed.

Mr. President, I ask unanimous consent to have the text of the Case-Church amendment printed at this point in the RECORD.

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

TITLE VII—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 701. Notwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated after December 31, 1972, for the purpose of engaging United States forces, land, sea, or air, in hostilities in Indochina, subject to an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I am reminded by the Senator's reference to the President of another aspect of this matter.

The President made a statement on March 8, 1972, a very short time ago. He signed a new executive order on classification procedures which he described as "establishing a new, more progressive system of classification and declassification of government documents relating to national security."

I ask unanimous consent that the executive order and accompanying statement be printed in the RECORD.

THE WHITE HOUSE—STATEMENT BY THE PRESIDENT

I have today signed an Executive order establishing a new, more progressive system of classification and declassification of Government documents relating to national security. This reform springs from a review that I initiated almost 14 months ago and represents the first major overhaul of our classification procedures since 1953.

By a separate action, I have also directed the Secretary of State to accelerate publication of the official documentary series, "Foreign Relations of the United States," so that historians and others will have more rapid access to papers created after World War II.

Both of these actions are designed to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment—and to do so without jeopardizing any of our legitimate defense or foreign policy interests.

SHORTCOMINGS OF PRESENT CLASSIFICATION SYSTEM

Unfortunately, the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time. The controls which have been imposed on classification authority have proved unworkable, and classification has frequently served to conceal bureaucratic mistakes or to prevent embarrassment to officials and administrations.

Once locked away in Government files, these papers have accumulated in enormous quantities and have become hidden from public exposure for years, for decades—even for generations. It is estimated that the National Archives now has 160 million pages of classified documents from World War II and over 300 million pages of classified documents for the years 1946 through 1954.

The many abuses of the security system can no longer be tolerated. Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.

Yet since the early days of the Republic, Americans have also recognized that the Federal Government is obliged to protect certain information which might otherwise jeopardize the security of the country. That need has become particularly acute in recent years as the United States has assumed a powerful position in world affairs, and as world peace has come to depend in large part on how that position is safeguarded. We are also moving into an era of delicate negotiations in which it will be especially important that governments be able to communicate in confidence.

Clearly, the two principles of an informed public and of confidentiality within the Government are irreconcilable in their purest forms, and a balance must be struck between them.

REVIEW ORDERED IN JANUARY 1971

In order to strike that balance in favor of more complete public disclosure and in keeping with my pledge to create an open Administration, I directed on January 15, 1971 that a review be made of security classification procedures now in effect. An interagency committee was set up to study the existing system, to make recommendations with respect to its operation and to propose steps that might be taken to provide speedier declassification. I later directed that the scope of the review be expanded to cover all aspects of information security.

The Executive order I have signed today is based upon the results of this study, as well as on our own operational experiences under current rules, on findings of similar studies in the past growing out of Congressional hearings, and on a reexamination of the rationale underlying the Freedom of Information Act.

BASIS FOR OPTIMISM

We cannot be assured of complete success in this endeavor. In such a complex field, rules can never be airtight and we must rely upon the good judgment of individuals throughout the Government. Yet I believe that our new approach does provide a basis for considerable optimism. The full force of my office has been committed to this endeavor. The rules have been tightened with great care. In addition, in a critically important shift, we have reversed the burden of proof: for the first time, we are placing that burden—and even the threat of administrative sanction—upon those who wish to preserve the secrecy of documents, rather than upon those who wish to declassify them after a reasonable time.

The new system will become effective on June 1, 1972. Among its most significant features are these:

The rules for classifying documents are more restrictive.

The number of departments and people who can originally classify information has been substantially reduced.

Timetables ranging from 6 to 10 years have been set for the automatic declassification of documents. Exceptions will be allowed only for such information as falls within four specifically defined categories.

Any document exempted from automatic declassification will be subject to mandatory review after a 10-year period. Thus, for the first time, a private citizen is given a clear right to have national security information reviewed on the basis of specified criteria to determine if continued classification is warranted, so long as the document can be adequately identified and obtained by the Government with a reasonable amount of effort.

If information is still classified 30 years after origination, it will then be automatically declassified unless the head of the originating department determines in writing that its continued protection is still necessary and he sets a time for declassification.

Sanctions may be imposed upon those who abuse the system.

And a continuing monitoring process will be set up under the National Security Council and an Interagency Classification Review Committee, whose Chairman is to be appointed by the President.

These rules are explained in greater detail below.

ELEMENTS OF THE NEW SYSTEM

1. Tighter rules for classification

Under the new order, materials can be classified Top Secret, Secret, or Confidential only if their unauthorized disclosure "could reasonably be expected" to cause, respectively, exceptionally grave damage, serious damage or damage to the national security. Heretofore, material could be classified if the originator had any expectation of such damage however remote. This new test is intended to reduce the amount of protected information. In addition, the order explicitly directs that the "Top Secret" stamp must be used with "utmost restraint" while "Secret" shall be used "sparingly."

2. Reduction in classification authority

The new order also substantially reduces the number of agencies in the Government authorized to classify information and material. Under current rules, 24 Federal departments and agencies outside the Executive Office of the President have broad classification authority, while several others have more restricted powers. Under the new system, only 12 departments and agencies and such offices in the Executive Office as the President may designate will have authority to originally classify information "Top Secret" and 13 others will have authority to stamp materials "Secret" and "Confidential."

In the principal departments concerned with national security, namely State, Defense and the CIA, the number of individuals who may be authorized to classify material "Top Secret" is also drastically reduced from 5100 to approximately 1860. This authority may be exercised only by the heads of the departments and agencies and certain high officials within their organizations whom the heads must designate in writing. Reductions in classification authority are also being made at the "Secret" and "Confidential" levels.

It is anticipated that by reducing the number of agencies with classification powers as well as the number of people within those agencies who have personal classification authority, we can sharply reduce the quantity of material which enters the Government's classified files.

3. Precise identification of classified information

A major source of unnecessary classification under the old Executive order was the practical impossibility of discerning which portions of a classified document actually required classification. Incorporation of any material from a classified paper into another document usually resulted in the classification of the new document, and innocuous portions of neither paper could be released.

To the extent practicable, each classified document under the new system will be marked to show which portions are classified, at what level, and which portions are unclassified.

4. Rule for declassifying documents

Perhaps the most innovative and crucial aspect of the Executive order I have signed today is the procedure it establishes for the downgrading and declassification of documents. Aside from a small amount of documents which are subject to declassification after a 12-year period as specified by existing regulations the vast majority of documents classified since World War II have never been given a rigorous declassification review and they remain classified to this day. I believe we can cure these ills under the new order.

A. DOCUMENTS CLASSIFIED AFTER MAY 31, 1972

Unless specifically exempted, all documents classified after May 31, 1972, are to be automatically downgraded and declassified. "Top Secret" information is to be downgraded to "Secret" after 2 years, to "Confidential" after 2 more years, and declassified after a total of 10 years. "Secret" information is to be downgraded to "Confidential" after 2 years and declassified after a total of 8 years. "Confidential" documents are to be declassified after 6 years.

Information may be exempted from the automatic process only by an official with "Top Secret" classification authority and that official must specify in writing in which of four specific exemption categories the material falls and, where possible, he must also indicate when declassification will in fact occur. The four exemption categories are:

Classified information furnished in confidence by a foreign government or international organization;

Classified information covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods;

Classified information disclosing a system, plan, installation, project or specific foreign relations matter the continued protection of which is essential to the national security.

Classified information which, if disclosed, "would place a person in immediate jeopardy." The jeopardy intended here is physical harm, not personal embarrassment or discomfiture.

Upon request from anyone, including a member of the general public, exempted material is subject to mandatory review by the originating Department after ten years from the date of origin so long as (a) the request describes the record with sufficient particularity that it may be identified, and (b) the record can be obtained with a reasonable amount of effort.

If material is still classified 30 years after the date of its original classification, it shall then be automatically declassified. Classification may be further extended only if the head of the originating Department personally determines in writing that its continued protection is essential to national security or that its disclosure would place a person in immediate jeopardy. In these instances—and I am encouraged to believe that they will be limited in number—the Department head must also specify the period of continued classification.

B. DOCUMENTS CLASSIFIED BEFORE JUNE 1, 1972

Essentially these same standards will be applied to materials classified prior to the

effective date of this order, but in view of their vast quantity, the 6-10 year rule for automatic declassification can only be applied to those documents already subject to a 12-year declassification order under current procedures. All others will be subject to the mandatory review process at any time after 10 years from the date of origin, provided the particularity and reasonable effort tests are met. After 30 years all remaining classified information shall be systematically reviewed for declassification by the Archivist of the United States. The Archivist shall continue the protection of this material after the 30-year deadline only if the head of the originating Department so specifies in writing under conditions noted above.

This new responsibility for the Archivist is tailored to fit with Administration plans for an immediate and systematic declassification of World War II documents. On August 3, 1971, I asked the Congress for a supplemental appropriation of \$636,000 so that we could begin this project under the direction of the National Archives and Record Service of the General Services Administration. The Congress has not yet responded to this request, but I am hopeful of action this year.

5. Sanctions against over-classification

Unlike the current system, in which officials find it in their own best interest to classify all materials of a questionable nature, I am hopeful that the new Executive order will encourage them to exercise their authority with restraint. The order explicitly states that information shall never be classified "in order to conceal inefficiency or administrative error . . . or to prevent for any other reason the release of information which does not require protection in the interest of national security." More than that, each agency is to provide a means of identifying the classifying authority for each document and each official is to be held personally responsible for the propriety of the classifications attributed to him. Repeated abuse of the process through excessive classification shall be grounds for administrative action.

6. Monitoring the new system

Of critical importance to the effectiveness of my Executive order will be the new administrative machinery designed to ensure that its provision are not allowed to become mere meaningless exhortations. The National Security Council will monitor compliance with the Executive order. In addition, the order creates a small Interagency Classification Review Committee with extensive powers to oversee agency implementation of the new system, and to take action on complaints both from within and from outside the Government on the administration of the order.

Accelerating publication of foreign relations series

My second action today was to direct an acceleration in the publication by the Department of State of the official documentary States." Since 1861, that series has been an invaluable resource for historians and others interested in our past. For many years each publication contained documents written only a few years before, but soon after the Second World War, when Government files were bulging with war papers, a 20-year lag developed between origination and publication. Now, however, the lag has stretched to 26 years and the Department of State is presently publishing materials relating to events of 1946. This delay is too long, and I have directed the Secretary of State to institute immediately a program to reduce this time lag to 20 years, and to accomplish this mission within three years. I have also instructed the Secretary of Defense, the Director of Central Intelligence, and my Assistant for National Security Affairs to cooperate fully with this effect.

MARCH 8, 1972.

THE WHITE HOUSE—EXECUTIVE ORDER

CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information and material which, because its bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

This official information or material, referred to as classified information or material in this order, is expressly exempted from public disclosure by Section 552(b)(1) of Title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

To ensure that such information and material is protected, but only to the extent and for such period as is necessary, this order identifies the information to be protected, prescribed classifications, downgrading, declassification and safeguarding procedures to be followed, and establishes a monitoring system to ensure its effectiveness.

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered:

Section 1. Security Classification Categories. Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(A) "Top Secret." "Top Secret" refers to the national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national defense plans or complex cryptologic national security; the compromise of vital and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(B) "Secret." "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of

a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(C) "Confidential." "Confidential" refers to that national security information or material which requires protection. The test for assigning "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

Section 2. Authority to Classify. The authority to originally classify information or material under this order shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. Except as the context may otherwise indicate, the term "Department" as used in this order shall include agency or other governmental unit.

(A) The authority to originally classify information or material under this order as "Top Secret" shall be exercised only by such officials as the President may designate in writing and by:

(1) The heads of the Departments listed below:

(2) Such of their senior principal deputies and assistants as the heads of such Departments may designate in writing; and

(3) Such heads and senior principal deputies and assistants of major elements of such Departments, as the heads of such Departments may designate in writing.

Such offices in the Executive Office of the President as the President may designate in writing

Central Intelligence Agency
Atomic Energy Commission
Department of State
Department of the Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force
United States Arms Control and Disarmament Agency
Department of Justice
National Aeronautics and Space Administration
Agency for International Development

(B) The Authority to originally classify information or material under this order as "Secret" shall be exercised only by:

(1) Officials who have "Top Secret" classification authority;

(2) Such subordinates as officials with "Top Secret" classification authority under (A) (1) and (2) above may designate in writing; and

(3) The heads of the following named Departments and such senior principal deputies or assistants as they may designate in writing.

Department of Transportation
Federal Communications Commission
Export-Import Bank of the United States
Department of Commerce
United States Civil Service Commission
United States Information Agency
General Services Administration
Department of Health, Education, and Welfare

Civil Aeronautics Board
Federal Maritime Commission
Federal Power Commission
National Science Foundation
Overseas Private Investment Corporation

(C) The authority to originally classify information or material under this order as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

(D) Any Department not referred to herein and any Department or unit established hereafter shall not have authority to origi-

nally classify information or material under this order, unless specifically authorized hereafter by an Executive order.

Section 3. Authority to Downgrade and Declassify. The authority to downgrade and declassify national security information or material shall be exercised as follows:

(A) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in capacity or by a supervisory official of either.

(B) Downgrading and declassification authority may also be exercised by an official specifically authorized under regulations issued by the head of the Department listed in Sections 2(A) or (B) hereof.

(C) In the case of classified information or material officially transferred by or pursuant to statute or Executive order in conjunction with a transfer of function and not merely for storage purposes, the receiving Department shall be deemed to be the originating Department for all purposes under this order including downgrading and declassification.

(D) In the case of classified information or material not officially transferred within (C) above, but originated in a Department which has since ceased to exist, each Department in possession shall be deemed to be the originating Department for all purposes under this order.

Such information or material may be downgraded and declassified by the Department in possession after consulting with any other Departments having an interest in the subject matter.

(E) Classified information or material transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archives of the United States in accordance with this order, directives of the President issued through the National Security Council and pertinent regulations of the Departments.

(F) Classified information or material with special markings, as described in Section 8, shall be downgraded and declassified as required by law and governing regulations.

Section 4. Classification. Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, or restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following rules shall apply to classification of information under this order:

(A) **Documents in General.** Each classified document shall show on its face its classifications and whether it is subject to or exempt from the General Declassification Schedule. It shall also show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material containing references to classified materials, which references do not reveal classified information, shall not be classified.

(B) **Identification of Classifying Authority.** Unless the Department involved shall have provided some other method of identifying the individual at the highest level that authorized classification in each case, material classified under this order shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenti-

cates a document or item has also authorized the classification, no further annotation as to his identity is required.

(C) **Information or Material Furnished by a Foreign Government or International Organization.** Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(D) **Classification Responsibilities.** A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under his order, he shall so inform the originator who shall thereupon reexamine the classification.

Section 5. Declassification and Downgrading. Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following rules:

(A) **General Declassification Schedule.**

(1) "Top Secret." Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(2) "Secret." Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) "Confidential." Information and material originally classified "Confidential" shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(B) **Exemption from General Declassification Schedule.** Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(3) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) Classified information or material the

disclosure of which would place a person in had such authority under previous Executive orders.

(C) *Mandatory Review of Exempted Material.* All classified information and material originated after the effective date of this order which is exempted under (B) above from the General Declassification Schedule shall be subject to a classification review by the originating Department at any time after the expiration of ten years from the date of origin provided:

(1) A Department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

Information or material which no longer qualifies for exemption under (B) above shall be declassified. Information or material continuing to qualify under (B) shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(D) *Applicability of the General Declassification Schedule to Previously Classified Material.* Information or material classified before the effective date of this order and which is assigned to Group 4 under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before the effective date of this order, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of this order as set forth in (B) and (C) above.

(E) *Declassification of Classified Information or Material After Thirty Years.* All classified information or material which is thirty years old or more, whether originating before or after the effective date of this order, shall be declassified under the following conditions:

(1) All information and material classified after the effective date of this order shall, whether or not declassification has been requested, become automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) All information and material classified before the effective date of this order and more than thirty years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the Department in accordance with (E) (1) above. In such case, the head of the Department shall also specify the period of continued classification.

(F) *Departments Which Do Not Have Authority For Original Classification.* The provisions of this section relating to the declassification of national security information or material shall apply to Departments which, under the terms of this order, do not have current authority to originally classify information or material, but which formerly

had such authority under previous Executive orders.

Section 6. Policy Directives on Access, Marking, Safekeeping, Accountability, Transmission, Disposition and Destruction of Classified Information and Material. The President acting through the National Security Council shall issue directives which shall be binding on all Departments to protect classified information from loss or compromise. Such directives shall conform to the following policies:

(A) No person shall be given access to classified information or material unless such person has been determined to be trustworthy and unless access to such information is necessary for the performance of his duties.

(B) All classified information and material shall be appropriately and conspicuously marked to put all persons on clear notice of its classified contents.

(C) Classified information and material shall be used, possessed, and stored only under conditions which will prevent access by unauthorized persons or dissemination to unauthorized persons.

(D) All classified information and material disseminated outside the executive branch under Executive Order No. 10865 or otherwise shall be properly protected.

(E) Appropriate accountability records for classified information shall be established and maintained and such information and material shall be protected adequately during all transmissions.

(F) Classified information and material no longer needed in current working files or for reference or record purposes shall be destroyed or disposed of in accordance with the records disposal provisions contained in Chapter 33 of Title 44 of the United States Code and other applicable statutes.

(G) Classified information or material shall be reviewed on a systematic basis for the purpose of accomplishing downgrading, declassification, transfer, retirement and destruction at the earliest practicable date.

Section 7. Implementation and Review Responsibilities. (A) The National Security Council shall monitor the implementation of this order. To assist the National Security Council, an Interagency Classification Review Committee shall be established, composed of representatives of the Department of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council Staff and a Chairman designated by the President. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments. This Committee shall meet regularly and on a continuing basis shall review and take action to ensure compliance with this order, and in particular:

(1) The Committee shall oversee Department actions to ensure compliance with the provisions of this order and implementing directives issued by the President through the National Security Council.

(2) The Committee shall, subject to procedures to be established by it, receive, consider and take action on suggestions and complaints from persons within or without the government with respect to the administration of this order, and in consultation with the affected Department or Departments assure that appropriate action is taken on such suggestions and complaints.

(3) Upon request of the Committee Chairman, any Department shall furnish to the Committee any particular information or material needed by the Committee in carrying out its functions.

(B) To promote the basic purposes of this order, the head of each Department originating or handling classified information or material shall:

(1) Prior to the effective date of this order submit to the Interagency Classification Review Committee for approval a copy of the regulations it proposes to adopt pursuant to this order.

(2) Designate a senior member of his staff who shall ensure effective compliance with and implementation of this order and shall also chair a Departmental committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of this order.

(3) Undertake an initial program to familiarize the employees of his Department with the provisions of this order. He shall also establish and maintain active training and orientation programs for employees concerned with classified information or material. Such programs shall include, as a minimum, the briefing of new employees and periodic reorientation during employment to impress upon each individual his responsibility for exercising vigilance and care in complying with the provisions of this order. Additionally, upon termination of employment or contemplated temporary separation for a sixty-day period or more, employees shall be debriefed and each reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

(C) The Attorney General, upon request of the head of a Department, his duly designated representative, or the Chairman of the above described Committee, shall personally or through authorized representatives of the Department of Justice render an interpretation of this order with respect to any question arising in the course of its administration.

Section 8. Material Covered by the Atomic Energy Act. Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

Section 9. Special Departmental Arrangements. The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.

Section 10. Exceptional Cases. In an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Department shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification.

Section 11. Declassification of Presidential Papers. The Archivist of the United States shall have authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library. Such declassification shall only be undertaken in accord with: (i) the terms of the donor's deed of gift, (ii) consultations with the Departments having a primary subject matter interest, and (iii) the provisions of Section 5.

Section 12. Historical Research and Access by Former Government Officials. The requirement in Section 6(A) that access to

classified information or material be granted only as is necessary for the performance of one's duties shall not apply to persons outside the executive branch who are engaged in historical research projects or who have previously occupied policy-making positions to which they were appointed by the President: *Provided*, however, that in each case the head of the originating Department shall:

- (i) determine that access is clearly consistent with the interests of national security; and
- (ii) take appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policymaking position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.

Section 13. Administrative and Judicial Action.

(A) Any officer or employee of the United States who unnecessarily classifies or overclassifies information or material shall be notified that his actions are in violation of the terms of this order or of a directive of the President issued through the National Security Council. Repeated abuse of the classification process shall be grounds for administrative reprimand. In any case where the Departmental committee or the Interagency Classification Review Committee finds that unnecessary classification or overclassification has occurred, it shall make a report to the head of the Department concerned in order that corrective steps may be taken.

(B) The head of each Department is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been responsible for any release or disclosure of national security information or material in a manner not authorized by or under this order or a directive of the President issued through the National Security Council. Where a violation of criminal statutes may be involved, Departments will refer to any such case promptly to the Department of Justice.

Section 14. Revocation of Executive Order No. 10501. Executive Order No. 10501 of November 5, 1953, as amended by Executive Orders No. 10816 of May 8, 1959, No. 10901 of January 11, 1961, No. 10964 of September 20, 1961, No. 10985 of January 15, 1962, No. 11907 of March 6, 1963, and by Section 1(a) of No. 11382 of November 28, 1967, are superseded as of the effective date of this order.

Section 15. Effective Date. This order shall become effective on June 1, 1972.

RICHARD NIXON.

THE WHITE HOUSE, March 8, 1972.

Mr. FULBRIGHT. I read one paragraph from the statement.

The many abuses of the security system can no longer be tolerated. Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.

That is only one paragraph. It is utterly inconsistent with what he actually does. It is another example of a very fine principle in another Presidential statement.

To the extent that the executive branch is successful in its endeavor to withhold information from Congress, the legislative process is undermined and nullified, and we in Congress become little more than a rubber stamp for the executive. Passage of the pending amendment would have the effect of saying to

the executive branch that we are a rubber stamp; that any time the administration wants to withhold information from the Congress we will not object, and that whenever the President claims executive privilege, we will not question that claim or the reasons for it. All of these considerations are now before us in this amendment and I hope that every Senator weighs them very carefully.

Mr. President, I want to assure my colleagues that the committee weighed all of these considerations before recommending to the Senate that the U.S. Information Agency authorization request be reduced substantially. Some believe the committee's decision was too indiscriminate and drastic, but those who hold such views should be reminded of the damage, the violence done to the legislative process by the executive's decision to withhold information vital to permitting the elected representatives of this body to make an informed judgment about a matter involving an expenditure of hundreds of millions of the taxpayers' dollars.

Mr. President, in asking that the pending amendment be defeated and that the committee's recommendation be upheld, I invite the attention of Senators to a recent article in the New York Times by Admiral Rickover entitled "The Decline of Congressional Power." The substance of this article has particular bearing on the issue before the Senate.

Admiral Rickover, it will be recalled, received special consideration by Congress some years ago, when it intervened to rescue him from premature retirement. I think Congress acted wisely in doing so. On the whole, Admiral Rickover is a very broad gaged man who has given much thought to our Government and to the problems we face.

Admiral Rickover begins with the following observation:

As a realist, I must say the only real power Congress has left is the negative power of denying funds.

Mr. President, as lamentable as this may be, I doubt that anyone in this Chamber would take issue with it. Admiral Rickover continues:

It is, of course, the immense scope and complexity of the governmental activities financed by taxes that has brought out the enormous growth of bureaucratic influence on the way the money collected from the American people is spent. The chairman of the House Appropriations Committee has pointed out that Congress usually makes only relatively small changes in the budget submitted by the Administration. Beyond this, the increasing use of Federal power has—as Madison predicted—allowed the Federal bureaucracy to exercise what in effect are discretionary powers in disposing of public moneys.

In an effort to put the present situation in perspective, the Rickover article goes on to point out:

Congress may change the Administration's budget by 1 or 2 per cent, but to all intents and purposes Congress no longer has control over the budget. Like any other parliamentary body in a free society, it does, however, have the power of legislative oversight as well as the right to refuse to vote appropriations if it judges that in the past they have not been used in accordance with the laws it has enacted.

In conclusion Admiral Rickover, "as a realistic," is led to the following recommendation:

Since Congress itself can no longer control in detail how appropriated moneys are spent, its constitutional control of the purse strings now depends more than ever on the judicious exercise of its investigatory function, and on the negative power to refuse funds.

I might point out that these remarks were presented originally in the Admiral's testimony before the Armed Services Committee. I endorse them wholeheartedly and commend them to my colleagues.

I ask unanimous consent that the entire article be printed in the RECORD, together with the correspondence concerning the U.S. Information Agency's refusal to make the documents requested available to the Committee on Foreign Relations.

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

THE DECLINE OF CONGRESSIONAL POWER

(By H. G. Rickover)

WASHINGTON.—As a realist, I must say that about the only real power Congress has left is the negative power of denying funds. Surely this was never the intention of the framers of the Constitution, nor has it come about by the proper procedure of constitutional amendment. Take the bill to limit the ability of the executive to carry on indefinitely an undeclared war. I thoroughly approve the intent of the bill. But ought it to be necessary? Does not the Constitution vest in Congress and in Congress alone the power "to declare war?"

This clause occasioned hardly any debate in the Constitutional Convention. The executive was at first envisioned, as Sherman of Connecticut put it, as "nothing more than an institution for carrying the will of the legislature in effect," Congress being declared the "depository of the supreme will of the society!"

When the debate opened on the powers of the executive, even those favoring a vigorous single executive, rather than a council or committee set up by Congress, opposed giving him the power to make war—a power which at that time was everywhere the prerequisite of the executive. Fear was expressed that if the executive power within the Federal Government were to encompass peace and war, the President would be rendered a monarch "of the worst kind; to wit, an elective one."

Power seemed extremely dangerous to the founders of our Federal system. They were anxious to vest it where the people could best influence its exercise. I believe we were at that time the only country entrusting the war power to the legislature.

I digress into these historic reminiscences only to support my point that failure to exercise the powers vested in Congress results in their diminution, if not total loss.

It is, of course, the immense scope and complexity of the governmental activities financed by taxes that has brought out the enormous growth of bureaucratic influence on the way the money collected from the American people is spent. The chairman of the House Appropriations Committee has pointed out that Congress usually makes only relatively small changes in the budget submitted by the Administration. Beyond this, the increasing use of Federal power has—as Madison predicted—allowed the Federal bureaucracy to exercise what in effect are discretionary powers in disposing of public moneys.

When Congress does not exercise the power vested exclusively in it to make the laws that govern the United States, its power to do so atrophies. Indeed, I submit that Con-

gress has already lost much of its power by not using it.

Congress may change the Administration's budget by 1 or 2 per cent, but to all intents and purposes Congress no longer has control over the budget. Like any other parliamentary body in a free society, it does, however, have the power of legislative oversight as well as the right to refuse to vote appropriations if it judges that in the past they have not been used in accordance with the laws it has enacted.

It is my firm belief that the present procurement situation can be remedied only if Congress will use these two important powers to compel reform. It is not in the nature of a powerful bureaucracy to improve its way unless prodded by someone with power from without.

Since Congress itself can no longer control in detail how appropriated moneys are spent, its constitutional control of the purse strings now depends more than ever in the judicious exercise of its investigatory function, and on the negative power to refuse funds.

U.S. INFORMATION AGENCY,
Washington, D.C., March 16, 1972.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

FRANK SHAKESPEARE.

THE WHITE HOUSE,
Washington, D.C., March 15, 1972.

MEMORANDUM FOR THE SECRETARY OF STATE,
THE DIRECTOR, U.S. INFORMATION AGENCY

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions. In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Govern-

ment Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your

respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

RICHARD M. NIXON.

MARCH 1, 1972.

Mr. FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: I am enclosing a copy of Mr. Ablard's letter of February 28 to Mr. Robert Dockery of the Committee staff concerning the status of the Country Program Memoranda prepared by the United States Information Agency. I understand from Mr. Ablard's letter that the Memoranda are regarded as "internal planning or working documents" and as such, the Agency believes that "it would not be appropriate to provide these documents to the Committee."

As you know, the "Agency in Brief 1972" publication describes this material in the following way:

"These CPM's (Country Program Memoranda) are designed to integrate USIS planning and resource allocation with overall U.S. objections in the country. The CPM's encompass total Agency resources devoted to the country, including media products and materials supplied from Washington." (p. 19)

I believe this information would be of interest to all Members of the Committee and of particular assistance to them in connection with the Agency's authorization hearings, beginning March 20.

In view of this, I am requesting that the Agency reconsider its decision and agree to make this information available to the Committee. I should appreciate hearing from you on this matter at your earliest convenience and, hopefully, no later than March 10. If the original decision is maintained, I should like to know what the Agency's legal authority is for withholding this type of information from the Congress.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

Enclosure.

U.S. INFORMATION AGENCY,
Washington, D.C., February 28, 1972.
Mr. ROBERT DOCKERY,
Staff Consultant, Committee on Foreign Relations, U.S. Senate.

DEAR BOB: In preparation for authorization hearings on March 20, you have requested that USIA furnish you Country Program Memoranda and USIA Planning Papers. An evaluation of these documents reveals that they are substantially in the nature of internal planning or working documents which are in many cases unapproved and in a raw form. In most cases the CPM is not a final document as such but is an exchange of papers and proposals between the post and the area offices, with suggestions from other departments in Washington. They are, in a real sense, planning documents which are constantly under revision as programs change and developments occur both in the country of operation and in Washington.

Accordingly, it would not be appropriate to provide these documents to the Committee. However, we can provide you a summary of the approved country objectives, activities to implement them, and principal USIA audiences. Also, we can provide an oral

briefing on a country-by-country basis to you and your staff colleagues, as well as for any Members of the Committee.

Of course, the Assistant Directors for each geographic area will give testimony before the Committee which can include specific country objectives.

Sincerely yours,

CHARLES D. ABLARD,
General Counsel and
Congressional Liaison.

Mr. FULBRIGHT. Mr. President, I think that Admiral Rickover states the situation very well. The only thing left to Congress to try to restore any influence of any consequence upon the arbitrary exercise of power by the Executive is the power of the purse, and the amendment of the Senator from Wyoming is the best possible test of which I can think.

I consented to the very unusual unanimous consent request of the Senator, not only to accommodate him, but also to get this test case before the Senate.

I regret that more Senators are not interested. Obviously, from observing the attendance in the Chamber at this time, they are not. I do not know whether or not they receive their instructions only from the White House. That remains to be seen. But it is very clear that this is a test of the right of the Senate and of Congress as a whole to have access to fundamental information necessary to the discharge of its responsibilities.

In connection with a comment made by the distinguished Senator from Wyoming earlier, I wonder what his attitude would be—this is just to inquire about his attitude—toward a proposal, in the nature of a contingency, that if and when the Executive made available the information which has been requested by the committee, the amounts as reduced in the committee bill, as I have already stated, on page 51 of the report, would then be made available. Would the Senator be interested in that kind of approach?

Mr. McGEE. On whose time is my response to the chairman's question?

Mr. FULBRIGHT. On my time.

(Disturbance in the Visitor's Galleries.)

The PRESIDING OFFICER. The Chair reminds the visitors in the galleries that approval or disapproval of anything heard on the floor will not be tolerated.

Mr. FULBRIGHT. This is simply to try to get a fix on the Senator's attitude. It seems that the Senator would not wish to use the power of the purse in any way to force the executive to furnish information.

Mr. McGEE. I would have to say that I would not approve of that approach to it, because I think it is the wrong agency and the wrong circumstances. I would not approve of it.

Mr. FULBRIGHT. That is all I want to inquire about at this time.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FULBRIGHT. I yield myself 3 additional minutes.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Sen-

ator from Arkansas has 72 minutes remaining.

Mr. FULBRIGHT. Mr. President, as I look over the agencies in this Government, I cannot think of one to which it is more appropriate to apply the test of whether or not Congress is really interested in exercising its oversight responsibilities, whether it really is interested in having a serious role in our Government, than this one, dealing with an information agency from whom we request information about its own activities.

It seems ironic that an agency devoted to informing the people of other countries should decline to inform its own Congress. This raises a serious question whether the agency is really interested in information or whether it is not essentially a propaganda agency that has only incidentally any relation to information as an objective sort of thing. We read many stories about those who are capable of taking a particular candidate and, in a subtle and persuasive manner, creating an image of the candidate that will meet the approval of the people. Apparently, USIA sees itself as doing this sort of thing, rather than providing straight information, and it contributes, I suppose, to the attitude that information as such, is not something to be discussed in public, and certainly not something to be distributed to a congressional committee which has authority to authorize its funds.

Mr. President, I yield the floor for the moment, and reserve the remainder of my time.

Mr. McGEE. Mr. President, I yield myself 1 minute before I yield to the Senator from New York (Mr. BUCKLEY) to say that the New York Times on yesterday published an interesting editorial entitled "Wrecking USIA." I quote from the thrust of it—indeed, as some colleagues have contended that the USIA was a slanted and high-powered soap salesman project, that would be one thing, but as the New York Times editorial writer suggests:

They are mostly trained professionals in the writing, editing and broadcasting of news and information who try to tell the facts honestly about the United States.

If the U.S.I.A.'s output were heavily slanted and ideological, the Foreign Relations Committee would have a better case. But the agency has generally in recent years been trying to "tell America's story to the world" and to tell it straight.

Therefore, it concludes that this is no time for the meat ax to wreck the USIA.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

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

WRECKING USIA

There is a strong probability that Senator William Fulbright and his Democratic colleagues on the Foreign Relations Committee will miss the target in their campaign to redirect the energies of the United States Information Agency. The committee has voted to reduce the U.S.I.A.'s budget request by nearly 25 per cent, from \$200 million to \$155 million.

Ostensibly, Senator Fulbright and Frank Shakespeare, the agency's director, are en-

gaged in a dispute over the latter's refusal to make available to the committee its "program memoranda" of various countries. These documents are supposed to set forth the propaganda informational objectives in each country. If the Nixon Administration were to waive its claim of "executive privilege," the memoranda would probably turn out to be boring and irrelevant.

Behind this paper battle, the antagonists are really arguing over Mr. Shakespeare's alleged determination to make his agency a vigorous spokesman for the anti-Communist cold war, while Senator Fulbright protests that such policies serve no useful purpose when President Nixon is making overtures to Russia and China. We characterize Mr. Shakespeare's determination as "alleged" because—aside from some rhetorical flourishes of his own, calculated to impress his boss in the White House and right-wing voters in the country—it is hard to see that he has had much impact on the work of his subordinates. They are mostly trained professionals in the writing, editing and broadcasting of news and information who try to tell the facts honestly about the United States.

If the U.S.I.A.'s output were heavily slanted and ideological, the Foreign Relations Committee would have a better case. But the agency has generally in recent years been trying to "tell America's story to the world" and to tell it straight.

Mr. McGEE. Mr. President, now I yield my colleague from New York (Mr. BUCKLEY) 15 minutes.

The PRESIDING OFFICER (Mr. NELSON). The Senator from New York is recognized for 15 minutes.

Mr. BUCKLEY. Mr. President, I should like to thank my colleague from Wyoming for yielding to me this time. I recall a few minutes ago that he spoke of an important factor in this debate and also conveyed some remarks from the junior Senator from Washington (Mr. JACKSON) echoing that same sentiment; namely, discussion of the symbolism at this time in world history of a significant curtailment of some of the activities of the USIA.

I understand from subsequent debate that what is really the issue is not whether there is any merit to the activities, but, rather whether an executive has abused executive privilege in not making information available to the Committee on Foreign Relations.

Unfortunately, I think that the niceties of our internal confidential debate will be lost on those abroad, especially those relying on some of the foreign language broadcasts maintained by the Voice of America as a window on the outside world. These constitutional niceties will be lost if, suddenly, that window is slammed shut.

I hope that my remarks will not be considered irrelevant subject matter if I confine myself to a discussion of the functions of the USIA and, most importantly, its radio informational arm, the Voice of America and the potential effect of its ability to perform its functions if these cuts are not stricken.

I would like to consider at the outset certain of the principal arguments which in the past have been raised against the USIA and particularly against the broadcasting activities conducted mainly through the Voice of America.

First, I think that I should state my basic position, one which is fortified—from what I have been able to observe—

through more than 17 years of extensive private business travel around the globe before my election to the Senate.

First, I believe that in both the shorter and the longer term, it is indispensable for the United States to have a strong, credible, and well financed international information organization.

Second, by and large, the USIA has provided our Nation with just such an organization, principally although not solely because of the quality of its Voice of America programs. These broadcasts have proved accurate and reliable and, therefore, effective in projecting information, news, and commentary which we feel is required if we are to present to the world a proper understanding of events within the United States and of the reasons behind our foreign policy objectives.

Third, I believe that the radio and TV programs which are maintained by the USIA are a most important means by which to convey information to the peoples of the world, because it is the only means of communication which can penetrate the barriers of censorship still erected by so many totalitarian regimes.

I recognize that many do not accept these views but at least we should argue on the merits of the case, based on broad access to information which it is the purpose of the Voice of America to provide less fortunate people.

What are some of the arguments presented against the USIA and against its broadcasting arm?

One is that, somehow, these activities represent an anachronistic relic of the cold war.

It is true that the USIA was created at the outset of the cold war, in the early 1950's. It is also true that the Voice of America had its origins in the hot war—having been founded in 1942.

But this argument fails to make the necessary distinctions between origins and purposes.

The USIA had its origins in the early stages of the cold war, but because of the continuing role which the United States is required to play in world affairs, the purpose of the USIA transcends this origin. That purpose is to present and to support the foreign policy objectives of the United States, to present to the world at large the information required for it to understand the objectives of that policy.

That purpose, stated in its simplest form, as I have suggested, is to support the United States foreign policy. And this is a foreign policy which has not died with a change in the shift or thrust of our policy, but a purpose which must coexist with our foreign policy objectives, whatever they are.

This leads me to a second point which the critics of the USIA have advanced from time to time; namely, that the USIA and the Voice of America are not working to support our foreign policy but are working rather to frustrate it.

These critics say that by carrying news that is often critical of Communist action or which highlights Communist abuse, the Voice of America is working at cross-purposes with President Nixon's efforts to bring about a detente with the Soviet Union.

If this argument were valid, surely we would find the President of the United States among the principal objectors to the activities. And if the arguments were valid, the proper remedy would not be to make arbitrary cuts in the budget, but rather to change the procedures and the management.

In point of fact, President Nixon not only does not consider the activities to be subversive of his effort, but supportive of them.

Mr. President, at this point in the RECORD, I ask unanimous consent to have printed in the RECORD excerpts from a letter from President Nixon to the Voice of America on the occasion of its 30th anniversary, outlining the importance which he believes this organization continues to have in the implementation of American policy.

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

LETTER FROM PRESIDENT NIXON TO THE VOICE OF AMERICA ON THE OCCASION OF ITS 30TH ANNIVERSARY

Just as the world has changed in the last thirty years, so too has the Voice of America. It was born in a world at war. Today it continues its important mission in a world in which international tensions have been lowered, even though peace is still not a reality. More and more, men realize that if we are to survive, we must learn to relate to each other better than we have in the past—and that to improve our relationship, we must understand each other better.

Never has the role of the Voice of America been more important than now, since it helps so much in promoting mutual understanding among nations and peoples. Day after day, the Voice of America brings its audience a reliable account of what is happening throughout the world, and direct insights into life and thought in the United States.

Mr. BUCKLEY. Mr. President, in his letter the President emphasizes the Voice of America's task to establish an understanding among nations and peoples. And I would like to stress "peoples" because the USIA has a number of programs for cultural exchange which result from negotiated treaties, for example, with the Soviet Union that allow thereby the circulation of a very excellent magazine about American affairs. This also enables us to maintain certain exhibits and to have guides at these exhibits who have direct contact with the Soviet people. Nevertheless, these activities are limited in their total penetration. But these activities will continue, subject only to the sufferance of the Soviet Government.

The Voice of America, on the other hand, is able to bring about a far broader and more important dissemination of information. It provides the people of the U.S.S.R. and elsewhere with unique sources of news which are beyond the reach of official censors.

It provides these people with facts about the outside world which they otherwise would have no means of learning. It is as important to us now, I submit, that the people of the Soviet Union and elsewhere have access to the facts and to the clearly labeled commentaries of Voice of America as it ever has been. Whether a cold war still exists or not, it is clear that the interests of

the United States and the Soviet Union will continue to play an important part here and there around the globe, and notably in the Mideast.

There is increasing evidence that the Kremlin is not entirely insensitive to these internal and external pressures which have been generated by the USIA. I think we saw that most spectacularly in the trial in Leningrad of a group of Jews who were accused of the "hideous crime" of wanting to escape to Israel.

There can be no doubt that these broadcasts have an important impact behind the Iron Curtain.

Mr. President, I cite certain testimony as to the importance of the Western broadcasts.

Russian Author A. Anatoli Kuznetsov, winner of the Stalin Prize, joined eight other exiled scholars and writers to report that these programs—

Were for us a substitute for a free press nonexistent in our countries . . . to speak the language of a free press and not of the government propaganda . . . makes (them) so attractive to their audiences. To deprive them of that life-line would be indeed a crime against liberty.

Nobel Prize winning Russian Author Alexander Solzhenitzyn, in a New York Times interview, referring to these broadcasts said:

If we learn anything about events . . . it is from there.

More recently, Representative JAMES SCHEUER, of New York, reported that Jews in the Soviet Union came up to him with tears in their eyes telling how much they appreciated the broadcasts of the Voice of America, saying that these broadcasts "keep hope alive."

True, the Kremlin does not like the Voice of America broadcasts. We notice the large amounts of money which the Soviet Union spends each year trying to jam them, with very limited success, I am happy to report. However, for the life of me, I cannot see why we in this country should tailor our program to help the Soviet Union protect their people from the truth. We spend 780 hours a week broadcasting in 34 different languages in the face of their own intense broadcasting effort of 1,900 hours a week in 84 languages.

I do not see why we should, in order to curry the dubious favor of the leaders of the Kremlin, deny hundreds of millions of persons who thirst for knowledge access to the news from the outside world. Furthermore, I believe it matters that they know the truth, because to the extent that peoples around the world have an understanding as to what is happening in the world, to the extent that they are accurately informed about policies and events in the United States, to that extent can we hope that sanity will ultimately prevail in world affairs.

Yet, if the budgetary cuts provided for by the Committee on Foreign Relations are allowed to remain, it will mean not just a paring back of the activities currently sustained by the USIA, and more particularly by the Voice of America, but it will result in the termination of 23 of the 34 foreign language broadcasts which are now sustained.

These audiences which are being

reached by these 23 language programs now in existence will be cut off from access to this sort of information. I might add that these audiences were built up over a period of years and cannot automatically be put back together if the broadcasts are interrupted for any sizable period of time.

We must understand that credibility is hard to achieve. It has been a history of truth and reliability on the part of Voice of America broadcasting which has developed that credibility and reliability which is an important arm of the American informational system.

It is quite possible that at the present moment access to one or more of these audiences is not critically important to the fulfillment of the present U.S. policy except to the extent that we have a permanent, abiding interest in the survival of truth in the dissemination of information around the world.

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

Mr. McGEE. Mr. President, I yield 3 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 additional minutes.

Mr. BUCKLEY. But we cannot tell today what emergency might arise in the future when it will be critically important to us that we be able to reach these same audiences with the credibility required to make them effective.

I suggest, Mr. President, that my assessment of the importance and effectiveness of the Voice of America is shared not just by the administration or other colleagues who agree with my point of view, but by the Soviet Union or it would not have persisted in its sustained effort at jamming.

Mr. President, I want to touch one other aspect which I believe to be critically important in an understanding of the present day function of the U.S. Information Agency and its purpose. Its purpose must be viewed in the context of the communications revolution to which Mr. Frank Shakespeare has referred when he said that we live in a time when hundreds of millions of people are receiving direct access to information through radio and television. If we cut needed funds from an agency engaged in the dissemination of our side of the story, we will have foreshortened our ability to present the American story and thereby support American policy.

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

Mr. McGEE. Mr. President, I yield the Senator 5 additional minutes.

Mr. BUCKLEY. Mr. President, it seems to me that one of the reasons there is objection to the activities of the Voice of America in explaining America's story, is that we have an instinctive distaste for the word "propaganda." It is a distaste which is natural enough, given the fact that we, as a nation, first became exposed to the word in activities of Adolf Hitler and more recently in activities of Radio Moscow with their total reliance on the big lie. I would like to suggest, however, that this is not the sole meaning of the word "propaganda." Propaganda also

means telling your story and to the extent we rely on truthful dissemination of the facts, as has been the history of the Voice of America, to that extent must we distinguish between licit, respectable, and responsible utilization of propaganda and illicit forms with which we would not associate ourselves.

But, if it is "propaganda" to tell the facts about the United States, as the Voice of America does every day, so be it. If it is propaganda to attempt to put those facts into context in clearly labeled commentaries, so be it. If it is propaganda to show pride in our Nation as USIA's public affairs offices do in 101 nations around the world, I am all for it. The relevant question is not whether USIA engages in propaganda—we can leave that philosophical conundrum to scholars and savants—but whether what USIA engages in is needed by our Nation.

Perhaps the most important criticism which can be made about USIA is the criticism implicit in the wide misunderstanding of this organization both within and without the Congress. Such a misunderstanding springs not from any resentment against USIA activities but from a lack of interest in the organization for its own sake. Lack of interest can be a fatal criticism to any Government program. In one sense, then, the proposed budget cut has done USIA a favor—it has brought it before the gaze of the Congress where it could be discussed.

I am glad that this happened, because I am deeply convinced that Director Frank Shakespeare is correct when he says we are living in an age of a communications revolution of transistor radios and television satellites, one of the most decisive factors shaping the course of our time. The international flow of information can no longer be sealed off at national frontiers.

There are times, I know, when we all wish it were otherwise. Too much information too swiftly carried to too many people for too many reasons in too many ways—we have seen the world shrink before our eyes and it is as disconcerting as it is strange.

But whatever else it may be, the communications revolution is a fact and within the lifetime of most of us it will probably be one of the most decisive factors in international affairs. The question is not whether we like the communications revolution, but what are we going to do about it and what role should the U.S. Government play in it.

For the first time in human history the attitudes of millions of people have moved from the periphery toward the center of foreign policy decisions. In 1815, a few men could sit around a table in Vienna and carve up Europe for a hundred years. In 1919, a small group of men could once more decide the shape of the West—although the results of their decisions did not last as long as their diplomatic predecessors at Vienna.

Today, however, the phrase "the whole world is watching" is a reality of international affairs that each nation must take into account. The diplomatic briefcase is being matched by the television picture and the transistor radio as a part of international diplomacy.

Whether we like it or not it does matter what millions of people thought when President Nixon got off the plane before the TV cameras in Peking.

Whether we like it or not it does matter what "received opinions" form the basis upon which millions of people will make up their own minds on complicated international problems.

It is no longer, I feel, good enough to use the term "imagemakers" for those who are in the forefront of this revolution for our country. The USIA does not now attempt and never has attempted to make an "image," some two-dimensional, unbelievable figure to fool the world. If it did, it would long ago have been dismissed from every country in which it operates. But today it operates in 101 countries. Now this does not mean that USIA has convinced people in 101 countries about the U.S. position on international issues. It does mean, however, that USIA-VOA has attempted to do, against tremendous opposition from the U.S.S.R. and other countries which generously finance their informational and propaganda programs, what can be done: to speak the truth about our Nation and about the world. USIA-VOA has been effective because it has built a reputation for reliability and truth.

The communications revolution is going to go on no matter what we do here today. If the USIA is cut to the bone, that will not stop the irresistible and all but insatiable appetite of people all over the world to use the new technology.

What is at stake here is the very position of the United States of America toward international understanding. Cut the USIA budget and we cut a link between our Government and masses of people. We will still have our traditional ways of diplomacy. We still need those ways. But those ways no longer suffice.

Cut USIA's budget and we are in effect saying to millions of people: "We are no longer interested in you. We don't want to talk to you, but only to your government. We have lost confidence in our ability to convince millions of the soundness of our foreign policy and of the principles which guide our Nation."

I, therefore, strongly urge that these proposed cuts be restored and that USIA be restored to its rightful place as an essential instrument of American foreign policy in this age of a communications revolution.

CALL OF THE ROLL

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

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. It will have to be on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

Mr. FULBRIGHT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the call of the roll.

The rollcall was resumed.

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

Mr. FULBRIGHT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed, and the following Senators answered to their names:

[No. 165 Leg.]

Allen	Fulbright	Nelson
Bellmon	Griffin	Percy
Boggs	Hughes	Proxmire
Buckley	Javits	Ribicoff
Byrd, Robert C.	Long	Saxbe
Cooper	McGee	Symington
Ellender	Montoya	Taft

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Dole	Packwood
Allott	Fannin	Pastore
Anderson	Fong	Fearson
Beall	Gambrell	Randolph
Bennett	Goldwater	Roth
Bible	Gravel	Schweiker
Brock	Gurney	Smith
Brooke	Hansen	Spong
Burdick	Hart	Stafford
Byrd	Hatfield	Stennis
Harry F., Jr.	Hollings	Stevenson
Case	Hruska	Talmadge
Chiles	Inouye	Thurmond
Church	Jackson	Tower
Cook	Jordan, Idaho	Weicker
Cotton	Kennedy	Young
Cranston	Metcalfe	
Curtis	Miller	

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from Missouri (Mr. EAGLETON) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMI-

NICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

The PRESIDING OFFICER (Mr. NELSON). A quorum is present.

Mr. ALLEN. Mr. President, I ask unanimous consent that the time used in the quorum call just completed not be charged to either side.

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

Mr. ALLEN. Mr. President, acting on behalf of the distinguished Senator from Wyoming (Mr. McGEE), I now yield 2 minutes to the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I support restoration of funds for the U.S. Information Agency, because the loss of these funds would severely cripple the Voice of America and other USIA media activities which have the important function of presenting a clear picture of America to the world.

In an era when misinformation is so common, the Voice of America has succeeded in presenting a fair picture of life in the United States to the peoples of many nations. Moreover, it provides a generally objective view of the Western world, which gives listeners in other countries—and particularly in those countries where there is no freedom of information—a better basis for judgments on national and international events.

It is a vital service to those who want to hear another opinion which is different from the official opinion in their countries. And I submit that this is a legitimate function of the U.S. Government.

On my trips to Eastern and Western Europe, I have been told again and again about the value of the Voice of America broadcasts. An elderly refugee from Bulgaria tells that the VOA broadcasts had been an important factor in his life. He called the VOA "an anchor of freedom" which helped him keep up his hope when he was fearful of expressing himself about politics and international affairs. He said he had been not only afraid to speak candidly, but had even been afraid to listen to others who had complaints about the system in Bulgaria. But he was not afraid to put his ear to the radio to hear the Voice of America.

This old man, who now lives with relatives in a Paris suburb, was no different than thousands of others in Communist countries who over the years have expressed their appreciation for the broadcasts of VOA, Radio Free Europe, and Radio Liberty in many ways. We should not let them down.

As we vote today to restore funds for the U.S. Information Agency and the Voice of America, we will be expressing our own support of the proposition that the United States has a right and a duty to speak out to the world and to speak the truth as we see it so that all may

hear. At the same time, we will be expressing our determination that all peoples—especially those in closed societies—may have the opportunity to know more of the truth than their own governments may be willing to share with them.

Mr. ALLEN. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma (Mr. BELLMON).

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

Mr. BELLMON. Mr. President, all of the great powers of the world, as well as some of the lesser powers, have international broadcasting operations.

The program operated by the United States, commonly known as the "Voice of America," has been recognized as one of the best methods for informing other peoples of the world about our country. It has been described by the National Association of Broadcasters as—

An instrument of peace (which) has been instrumental in creating a better understanding of this nation, its people and its culture throughout the world.

The Voice of America and its parent organization, the U.S. Information Agency, have been praised and supported by Presidents Eisenhower, Kennedy, Johnson, and Nixon as an important function of this Nation's foreign relations.

At the present time, the United States broadcasts 779 hours a week to countries overseas. In contrast, the Soviet Union's foreign broadcasts total 1,904 hours per week—more than twice as much. China is second to the Soviet Union, with 1,346 hours per week. Next is the Arab Republic of Egypt, with slightly over 1,000 hours per week.

None of these countries is accustomed to wasting money. Yet they consider international broadcasting important enough to establish and keep maintaining broadcast operations that are for the most part bigger and costlier than that of the United States. For example, the United Kingdom broadcasts 725 hours per week, 54 hours less than the United States, yet the BBC has a larger staff than the Voice of America.

The Soviet Union broadcasts in 82 languages, compared to the Voice of America, which broadcasts in 35 languages.

Mr. President, this country's international broadcasting operations, already modest by many standards, are now threatened with a severe cutback which could seriously undermine the position of the United States in international affairs. I refer to the proposed reduction of one-fourth of the agency's budget recommended by the Senate Foreign Relations Committee.

If this \$45 million cut is allowed to stand, the Voice of America would be forced to cut its operations to 454 hours of broadcasting weekly in 11 languages. This would put the United States even further behind the Soviet Union, China, Egypt, and other countries.

It would mean that in the arena of world opinion, we would be competing at the level of Portugal and Albania.

This proposed reduction in funds would require the USIA to terminate

the services of approximately 2,360 employees, many of them with technical and language skills that would be difficult to replace.

In the words of syndicated columnist, James J. Kilpatrick, "the VOA in short, would be strangled."

In a recent column, Kilpatrick offered some strong reasons for keeping the agency from being further crippled:

Such folly must be avoided. The USIA, under director Frank Shakespeare, has not engaged in empire building: It has 600 fewer employees than it had four years ago. By comparison with Russia, China, and the United Arab Republic, the United States is waging a modest program of information and propaganda. But the program is vital to our continuing national interest around the world.

Mr. President, the United States has sound reasons for trying to reach the minds of men by means of international broadcasting—to make sure the facts are known, to explain our national policies, to create a climate of good will, to foster cultural friendliness, to promote the cause of peace. In the words of one expert:

In the last analysis, the major international broadcasters cannot afford to fall behind. They fear to leave the field open to others, whose interests are less than identical at best and sharply inimical at worst.

Mr. President, I have had occasion to visit foreign lands and have heard the Voice of America. I have also spoken at length with some of the American nationals who work in these countries and I know how much they depend on the Voice of America to get the facts about what is going on in this country on a current basis.

I also know, based on conversations I have had with nationals of other countries, how much those individuals, often in effect captives of their governments which are not representative of the people, depend on the Voice of America.

I am therefore at a great loss to understand why the Foreign Relations Committee would recommend this cut.

I feel strongly that the Voice of America is one of the best things this country ever brought forth in the world battle for the minds of men. I feel that it would be the worst kind of false economy for the Senate to go along with this cut.

International broadcasting has risen steadily to a total now of more than 16,000 hours a week. Obviously, other nations attach great importance to it. Before we fade from the field, we had better take a good look at the game, the stakes, and the rationale of both our friends and our competitors. If we drop out of this competition, we will probably never be able to get back in.

Mr. President, I strongly support the restoration of funds cut by the Foreign Relations Committee from the requested authorization.

I yield the floor.

Mr. ALLEN. Mr. President, I now yield 2 minutes to the distinguished Senator from West Virginia (Mr. RANDOLPH) in order that he might propound a question to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from West Virginia is recognized for 2 minutes.

Mr. RANDOLPH. I wish to propound a question to the able Senator from Oklahoma but more than that, to commend him for the cogent manner in which he has discussed this most important development.

My question is: Why, in the opinion of the Senator from Oklahoma, would the Committee on Foreign Relations request a reduction in support for the U.S. Information Agency when there is an effort now going on to create better understanding among the nations of the world and particularly with the leadership of the United States involved? Can the Senator give me any reason why such a reduction is contemplated?

Mr. BELLMON. I thank my colleague for his comments and his question.

I am afraid I have no answer. I am at a loss even to guess. I have always looked upon the distinguished chairman of the Committee on Foreign Relations as one of the principal proponents of increased international understanding to bring about world peace. To me, this cut is entirely contrary to that principle and all the efforts the chairman of the Foreign Relations Committee has put forth over the years in the cause of world peace.

Frankly, I am at a complete loss to understand this action.

Mr. RANDOLPH. I associate myself with the Senator from Oklahoma and all other Senators who are speaking against the reduction in funding for the Voice of America.

I think it is very important that such a proposal be defeated by this body as evidence that the Senate believes that the program is constructive and aids in international understanding.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. ALLEN. Mr. President, I yield an additional minute to the Senator from West Virginia.

Mr. RANDOLPH. It is an opportunity for clarification of our goals for peace and of recognition of people in one country by recognition of the people in another country. It is in nowise propaganda per se. It is an effort, affirmative in nature, to do what we can, not only to understand other parts of the world and of the peoples living there, but also to present to other peoples and other nations the dedication to peace and understanding by the United States of America.

It has been my privilege on a number of occasions to participate in Voice of America programs.

Mr. BELLMON. Mr. President, will the Senator from Alabama yield me 1 minute, in order to respond to the Senator from West Virginia?

Mr. ALLEN. Mr. President, I yield 1 minute to the Senator from Oklahoma.

Mr. BELLMON. The Senator from West Virginia and I are certainly agreed on this question; but it strikes me that this country, which is at presently generally disenchanted and perhaps frustrated by the war in Vietnam, should be greatly interested in taking any reasonable step to improve international understanding and thus help to lessen the likelihood of future wars, wars such as

the one we are now seeking ways to end, both in the cost of American lives and of material.

It strikes me that any investment our country can make to help other countries understand us better, to help to let them see that our purposes are peaceful, and that we are a nation that is dedicated to building a better understanding, would be a far better investment than investments in some of the other things we do.

I cannot understand why we should try to cut back the small amount of money that is here involved, compared with other expenses we have, expenses which perhaps could lead to other misunderstandings and cause other Vietnams.

Mr. RANDOLPH. I am sure that the people of the United States, disagreeing as they do on Vietnam and the level of conflict, agree that it is essential that the United States continue its program of vital communication and the exchange of ideas as accomplished through the Voice of America. I think we would not be responsive and responsible to the people of our country, regardless of their thinking about the issues.

To cut it at this time would be misunderstood. And we do not want that to happen. I shall support the amendment offered by the Senator from Wyoming (Mr. McGEE) providing for full restoration of funds for the USIA and its Voice of America program.

Mr. BELLMON. Mr. President, I agree with the Senator from West Virginia.

Mr. ALLEN. Mr. President, I yield 5 minutes to the distinguished Senator from Kentucky.

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

Mr. COOPER. Mr. President, I support the amendment of the distinguished Senator from Wyoming to restore to the USIA the funds which were stricken in the Foreign Relations Committee. May I say that the vote in the Foreign Relations Committee was not unanimous. There was strong opposition to the cut. As I recall, at least four members of the committee voted against the cut. I was one of them. I did propose a cut across the board on the ground of economy.

I have had some experience in the past with the programs of the USIA. At the time I was Ambassador to India, I found that the programs which were eagerly sought after and enjoyed, were the book programs, straight news programs, exhibits, trade, and cultural programs. It may be argued that the cut does not reach these programs. However, the 30-percent cut directed at administrative funds would indirectly reach those very effective programs.

There has been the charge of propaganda. The people of these countries are able to distinguish between propaganda and nonpropaganda. There is no great difficulty upon that point, and the USIA under the able leadership of Mr. Shakespeare understand this.

Several years ago I made a trip to the Soviet Union and spent about 10 days in Moscow. It was a very unusual sensation and experience to be cut off from

any news of the outside world. The only news one had was either through their papers, or their television programs, and propaganda.

I see nothing wrong in the U.S. Government presenting to other countries, in addition to its educational programs, book programs, cultural, and straight news programs information about our own policies, and providing to people throughout the world news and information about our country.

I remember that Mr. James Michener, the great author, testifying before our committee, was asked about the value of the USIA programs. He said that in his many trips throughout Asia, they provided about the only information available concerning news of the world and the United States and U.S. policies and life. I support strongly the amendment of the distinguished Senator from Wyoming.

As I have said, I thought in the interest of economy that a cut should be made across the board. However, with respect to the question of whether we should dismember the program, which I believe the committee measure would do, I have made my decision and will vote for the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. Mr. President, I was one of the members of the committee who voted to amend this bill to provide for the full 30-percent cut. Actually I thought that a 10-percent cut would have been about right. But I said that if we were to amend it to provide for the full 30-percent cut, we would find out what the public thinks about it.

I found out very soon that every radio station, every television station, every newspaper, and every weekly periodical in the country that took notice of this amendment favors restoring the full 30 percent. Maybe they would go further if it were possible. I believe there may be a reason for the outpouring of support, which I do not plan to go into now. However, I still believe that the USIA can take a 10-percent cut without hurting in any way the work for which it was originally established, and probably the work which should be continued now because of the rather more tense situation with Russia.

So, although I will vote to restore the full amount, I want to make it plain that 10 percent is the cut which ought to be made. I hope that the House of Representatives will enact legislation that will make possible a 10-percent cut, because I believe that 10 percent of this nearly \$200 million can be saved.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, I support

the amendment of the distinguished Senator from Wyoming (Mr. McGEE) to grant the USIA all the funds it has requested for the coming fiscal year; in other words, to restore the cut in the USIA funds recommended by the Committee on Foreign Relations.

Mr. President, at a time when many are critical of the President for sending our planes into North Vietnam and bombing strategic areas, when there is criticism of a military presence in Vietnam, how much better it is if we had a program that projected ideas, information, and intelligence to foreign nations; how much better it is to seek to win them, to win their minds, with persuasion, with information and with ideas instead of with bullets. So, Mr. President, I feel that the program of USIA, the Voice of America, is a most constructive program. It is a program that gives much more benefit to this country and the cause of peace, and to a better understanding between nations than any other similar amount of money spent on any other programs of this country.

If the budget cuts proposed by the authorization bill of the Committee on Foreign Relations is sustained, it will wreck the Voice of America and will, to a large degree, seriously damage the U.S. Information Agency. It will thus effectively reduce the communication between this Nation and a great part of world's inhabitants.

The Voice of America will lose some 958 employees and 25 languages. The Voice of America will drop to ninth place between Albania and Portugal in the number of hours carried by international broadcasters. Can you imagine that, Mr. President? It will drop to ninth place between Albania and Portugal in the number of hours carried by international broadcasters. This leaves the U.S.S.R. with 1,904 hours broadcast per week versus VOA's 454. VOA will drop to tenth place in number of languages. VOA will be on the air in 11 languages—U.S.S.R. in 84. The magnitude of Soviet distortions about news about the United States is startling and one of VOA's most effective efforts is to offset that distortion by broadcasting the truth. Not propaganda but the truth. To have Soviet distortions go unchallenged and uncorrected is a very serious matter to this Nation and to the world.

USIS will close 35 branch posts in 31 countries and eliminate virtually all centrally produced regional magazines. USIA will also discharge 2,300 employees. In short, the Agency will virtually be gutted.

Considering the necessity of communication between people in this day and age this meat ax reduction, devoid of planning or consultation, will be a tragic thing for the United States of America and should not be permitted.

Mr. President, I ask unanimous consent to have printed in the RECORD a "Summary of Impact of \$45 Million Cut on USIA Activities."

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

SUMMARY OF IMPACT OF \$45 MILLION CUT ON USIA ACTIVITIES

If USIA must take the \$45 million cut proposed in the Senate Authorization Bill, it will mean:

1. Voice of America must terminate broadcasting in 25 languages, including all those to Eastern Europe and the Baltic states; close at least 6 and probably 8 of its powerful relay stations; drastically reduce its broadcasting in Spanish and Portuguese to Latin America, Arabic to the Middle East, and specifically tailored English broadcasting; and eliminate the US contribution to RLAS, all special program centers at Beirut, Rhodes, and Cairo, and all special programming. Details are available on the attachment headed "Radio-VOA".

2. Close USIS operations completely in 31 countries and close out 35 branch posts and reading rooms in the remaining countries.

3. Eliminate all centrally produced regional magazines and the prestige magazine *Amerika Illustrated* in the Polish language, as well as reducing all posts' one-country magazine publications between 80 and 90%.

4. Terminate the services of approximately 2300 employees, of whom approximately 1000 will be Americans. Tabulation appears on the attachment entitled "Staff Reductions".

Mr. ALLEN. Mr. President I ask unanimous consent to have printed in the RECORD a compilation of the number of hours and the number of languages used by countries and programs in foreign broadcasts.

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

From the list of top 20 broadcasters:

	Hours (rounded)
1. U.S.S.R.	1,904
2. China (PRC)	1,304
3. United Arab Republic	1,304
4. BBC	725
5. West Germany	628
6. Radio Liberty	546
7. RFE	538
8. Albania	480
9. VOA	454
10. Portugal	440

Languages

1. U.S.S.R.	84
2. China (PRC)	38
3. BBC	38
4. West Germany	35
5. United Arab Republic	33
6. All India Radio	21
8. China (Taiwan)	17
7. Albania	17
9. Radio Liberty	16
10. VOA	11

Mr. ALLEN. Mr. President, to permit the crippling cuts recommended by the Committee on Foreign Relations to stand would be cause for rejoicing by those governments that have chosen to be our adversaries. They, above all others, would be hard put to believe that America had willfully inflicted such damage upon its own self-interests.

On the other hand, the partial, and in many cases, the total elimination of USIS cultural centers and the dismissal of local staffs would be viewed with shock, dismay and disbelief by government and intellectual leaders who both welcomed and supported our presence and activities over the years, as a valuable adjunct to the relations between their countries and ours. Few would be

persuaded that all this had resulted from parliamentary differences or the need to economize—especially since the cultural centers sponsored by other nations would continue to vie for their attention—prominently among them the U.S.S.R. and the countries of East Europe.

No, our departure, which would not be believable in terms of our own self-interest, would inevitably be interpreted by the host countries as a sign that American was losing interest in them—that they had fallen in esteem and importance in our eyes.

This would deal a most damaging blow to the many efforts of this country, over the years, to demonstrate the very opposite—that we do care about the well-being of others, and that we have a decent respect for their opinions. Certainly, such a unilateral withdrawal would in no way serve to dispel the “cold war,” which results not from this country’s attempts to explain its position to the world, but rather from the increasing attempts of certain countries to impose their will and their way on others.

Let us examine here for a moment the charge that USIA and its radio arm, the Voice of America, are a “remnant of the cold war,” and, therefore, an impediment to bettering our relations with the Soviet Union—a charge levelled even more vigorously against Radio Free Europe and Radio Liberty.

The Soviets will, of course, continue to allege that this is so and will require no encouragement from us to do so. Obviously, they would like to be rid of these voices because they speak truth, and have thus obliged the Governments of the U.S.S.R. and East Europe to tamper less with the truth at home. But, a reduction rather than an increase in arbitrary attitudes has resulted, and a more meaningful dialogue with the Soviets has become possible.

Prof. de Sola Poole, an expert on international communications, said the following in a symposium on “Communications with the people of the U.S.S.R.”:

Most of the things of a positive character that are happening in the Soviet Union today are explainable only in terms of the influence of the West, for which the most important single channel is radio. There is now enough communication to keep us part of a single civilization, to keep us influencing each other, to assure that any Western idea circulates in the Soviet Union, too. The pessimistic expectation that totalitarianism could develop an accepted heinous civilization of its own by 1984 or any other year has been defeated primarily by the forces of communication, and above all by international radio.

Professor Poole made that statement back in 1965 and he reports that information amassed over the intervening years has further confirmed it.

There is also good evidence that the Soviets themselves no longer regard broadcasts from the West as “cold war” instruments.

The Washington Post, of this April 9, in an article by a very knowledgeable writer on the U.S.S.R., Susan Jacoby, carries a most revealing excerpt from a Soviet book “U.S. Radio in Psychological Warfare,” published in 1967.

The excerpt reads as follows:

In practice, propaganda for the overthrow of the Communist regime has almost disappeared from all American broadcasts to the socialist countries of Europe. Even Radio Free Europe no longer broadcasts such propaganda. . . . The tone of the radio broadcasts has changed significantly. . . . Direct interference in the internal affairs of one country or another in the form of all sorts of advice to radio listeners has almost ceased, and undercover propaganda has left the scene.

That from the mouth of a Soviet spokesman.

And what of the people themselves—do they share the view that the Voice of America is an instrument of the “cold war”—or do they look upon it as a link with a country they view with avid interest—perhaps even with affection?

Let me cite a passage from a letter received this week by the Voice of America from one of its staff members, a young lady now serving as a guide with the U.S. “Research and Development” exhibit, which is attracting tens of thousands of visitors in Moscow:

The reaction when we tell them . . . we work (at the Voice of America) is incredible—the idea you get is that everyone listens to us. They immediately start naming names (of the people who are featured in our broadcasts). They’re interested in everything . . . who works there, who chooses the material, etc. etc.

Christian Science Monitor correspondent, Charlotte Saikowski, sensed some of this when she observed another Voice of America Russian Service staff member, also serving as a guide at the American exhibit in Moscow, being mobbed “like some matinee idol.”

Miss Saikowski witnessed an auburn-haired girl, nudging her friend and whispering excitedly—“It’s he—it’s Nikita—I recognize him by his voice.”

“Far from evidencing any hostility,” writes Miss Saikowski, “crowds burst into knowing smiles when they learn who he is.”

There is abundant evidence of this kind, not only from the Soviet Union and East Europe, but from every country where the Voice of America is heard. Praise outnumbers the brickbats by about a thousand to one. The same applies to our USIS installations around the world. We would be well advised to heed this evidence, and seek to strengthen rather than to muffle the instruments that are contributing to bringing understanding and peace to this troubled world.

Several speakers have already described the effect the proposed reductions would have on the Voice of America. Unfortunately, the end result could be even worse than the statistics show, because of the increase in jamming that could result. Russian language broadcasts might continue to go out over the transmitters that survived the cut, but few if any listeners in the U.S.S.R. might be able to hear them.

For years, the governments of the U.S.S.R. and East Europe have tried to prevent their subjects from hearing news from the outside world, by generating intense patterns of radio interference “jamming.” For each VOA—and RFE and Radio Liberty—transmitter there are

sometimes as many as a dozen large jamming stations and additional local “jammers” in each heavily populated area, assigned to making it difficult, if not impossible for listeners to understand what is being said under the roar and hiss of the artificial “static.”

Even as matters now stand, there are times when the jammers succeed in blotting out much of what is being said, depending on the season, time of day and weather. That is why the VOA has under construction a number of high powered broadcast stations abroad, and has plans for modernizing and beefing up its stations in the United States. The budget cuts would reverse all this, and depending on their severity, limit or even obliterate the U.S. capability of instantaneous communication in time of crisis to the millions of people in this area of the world.

Even VOA’s English language broadcasts beamed to Eastern Europe could be seriously affected. Presently unjammed, and thus easily tuned in by the large number of intellectuals to whom English has become the strongest second language, these broadcasts would undoubtedly come under heavy jamming since the cut would eliminate not only some of the VOA transmitters, but all of the present VOA programs in Polish, Czech and Slovak, Hungarian, Bulgarian, Romanian, Latvian, Estonian, and Lithuanian. The dozens of large and the hundreds of small “city” jammers, thus freed, would be available to concentrate on the one remaining channel of information from the United States.

The proposed elimination of RFE and Radio Liberty, whose transmitters now draw the largest share of Soviet and East European jamming would, of course, compound this effective to the limit. U.S.-sponsored messages to the peoples of East Europe and the U.S.S.R., would face an unprecedented blackout, with unpredictable effect on our very security in any future world crisis. And given the role that international communications can and should play in preventing or attenuating serious misunderstandings, their absence may well make future crises more likely.

I urge Senators not to permit this to happen.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled “Who’s Winning the Propaganda War?”, published in the U.S. News & World Report issue of May 1, 1972, which is an interview with Frank Shakespeare, Director, U.S. Information Agency.

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

WHO’S WINNING THE PROPAGANDA WAR?
(Interview With Frank Shakespeare, Director, U.S. Information Agency)

Q. Mr. Shakespeare, just what is the job of the U.S. Information Agency?

A. Its purpose, fixed by law, is to support the foreign policy of the United States. We do that through the process of: one, making clear to the world what that policy is; two, seeking support for that policy where we can gain support, and three, minimizing opposition where it is not possible to gain support. It is also a purpose of USIA to assess

international attitudes as they appear relevant to U.S. foreign policy for consideration by the President and the Secretary of State in their formation of that policy.

Q. How do you do all this?

A. We make worldwide radio broadcasts, through the Voice of America, in 35 different languages. We produce television and motion pictures. We have libraries in many countries which contain books, magazines and exhibits. We have press and cultural offices throughout the world.

Q. Can you tell us in more detail how the USIA operates—its radio broadcasts, for instance?

A. The Voice of America operates its own transmitters in key locations around the world. The programs originate here in the U.S., but the transmitters pick up the programs and relay them into every area—such as Eastern Europe, the Soviet Union, China, Southeast Asia, Africa and Latin America.

Q. Do you have any idea of how many hear your broadcasts?

A. No estimate—but it would be in the hundreds of millions.

Q. What sorts of programs do you broadcast?

A. There are three types: news, commentary and music—or, if you will, entertainment. News constitutes roughly 55 per cent of our programming.

Q. What is the nature of your commentary?

A. We quote expressions of American opinion. Those typically would be editorials from leading newspapers or television networks. What we are trying to do is show the general attitude on various issues.

We also do commentary of our own, which is so labeled. And in addition to editorial comment, we frequently give background information, so a news event can be understood by foreigners not familiar with the United States.

Q. All this is for audiences abroad?

A. Yes.

Q. Are these same programs available inside the U.S.?

A. When the U.S. Information Agency was founded under President Eisenhower in the early 1950s, Congress was very concerned that some American President might build up a propaganda organization that he could, in effect, turn on his own people and use to his own political advantage.

In USIA we have a lot of people who are very skilled in the communications art. The temptation for some President to use that skill to seek support for his programs among his own citizens could be very strong. So Congress said the Information Agency could not be used at all in any way that might involve it politically in anything inside the U.S.

That has advantages—and disadvantages. The advantage is obvious. It protects the country from the misuse of an organization of this sort.

The disadvantage is that it creates a certain mystery about what we do and makes it difficult for the American people to learn what their country is doing abroad. Therefore, it's hard for them to make an informed judgment whether to support it or oppose it.

Q. Hasn't USIA been permitted to show some of its work inside the U.S.?

A. The law is a little bit imprecise. It quite clearly says, however, that we can't show anything to the American people which involves a political figure or issue.

Thus, when a film was made by USIA in 1963 on the life of President Kennedy—called "Years of Lightning, Day of Drums"—the film was shown overseas but not here. True, Mr. Kennedy was dead by that time. But there was still the Kennedy family and the Democratic Party, so political considerations were still involved. But this film stirred an enormous reaction overseas. American

tourists would come back and say, "Hey, you ought to see this terrific film." So Congress passed a one-time exception to permit the showing of this Kennedy film in the U.S. under certain conditions.

We have also been permitted to make available here on an educational basis some of our products that don't relate directly to domestic politics. We recently made an arrangement with a nonprofit, governmental organization called the National Audio Visual Institute, under which that Institute can take films which are not political and make them available for educational use within the U.S.

IF CURBS ON USIA WERE RELAXED—

Q. Do you think the law should be changed so the American people can see more of what USIA does?

A. From my own point of view, I think that some way should be devised for the people of the United States to have more-ready access to USIA materials, provided there are restrictions that would prevent the material from being misused. It's madness, for example, for us to make a film which wins an Academy Award and which is shown all over the world and the only people who can't see it are the Americans who paid for it.

Q. What films have you made that you think it would be good for Americans to see?

A. Oh, many films. In the last three years we have had three films nominated for Academy Awards. One was a film on the Soviet invasion of Czechoslovakia in 1968. Another was a film on the life of John Steinbeck. And the third was a film called "The Numbers Start at the River," which is a picture of small-town America.

I frankly think there would be much more public support for doing the types of things that need to be done—and that we're trying to do—if people knew more about what we are doing.

Q. How large is the USIA, in terms of people?

A. We have approximately 9,700 people, but that can be a misleading figure because roughly 5,000 of those people are foreign employees who work in our libraries and that sort of thing abroad. We have fewer than 4,500 American employees, of whom 1,300 serve overseas and 3,200 serve in the United States.

Q. How much do you spend each year, approximately?

A. Two hundred million dollars.

Q. Does the U.S. need to spend that much for what can be called propaganda?

A. We need it if we're to continue the functions that we now have.

Spending by the U.S. Information Agency today is within 4 per cent—in terms of constant dollars—of the annual appropriation it had the year it was formed, in 1953. Although our budget has gone up from 85 million dollars in our first year to roughly 200 million dollars now, in terms of actual purchasing power our budget is the same, or even smaller.

Q. When the USIA was formed in 1953, the cold war between the U.S. and the Communist world was at its very height. Has the need for the USIA lessened in recent years?

A. If I catch the implication of your question correctly, you imply that the cold war has ended. That, of course, gets into the definition of what the cold war is.

If the definition of the cold war is a struggle of ideologies—a war carried on by means other than military conflict—then the cold war evidently still exists, in terms of a struggle for men's minds.

The question of what we should spend on USIA involves the question of whether we have come to understandings between the major powers of the world which obviate the need for an informational, propaganda

effort by the U.S. of the type that we're making.

In my judgment, we obviously have not arrived at such a position. I think it is still necessary—perhaps even more necessary than ever—to continue an important informational effort throughout the world by the United States. If that is to be our national policy, then it requires funds to do it. Whether the funds should be 200 million or not—that is a relative detail.

Q. How successful has the USIA been in its effort to get its story across to people in other countries?

A. I don't know whether I can give you a categorical answer because, in assessing our effectiveness through the years, you would have to assess it on an area-by-area or a country-by-country basis. There obviously have been some cases where we have done well, and some cases where we have not. But you're asking me a general question, so I'll answer it in a broad way:

I think that the Soviet Union has been much more successful than the West, generally, in propagating its point of view and in getting support for it. And I think this is especially remarkable when you consider the substance of what the Communists have to offer and the substance of life in the Soviet Union, as contrasted with the substance of our life and what we have to offer. So I feel that we in the West have done a very inadequate job of presenting the issues in a way in which people can judge them with perception.

Q. How can you measure the relative success or failure of a propaganda program?

A. You can't measure it precisely, because you're talking about changes in the human mind, and you can't put a caliper on that.

In the last decade, there has been an increasing questioning in much of the Western world about our root premises, about the philosophy that we stand for, about our traditions and about the rightness of our approach to human freedom, to the organization of society. In part, that's because we're in a constant stage of evolution, and Americans are a questioning people.

The other side—led essentially by the Soviet Union—adopts a very simplistic, iterative, hard-line, nondeviating approach in saying that its system is the best and that it is the wave of the future, the way the world is going. The other side tells nothing about itself which is bad. The outside world rarely hears about the bad except when it involves an external action of a major sort, such as the Soviet invasion of Czechoslovakia in 1968. It is very, very difficult to get a continuing flow of news stories out of the Soviet Union because of the restrictive nature of their society.

In the West, on the other hand, there is a constant flow of news—both bad and good. We have been in ferment, and many of the problems we are wrestling with are widely reported abroad—often in a disturbing way. So what gets through to many parts of the world is a picture of turmoil and uncertainty in the West, as against an appearance of a sort of solidity within the Communist regimes. This impression of Communist solidity is, in fact, just a cover—but it's what they present to the world.

Now, in that context, I think ideas are formed in the minds of many people that are not in accord with reality. And to the extent that that's true, the Soviet Union has done a better job in the promulgation of its concepts than the West has done.

Q. Under the free American system, is it possible for this country to do a better propaganda job than the Soviets?

A. No, I suppose not.

Now, you have used the word "propaganda," and I have been content to go along with that because in the dictionary sense of spreading information, it's correct. But what we really do in USIA is try to

reflect in a panoramic form the sort of life that is lived in the United States.

I think we have not really got down to the fundamentals. We don't concentrate nearly enough on the root, philosophical differences between ourselves—our system—and the alternate choices offered people. We have avoided this out of a certain diplomatic politeness—out of our policy of not interfering in the internal affairs of other countries.

Under the restrictions we impose on ourselves, we never make clear to other people our perception of what are the real choices they face. We in USIA are much more of a reporting agency than an analytical agency. The West generally is that way.

But I do think it would be possible for the West to be much more effective than it is in the propaganda war.

Q. What is the biggest problem you face?

A. Our biggest problem is the lack of a realization in this country that we are involved in psycho-political war—a struggle for ideas. If you weren't in a war of ideas, then you wouldn't need an information agency. But as long as you face strong, aggressive powers that are imperialist by nature—and the Soviet Union is imperialist by nature—then you must have an information agency.

Q. What do you think should be done to improve your effectiveness in this propaganda war?

A. Our basic problem is that we—the United States—have never really decided what our end posture should be in countries such as the Soviet Union and China. We don't have a clear, specific propaganda objective. Until we have that, we can't address ourselves to the problem directly.

So I think that would probably be the central point: We have to decide what, as a people, our objective is as regards influencing minds about the Soviet Union.

Q. Is this a question of national policy?

A. I think it's a whole mix of questions, but that's one of the key considerations.

Q. How is USIA policy set now?

A. Policy, in terms of foreign policy, is set by the President and the State Department. The USIA itself is not a policy-setting agency. It's a policy-implementing agency.

Who decides what policies you implement?

A. There are three or four levels of decision. The top decisions are made at the highest levels, and are passed to us either by the National Security Council or by senior officials in the State Department.

Once a decision is made, then the implementation of that decision is entirely the job of the USIA. In other words, we do the orchestration. But even when we orchestrate on a worldwide basis, the U. S. public-affairs officer in a particular country also has a certain degree of latitude as to the extent to which he emphasizes certain things in his particular country.

Q. Do you agree with this system?

A. I think USIA as an institution is not properly structured within the Government if we are to have a really serious information and propaganda effort.

Let me tell you what I think is needed, and then talk about how it would have to be done structurally:

In an information program, doing a good job does not consist of just brilliant master strokes. There may be brilliant master strokes from time to time if you are lucky and have very good people. But that's not the name of the game.

What is required is a constant, steady effort, because you're dealing with human minds—and that takes time. You have to have clear objectives—know exactly what the nuances are, what are the ultimate objectives—and you have to know exactly the interplay of considerations and forces to accomplish them.

Now, all this means that the head of the

Information Agency—and I impersonalize this; I'm talking about structure rather than personalities—the head of the Agency must be involved in those planning sessions and those conferences and those decision meetings in order to know exactly what it is we're trying to achieve. This type of thing cannot be done in a vacuum.

You know, in the United States and in our Government—and this has nothing to do with political parties or Administrations—the word "propaganda" is a scare word. It's related to the work of the Nazi Propaganda Minister, Joseph Goebbels. It's regarded as the big-lie technique, brainwashing. It has the connotation, in effect, of being unclean.

Now, that's absurd. What you're really talking about are the fundamentals of what our country believes, what the West believes in, what we stand for—the root of the whole Judaic-Christian philosophy, the Declaration of Independence.

This whole cold war that is going on in the world is essentially a clash of ideas. If we are not prepared to at least portray and advocate the ideas we believe in, we won't survive.

Certainly the other side is very, very clear about what it wants, about its ultimate objectives. It's very clear that they are seeking to convert men's minds. They do it with ideas when they can. They do it with guns when they can. But they do it.

We, on our side, sort of wish that the whole concept of propaganda and cold war would go away. But it isn't going to go away. Yet we do our propaganda work sort of piece-meal, without careful planning, without even knowing precisely what it is we are trying to bring about. We deal in generalities. We "support the foreign policy of the United States." Sure, everybody here is for the success of the foreign policy of the United States. But the question is: What, specifically, do we want our propaganda to achieve?

So I think that if we are ever to have an effective propaganda operation within the U. S. Government, we must put the director of that operation right into the scheme of things and use the organization as a very finely orchestrated mechanism to achieve our goals. This is not being done in our country, and I think it should be done.

Q. How does Russia or China do this job?

A. In the Soviet Union, everything is totally controlled. The newspapers, the press agencies are Government implements. So is Radio Moscow. All are tightly controlled.

You've noticed that when something happens of a sensitive nature, the Russians won't put out a news story about it for two or three days. Why? Because the guys at the top haven't yet approved the story line—haven't decided exactly what to tell.

Now, we're never going to have any system like that in the United States—and we never should. But the men who understand propaganda warfare more than anyone else are those on the other side—the totalitarians. They deal in it. The Nazis were master propagandists. The Communists are frequently master propagandists. They deal in propaganda as a commodity, and they know its value.

Let me give you an example of how they operate:

During the President's China visit, there was an occasion when a young girl walked into a meeting with something for Premier Chou En-lai that looked like a front-page layout. One of the Americans present asked, "What is she doing here?" And he was told: "She's got the layout for tomorrow's newspaper, and the premier has got to go over the layout of the stories and pictures."

The point is that in Communist countries anything they publish has only one purpose: to advance their aims. Truth is irrelevant. The concern is: Will this help foreign policy?

Propaganda is part of their foreign policy. And that's the reason it's so effective.

MAKING THE MOST OF U. S. KNOW-HOW

Q. Is there any way American propaganda can be made effective without copying the Communist system?

A. Sure. The whole communications revolution was created by the United States. The technology which is the essence of the communications revolution was created in this country. In the use of that technology for the dissemination of ideas and information and entertainment, we were the world's leaders. We dominated motion pictures and television for years. We still do. "Madison Avenue" has become a worldwide cliché for referring to the technique of marketing, and that's the dissemination of ideas.

But when it comes to using this technology or these techniques for disseminating ideas outside our own country—to act in opposition to those who would thrust their ideas down our throats—we don't do that very well. And I think it's basically a matter of will and of planning.

Q. To do the kind of job you think should be done, would you need a greatly expanded USIA, with a lot more people and a lot more money?

A. No. It isn't a question so much of money. It's a question of emphasis and clarity.

Q. If you had a free hand, what would you do?

A. Well, let's take the question of the Soviet Union and talk in terms of specifics.

You have the Soviet Union embarked on a buildup of conventional and nuclear weaponry. They've got their military accelerator down to the floor. They've become a power of awesome military potential. Senator Margaret Chase Smith [Republican, of Maine] a member of the Senate Armed Services Committee has recently warned that if the present trends continue the United States will soon find itself in a position of military inferiority.

Now, one does not postulate that when the Russians get military superiority they will jump us in a direct attack. But they will have much greater freedom for aggressive acts. They can move into areas to their south—around the Persian Gulf, Iraq, Turkey—with considerably more freedom from fear of the United States than they could in the past.

They might gain control of some of these strategic areas by subversion and merely say to us: "Come and get us out if you don't like it." They said it to us in Cuba, and we made them get the missiles out because we were infinitely stronger.

Professors Brzezinski at Columbia and Pipes at Harvard—two of the most knowledgeable and dispassionate observers—are extremely concerned about what might happen to Russian attitudes when they finally get to the point where they can confront us with a Cuba in reverse.

When you have an inherently aggressive ideological society run by limited men, that presents a very dangerous situation for the things that I believe in, and I think we're heading into a very perilous decade for which the American people are not prepared.

Q. Just how does propaganda relate to all this?

A. There is a great deal of discontent within the Soviet Union. It is caused by two factors. One is the dissent of people who want human freedom: civil rights, freedom of religion, freedom to write and publish what they think. That's an intellectual dissent.

The second type of dissent is purely nationalistic, people of other nationalities who don't want to be ruled by the Russians—who, after all, are a minority in the Soviet Union.

So you've got two types of ferment inside the Soviet Union. If in the imperialistic Soviet society there are these broad currents of dissent, then it is clearly to the interest of the West, in my judgment, to relate to

those dissents so that they will cause caution on the part of the Soviet regime.

These internal dissents are a great satellite that would stay loyal to Russia if it could get out from under. These are matters that we ought to be addressing ourselves to.

It's essential that we broadcast to the discontented people inside the Soviet Union. Why? One reason is because the dissent of the leading intellectuals is never made known to the people of the Soviet Union except by Western radio. If we don't broadcast such information, it doesn't get in. The Soviet people are not told about [Nobel Prize winner] Solzhenitsyn's dissent, of the Sakharov letter [a letter by nuclear scientist Andrei Sakharov asking freedom for Russians to leave the country at will] or about the fact that 17,000 Catholics in Lithuania signed a protest against the Government.

We must make these discontented people inside the Soviet Union aware that they are not alone, but that there are millions of people who feel the same way they do.

You can do this in a very objective way. You can simply read the novels of Solzhenitsyn, as Radio Liberty does. Or you can report the facts on the Soviet repression of the Nobel Prize to a Soviet citizen—as the Voice of America does. Or you can report the fact that sugar is being rationed in Cuba.

Our policy of not involving ourselves in what is defined as "internal affairs" of the Soviet Union leaves me very uncomfortable.

The Russians have no such qualms. They are very methodical about commenting on the internal affairs of the United States and portraying it as a country torn by racial, regional, political and economic problems.

Now, publicly, it's very difficult to say these things. But look: What we're doing is running libraries and having exhibits, sending paintings around the world. That isn't enough. If any business tried to sell a product—any product—the way we're trying to sell our ideas, then you ought to sell that business short.

NO LONGER "A MARGIN FOR ERROR"

Q. Do you think this country is ready for the kind of effort that you're suggesting?

A. In today's climate, and with the trauma that the Vietnam war has put the American people in, and with its tragic impact on youth, I think it's very questionable whether we can measure up to the type of effort that we're going to need in the years ahead to withstand the pressures that we're going to be up against.

Once we had the big muscle. We had a margin for error, and we could make all kinds of mistakes and still survive. But with Russia's enormous and growing power, we don't have a margin for error any more.

Q. What is your answer to this situation?

A. One answer is: We've got to stay strong. But the other answer is we've got to recognize the nature of the enemy, that we are in a psycho-political war—and we'd better shape up.

The PRESIDING OFFICER (Mr. INOUÉ). The time of the Senator has expired. Who yields time?

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

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

Mr. FULBRIGHT. Mr. President, the Senator from Alabama refers to Radio Liberty as if it were a separate operation. He fails to say that it is ours, that it is directed by Americans, and that it is just a part of our over-all communications program overseas. It should not be identified as something apart from the Government's overseas broadcasting efforts.

There are two aspects of this debate so far. The primary reason for the committee's recommendation was to try to pro-

tect or reestablish the right of the Senate, the Congress, to obtain information which is necessary for an intelligent evaluation of the effectiveness of a program. The debate subsequent to that centered around whether or not USIA is effective.

The proponents of this amendment simply assume one of the main issues in the debate, namely that USIA performs a useful and necessary function. The Voice of America seems to be attracting the most attention. The committee's action would certainly not stop VOA. The recommendation would simply reduce funding for all radio activities from \$52 million to \$36 million.

With reference to Radio in the American Sector of Berlin—RIAS—we should not be paying for that; it should be paid for by the Germans. I am told it is a very good radio station that it broadcasts excellent programs in music, as well as dramatic productions. In many parts of the world we spend a great deal of money that is quite useless.

I never understood why we should pay for programs, informing, for example, as we found out during the hearings, the people of Great Britain about the nature of communism, which is what USIA does through the publication of one of its pamphlets. There was an enormous number of these pamphlets being distributed in Great Britain.

I want to mention again the duplication of facilities. In Germany we have any number of radio stations paid for by the armed services. Over the world, there are hundreds of radio-television stations, all paid for by the Department of Defense. That does not appear in this program at all. That covers most of the English-speaking world where our troops are stationed, which is a very large part of the world—certainly all of Germany, much of Western Europe, and parts of Asia. In addition we have such programs as Radio Liberty and Radio Free Europe. They are currently funded at the rate of \$32 million for broadcasts to Eastern Europe and Russia—

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

Mr. FULBRIGHT. I yield myself 2 more minutes.

So we cover all of that area at least twice, but the assumption that the more you have, the better it is, I think it is an erroneous one.

I was struck by the comments of the late Ambassador to India, Mr. John Galbraith, who was quoted in the Washington Monthly as follows:

When he was Ambassador to India, John Kenneth Galbraith was subjected to the agency product. He described it in his diary for May 2, 1961: "The Washington USIA is horrible. Day after day it belches out dreary and boring attacks on the USSR and China in the most repulsive and stinking prose. Nothing could do more to promote neutralism, or anyhow total inattention." Despite frequent cosmetic reassessments, nothing in the intervening nine-plus years invalidates that description.

"Each morning over the air, comes the day's American story," Galbraith wrote President Kennedy. "I can no longer read it for simple reasons of health; five minutes of this wireless file and one loses his breakfast and cannot eat the rest of the day. In

two weeks it caused me to lose 20 pounds and I have prescribed it for the Saudi Arabian Ambassador who is badly overweight."

That goes more to the quality of the program, and I think it is instinctive.

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

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. McGEE. Mr. President, I yield 15 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, my reason for speaking in some depth is the similar experience to the one with which we are dealing today which arose when I first came to the Senate—the cut of USIA funds over the so-called Arthur Larson incident. The consequences of that experience were vivid, as they would be too, should we proceed in this matter as the committee bill would have us proceed.

May I say first, Mr. President, that I voted against this cut in committee, that I supported a more modest cut, in the hope of heading off this cut, that I am glad the Senator from Wyoming (Mr. McGEE) has done his utmost to restore the former amount.

My own feeling is that this committee action is compounded 50-50 by the charge that they do not need this much money, and the charge that it is the only way we can levy a sanction against the administration for refusing to disclose information which we feel we should have. The issue has to be examined on both counts. If it cannot be justified on either count, then we should restore the full amount. If it can be justified only on one count, we should determine what is the best thing to do on that one count.

I referred to what happened in 1957, the first year I was in the Senate. On that occasion the budget of the U.S. Information Agency—the very same agency involved here—was sought to be cut by about 40 percent, under the leadership of Senator Lyndon Johnson, who was then majority leader of the Senate. His reason was somewhat like this one. The USIA Director, Arthur Larson, made a political speech in Hawaii he had no business making. It was uncalled for. Senator Johnson felt that he ought to be punished for that by having the agency cut to ribbons, which he then proceeded to do.

I was a new Senator, and I hardly had the ability to stand up to the then majority leader, and he had the votes. The Senate rolled over the opposition to this massive cut mercilessly.

What happened? What happened was that for a number of years—this agency limped along and was not nearly the "voice of America" we need to deal with the problems which the United States faces in the world. Good people left and did not come back. It was hard to find new ones. It was difficult to get a really top person to head the Agency; and it took some years before the Agency finally rounded the corner and became, in terms of service to the United States, what it ought to be.

I have my own speech made at that time. The same problems persist in re-

spect to the objections made to the USIA appropriations and the reasons for them. The Russians, at that time, were engaged in a big campaign which they called anticolonialism, but which was, for all practical purposes, anti-United States-ism. They were engaged in a big campaign to unify Germany, but to unify it on Communist terms, with a nonelected democratic government. They were engaged in a big program of de-Stalinization at that time.

In all of these things the voice of the United States could hardly be muted. What were we doing? We were first commenting on the de-Stalinization program undertaken by the Soviet Union. We were commenting on the events in Hungary and Poland, where an effort was made to break the grip of the Iron Curtain. We were engaged in protesting—so reminiscent of the present—the furnishing of arms to Egypt and the effort to subvert Syria on the part of the Soviet Union. We were engaged in an explanation to the world of the enormous nuclear tests the Soviets were undertaking without any notice to anyone, including the United States.

Mr. President, the fact is that we are kidding ourselves about the idea that all is love, peace, and harmony between ourselves and the Soviet Union. It is not, and a lot has to be done to correct our joint situation. I do not think you can end, or even abate, the cold war by unilaterally silencing the Voice of America.

I strongly support the SALT agreements or any agreement which can settle any war or ease any tension. But, Mr. President, this struggle between our respective views continues being waged, and the advantages gained in the struggle—and the propaganda advantage is no inconsiderable factor—will weigh heavily in what concessions the Soviet Union may ultimately be willing to make. Anyone who has visited with the leaders of the Soviet Union, as many Members here have, know that they are very tough, and they have been trained in a hard revolutionary school, and are trying very hard to indoctrinate the world.

We are talking in this bill about expenditures in the range of \$150 million and \$200 million, Mr. President. The estimates I had seen even then, in 1957, were that the Soviets spent five times that in 1957, in 1957 dollars, which would today be 50 percent more even in those terms, to do their part in the indoctrination of the world.

Mr. President, I deeply believe that we have to maintain at least an effort the size of the USIA. I think as a matter of fact we are being too parsimonious in that, and much too liberal in respect to our defense budget when it relates to the power of diplomacy and the power of persuasion, both of which are very powerful.

I hazard the guess, that even today, with all the bad knocks the United States has taken, what the Voice of America says is still more credible in the world than what Radio Moscow says. I want to keep it that way, and maintain our reputation for credibility by countering the base effects of propaganda and lying over the radio. We should profit from

that instead of muting the Voice, and having to put all our eggs in the military hardware basket, through the unbelievably expensive hardware and weapons systems which are costing us so very much already. Indeed, it is almost ridiculous to make the comparison between these two types of expenditures.

Mr. President, my argument is based upon the fact that experience as long ago as 15 years is now being repeated, and because we resent—as we have a right to resent, as Senator Johnson had a right to resent—the fact that the USIA misbehaved, in this case by denying us information on the President's behalf, in that case by an ill-advised policy speech by the head of the agency, it is proposed that we are going to punish them. We will only be punishing ourselves, Mr. President, and I do not want to do that. I do not think it is wise, nor in the interests of our country.

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. I do not understand the Senator's view that the committee is punishing them. Does not the Senator accept the theory that the U.S. Senate is entitled to basic information relative to these programs?

Mr. JAVITS. The Senator not only accepts the theory, the Senator accepts the fact and the requirement. But the Senator from Arkansas interrupted me too soon. I have only laid out half my argument, which is the argument regarding the wisdom of cutting the money on the basis that they do not need it or it is going to waste.

Mr. FULBRIGHT. On the basis of our experience, there is no other way that I know of to influence the administration to give basic information to the committee. We have tried writing it in the law. There was an explicit provision in the Foreign Assistance Act of 1971, passed earlier this year, I read it earlier; the executive branch simply ignores it.

This assertion of executive privilege goes beyond any law, and there is nothing else we can do. If we do not wish to have the information, we might as well give up our legislative oversight responsibilities.

Mr. JAVITS. With all respect to the chairman, I have only developed half my argument, as to whether the administration needs the money. We have yet to come to the question as to what is the best thing to do in order to produce the information.

What is the best thing to do to produce the information we have a right to get? In the first place, Mr. President, executive privilege is, after all, a question of their point of view and our point of view. The President, too, is an elected official, and, as I have argued here with some success and with the tremendous aid of my chairman on the War Powers bill, it is a shared responsibility we are looking toward.

We do not want to be the sole judges, but we do not want the President to be the sole judge, either. Therefore, in my view, Mr. President, there are many ways in which we can approach this problem as it really comes to issue. For one, we

can subpoena the information and actually move to prosecute the official who refuses to produce it. That would throw the matter in the courts. We do that all the time before the Internal Security Subcommittee of the Committee on the Judiciary, and we do it with other witnesses. There is no reason why we cannot do it with someone out of the executive department or with a Government official of the USIA, and test the issue out in the courts. Let the Supreme Court decide whether there is a doctrine of executive privilege, or let them wash their hands of it. Then we will know there is no more orderly remedy than the guerrilla warfare of denying the money.

Second, Mr. President, if we are going to really deny the money, let us do it as a blockbuster. If we really want to—and we have a right to say “No information, no money,” then let us escrow the whole State Department authorization, so that there will be no State Department or USIA unless we get the information we are entitled to. But to aim at a few particular activities because that happens to be the subordinate organization which has denied us the particular piece of information, with a letter from the President himself telling them not to do it, I think is a mistaken way to proceed. It is a mere flesh wound, a glancing blow, ineffective. It will not zero in on expressing our sanction against the President because of the attitude he is taking, escalating the struggle between ourselves and the President to the level at which it ought to be based, to wit, the whole State Department, or the whole Federal Government, for that matter.

Mr. President, there is nothing in the Constitution which requires us to appropriate a thing. We can sit on our hands and do absolutely nothing with regard to any appropriation if we are dissatisfied. One reason I am convinced that Members of the House of Representatives ought to have only 2-year term is that it gives the people a chance to immobilize the Government, if they choose, at very short periods of time. I think that is the reason why the Founding Fathers wrote it as they did into the Constitution.

So, Mr. President, I believe it is unwise to cut the USIA as the committee has done but chopping hard a few of its activities, activities which I believe are important to our national interest.

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

Mr. McGEE. Mr. President, I yield the Senator 1 more minute.

Mr. JAVITS. If we are going to use sanctions, it should be a much bigger and much more effective sanction than this one, directed at this relatively small element of a very major operation on the part of the United States.

For those reasons, I hope the McGee amendment will be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield the Senator from Missouri 5 minutes.

Mr. SYMINGTON. Mr. President, on February 7, 1972, Congress passed a law, Public Law 92-226, I quote section 407 (b) of that legislation:

The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

But despite this law, we again find ourselves in a position where the administration in effect says, "We do not want to give you any information regardless of any law."

In this case, it might be considered to request this information, as a compromise, only on a classified basis; but, as I understand it, we are now under unanimous consent have no amendment. Therefore, we must vote it up or down.

I worry about all this money continuing to go out of this country, for many reasons. It is clear as light that we are getting into steadily more serious trouble with respect to the value of our currency. In the Wall Street Journal this morning is an article entitled "Gold Quote in Europe Pushed to New High as Speculators Still Doubt Dollar's Worth." It gives the astonishing information that gold sold at the end of the trading last week at more than \$50 an ounce. But each time we come to this floor and request information believed pertinent to any effort to analyze whether there is really justification to authorize and/or appropriate money, there are particular reasons given in each case why we should not bite the bullet of refusing money until we obtained normal adequate information as to plans for its use.

There has been just one case in recent years when the administration was put on notice that unless we received information considered necessary, we would not agree to what was wanted. That was when the distinguished senior Senator from North Carolina said, in effect, "No Flanigan, no Kleindienst." We thereupon received the information in question.

Time and again on this floor, we note well-meaning and dedicated Senators who go the resolution route.

As said before, that is like the man who says, "When I die, I'll leave my wife a million dollars."

His lawyer says, "Don't be silly." You don't have a million dollars."

The man replies, "I know, but it will look great in the papers."

That is what I have come to believe the thrust of these resolutions really amount to, especially in that, to have legislative effect, said resolution must be approved by the House of Representatives.

Once more, we are faced here today with a clear-cut issue: Should we appropriate money—taxpayers' money, not our money—despite being denied information that would make it possible for us to understand what the money was being asked for? We are now denied that information even on a classified basis.

I have no doubt the influence of the administration will be such that it will be difficult to defeat this amendment

and the Senate will decide to give this money to this agency. But it is an issue that will come up more and more before this body, if there is any justification under the Constitution, for us being here at all.

The PRESIDING OFFICER. Who yields time?

Mr. McGEHE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. McGEHE. I yield 3 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, I rise to support the amendment offered by the distinguished Senator from Wyoming, and I commend him for taking the initiative to restore the \$45.6 million that was cut from the USIA request of \$200.2 million.

If we allow the drastic reduction of the USIA budget—amounting to over 22.7 percent—to prevail, we will be jeopardizing the effectiveness of not only the U.S. Information Agency but also our whole program to bring truth and hope behind the bamboo and iron curtains.

If the action taken by the Foreign Relations Committee is allowed to stand, the results would be devastating and tragic. Such a drastic reduction would force the Voice of America to decrease its broadcasts from 780 hours a week in 35 languages to 454 hours in 11 languages. On the other hand, the Soviet Union broadcasts 1,903 hours a week in 84 languages; the People's Republic of China, 1,304 hours a week in 38 languages; Egypt 1,022 hours a week in 33 languages; BBC 725 hours a week in 38 languages.

In addition to the reduced hours of broadcasting, Voice of America would have to shut down seven of its 15 relay stations in the United States and overseas; the motion picture and television service would have to close one of its two production studios; overall motion picture and television production would be cut by nearly 50 percent; television transmissions by satellite would be eliminated; centrally-produced regional magazines and some 85 percent of one-country periodicals be dropped; other press and publications support activities would be reduced between 30 to 50 percent.

Mr. President, that is not all. The committee's recommendation, if adopted, would require the Agency to terminate the services of approximately 2,360 employees—about 1,000 Americans and 1,360 foreign nationals.

USIA would also have to terminate operations in 30 countries and close out 34 branch posts and reading rooms.

Furthermore, the cut would include up to 40 percent of research and training—activities designed to strengthen the quality of USIA operations.

Mr. President, I must confess that I am at a loss to understand the reasoning behind this precipitous and totally unwarranted cut in the USIA budget request. Unlike the proposals for the other departments and agencies of the Federal Government, USIA's budget request, if we allow for the efforts of inflation, is about the same as when the Agency was established in 1953.

More important, I am convinced that such a gagging of the Voice of America, such a smothering of our press and publications, such a blackout of our motion pictures and TV programs, and such a near elimination of U.S. Information Centers overseas would obstruct and weaken America's influence abroad.

Mr. President, I strongly support the amendment offered by the senior Senator from Wyoming, because I think it absolutely essential to our foreign policy operations that the United States have the opportunity to tell its story in a reasonably effective way to the peoples of the world, especially those behind the Iron and Bamboo Curtains.

Gagging the broadcast and information apparatus of the leader of the free world would mark a tragic turn in our attempts to promote the ideas and ideal for which America has stood for 200 years.

America needs the USIA. People trapped behind the Iron Curtain and the Bamboo Curtain need the USIA to inform them of life in the free world. Now is not the time to silence the voice of freedom.

It should not happen; it must not happen; we cannot afford to let it happen; too much is at stake for too little.

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

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. I yield 10 minutes to the distinguished Senator from Louisiana.

Mr. ELLENDER. Mr. President, I rise to support the bill as reported by the Committee on Foreign Relations. It is my judgment that the amounts authorized in this bill could have been reduced a good deal more than what the committee has seen fit to recommend. This program has been on the books for a long time. In fiscal 1954 the USIA required an appropriation of \$84 million for its operations. The program has grown until now the original request for funds is over \$200 million for the next fiscal year. There must be a reduction somewhere on these programs, particularly in light of the reasons cited by the committee as well as by my good friend from Missouri (Mr. SYMINGTON).

I wish to say that the cuts recommended would not bring these programs to a halt. It merely curtails them. For instance, consider Radio Free Europe. For the current fiscal year, there was appropriated \$50.8 million. This bill would cut the cost back to \$36.3 million. That is a cut of only about \$14 million, which means the program will keep on going.

For movies and television in the 1972

appropriation, there was \$16.2 million and the committee allowed \$11.2 million for 1973.

For press and magazines, \$28.3 million, and the committee recommended \$17.9 million.

For cultural centers, \$33.5 million, and the committee recommended \$29.6 million—not much of a cut there.

For program direction and administrative expenses, \$52.6 million, and the committee recommended \$40.9 million. A total here of \$136 million was recommended by the committee for the program for the next fiscal year, as against \$179 million spent in the current fiscal year.

Mr. President, it has been my observation that the more of these programs we have abroad, the worse things get for us. We have our fingers in the hair of too many nations now.

Take for instance, in Germany, where we have the RIAS program which is operated entirely by the Germans with about two or three Americans to supervise it. Why does not Germany, which is as well off as we are—maybe better today—pay that entire cost? It is for the benefit of Germany. We have had the expense of operating it for many years. It strikes me that since Germany is the principal beneficiary they should assume the cost of operation. But we are told we should bear the expense, to the tune of about \$4 million annually, so we can show the Germans that Americans have an interest in them. I think we have shown enough interest in Germany.

We have thousands of soldiers there now. Aside from the RIAS program, we have quite a few radio stations operated by the Army and Navy in that area. It strikes me we are simply doing too much of this type of thing.

The program presented to the Congress by the USIA would employ or pay for the employment of 9,860 people, 4,394 of whom are Americans. Of that amount, 3,173 Americans are employed in this country, as against 1,221 Americans abroad and 5,397 foreigners who operate the programs.

With the condition of our treasury today, I believe it is high time we begin to cut corners. Here is a good place to do it.

Can you imagine, Mr. President, our spending in Western Europe \$19.2 million this year to tell them how good we are? A good deal of that money is being used to pay for press services like the AP, the UPI, and other services, in order to furnish information to local papers in Europe. That is above and beyond all of our other contributions to their military security and economic well-being.

Mr. President, those people are well able to take care of themselves. They have a good press there. I do not see why we should be continuing to spend money in that direction.

As I have just indicated, the sum of money we are spending on the RIAS program is over \$4 million. It is operated entirely, except for two or three Americans, by the Germans for their benefit. We are told that there is a little contribution coming from the German Government

for that program. Because the Germans are so well off—as a matter of fact, financially they are better off than we are now—it is ridiculous to me that we are being asked to contribute this sum entirely from our Treasury in order to take care of a program that inures to the benefit of the Germans. It strikes me, as I have said, that they should be the ones to pay for it.

It strikes me that we should make a beginning to curtail our expenses abroad, and this is a good place to start.

I do hope that the bill as reported by the full committee will be adopted by the Senate.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator from Arkansas may proceed.

Mr. FULBRIGHT. Mr. President, as has been pointed out, there are two major aspects of the problem. One is access to information bearing on the legislation before us. That is the principal reason why the committee took the action it did. It expressed the view that the Senate has certain constitutional responsibilities and to carry these out it requires certain basic information. I do not know that much further needs to be said about it. If Senators are not sensitive to their role and if they do not believe the Senate has a very important role to play and are perfectly willing for the executive branch to run their affairs, so be it.

As a matter of fact, most people in the world are run by executive departments of one variety or another. Very few legislative bodies are left in the world that have any influence at all. So I guess that one could well say the trend of history is for the abolition of effective legislatures and it may seem foolish to resist the trend. I do not know.

I know there are very few left. I would say that not more than one-third of the human race is run by governments in which there is an effective legislative body. At least two-thirds are run by governments, whether dictatorships or otherwise, in which legislatures take no part. This goes to the fundamental issue before us. It is a question of whether we should insist upon the Senate having access to relevant information gathered at taxpayers' expense by employees of the Government in accordance with the law passed earlier this year.

The other question which has been raised, primarily by the proponents of the pending amendment, is that USIA is a great operation, that it is the salvation of our country.

Mr. President, yesterday I received at my home a special delivery letter from an employee and officer of the USIA. This is written to me on a personal basis by an employee of the USIA with some years of service. I read part of it into the RECORD:

The word is out around the Agency to brace for high noon, the Monday confrontation, when the friends of the Agency will try to restore your budget cuts, and with them the Agency can go back to doing business as usual.

May one FSIO with years of service in USIA cast a dissenting vote and urge you to hold fast to your cuts? The Agency is sick and ineffectual at the moment and there can be no cure without surgery, possibly not even without death and resurrection. At the moment, work is pro forma as everyone waits for the RIF list. Anxiety is understandable in this time of economic depression, high unemployment, the constant demand of costs.

Mr. President, I digress to point out that it is always difficult to vote for any measure that reduces jobs. However, as the Senator from Louisiana brought out, half of the jobs paid for by this Agency are those of foreigners employed abroad. They are not American jobs at all.

Mr. President, I continue to read from the letter:

The top ranks have taken care to save themselves, the other jobs go first, of course. Pension rights be damned. Execution lists circulate, members only, never names. Not yet.

And here's the rub. No one seems to have given serious consideration to whether the cut is merited, to whether it would be a useful exercise to take a long cool look at how USIA operates and with what calibre of personnel and to what purpose. No one has developed a plan for a more effective information operation, indeed, to my knowledge, no one has even tried, officially. In short, no one has been doing any discernible constructive thinking at the policy level, apart from "how can we get the cuts restored and save our jobs."

But there are a few simple truths which ought to be stated by someone in the Agency: USIA suffers from a plethora of mediocrity, mediocre men who are highly paid but poorly gifted and who regularly promote each other to higher levels in a pathetic protection society; mediocre programs, mediocre leadership, mediocre output. Standards are low, products are second-rate, policy is ad hoc and simplistic, politically subservient, often naive, always uninspired. It lacks professionalism. The Agency's relationship to the world around it at home and abroad is too often tenuous and hampered by lack of sound, imaginative judgment. The system favours the sycophants, penalizes the independent mind. USIA, as presently constituted and led, suffers from hardened arteries, poor hearing, dim logic, adled judgment, ulcers from insecurity, too much rich food at the top and poor circulation at the extremities, and a total inability to stand off and look objectively at itself.

I disagree with you, Senator, on the reasons you have given for eliminating USIA, Radio Free Europe, Radio Liberty. I have lived long enough in foreign lands to understand the vital importance of variety in communications and how essential information is to the intellectual growth. You would condemn a people to intellectual isolation in order to placate a government which is itself only a link in the process of social change. I think you are wrong.

I disagree with your reasons but agree with the USIA action because the Agency will not reconstitute itself without your surgery. If the cuts are restored, nothing will change, the same people will go on making the same mistakes and promoting people like them to perpetuate those dreary programs.

And after you have eliminated the problem, consider this, Senator. There is a need for a United States information program abroad. You wrote about the "arrogance of power" and so should recognize the arrogance

inherent in telling the rest of the world that we have no further interest in what it knows or thinks of us. USIA, as presently constituted and led by its upper echelons, does not do the job but a lean, flexible, imaginative, professional information program, stripped of the present institutionalized mistakes, human and conceptual, could do a solid, low-keyed, factual job. There is a need for both cultural attaches and press attaches, professionals, in our embassies; there is a need for an exchange program managed by thoughtful, seasoned people who don't seek refuge in regulations; there is a need and an intellectual place for small, excellent libraries presenting a wide range of American thought processes, concerns and possible solutions to the problems which bedevil both the US and the rest of the world. What one wants is a small, excellent information service which can reflect and present the best work of our society in the remaining decades of this century. What one sees now is an information agency which is a haven for tired programs and untalented men.

Hold fast, Senator.

That is as good a description of one aspect of this problem as I have ever seen. The USIA has simply grown up without any real examination of its basic premises and of its programs.

Mr. President, this reminds me of the study which was made in depth of these activities some years ago by the Committee on Foreign Relations. These are some of the conclusions reached then with regard to motion pictures, reading from the report of the overseas information program of the United States, the Foreign Relations Committee report of 1953:

MOTION PICTURES

The showing of films will-nilly merely to attract mass attention for the moment is abortive and expensive. On occasions it is detrimental.

PRESS AND PUBLICATIONS

The Committee has received diverse comments on the press and publications program from all parts of the world, many of them critical. . . . There has been advocacy of the complete abolition of the wireless file on the grounds of its relatively minor value and its competition with the regular commercial news service.

The information service should not become a competitor of commercial news and related services in any areas in which they serve.

Then, on page 20 it states:

VOICE OF AMERICA

The Committee has paid much attention to a review of the scripts sent out by the Voice. It cannot rate many of them high in message value or purpose. Many of them might well have been omitted.

Mr. President, everything would indicate that it is high time after the more than 20 years existence of this program that something be done. Actually the program developed from the old Office of War Information which was created during wartime. And it has carried on the tradition of broadcasting propaganda. In many cases, I think it presents a very distorted picture of the United States as well as of other countries.

The Senator from New York (Mr. JAVITS) and others have sought to make a case on the merits. I submit that one of the obstacles he was talking about does

exist, that the cold war with Russia and the other Communist countries is not any better. It is naive for us to think that love and peace are in the offing. I do not disagree with that.

We have many problems with Russia, but I submit that one of the obstacles to better relations with Eastern Europe and Russia and most of those other countries—although I think our relations have improved over time—but in any case, among the principal irritants are these broadcasts from Voice of America, Radio Free Europe, and Radio Liberty. They contribute to keeping alive the animosity and suspicion which exists between our country and Russia. I said before with regard to Radio Free Europe it seemed to me with the President going to Russia and having just been to China, and having announced a policy of trying to normalize and improve relations with those countries that it is inconsistent to continue a propaganda program designed to arouse the suspicion of the people of those countries against their governments.

I do not think it accomplishes our purposes; it harms our relations. I can well imagine that there are people in Russia who disagree with their leaders' policy of meeting with the President of the United States and who make the same arguments that are made on the floor of this body that there is no hope for better relations with the United States, or that they are kidding themselves to think they can do business with the United States. One of the things they would point out would be the propaganda we engage in.

It has always puzzled me why the Russians have such suspicion with regard to the SALT talks. They had one meeting interrupted by the U-2 incident. Those not disposed to normalized relations with us can point to the Voice of America and Radio Liberty and say, "They do not really mean it, they are kidding us. They continue the old war-time programs of propaganda intended to undermine the stability of our government."

I ask very seriously on the merits whether the program is well designed to accomplish the announced purposes of the President and what I believe to be the overwhelming view of the people of the United States, and that is to bring about better relations with the people of Russia, China, and Eastern Europe.

It seems to me it is high time in this world with nuclear weapons that some other approach to the solution of these international differences be developed; that greater emphasis be placed on co-operation and discussion such as the United Nations offers, than to keep alive the traditional anticommunism which we have been subjected to for so long, to keep that alive by spending \$200 million in this case, and many millions of dollars more in the case of Radio Liberty and Radio Free Europe. I am not under any illusion it is going to be easy, but I think some different approach than the one we have had is called for.

Mr. President, I referred earlier to an article by Bruce J. Oudes, who, I see, served with the USIA overseas from

1961 to 1965 and is now an international reporting fellow at Columbia University. So he speaks from substantial experience in the USIA.

Mr. President, the article entitled "The Great Mind Machine" relates to the problem I am talking about and that is the value of the USIA itself.

Just to give a sample of the article, I wish to read one part:

Much of the time there is a gnawing suspicion that whatever the project of the day might be, you're participating in a giant charade, a hoax.

"What am I doing here?" is a question that often intrudes in the mind of the USIA officer as he goes about his appointed rounds. Why was I hauling those pamphlets across the Sahara? In time the two of us delivered our "freight"—the agency term for its message—to the American Embassy in Nouakchott, and it was duly distributed to its Mauritanian audience. Yet it is hard to imagine that any minds were altered by our pamphlets, either among the illiterate nomads who make up most of the population, or among the tiny literate ruling class, whose ears are tuned to Cairo and Paris. Certainly our message did not prevent Mauritania's rulers from breaking relations with the U.S. during the 1967 Arab-Israeli war. And why was I hustling votes for Moise Tshombe in the Congo? Tshombe won the election with American help, but not because of anything USIA did; the constituency that mattered was the white mercenaries, who voted with their guns, and the kind of U.S. help that mattered was money and arms, and planes supplied by the Central Intelligence Agency. If we won any votes in Katanga, which I doubt, they weren't counted—that's not how power is won and lost in the Congo. Thus the USIA officer's self-criticism centers around feelings of futility; harmless in Mauritania, but distasteful in the Congo.

USIA produces a lot of noise. Whether that noise wins any hearts and minds out there is a question to which, fortunately for the agency, there is no statistical answer—for propaganda, unlike soap, cannot be measured in bars sold.

I ask unanimous consent to have printed in the RECORD the full article by Mr. Oudes.

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

THE GREAT WIND MACHINE

(By Bruce J. Oudes)

The sight of a wheel rolling off into the desert is of distinct interest if it is one of four carrying you to Nouakchott, the capital of Mauritania.

It happened the visit was a goodwill, more correctly a misguided will, mission. The occasion, replete with rising sandstorm, provided time and conditions for a unique reassessment of the heavy cargo, principally hundreds of pounds of pamphlets explaining the American way of life, which had contributed to the breakdown.

My companion, who had been sent from Washington to see if the United States Information Agency (USIA) was hitting the "target" in West Africa, blew the sand off a brochure on the American economy, one which described the marvelous Detroit motor vehicle, and broke up laughing.

On another occasion, the scene was the Congo and my companion was an American newsmagazine correspondent. We spent a rather wry afternoon driving around the precincts of Katanga distributing a station-wagon load of American-produced "get out the vote" leaflets in Swahili in preparation for an election which, to no one's surprise,

ratified Moïse Tshombe as the Congo's Prime Minister.

Any officer in USIA has a store of such stories. They are rooted in the frustration of determining the message, the audience, and how the audience is supposed to react to the message. Much of the time there is a gnawing suspicion that whatever the project of the day might be, you're participating in a giant charade, a hoax.

"What am I doing here?" is a question that often intrudes in the mind of the USIA officer as he goes about his appointed rounds. Why was I hauling those pamphlets across the Sahara? In time the two of us delivered our "freight"—the agency term for its message—to the American Embassy in Nouakchott, and it was duly distributed to its Mauritanian audience. Yet it is hard to imagine that any minds were altered by our pamphlets, either among the illiterate nomads who make up most of the population, or among the tiny literate ruling class, whose ears are tuned to Cairo and Paris. Certainly our message did not prevent Mauritania's rulers from breaking relations with the U.S. during the 1967 Arab-Israeli war. And why was I hustling votes for Moïse Tshombe in the Congo? Tshombe won the election with American help, but not because of anything USIA did; the constituency that mattered was the white mercenaries, who voted with their guns, and the kind of U.S. help that mattered was money and arms, and planes supplied by the Central Intelligence Agency. If we won any votes in Katanga, which I doubt, they weren't counted—that's not how power is won and lost in the Congo. Thus the USIA officer's self-criticism centers around feelings of futility: harmless in Mauritania, but distasteful in the Congo.

The agency that sends its people on such missions is a 17-year-old cold war hybrid, the descendant of the World War I George Creel committee and then in World War II the Overseas Operations Branch in Elmer Davis's Office of War Information. At the end of the war OWI was transferred to the State Department where William Benton, the advertising man, later a U.S. Senator, nursed it for two years. As the cold war got underway, Benton's office drafted a bill which became the Smith-Mundt Act and put propaganda permanently into the American defense arsenal. Under the Eisenhower Administration in June, 1953, John Foster Dulles rid his beloved State Department of the dirty linen of propaganda work and the name U.S. Information Agency was born. The USIA budget passed the \$100 million mark during the Eisenhower years and floated up to its present \$175 million mark during the two subsequent Democratic Administrations.

Today USIA produces 66 magazines in 27 languages. Its Voice of America broadcasts 932 hours weekly in nearly three dozen languages using 104 transmitters with a total of 19 million watts. It has assisted foreign book publishers in producing more than 120 million copies of over 14,000 editions since 1950. It operates more than 22 libraries visited by 20 million or more persons annually (down from over 31 million in 1955). It radioteletypes abroad a 10,000-word daily file of Administration statements and packaged stories ready for foreign newspapers to lunk in their columns. It does all this with a staff of 2,139 Foreign Service personnel, a total which will be reduced to about 1,760 by mid-year by Presidential order. Foreign Service personnel, however, are substantially outnumbered by the 2,410 permanent Washington-based employees who try to communicate America to a world they never see.

USIA produces a lot of noise. Whether that noise wins any hearts and minds out there is a question to which, fortunately for the agency, there is no statistical answer—for propaganda, unlike soap, cannot be measured in bars sold. True believers in the agency pro-

claim its success, their reasoning based on the most powerful of arguments: without USIA, they would be out of a job. The essence of evidence is turned into an asset. Thus, Edward R. Murrow, when he was USIA director, to Congress: "No computer clicks, no cash register rings when a man changes his mind or opts for freedom." True enough, and it is equally true that no computer clicks, etc., when a man *doesn't* change his mind or when he opts for freedom from noise by turning off whatever message the agency is beaming at him. It is, indeed, hard to avoid the suspicion that without the USIA the course of recent history would have been the same, except a bit less noisy. An environmentalist would condemn the agency on charges of word pollution.

Word pollution is a seriocomic reality to the USIA man overseas, flooded as he is by a kind of international junk mail which he must try to foist off on the natives. If he has any concern for the welfare of his audience, he consigns most of what he gets to what is known in the agency as the "circular file"—the waste basket.

When he was Ambassador to India, John Kenneth Galbraith was subjected to the agency product. He described it in his diary for May 2, 1961: "The Washington USIA is horrible. Day after day it belches out dreary and boring attacks on the USSR and China in the most repulsive and stinking prose. Nothing could do more to promote neutralism, or anyhow total inattention." Despite frequent cosmetic reassessments, nothing in the intervening nine-plus years invalidates that description.

"Each morning, over the air, comes the day's American story," Galbraith wrote President Kennedy. "I can no longer read it for simple reasons of health; five minutes of this wireless file and one loses his breakfast and cannot eat the rest of the day. In two weeks it caused me to lose 20 pounds and I have prescribed it for the Saudi Arabian Ambassador who is badly overweight."

In my years with USIA, out of the welter of dreary, hackneyed stories we received overseas, one remains in my memory as typifying the essential silliness of the message I was supposed to feed to the local media. An editor in Washington found a report of a conference on world peace through law that he apparently decided portrayed the U.S. as a peace-loving nation and therefore should be peddled as "news." The "story" quoted the report as saying that 24,000 international treaties had been drafted in the past 20 years. "This represents 80 per cent of all treaties drafted throughout history and indicates a heartening trend toward the avoidance of disputes between nations through resort to treaties." A recent USIA product is the film "The Silent Majority" which was distributed following the November 15 anti-war march in Washington. It was but another in a long line of "policy" films produced by first-rate technicians who have all too little experience abroad. Therefore, the film was produced with a domestic audience in mind more than anything else, a characteristic fault of many USIA productions. The reaction of a non-American to the film is predictable: "The American Embassy wants me to see this film. It says most Americans support President Nixon's Vietnam policy. Hmmm. There must be a lot of Americans who don't support his policy, otherwise they wouldn't have gone to the trouble of making the film." The smart USIA post abroad will not show the film, but will have the political acumen, since it is politically hot, not to be too critical in reports to Washington of what obviously is a sensitive subject. At one point, when only 26 of 106 overseas posts reported screening the film, still fewer posts, 17, reported that they had not shown it; the majority of the agency's posts maintained a tactful silence.

Considered together, the USIA products give one the profound and ironically accu-

rate impression of a country that is trying too hard. The image is not of a nation that is mature, relaxed, confident, capable of taking care of itself and inspiring confidence in others—but rather of one that is young, nervous, uncertain, defensive. It is of course demeaning for the United States government to hustle the votes of the silent majorities from Hong Kong to Ecuador. More than that, the agency's frenetic efforts to win foreign votes for policies already decided upon by the United States give the deceptive impression that the people of those countries do somehow have a say in what America does. When this inevitably proves to be untrue, the backlash of foreign anger is likely to be directed at the propaganda agency, which may be why the USIA's libraries are the preferred target of foreign rioters intent on expressing a hostile opinion of the United States.

Discerning the purpose behind all this sound is not easy. At the agency's Washington headquarters at 1776 Pennsylvania Avenue (the street number was changed when USIA moved in), there is a plaque bearing the statement "Telling America's Story Abroad," a slogan that cries out for a graffiti reading "It Floats"—particularly appropriate since the present director, Frank Shakespeare, used to work for Procter & Gamble. But telling America's story abroad is a job already being done by the press, both American and foreign; indeed, no nation is as well covered by the media as the United States. The trouble with the media, in the view of USIA, is that they fail to put events in "context." As the Vice President has observed, the media tend to stress bad news over the good. When, for example, the National Guard kills ghetto rioters, the media focus on the number of dead, overlooking the much greater number of Americans—about 200 million—who were not killed that day. The purpose of USIA, then, is to put events "in context" for the foreign audience by shipping out backgrounders, interpretation, and "in depth" analyses. What emerges is a fill-in-the-blank litany reading something like this:

"President John F. / Robert Kennedy / Martin Luther King was assassinated / blacks rioted in American cities / American soldiers killed Vietnamese civilians / yesterday but the vast majority of Americans are law-abiding citizens who do not / murder their leaders / riot / kill foreign civilians / and therefore they support their President and the program of bringing them together / rehabilitating the cities / finding a just peace in Vietnam / will continue."

Despite such efforts to put America's story in its proper context, USIA is losing ground in the contest for the world's ear drum. The revolution in communications technology has multiplied the means of reaching the audience, leaving the agency, in the words of Dr. Robert Delaney of the Fletcher School of Law and Diplomacy, as a "declining public information voice in a welter of competition." The agency has lost influence even within its own government. During Democratic Administrations, its director sat on the National Security Council, where he could advise on phrasing the American story—but no more, to the regret of Frank Shakespeare, who, in answer to a question about what he would want for his agency, replied: "The USIA Director should sit on the National Security Council."

If you measure where USIA puts its effort, you get the impression that the agency's mission is to Tell the Story not of America, but of America's client governments. Nowhere in the agency's various statements of mission is there specific mention that USIA should try to influence the domestic politics of a host country. Yet some of the agency's biggest operations have been in the Congo, Thailand, Laos, and above all Vietnam: countries where the U.S. has been heavily involved in supporting a local government. USIA's brass

in the past has fought with other agencies for recognition of the notion that since it has expertise in convincing people of the rightness of the policies of the American government of the day, it should have responsibility for efforts to convince these same host country citizens of the correctness of the policies of their own government of the day. USIA virtually ran the Congolese Ministry of Information while Tshombe was Prime Minister. USIA's empire-building in Vietnam reached its zenith in the 1965-67 period when its agile director in Saigon, Barry Zorthian, managed to bureaucratically capture overall coordinating responsibility for the psychological warfare effort. The agency poured in so much of its limited resources, that at one point it had more officers in Vietnam than in all of Africa. Ultimately, however, USIA, lacking the muscle of the Pentagon, had to relinquish control to the military.

USIA simply is not geared for the secrecy necessary to provide tactful propaganda support to a client government. Its efforts in the gray and black areas, if they become known, ultimately destroy whatever credibility it might have in its open and attributed propaganda. But USIA is a loud-mouth organization that has found it impossible to conceal its comparatively innocuous activities, like the books it has commissioned and the paperback editions and films whose overseas distribution it has subsidized, supposedly in secret. Numerous news stories in the U.S. press have blown the cover on these activities. Lyndon B. Johnson personally blew one himself in 1966 when he revealed to the African diplomatic corps that USIA had produced a new volume on African art that he was presenting each of them—the book billed itself as a private-market publication, with no indication of government subsidy.

USIA's origin in times of war and cold war is doubtless responsible for the agency's curiously old-fashioned style. The 1960's passed unnoticed at the information agency. When the agency goes after heart and mind, it comes on like those pitchmen who dominated the early years of television; word that the soft sell is now in vogue has not reached headquarters. The agency's political style—ferociously anti-communist, terrified of Congress—owes a great deal to the late Senator Joseph McCarthy. McCarthy terrorized USIA during its early days, and the agency seems never to have recovered from that infant trauma. Especially in its choice of books not to put in the shelves of its libraries, USIA acts as if McCarthy and his investigators, Roy Cohn and G. David Schine, were still peering over its shoulder. This gives the agency an antique flavor that is not without a certain charm. Where else but in USIA can you find officials who think that James Baldwin is too black to be read by Africans, and Norman Mailer too raw for Europeans?

People who work for USIA are frustrated for reasons that go beyond the futility of the agency's mission (a thought against which most succeed in insulating themselves). Anyone who joins USIA has professional aspirations in one of three directions: he conceives of himself as a professional diplomat, a journalist, or a cultural administrator. Under the USIA system, he becomes a bit of each but never enough of any one to satisfy his aspiration for professionalism. To a journalist or cultural administrator, a career within the confines of policy guidance cannot be anything but frustrating. Few talented people, told to run a U.S. library abroad, can be happy when they must portray U.S. culture not through book orders based on Books in Print, but rather from a sanitized list pouched periodically from Washington. Similarly, a career diplomat feels silly trying to place propaganda in the local press or playing nursemaid to visiting musicians. Although USIA says it can't give precise figures, it is no accident that one-third or more of those young officers who enter the agency resign

after five years or less. USIA's standard defense is that those who leave couldn't measure up in the heat of the diplomatic forge. It is nearer the truth to say most leave to escape a torporific warmth that saps creativity.

The agency's separate-but-unequal relationship to State is particularly resented by those with diplomatic ambitions. The younger USIA officers were recruited, and in part trained, jointly with the State Department. They took the same Foreign Service exam as their State colleagues, becoming second-class citizens only when they checked the wrong box on the question asking whether they would rather work for USIA or State. Now they find their upward mobility blocked, because they are at a disadvantage in competing for any diplomatic post higher than public affairs officer. Only two ambassadorships are held by career men who came up through USIA rather than State.

"Hell, I'm not inferior," one of my former colleagues remarked. "I want to be an ambassador some day but it's highly unlikely I ever will be as long as I'm wedded to USIA as an organization with its own personnel system."

Those who resent the agency's outdated ways have formed the Young Officers Policy Panel (YOPP), dominated by career officers under 35 years old. The movement began spontaneously as a revolt against a new and particularly saccharine training program that brought them back to Washington and ghettoed them off together for an extended period—as it turned out, long enough for them to collectively realize that they were profoundly disturbed by what they learned in their first several years abroad with USIA.

One YOPPie said recently that the movement's success depends on taking advantage of the "old cold warriors' massive inferiority complex." An early problem for them has been internal communication. When they let it be known they planned to start an "underground" publication of their own, agency executives quickly granted them space in the official house organ, "USIA World." Thus, while morale among top-ranking USIA officers is at an unusual low, partly due to the decision to eliminate mostly older officers during the personnel cutback, younger officers are feeling their oats for the first time in USIA's history. YOPPies also make it clear that theirs is an establishment revolution. They have obtained Shakespeare's blessing, and as long as he continues to remain open to their suggestions and moves in what they consider the correct general direction, they say they do not intend to cross him. However, several YOPPies indicate that if things do not change, they will back up their "demands" by quitting while they are still young enough to get a challenging job outside government.

In all fairness to the much criticized Shakespeare, his merits or lack of them are not relevant to a critique of USIA. If he is like his predecessors, he will spend a great deal of time studying the agency's problems, make a few cosmetic changes, and then move on to another job.¹ The only memorable USIA director will be the one who executes a Presidential and Congressional mandate to execute USIA.

¹ The recent instruction to overseas libraries to order "conservative" books if their existing collections are "preponderantly liberal" was a classic cosmetic gesture. The library shelves are not preponderantly liberal, nor conservative for that matter; they are preponderantly bland. The library directors may or may not order the conservative gospel; they may or may not display what they order; in no case can one imagine that world opinion will be affected. The real "target" audience for the order was conservatives in the U.S. who would presumably be pleased by reading the news stories about Shakespeare's action.

Shakespeare, in fact, deserves a bit of sympathy for the unwarranted inferences in the press that he is trying to change the fundamental role of USIA. The advent of the Nixon Administration and Shakespeare "has added a new dimension to the agency's dilemmas," *The New York Times* wrote. "This dilemma, and the latest USIA controversy, is whether the information agency is to speak to the world as the voice of the United States or the voice of the Nixon Administration." That, of course, is nonsense; there is no new "dilemma" under Nixon. The agency has never been the "voice" of the United States, only of the United States government, and what that voice says is dictated by its internal characteristics and by the pressures of Congress and the Administration currently in power.

Although USIA does not lack for would-be reformers—Shakespeare, the YOPPies, a host of outsiders—what they have to offer is simply tinkering with the existing organism. The reforms they propose do not go to the heart of the matter, which is that USIA is offending the eyes and ears of the world with a flow of propaganda that is at best harmless, sometimes dangerous, and always embarrassing to the citizens of a supposedly adult nation. The only way to stop that flow is to turn off the faucet: abolish USIA.

Abolition of the agency does not necessarily mean that all of its functions would be abolished. Three activities might survive the abolition, although at a much lower noise level: a reformed Voice of America, cultural relations, and public diplomacy in the State Department. The first two must be detached from policy guidance by being placed under the control of autonomous corporations, while the third simply means that State would perform what little is worthwhile in USIA's overseas information operations.

The rationale for government-financed broadcasting lies in the fact that nearly one per cent of the American population is abroad as government employees, including the military and their dependents. In addition, perhaps a million more Americans are abroad in private roles. These three million or so Americans, as well as foreign audiences, deserve an intelligent external U.S. broadcast service. There are still many countries that censor incoming mail shipments of newspapers and magazines and "selectively edit" the international wire services before distribution to their local press. Thus, only in international radio broadcasting can a listener be certain that he is getting the entire message, and all the messages, that the sender intends. Intelligent people in most parts of the world rely on the BBC as the most disinterested international news broadcaster. Surely, however, there is room for competition from the U.S., a sort of international Huntley-Cronkite.

Present U.S. broadcast policy originated in wartime. The Voice of America broadcast first in German. Its message to the German people was that the Yanks were coming, keep the faith. In one way or another it was preaching. At the same time the U.S. military recognized the need for "troop information and education" to be carried in its radio broadcasts to American soldiers to counter Axis Sally and Tokyo Rose. It was an easy step then to set up post-war broadcasting along similar lines: one broadcast for foreigners and another for American soldiers abroad. Since Congress wouldn't stand for any possibility that U.S. propaganda might be beamed at Americans, it was logical that VOA broadcasts overseas could not be beamed at Americans overseas.

Foreigners were to listen to propaganda as embodied by the VOA, while American forces abroad were to listen to the whole truth, embodied in the Armed Forces Radio and Television Service (AFRTS). Conveniently ignored was the fact that both broadcast on the same bands. The mere existence of AFRTS confirms to the foreign listener that in VOA he is getting some special package

beamed at him and not Americans and therefore, of course, a less credible one. Meanwhile the G.I. who happens to pick up a VOA program can't help but think what strange and different people foreigners must be if they listen to all that stuffy VOA broadcasting. AFRTS, for its part, contributes to the world stereotype of the parochial American. Its treatment of world news is of the depth you might expect from a five-watt "rip and read" radio station in the Corn Belt.

The distinction between foreign and U.S. military audiences would disappear if the present VOA and Armed Forces radios were merged into a single operation. Congress, in accepting the principle of publicly funded domestic television, has paved the way for the new Voice to be the external service of the Corporation for Public Broadcasting. Its main competitor, the BBC, is also funded by a parliamentary grant and is independent of day-to-day policy control.

The BBC external service was analyzed last year by Britain's review committee on overseas representation headed by Sir Val Duncan. "Because of its independence from government control, which indeed is its main asset in maintaining overseas listeners' belief in the credibility of its news reporting and comment," the Duncan report says, "the BBC, in our view, should continue to be regarded as one of the most effective means of projecting British news and views, and should certainly have a high priority compared with official printed publicity and hand-outs."

Similarly, cultural affairs—most notably, the USIA's libraries, exchange visits, English-teaching overseas, and so on—should be detached from direct government control. Once again, the model is found in Britain: the British Council, which functions much like the BBC. Summing up its review of the British Council, the Duncan committee wrote that it should not "be regarded in any way as a mouthpiece for government policy. To attempt to use it in this way would undoubtedly detract from its status as a cultural organization whose activities are independent of the control of the government of the day."

On this side of the Atlantic, this concept of liberating culture has been widely discussed and endorsed over the years by many people, including at least two former assistant secretaries of state for Educational and Cultural Affairs. At the forefront of the movement are USIA's two Congressionally created watchdog bodies, the Advisory Commissions on Information and Cultural Affairs. Their handicap is that, as full-time news executives and academics, they devote but a fraction of their time to the agency, and therefore they operate on instinct more than any solid operational experience with USIA.

During the Johnson Administration, one of the schemes before the Rusk commission, set up in the wake of the publicity about the channelling of CIA funds to private organizations, would have done much the same thing. Known as Alternative IV, the proposal would have involved creation of a quasi-public commission controlling an organization that would have administered all international, cultural, and educational matters, including USIA libraries.

The details of each of the many schemes proposed over the years differ, but the one point on which they are all most hesitant is whether cultural programs can in fact be untied from propaganda. They seem afraid to approach Congress, afraid that it would never understand the notion that the best propaganda is no propaganda.

Yet Congress long ago established the precedent of a federally-funded, independent cultural body when it created the Smithsonian Institution. The Smithsonian is not without its own problems, but it does serve as a useful model. Private funds are mixed with federal funds. Thus, U.S. cultural pro-

grams might be associated directly with it as an international division. Alternately, Congress might prefer to link the international cultural programs with a new National Library. A possibility of considerable potential is that the Smithsonian-type organization would be a suitable vehicle in expanding cultural ties with the Soviets and Eastern Europe, countries which do not now permit a USIA presence separate from that of State.

Operationally, the depoliticized cultural organization would include all USIA libraries and bi-national centers, the English-teaching programs now scattered through several government agencies, and all exchange-of-persons programs now handled by State with the exception of those involving government VIP's. The center director should not be part of the American Embassy's "country team" and should not have diplomatic rank. His status would be something that he, perhaps with his British Council and Alliance Francaise and other cultural colleagues, might negotiate with the host government. The cultural organization should have close ties with American universities and foundations, and its personnel should be encouraged to rotate in and out of academe.

All remaining information and research activities, together with qualified personnel, should be absorbed into the State Department. When the USIA library becomes honest, the USIA officers who now are physically located on the library premises would move back to the chancellery. These would be the public affairs and information officers. Their jobs would be on a par with other embassy jobs such as political, economic, commercial, consular, and administrative work. Public affairs and information officers would be charged specifically with the responsibility of presenting the policies of the U.S. government to those of influence or potential influence who are not formulators of host country policies—in other words, those that the Ambassador does not routinely see. These officers would serve as the Ambassador's press representatives. The public affair officers would no longer be burdened with responsibility for periodic mass mailings around the country, trying to "place" as many inches as possible of wireless file copy in local papers, organizing a large-scale program of film showings, and in general concentrating on the mass approach to communications.

Meanwhile, the "stinking prose" of the wireless file would be eliminated. This radio-teletype bulletin would be moved back to the State Department where it originated in 1935. It would be prepared by State's Bureau of Public Affairs and would include texts in English and translation, a summary of the Department's daily noon news briefing, a domestic news summary, and material of regional significance. This would be part of the background material supplied to embassies primarily for their own information rather than for propaganda.

These modest proposals, it should be stressed, are far less important than the primary goal of abolishing the information agency. If the reforms cannot be done well—if, for example, broadcasting and cultural activities cannot be detached from policy control—then it is far better to abandon them along with the rest of the agency's activities. This is a case where it is more important to get rid of the bathwater than to save the baby.

USIA must be abolished for reasons that are essentially aesthetic, not political. We are too mature a people to allow ourselves to be demeaned by the silly huckstering of propaganda, and in a noisy environment everyone owes his fellow creatures a moment of silence. There could be no better time to silence USIA than in the Administration of the man who came into office advising us to "lower our voices." When President Nixon tears down that plaque reading "Telling

America's Story Abroad," he might well substitute for it the maxim: that nation sounds best that blathers least.

Mr. FULBRIGHT. I do hope that the Senate will indicate that it has a strong interest in receiving the information requested from the executive branch in connection with the legislation which is before us.

This is a recurring problem. If the Senate in its wisdom does not wish to have the information, I shall be content.

"DON'T SILENCE THE VOICE"

Mr. BENNETT. Mr. President, during much of its 30-year history, the Voice of America's broadcasts to nations with Communist regimes in Europe and Asia have been purposely jammed by electronic interference. However, through persistence on the part of its listeners, and thanks to some ingenious technical devices, the Voice generally has been able to reach its intended audiences.

Today, we in the Senate are faced with the opportunity to succeed where the Communist leaders have failed. If we sustain the crippling cuts in the USIA's budget, the Voice will be silenced in 24 of its 35 languages, including all of those to Eastern Europe and the Baltic States. If we fail to restore the funds that have been cleaved from the USIA's budget, Communist leaders will indeed have special reason for celebration today, which is already observed as May Day in the Communist world.

It is ironic that those same nations which some among us are afraid of insulting by continuing the Voice's work are already far ahead of the United States in their international broadcasting output. The Voice of America currently broadcasts 780 hours weekly in 35 languages.

This is well behind the Soviet Union's 1,903 hours in 84 languages, Communist China's 1,304 hours in 38 languages, and Egypt's 1,022 hours in 33 languages.

If we sustain the fund cuts in the USIA budget which, incidentally, will in effect mean a 30 percent reduction for the Voice of America, the Voice will be cut back to 454 hours weekly in 11 languages.

But quantifying the results of such a drastic cut hardly begins to tell the true story of what a silencing of the Voice will mean. It is documented beyond reasonable doubt that millions of persons living under totalitarian regimes look to the Voice of America for the truth about the United States—a truth that cannot be found in their own censored media. Once that truth is no longer available, the Voice's listeners themselves will suffer, but the biggest loser will be America.

Mr. President, we cannot allow this to happen. We must vote to restore USIA's funds so that all of its programs will continue at a high level and so that this vital instrument of U.S. foreign policy will not be undermined.

A recent editorial in the Washington Star tells of the need to save the USIA and the VOA. The editorial, "Gagging the Voice," appeared on April 26. I ask unanimous consent that it be printed following these remarks.

There being no objection, the edito-

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

GAGGING THE VOICE

For reasons best known to himself, Senator J. William Fulbright is trying to gut the United States Information Agency and reduce the Voice of America to a faint croak. He must not be allowed to do so.

What Fulbright proposes (in his capacity as chairman of the Senate Foreign Relations Committee) is that USIA's budget request of \$200.2 million for fiscal 1973 be slashed to \$154.4 million, a reduction of about 23 percent. Further, the senator from Arkansas would deny Director Frank Shakespeare the right to shift funds from program to program, which would mean a cut of about 30 percent in the activities of the Voice of America.

At its present level of 780 hours weekly in 35 languages, VOA trails badly behind the Soviet Union (1,903 hours in 84 languages), Communist China (1,304 hours in 38 languages) and Egypt (1,022 hours in 33 languages), and just barely ahead of Britain (725 hours in 38 languages). If Fulbright has his way, VOA will be cut back to 454 hours weekly in 11 languages, which is about as bush league as you can be and still remain in business. Much of the Voice's service to Eastern Europe and Africa would go by the board and seven of its 15 transmitters would be shut down.

USIA would have to shut its doors in 30 countries. About 1,000 Americans and approximately 1,360 foreign employees (of a total of 9,877), would lose their jobs. Television satellite transmissions would be ended and all other activities would be curtailed.

Why this savage cutback? Has the struggle for men's minds ended? The Russians and the Chinese apparently do not believe so. Has USIA been profligate? Hardly: Its requested staff for fiscal 1973 is 17 percent below the 1968 total; its request for operating funds, in constant dollars, is 14 percent below the 1968 allocation.

The truth is that Fulbright is trying to eviscerate USIA because he is still rankled about the Herschensohn flap, doesn't like Shakespeare personally or ideologically (the USIA director is a conservative) and is piqued at the administration for its refusal, on grounds of executive privilege, to turn over to his committee USIA's "country program memoranda" dealing with proposed propaganda years beyond 1973.

Herschensohn, who called Fulbright "naïve and stupid," has since left the agency, and Fulbright ought to be a big enough man to forget that unfortunate incident.

Shakespeare may not be the most brilliant or effective director USIA has ever had, just as Fulbright may not be the finest senator Arkansas ever sent to Washington.

The administration might (or might not) have been wiser to take Fulbright more into its confidence in regard to the question of country programming. But none of this, in the long run, is very important.

What is important is that the United States should have the opportunity to tell its story in a reasonably effective way to the peoples of the world. If USIA lacks that capability, the security of this country will be endangered. Fulbright would deny the agency that capability and still the Voice of America. The Senate should not let him get away with it.

FULL FUNDING FOR USIA

Mr. BROOKE. Mr. President, I rise today in support of the amendment offered by my distinguished colleague, the senior Senator from Wyoming, to restore funds for the USIA.

In doing so, Mr. President, I can well understand the considerations which led the Foreign Relations Committee to cut

the USIA budget by \$45 million. Congress is charged with the responsibility for appropriating funds to the departments, agencies, and branches of this Government. The appropriations function can best be carried out on the basis of full information regarding both the current and anticipated levels of operation. Where such information is not available, or where it is deliberately withheld, the capacity of the Congress to act responsibly is correspondingly reduced.

I realize that some of these considerations entered into the proposed cutback in funding for USIA. Even so, I cannot in good conscience support so large a reduction in operating funds for this agency. Some Federal programs can sustain budget reductions, and either reduce their operations or concentrate their efforts on securing supplemental funding, without grave injury either to their own function or to the welfare of this country. Such is not the case with the U.S. Information Agency.

The USIA is, quite literally, the "voice of America" to hundreds of millions of people around the world. USIA, and its broadcasting service, the Voice of America, is the only contact which millions of Asians and Africans have with our Nation. Virtually every village in the developing world has at least one radio. Inexpensive transistor radios are the first and sometimes only companion of hundreds of thousands of homeless young men and women seeking work in the teeming cities of the Third World. What will it benefit us, or them, if the only news they hear on their radios is broadcast by the Soviet Union, or China, or Portugal? Where will they learn about American civilization and culture, where will they acquire the capacity to identify with our Nation and its ways, if their only source of contact with the United States is shut off?

Mr. President, I was appalled to learn of the effect which this proposed funding cutback would have on the area of the outside world with which I am most familiar: the continent of Africa. Broadcasts to Africa in English, Swahili, and Arabic would be completely eliminated, as would special VOA placement materials in French, Swahili, Hausa, and Yoruba. This reduction alone would mean that the nearly 30-million people of the East African community—Kenya, Tanzania, and Uganda—who speak English and Swahili, and who are being wooed increasingly by the Soviets and the Chinese, would be left without any radio broadcasts from the United States.

In West Africa, the elimination of English, Yoruba, and Hausa programming would mean the end of all radio contact with the 60 million people of the largest and most important nation in sub-Saharan Africa: our friends, the Nigerians.

Our good relations with the peoples of Africa would be further undermined by the anticipated closing of 15 of our 28 U.S. Information Service posts, and the closing of an additional 11 branch posts and reading rooms. Eliminated from the program entirely would be such small but friendly nations as: Burundi, Chad, the Central African Republic, Dahomey,

Gabon, Guinea, Mali, Malagasy, Malawi, Niger, Sierra Leone, Somalia, Togo, and Upper Volta. Also eliminated entirely would be Lesotho, a small black African state completely surrounded by South Africa, yet striving to be free.

In addition, the African area of USIA estimates that branch posts and reading rooms would have to be closed in three major Nigerian cities—Kaduna, Kano, and Ibadan—in four major cities in Zaire—Lubumbashi, Bukavu, Lulumbourg, and Kisangani—in Douala and Buea in Cameroon; in Asmara in Ethiopia; and in Kumasi in Ghana.

Mr. President, I could cite compelling reasons why each of these posts should remain open. Instead, let me mention just a few examples:

The United States maintains a satellite tracking station and military forces in Asmara, Ethiopia. Yet this is a rebellious province which several times in recent years has attempted to break away from the Ethiopian Government. The presence of a USIA post in this area provides a constructive counterpoint to what must seem to be an unpopular and even inflammatory presence on our part.

Lubumbashi is the former Elizabethville in the breakaway Katanga Province in the Congo, scene of dreadful fighting and strong separatist demands during the tragic years of the 1960's. Our presence there serves as a vital and constructive link in our overall policy of favoring the development of a true national consciousness in this giant country girding the waist of Africa.

American policy also favors a strong and united Nigeria. Yet if we close our posts in Kaduna, Kano, and Ibadan, we will cut off our links with two-thirds of the people of this increasingly powerful state, and with a major intellectual center as well. To confine our influence to Lagos and the coast is not in our interests or the interest of the Nigerian Federal Government.

Mr. President, so far I have spoken primarily in terms of America's interests in maintaining a viable and effective communications program with Africa. I would like to dwell for a moment on what our program means, in human terms, to the Africans themselves.

I have landed at remote airstrips in central Africa—bare stretches of hard dirt without terminals or landing lights—and heard the transistor radios of the mechanics and porters blaring out American jazz and American news.

I have visited USIA reading rooms and seen the intensity with which Africans, young and old alike, devoured the books and magazines available there. I have talked with the people using these reading rooms and learned that in many cases they had walked 10 or 20 miles on their day off to spend a few hours in the only library for hundreds of miles around.

I have seen the eagerness and excitement on a man's face as, after traveling for many hours, he arrived at a USIS post and was granted his request for an American made film to show to his club or village.

I have seen the joy on the face of a

teacher when the local USIS officer told him "Yes, I was able to get the textbooks you requested."

Mr. President, we must never forget that for great numbers of people around the world, the only book they may ever read or the only film they may ever see comes from an American information agency post.

Good will for America comes in many packages and many forms. It comes in a bag of better seeds, in the construction of a dam, in medical attention, or in a fleet of buses. But perhaps the most satisfying, most personal—and for us least expensive—kind of good will is that which comes in the books, films, and broadcasts that help to satisfy a world's thirst for the knowledge long denied them. We should be proud to be a part of the effort to educate the peoples of the world, to lift them, and help them lift themselves, from the deep trenches of ignorance and despair. USIA, and the Voice of America, are an important part of this process, and I pray their good work may be allowed to continue.

MAINTAINING OUR CAPABILITY IN INTERNATIONAL COMMUNICATIONS

Mr. BROCK. An important question has been raised recently, in this House and in the public forums, as to whether or not the U.S. Government should be engaging in international cross-cultural communications, or public diplomacy, or, if you prefer, propaganda. Our Government's instrument for this effort, the U.S. Information Agency, has been quizzed and probed and criticized as an anachronistic holdover from the cold war which no longer has a valid reason for existence in this new era of negotiation rather than confrontation.

Anyone who has traveled abroad in recent years, who takes a realistic and mature reading of the forces and the ideas around the world today, will recognize that this question is based on false premises. Those false premises are, first, that the conflict of ideology between communism and freedom is the only concern our Government has had about public attitudes abroad in the post-war world, and second, that that ideological conflict no longer exists in this new era.

No government involved in world affairs today—and especially a major power—can afford to ignore the attitudes of the people, the media, and the political forces they influence. In the free world, those attitudes find their echo and their reflection in the parliaments—the Diet in Japan, the Lok Sabha in New Delhi, the Bundestag in Bonn, the House of Commons in London—and there, in turn, they have their influence on the policies of the governments with which we coexist on the international scene.

If the foreign policies of our own Government are to succeed, they must be understood. The interests and rationals on which they are based must be realized, and the interests and principles which we share with other free countries must be grasped. It would be naive to rely on blind faith that our policies and their rationale, our principles and our concerns, or even that the selfless humanitarianism which has so often in-

spired our deeds, are self-evident and need no elucidation.

Even if one were to set aside the role of the Communist ideologists there are other forces, other motivations at work to distort, to twist, to misrepresent what we do at home and abroad and why we do it. In Latin America, in Africa, and in South Asia, there are strong forces of nationalism, which openly seek to stimulate anti-American attitudes. In many countries with whose governments we have friendly relations, there are opposition forces seeking to create distrust of us as a weapon against their own governments. In many parts of the less developed world envy of our high standard of living and perhaps fear of our economic power breed hostility and a readiness to believe even illogical criticism of us. Many of us in this Chamber today have heard reports from our constituents or seen reports in the press about the willful distortions of American policies, actions, and motivations that appear frequently on some European television networks. And even when malicious ill-will is not involved, the complexities of American life and the seeming size of many of our problems lead many interpreters abroad astray in their analyses and judgments of us.

Thus, even leaving aside the role of the Communist ideologists, it should be evident to all that a need exists for our Government to measure the cause and degree of those distortions and try to correct them, to act positively to explain our policies, the motives giving rise to them, and the actions we take to implement them. And it is certainly in our own interest to seek foreign understanding of our American complexities, to encourage rational proportions in foreign assessments of our problems. Reasonable men and women around the world will listen and take into account what we say, but only if we are equipped to speak to them in their language, according to their terms of reference, and with understanding of the point of view from which they see us. I submit that this was a major purpose behind the creation of the U.S. Information Agency, and that this is a vital need which that Agency should be meeting today. There is nothing anachronistic about such an Agency and such a role in the furtherance of our foreign policies.

We Americans have a deeply ingrained revulsion for the basis implicit in one meaning of "propaganda," but the word has other meanings as well; setting the record straight, righting the imbalance, correcting the many biases that already exist, and providing enlightenment where understanding is obscured. Recognition and acceptance of the legitimacy of these meanings is a fact of life for the major countries of the free world. Great Britain is known around the world through the BBC, and it has information and cultural programs channeled through 118 centers and 204 libraries abroad. West Germany spends nearly \$33 million a year on its international radio broadcasting activities, and its worldwide propaganda activities cost well over \$152 million. It has 119 cultural centers in 66 countries. France spends \$182 million

a year in its international information efforts and has 221 centers and institutes abroad. These so-called propaganda activities are accepted as legitimate, indeed as a necessary adjunct of realistic foreign policy, for the major nations of the free world, and are decidedly not regarded as anachronistic.

I said earlier that there would be a legitimate need for the United States to maintain an international information program even if we set aside from our consideration the competitive role of the Communist ideologists, for there are other considerations than ideological conflict of concern to us and our government. But unless we were so blind as to accept the second false premise, that ideological conflict no longer exists between communism and freedom, we cannot ignore that conflict and what it means in terms of our national interests and indeed our security.

There are those who argue that in a period when we are seeking to negotiate with the Soviet Union, we should not impede these efforts at reconciliation by annoying the Russians with expressions of faith in our own ideals of freedom or even with broadcasts of factual news into the closed societies of the Soviet Union and Eastern Europe.

The argument strikes me as a craven retreat from principle. It reminds me of Neville Chamberlain's desire not to annoy Hitler over the Nazi occupation of the Sudetenland and Austria. In all the statements that I have read to date by Russian leaders, whether about detente in Europe or the negotiation of specific agreements, they have made it starkly clear that rapprochement will not extend to ideological accommodation on their part.

The latest example of this was Leonid Brezhnev's statement to the 15th congress of Soviet trade unions on March 20. In explaining the official Soviet attitude toward the forthcoming visit to Moscow by President Nixon, he said:

In the USSR's foreign policy a firm rebuff to imperialism's aggressive designs is combined with a constructive approach to ripe international problems, and implacability in ideological struggle combines with readiness to develop mutually advantageous relations with states of the opposite social system.

It should be obvious that this "implacability in ideological struggle" represents a dualism in the Soviet approach to detente which should neither surprise us nor deter them as negotiations between us proceed.

But the broadcasts by our official radios into the Soviet Union and Eastern Europe are not intended solely to meet their thrusts in the ideological battleground. We know from much accumulated evidence that people sealed off inside the close societies have a great thirst for information about what is going on in the rest of the world. They know they cannot expect to learn the whole truth through the ideological filters of their own state and party controlled media. So they listen, sometimes with difficulty and with danger. As Nobel laureate Aleksandr I. Solzhenitzin boldly stated,

it would be a tragedy if such broadcasts were to be discontinued.

Some may label these broadcasts "cold war," but if so they are not without benefit. They provide the subjects of the closed societies with information they need to compare what Brezhnev called "the opposite social system" with their own. They provide a basis for judgment of American and other western intentions and values. They provide relief from the cultural inbreeding which isolation causes. And repeatedly they have provided Soviet citizens with their first information about developments within their own country. "If we ever hear anything about events in this country," Solzhenitsin said, "it is through them."

While direct evidence probably can never be obtained, there would seem to be little doubt that the window on the world such broadcasts provide is responsible to some degree for the popular pressures on Soviet authorities to provide more and better consumer goods, to allow greater intellectual freedom of expression, to permit even token emigration of Soviet Jews to Israel, to soften the formerly harsh police state controls, and perhaps even to seek detente through specific political negotiations and agreements with "the opposite social systems."

Therefore, these broadcasts as well as the exhibits, the exchanges, the magazine *Amerika*, and the other activities which the U.S. Information Agency undertakes in regard to the people of Eastern Europe and the Soviet Union are vitally important elements in the exercise of our foreign policy and cannot, with any regard to verity, be called "anachronisms" of no value today.

I should like to make one final point. In the past, whenever this Nation faced a major crisis in the world, we had to scramble to create a corps of hastily assembled amateurs with little experience, equipment, or effectiveness to initiate an international information program. After the Second World War, we had the wisdom to recognize a continuing need for such a program—even though there was such detrimental hesitation and confusion in the effort.

We cannot know what crises our country will face in the future, but it would seem to me to be a matter of elemental prudence to maintain a sound crises capability in international communications. We should have a corps of professionals who have the experience and up-to-date equipment, the knowledge and the calibre to meet the needs of a crisis situation. We can best get this capability by maintaining an adequate information agency geared to provide steady support for the execution of our national policies. We cannot get it by afflicting that agency with fluctuating budgets, repeated personnel cuts, and a failure to recognize the contribution it can make to our national security. These afflictions breed low morale, insecurity, a lack of confidence in public support, and the flight of professional ability from government service.

There is much misunderstanding about us abroad in the world today, much ignorance about our policies and our actions, about our principles and our intentions, about our problems and our

will to overcome them. We can never right the balance and set the record straight for all of this in every corner of the world, but as we play our role of a great power in this imperfect world, I believe it is important that our Government and our people have the best agency of international communication that we can devise. To recognize this need and provide for it would be a mark of our maturity in world affairs and of our realism in the execution of our foreign policy.

I ask unanimous consent that the text of James J. Kilpatrick's editorial and a transcript of Forest Boyd's commentary on this subject be printed in the *RECORD*.

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

FULBRIGHT'S ASSAULT AGAINST USIA MISGUIDED

If the U.S. government were run in the fashion of a major university, it would be necessary to list among the cataloged courses a whole department of J. William Fulbright. Here the persistent student could begin with Introduction to Fulbright, advance through Organic Fulbright, and conclude with seminars in Fulbright. After extended graduate studies a dedicated scholar might understand one of Washington's most puzzling men.

The chairman of the Senate's Foreign Relations Committee was 67 years old this month. A one-time Rhodes scholar lawyer, and university president, he has served in Congress for almost 30 years—two years in the House, 28 years in the Senate. An acknowledged expert in foreign policy, he is widely respected in other fields also.

Surely it would seem inconceivable that such a man, geared to global thinking and trained in the importance of ideas, would set about deliberately to destroy the one agency whose task is to publicize the American idea. Sad to say, that is precisely the course on which the senator from Arkansas is embarked. He is proposing to slash the budget of the U.S. Information Agency by more than 20 percent; in the process, he is proposing to reduce the Voice of America to a whisper.

Three reasons are advanced to explain the senator's inexplicable assault.

It is said that Fulbright gazes in distaste upon Frank Shakespeare, the USIA director, and finds him personally obnoxious. Fair enough. Shakespeare takes a hard line on communism; the senator's approach, if not exactly soft, is perhaps flexible. But directors come and directors go, and the damage that would be done by the proposed budget reduction is far more important than a personality conflict. In the long haul, neither Fulbright nor Shakespeare matters. This program does.

More to the immediate point, it is said the senator is reacting with personal pique to the recent incident in which a USIA filmmaker appeared in a televised interview with Conservative Sen. James Buckley of New York. The filmmaker, Bruce Herschensohn, tactlessly described Fulbright as "naive and stupid." He then resigned, and Shakespeare did not help matters—though he apologized—by giving Herschensohn the USIA's highest award. A fiasco. But, again, Fulbright is too big a man—and he has been called names too many times before—to let a personal indignity provoke so grave a retaliation.

A more plausible explanation lies in the refusal of the USIA, acting on White House instructions, to make publicly available to the Foreign Relations Committee its "country planning papers." These are confidential in-house memoranda, spelling out our propaganda plans, country by country. As such, they are covered by the doctrine of executive privilege. Their publication could cause em-

barrassment. If this is the sticking point, surely it could be eased by rational compromise.

But we are at this sorry pass: The Foreign Relations Committee, at Fulbright's behest, has voted 9-4 to cut USIA's authorization for fiscal '73 from a requested \$200.2 million to \$155 million. The recommendation could be overridden, of course, by floor action, but a committee's verdict carries respectable weight.

The Voice of America now carries 850 broadcast hours a week, in 35 languages beamed around the world. The Fulbright slash would cut this program to 454 hours in 11 languages. We would be competing at the level of Portugal and Albania. More than 3,500 professional broadcasters, most of them with irreplaceable language skills, would have to be fired. The VOA, in short, would be strangled.

Such folly must be avoided. The USIA, under Shakespeare, has not engaged in empire building: It has 600 fewer employees than it had four years ago. By comparison with Russia, China, and the United Arab Republic, the United States is waging a modest program of information and propaganda. But the program is vital to our continuing national interest around the world; and Fulbright, who is genuinely a man of the world, must see the need to keep it strong.

ONE MAN'S OPINION

This is Forest Boyd in Washington with today's comment, "One Man's Opinion."

There's an old saying that goes, "don't cut off your nose to spite your face." The idea being that for spite one can take some actions that not only hurt the object of your spite but your own vital interests as well.

There is some reason to believe that this kind of spiteful and harmful activity has been going on in Washington in regard to the United States Information Agency. The Senate Foreign Relations Committee has slashed the USIA budget request from \$200 million to \$155 million which is considered a large slash for one year. Indications are that the cut was not made strictly for economy reasons. It's not that the United States cannot afford \$200 million for its Information Agency.

The word going around here is that the Foreign Relations Committee Chairman J. William Fulbright favored the cut just for spite. It seems that the Committee had requested that the USIA provide what is called its Country Program Memoranda. President Nixon ruled that the Agency should not provide the report to the Committee citing that much heard reason now days, "Executive Privilege." So according to the stories Fulbright declared "no report, no money, or at least full funding of the USIA." It's understood that if the President should change his mind the Committee would consider a supplemental appropriation that would bring the funding for USIA up to full strength.

The *Washington Post* declares that Fulbright wielded the axe in large part to force the President's hand on Executive Privilege. But is it the President who is suffering? Well, at least not just the President. For it seems it is the country of which Fulbright is a part that is harmed by this kind of decision making.

USIA's media programs have been slashed 30 percent across the board without regard for the merits of the various programs. Voice of America's programming would be drastically reduced. I've heard that it means dropping all Spanish language programs, which means no programming beamed to South America except in English. And let's face it, that's no way to reach Spanish speaking people.

It would mean dropping many other foreign language services by the VOA and I believe would drastically curtail programming to Africa. Programs in the Russian language would be retained and beamed to the Soviet

Union. But the cuts in service to other countries would be little short of tragic.

Just take the Spanish programming as one example. When you have the propaganda of Castro, the Soviet Union and Red China flooding the Latin American countries, and when you have already had one big country, Chile, electing a Marxist President, this in my estimation is a very poor time to forfeit the information game to the ideological enemy. It's a little difficult to sell the Voice of America to the American people because we can't hear it here except poorly with a shortwave radio. And hardly any Americans listen to such propaganda broadcasts as Radio Moscow and Radio Peking.

But it's different in the other countries. They do listen to the Voice of America. When I was in China at the time of President Nixon's visit in February, a number of Chinese questioned me about radio in the United States. They would ask about the Mutual Broadcasting System, my company, and then one asked if it was strictly a domestic service. I would assure them that it was, that we did not broadcast to foreign countries. "No connection with the Voice of America?" they would ask, and I would answer, "No connection."

It was hard for them, it seemed, to conceive of private broadcasting companies that were not part of government propaganda. And the conclusion I drew was that they were very familiar with the Voice of America. Just as the Russian author Alexander Solzhenitsyn said the only way he could get information about his country was through Radio Liberty, so I am convinced the only way the Chinese and many other nationalities, particularly Communist countries, can learn what's going on in the world is through such Western broadcast services as the Voice of America. The British Broadcasting Corporation, the BBC, is also popular.

It's just a shame that a dispute between the Foreign Relations Committee and the White House, in which neither side will yield, should curtail the effectiveness and the scope of the Voice of America, and the other functions of the USIA.

And it should be acknowledged that there is probably blame on the administration side too. Some say that the Director of the USIA, Frank Shakespeare, has been an abrasive personality so far as Senator Fulbright is concerned and that by providing the Country Reports as requested by Fulbright all this trouble could have been avoided.

There seems also to be a conflict of ideology or at least of philosophy over the purpose of the USIA and the Voice of America. Shakespeare seems to see it as a propaganda organ, Fulbright thinking it should be an objective information agency. In this regard Fulbright appears to be in conformity with the philosophy of former President Kennedy.

Edward R. Murrow was USIA Director under Kennedy and put out the rule that read something like this: "Always report the truth even if it hurts." He meant that what's happening in the United States should be reported as it is, without glossing over the truth or avoiding the adverse happenings. In that way, by telling the good and the bad, the Agency would be more believable.

Shakespeare has seen the Agency as something more than that. It's been rumored that Mr. Shakespeare will soon leave the USIA to join the Committee for the re-election of the President. Perhaps when he does, the Senate Foreign Relations Committee will be more liberal with USIA money. In the meantime the situation could be quite difficult for USIA and VOA employees and there could be permanent damage to the Agency's work.

This is Forest Boyd in Washington and that's my comment for today.

Mr. HRUSKA. Mr. President, the amendment of the Senator from Wyo-

oming, which would restore to the U.S. Information Agency the budget reductions made by the Foreign Relations Committee, is sensible and worthwhile. It should be adopted.

As a longtime member of the Senate Appropriations Committee I have become familiar with the operations of the U.S. Information Agency. I have visited its installations in the field and have participated in the regular examination of its budgets. The Appropriations Committee has made regular and conscientious examinations of USIA's funds and activities. This Senator remains convinced that the activities of the USIA are highly advantageous to our Government.

Of serious concern is the real probability that, if the reduction of \$45 million is allowed to stand, we may be taking action that will severely damage an organization which it has taken many years to develop. On the physical side, I understand we would have to give up radio transmitter sites which may be irreplaceable because the agreements under which they were established could not be renegotiated. The loss in human resources could be even more drastic. According to the U.S. Information Agency, the committee's proposal would result in a loss of some 2,400 employees—Americans and foreign nationals. These are professional people for the most part, with unique language and communications skills. It would take years to replace them. To cripple the organization in this way without the most careful examination of its effectiveness would be a tragic mistake.

I have also learned that these cuts would deny to the Director of the Agency the right to shift funds from one activity to another, and that radio, press activities, motion pictures, television, and most other activities would be cut 30 percent. The cut in radio would mean that the Voice of America would have to stop broadcasting in some 25 out of 36 languages, including all or most of its languages to Eastern European countries. The Agency's excellent magazine, *America*, which is widely distributed in Russia and Poland would have to be dropped in Poland.

S. 3526, the bill now before us, contains other provisions which would create a nonpartisan study commission to examine in detail the operations involved in our Government's overseas activities—a "Hoover Commission" of the foreign policy and operations area. To make these cuts in the overseas information programs of this country in advance of the benefits of this review and the insight it would provide seems very much lacking in good sense.

Mr. President, this Senator is convinced that it is in the best interests of our country to grant the U.S. Information Agency the funds that its needs to do its job. I, therefore, urge approval of the amendment of the Senator from Wyoming to restore the funds cut from USIA's budget.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from California (Mr. TUNNEY).

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

STATEMENT BY SENATOR TUNNEY

Sharp reductions equivalent to about 23 percent of the total budget of the U.S. Information Agency would at this time seriously impair the overseas cultural and informational program of the United States. The Senate should carefully consider whether it is wise or in the national interest to hinder the valuable function of presenting this nation's experiences, views and policies and fostering mutual understanding with other countries.

It is my understanding that the sharp reductions called for in Administrative support would force the Agency to totally eliminate posts and programs in some 30 countries, shut down smaller branch posts and reading rooms and make reductions in the remaining countries in which it could operate. Implementation of the Cultural and Educational Exchanges program of the State Department would be lost in the countries affected; English teaching would not be possible; the range of inter-personal contacts, seminars and lectures, cultural presentations and informal exchanges would drop. A precipitous closeout in what amounts to two regions—much of sub-Saharan Africa and Central America—as well as a reduction in other countries signifies a great deal more overseas—especially in the present international context—than we realize.

It is also my understanding that the reduction of several media elements of USIA inevitably will also hurt the cultural activities of USIA. The Agency's overseas staffs draw widely on the press services, the Voice of America broadcasts and program materials, the periodicals and publications, motion pictures and other materials which would be sharply curtailed by the proposed cuts.

A Nation's culture encompasses all of its ideas, images and symbols, deeds, products, accomplishments, problems and aspirations. A cultural affairs program conveys the most significant and relevant elements of our society to people in other countries. All media are valuable for this exchange.

The proposed reductions would drastically limit the comprehensive exchange of views and ideas.

The various media products of USIA achieve a high standard of technical and substantive quality and fulfill a very specialized need to explore critical areas of mutual interest between this country and others. These materials are needed in any cultural effort overseas because they try to communicate across the wide cultural, social and political differences that exist internationally. They specifically relate American experiences to the needs and interests, aspirations and problems of people in other countries.

Therefore I support the amendment to restore the authorization request for the U.S. Information Agency proposed by my honorable associate Senator McGee.

However, while I do support the McGee amendment, I would like to add that Chairman Fulbright is absolutely correct in urging that the concept of executive privilege has been expanded beyond reasonable limits. I strongly support my colleague from Arkansas' request for access to the USIA's "Country Program Memoranda". It is my belief that the USIA is a hostage in this matter and that they have no part in the decision on whether or not to release the Memoranda to the Congress.

Although I share Senator Fulbright's frustration at the President's use of executive privilege I feel that I must support Senator McGee's amendment. I would hope that before the next USIA-State Department Authorization Bill is considered that steps are taken to provide the Congress with the various "Country Program Memoranda."

Mr. STEVENSON. Mr. President, I am

voting against the amendment of the Senator from Wyoming though I do not now support a 25-percent cut in the operating budget of the USIA.

There are both useful and questionable aspects of our information programs. But whether, or to what extent, the USIA budget should be cut, I cannot say. The doctrine of Executive privilege has been invoked by the administration to withhold necessary information from the Committee on Foreign Relations. The committee is of the apparent belief that the privilege has been improperly invoked. I will vote with it, knowing that funds can be restored to USIA in conference or by a supplemental authorization. But since we cannot be assured that the \$45 million sought to be restored by the McGee amendment is necessary, I will not now support the amendment.

Mr. McGEE. Mr. President, as far as I know everyone has had a chance to speak who wanted to say something. I am wondering; if the Senator is willing to yield back the remainder of his time, I could yield back the remainder of my time and we could proceed to vote.

Mr. FULBRIGHT. Yes. If no one else wishes to speak.

How much time remains?

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes and the Senator from Arkansas has 28 minutes.

Mr. FULBRIGHT. If no one wishes to comment further, I am ready to yield back my time.

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

Mr. FULBRIGHT. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the situation that faces the Senator from New Jersey, and I think other Senators, presents a great deal of dilemma. The Senator from New Jersey favors this program. He recognizes it can be useful but he is not for cutting it. He is equally, as I think his colleagues are, generally interested in obtaining information from the executive branch or anywhere else which the Senate needs to act on matters before it.

The Senator from New Jersey, if there is an opportunity after this vote to express his interest in getting the information from the executive branch on this bill, in another section, perhaps, or in another piece of legislation, will pursue that with interest and as hard as he can. He does not, however, feel that he wants to have his support of this amendment misunderstood by insisting upon a cut which would, if it became law, materially affect the soundness of the program, in his judgment. So he will hold himself ready, after this vote, to pursue the matter of information, if there are ways in which it can be done and an opportunity presents itself, but not by voting to continue the cut. The Senator voted in committee for a 15 percent cut, I think it was, offered by the Senator from Kentucky, as I remember. That failed. It represents the deepest cut, he thinks, that could be made with some safety and without damage to the program. He wishes that there had been a chance, before the vote on the amend-

ment itself, to put these matters in as amendments. The unanimous-consent agreement precluded that. We will have to see what he can do after the vote is taken.

Mr. McGEE. Mr. President, the debate on this amendment today has centered primarily around the issue of executive privilege. This, indeed, is unfortunate because it makes the USIA the victim of an executive-legislative disagreement of principle which is vastly beyond the agency's authority.

The right approach, and I support it wholeheartedly, is the establishment of a study commission as proposed in title VI of this bill, rather than taking a meat-axe approach to an agency which would fall as a victim to the dispute over executive privilege.

The study, which the proposed commission would undertake is, in my view, a welcome and much needed one. The results of the study could make a great contribution to the more effective organization of the foreign affairs agencies of our Government.

But would we not look foolish if we were to make a crippling cut in the U.S. Information Agency, only to have the Commission present us with a recommendation that this agency be restored to its present capabilities—or even augmented?

In my view, this makes little sense. The course of logic would be to await the Commission's findings—not to preempt them now by hastily cutting with no sure sense of the direction we should follow or the damage we would do.

As I had mentioned earlier in the debate when I submitted today's editorial from the New York Times in support of the full authorization for USIA, the Agency is making a good effort to disseminate an accurate and professional image of this country and its involvement in world affairs.

The inferences which could be drawn from the concluding remarks of the senior Senator from Arkansas is that the entire USIA effort is marked by inefficiency and waste—and that this typifies the agency today. However, the distinguished Senator from Arkansas draws upon the conclusions of a report now nearly 20 years old, and even then he fails to present the full impact of the report.

This is a new day and the Agency as now functioning, and not how it functioned 20 years ago, has overcome the criticisms regarding the efficiency of their operation and their technical abilities. It should be pointed out that even in 1953 there was no criticism as to the basic validity of the established programs, including motion picture, broadcasting and press, and publication functions.

We have heard debate on how the USIA's media costs and services have soared over the years.

Yet, the record illustrates that the USIA's real resources and the budgets of all services have declined since 1953 in terms of constant dollars.

USIA as a whole is now 30 percent below where it was 20 years ago in real resources. In the last 5 years it has

been cut some 15 percent in money and people. The cut proposed by the Senate committee would leave it over 20 percent below where it has been at any time in its existence.

The overseas information program is now much smaller than it was in the early postwar years. In fiscal year 1953, the last full year before USIA was established, the budgets for programs transferred to the new Agency totaled \$123 million, with staffing totals of 14,130. Congress, in setting up USIA, cut these programs back sharply at that time, operating funds were set at \$84 million, and staffing was reduced to less than 11,000. The comparable staffing figure in the current year is 9,877.

The requested regular operating budget—excluding the separate appropriations of Special International Exhibitions and Radio Facility Construction—is \$194 million. When inflation factors such as pay increases and rising fixed costs are taken into account, this budget figure is approximately \$87 million in terms of 1954 dollars. USIA's actual budget in fiscal year 1954 was \$84 million.

Therefore, I strongly urge Senators to join my attempt to restore the full authorization for the USIA's budget for fiscal 1973.

I am willing to yield back my time if the chairman of the committee is willing to do likewise.

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

Mr. McGEE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendments has been yielded back. The question is on agreeing to the amendments (No. 1172) of the Senator from Wyoming (Mr. McGEE). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Oklahoma (Mr. HARRIS). If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Oklahoma would vote "nay".

On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Minnesota would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea".

The result was announced—yeas 57, nays 15, as follows:

[No. 166 Leg.]

YEAS—57

Aiken	Cotton	Pastore
Allen	Curtis	Pearson
Allott	Dole	Percy
Anderson	Fannin	Randolph
Beall	Fong	Ribicoff
Bellmon	Gambrell	Roth
Bennett	Goldwater	Schweiker
Bible	Griffin	Smith
Boggs	Gurney	Spong
Brock	Hansen	Stafford
Brooke	Hatfield	Stennis
Buckley	Hollings	Stevens
Burdick	Hruska	Taft
Byrd	Jackson	Talmadge
Harry F., Jr.	Javits	Thurmond
Byrd, Robert C.	Jordan, Idaho	Tower
Case	McGee	Weicker
Chiles	Metcalf	Young
Cook	Miller	
Cooper	Montoya	

NAYS—15

Church	Hart	Nelson
Cranston	Hughes	Proxmire
Ellender	Inouye	Saxbe
Fulbright	Kennedy	Stevenson
Gravel	Long	Symington

NOT VOTING—28

Baker	Humphrey	Mundt
Bayh	Jordan, N.C.	Muskie
Bentsen	Magnuson	Packwood
Cannon	Mansfield	Pell
Dominick	Mathias	Scott
Eagleton	McClellan	Sparkman
Eastland	McGovern	Tunney
Ervin	McIntyre	Williams
Harris	Mondale	
Hartke	Moss	

So Mr. McGEE's amendments (No. 1172) were agreed to.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2713) to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

The message also announced that the House insisted upon its amendment to the bill (S. 2770) to amend the Federal Water Pollution Control Act, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLATNIK, Mr. JONES of Alabama, Mr. WRIGHT, Mr. JOHNSON of California, Mr. ROE, Mr. HARSHA, Mr. GROVER, Mr. DON H. CLAUSEN, and Mr. MILLER of Ohio were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the following concurrent resolutions:

S. Con. Res. 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877", to the National Portrait Gallery of the Smithsonian Institution; and

S. Con. Res. 75. Concurrent resolution to urge each American family to plant a vegetable garden.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1029) to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month".

The enrolled joint resolution was subsequently signed by the President pro tempore.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1972

The PRESIDING OFFICER (Mr. BUCKLEY). Under the previous order, the vote on the McGee amendment having been concluded, the Senate will proceed to the consideration of H.R. 14582, under a unanimous-consent agreement limiting debate on the bill and on amendments thereto. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be permitted to proceed for not to exceed 5 minutes without the time being charged to either side.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, the

second supplemental appropriation bill for 1972 will be disposed of this afternoon.

Anticipate at least one rollcall vote, certainly, on final passage. There may be amendments to the bill. I know of none, but there could well be, and there could be rollcall votes on such amendments. But Senators should be alerted to the fact that there will be at least one rollcall vote, certainly, on the passage of that bill this afternoon.

I yield to the distinguished Senator from New Hampshire (Mr. COTTON), and ask unanimous consent that he may have 2 minutes in addition to my remaining time without its being charged to either side.

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

DEATH OF FORMER SENATOR ROBERT W. UPTON

Mr. COTTON. Mr. President, it is with sadness that I officially inform the Senate of the death of my immediate predecessor in the Senate from New Hampshire, Senator Robert W. Upton, of Concord, N.H. Many of the older Members of this body will recall serving with Senator Upton.

Senator Upton had one of the most distinguished and outstanding careers of any citizen in the history of our State. He was born in 1884, and at his death last Friday night he had reached the age of 88. For many years he was a recognized leader of the New Hampshire bar, one of the ablest lawyers who ever practiced in our State.

He was also very active in the political and civic life of the State. He served as delegate to four Republican National Conventions. He served as chairman of the Republican State committee. He served in several constitutional conventions in the State of New Hampshire, and served as president of a constitutional convention at least once. He was a recognized authority on constitutional law. He was extremely active and influential in the American Bar Association.

Had he not been bearing the burden and been devoted to the practice of law, he could easily, at an early age, have served as Governor of the State of New Hampshire or as U.S. Senator.

He was appointed to the Senate after the death of the late Senator Charles W. Tobey and served for approximately a year in this body. Many will remember his service, because even though his service was brief, he served with distinction on the Committee on Labor and Public Welfare, the Committee on Public Works, and the Committee on Post Office and Civil Service.

Later Senator Upton was appointed to and served on the International War Crimes Review Board in Germany, in 1956.

In speaking of him and expressing the admiration that I hold for him—which is shared by all the people of our State—I am also speaking for my distinguished colleague, the Senator from New Hampshire (Mr. MCINTYRE), who is unavoidably out of town today. Senator MCINTYRE started his legal career in the firm of the late Senator Upton and re-

calls with pride his service with the late Senator Upton.

Senator Upton married Martha Burroughs, who is the sister of the late Sherman E. Burroughs, who served with distinction for many years in the U.S. House of Representatives, from New Hampshire.

Senator Upton leaves six children—five sons and one daughter. Four of his sons are members of his law firm. One of them has served with distinction as Speaker of the New Hampshire House of Representatives and as president of a State constitutional convention. All of them already are recognized as outstanding members of their profession.

I repeat that no man, in my judgment, in the history of the State of New Hampshire served so long, with such distinction, and was more highly respected by all the citizens of the State.

On behalf of Senator McIntyre and myself—and I am sure on behalf of all the Members of the Senate who knew him and served with him—I extend to his widow, to his sons and daughter, and to his grandchildren our sympathy in their bereavement, but also a deep understanding of the justifiable pride they must feel as they recall the distinguished and remarkable career and great contribution of the late Senator Robert W. Upton.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which had been reported by the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. I yield myself 20 minutes.

Mr. President, the pending bill, the second supplemental appropriation bill for fiscal year 1972, recommends appropriations in the amount of \$5,063,387,439. A large part of this sum—namely, \$2,351,543,728—is necessary to finance increased pay costs.

Executive Order 11637 of December 22, 1971, adjusted the salary rates upward of civilian employees of the Federal Government. Executive Order 11638 of December 22, 1971, provided an adjustment upward on a comparable basis for members of the uniformed services. In addition, Senators will recall that Congress voted a substantial increase for members of the uniformed services effective last November 14, 1971. In view of these orders, together with increases for wage board employees, this sum of over \$2½ billion must be provided at this time.

In addition, the bill contains funds for general program supplemental appropriations, and I will refer to some of the larger items contained in the 13 chapters of the bill which is before the Senate. The report is on the desk of each Senator, and I believe Senators will find a full explanation for each appropriation made in this bill.

Chapter I relates to the Department of Agriculture and Related Agencies.

The first item under this chapter provides \$5 million to make indemnity payments to beekeepers who, through no fault of their own, suffered losses of honeybees after January 1, 1967, as a result of utilization of economic poisons near or adjacent to the property on which beehives were located.

The committee has included \$10 million in the bill under the terms of section 16(e) of the Soil Conservation and Domestic Allotment Act, for the purpose of promoting the conservation and economic use of land and of assisting farmers who, because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue to live on their farms.

The House bill provided \$8 million, by transfer, to the Food and Drug Administration for the hire of additional food and drug inspectors, and the committee recommends concurrence with the House proviso.

Chapter II of the bill contains appropriations for the Department of Defense, and after examination of the requirements for retired military personnel retired pay, defense, the committee was able to effect a reduction of \$10 million in the amount of the House bill.

The committee has concurred with the House and recommends a total Federal payment of \$7,654,000 for the District of Columbia in chapter III of this bill. \$3 million is for program items described beginning on page 11 of the report, and the balance of \$4,654,000 is required for increased pay costs pursuant to the Executive orders previously referred to.

Foreign operations appropriations are contained in chapter IV of the bill. The committee recommends an appropriation of \$320 million to be paid to the International Development Association. The authorizing legislation which was signed into law on March 10, 1972, authorizes three installments of \$320 million each. The committee was advised that the appropriation of these funds now is critical if the International Development Association is to be expected to fulfill its role of providing development funds for the poorest nations of the world. The Association has been without regular funds since July of last year and has been able to continue making credit commitments only by using advance contributions of other nations against their pledged subscriptions.

Appropriations for the Department of Housing and Urban Development—Space-Science-Veterans are contained in chapter V of the bill. For comprehensive planning grants, the committee concurs with the House and recommends an appropriation of \$40,645,000. The committee has approved an appropriation of \$1,924,000 for the Veterans' Administration to carry out the provisions of the exchange and medical information program authorized by Public Law 92-69, approved August 6, 1971. The committee action provides new obligational authority in lieu of the transfer of funds as recommended by the House.

For the Department of the Interior and related agencies, the committee has provided funds in chapter VI totaling \$176,619,000.

For management of lands and resources under the Bureau of Land Management, the sum of \$16,400,000 is recommended. The committee has provided \$17,658,000 for the Bureau of Indian Affairs; \$5 million for the Micronesian claims fund; an additional \$34,120,000 for construction under the National Park Service; and \$54,946,000 for forest protection and utilization under the Forest Service. For the American Revolution Bicentennial Commission, the committee concurs with the House and recommends an appropriation of \$2,400,000 to permit the Commission to make grants to the 50 States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and American Samoa to cover portions of the expenses of Bicentennial Commissions in those jurisdictions in accordance with Public Law 92-236.

The chapter in this bill carrying the largest appropriations is chapter VII, which contains appropriations for the Departments of Labor and Health, Education and Welfare. A total of \$1,510,413,000 is recommended in this bill for chapter VII.

The committee has seen fit to approve an appropriation of \$247 million for manpower training services. This is an increase of \$152 million over the budget estimate and over the amount in the House bill. These funds will provide \$223,900,000 for the job component for 9 weeks; \$1,200,000 for related transportation necessary for youths to participate in the job programs; and \$21,900,000 for the recreational support program.

Mr. JAVITS. Mr. President, does the Senator wish to wait until he has finished his remarks, or will he yield to me now?

Mr. ELLENDER. I yield.

Mr. JAVITS. I have heard with great satisfaction the way in which the Appropriations Committee has dealt with the Neighborhood Youth Corps at a time of such serious unemployment, especially affecting the youth encompassed in the program. This is a really fine result. The committee adopted the figure of the U.S. Conference of Mayors as to what they could use. The only change made as between what the mayors felt was vital and the amount now allowed by the Appropriations Committee, is that the committee chose to provide for a 9-week, instead of a 10-week program.

We certainly could hardly expect the committee to do everything we asked. This will be very helpful to the cities. It is a fine result.

Time and again I have spoken on this floor to increase the amount allowed by the Appropriations Committee. So I felt that when that came so close to doing what is needed at the present time, it is one time we should go with the committee. I feel that way strongly.

I feel that the 26 cosponsors of the proposal presented to the subcommittee would like me to express to the distinguished Senator from Louisiana (Mr. ELLENDER), as chairman, our profound appreciation and our gratitude to the subcommittee headed by the distinguished Senator from Washington (Mr.

MAGNUSON), for the fine result which is reflected by the report of the committee.

Mr. President, I urge the Members of the Senate to support the recommendation of the Senate Committee on Appropriations, contained in this second supplemental appropriation bill, for \$247 million for the Neighborhood Youth Corps summer job and recreational programs. This amount exceeds by \$152 million the \$95 million requested by the administration and allowed by the House.

This is a very commendable and meaningful response to the request which I made when I appeared before the committee on April 19, 1972, on behalf of myself and 26 other Senators, urging such a supplemental to alleviate the job and recreation crises among poor youth in the Nation's urban and rural poverty areas for the coming summer.

It would provide the following additional amounts:

Supplemental funds of \$223.9 million for the job component which provides work experience for poor youths between the ages of 14 and 21. When added to the \$175.7 million already available for this purpose, it would fund an aggregate of 947,928 9-week opportunities. The House of Representatives had approved a supplemental of only \$82.2 million, the amount requested by the administration, for an aggregate of 609,300 9-week opportunities, the same levels as last year, and 338,628 opportunities short of the number documented to me by the National League of Cities-U.S. Conference of Mayors as the minimum required.

Supplemental funds of \$21.9 million for the recreational component, providing activities for hundreds of thousands of poor children between the ages of 6 through 12 also as requested by the National League of Cities. The House had accepted the administration's recommendation for a supplemental of only \$12.8 million, again the same amount as last year. No funds are currently available for this purpose.

One million two hundred thousand dollars in supplemental funds for transportation necessary to enable youth to participate in the job and recreational programs. The administration had requested no new funds for this purpose; only \$1.7 million is now available, again the same amount as last year.

Mr. President, when I appeared before the Subcommittee on Labor-HEW appropriations, I urged a total supplemental of \$291.4 million, or \$44.4 million more than the committee has chosen to recommend.

The difference lies in the fact that the committee have chosen to follow the recommendation of the administration and the House that the job component be conducted as a 9-week program, as it was last year, rather than a 10-week program as in each previous year.

We felt very strongly that a 10-week program should be maintained not only to provide activities through a greater portion of the summer, but because of its very real effect on the poor. From the standpoint of the poor, the difference between 10 and 9 weeks is more than academic. Poor youth depend upon the

wages derived from the program to contribute to the costs of returning to school, and in many cases to the support of their families, and thus help to reduce welfare dependency.

Mr. President, the committee has chosen to meet the need which we documented in terms of slots—an aggregate of 947,928 opportunities—but as a 9-week opportunity for each individual. Given the total amount of funds it felt it could recommend, it has in effect given us its judgement that it would be better to cover more individuals with a 9-week opportunity than a smaller portion of youth with a 10-week opportunity.

Mr. President, I do not wish to question the committee's judgment on this issue because I feel quite frankly that the committee deserves the deepest credit for its early and substantial response to the overall situation. Rather than impede for 1 minute the approval of this supplemental and its implementation at the local level, I shall stand with the committee and its recommendation, which overall is a very gratifying response to the case which we made.

I know that the members of the committee serving as conferees with the House—which as I noted allowed \$152 million below that recommended here—will do everything that they can, as they have in past years, to retain the amount adopted here.

This is the fifth year in which it has been necessary for me to seek supplemental funds for this program, and this is the largest supplemental ever recommended by the committee, or accepted by the committee on the floor; in fact it is \$130.4 million above the \$116.6 million which the committee supported last year.

It reflects a genuine and meaningful response to the youth unemployment situation as it affects poor youth—particularly minorities—who suffer from rates of unemployment running four to five times the norm for the other elements of our society.

I hope and pray that it will be approved here, accepted by the House of Representatives and signed into law by the President.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point, a copy of my testimony of April 19, 1972, and a letter dated April 17 which we sent to WARREN G. MAGNUSON, the chairman of the subcommittee, as well as a letter from the National League of Cities-U.S. Conference of Mayors dated February 23, 1972, and a chart, prepared by that organization showing on a city-by-city basis the needs which would be filled by this supplemental in each of the components, with the modification that the job component would be run as a nine rather than a 10-week program.

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

TESTIMONY OF SENATOR JAVITS

Mr. Chairman, I am appearing on behalf of myself and 26 of my Senate colleagues, to urge that the Subcommittee recommend a supplemental appropriation of \$291.4 million, under the Manpower Development and Training Act of 1962 for the Neighborhood Youth Corps summer job program, and for

related transportation and recreational activities to meet the needs of poor youths in urban and rural areas, during the coming summer. In this request I am joined by Senators Lloyd Bentsen, Quentin N. Burdick, Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Alan Cranston, Thomas F. Eagleton, J. W. Fulbright, Fred R. Harris, Philip A. Hart, Hubert Humphrey, Henry M. Jackson, Frank E. Moss, Edmund S. Muskie, Bob Packwood, Claiborne Pell, Abraham Ribicoff, Robert Taft, Jr., John Tower, John V. Tunney, Harrison A. Williams, Jr., Robert P. Griffin, George McGovern, Walter Mondale, William B. Saxbe and Richard S. Schweiker, each of whom joined with me in a letter dated April 17, 1972 to the Subcommittee in this regard.

If added to the \$175.7-million now available, the supplemental appropriation would bring to \$467.1-million the aggregate amount available for the coming summer.

As you know, the Administration has requested an additional supplemental appropriation of \$95-million for a total of \$270.7-million, the same amount as last year, or \$196.4-million below the amount which we request.

The following is an itemization of our request in each of the major components of the program, which is administered by the Department of Labor.

\$268.3-million for the Neighborhood Youth Corps job program which provides work experience with public and non-profit private agencies, for poor youth between the ages of 14 to 21, giving them earnings enabling them to complete or to continue their education. Under the program, which begins this June, each youth is employed for 26 hours a week at \$1.60 an hour over the period of the program. The amount we request, together with the \$175.7-million available, would fund 947,928 ten-week job opportunities; the Administration would apply \$82.2-million of its requested supplemental for this purpose, to fund an additional 194,000 nine-week opportunities or an aggregate of 609,300 nine-week opportunities, the same funding and opportunity levels as last year.

\$1.2-million for related transportation necessary for poor youth to participate in the job program, the Administration would provide \$1.5-million out of existing manpower and transportation funds.

\$21.9-million for the recreational support program—providing opportunities to children eight through thirteen years of age; no funds are now available for this program. The Administration has requested a supplemental appropriations of \$12.8-million for this component, again the same amount as was made available last year.

Our requests are based in each instance upon what the National League of Cities—U.S. Conference of Mayors, representing most of the Nation's cities, has documented as required for this summer.

I ask unanimous consent that there be included in the record a copy of a letter from the National League—U.S. Conference dated February 23, 1972, together with charts documenting these needs on a city-by-city basis: in the job program they show a need for 410,035 opportunities in the fifty largest cities and 537,893 in other areas.

For example, in New York City there is a documented need for 77,500 slots, compared with the aggregate of 40,541 which could be provided if only the Administration's supplemental request is granted. Seattle, Washington needs 5,000 slots; only 2,682 could be provided under the Administration's request.

The situation in smaller cities is similar. For example, Jersey City, New Jersey needs 2,454 positions compared with the 1,498 which could be provided under the Administration's proposed funding levels.

It should be noted that the National League of Cities' figures represent in each case the number which may be effectively

used. Actually, the number of youth who could benefit if funds had been made available earlier is much greater. For example, there are 1.7 million youth who could benefit in the job program—almost twice the aggregate number to be covered if our request is granted.

We submit that the supplemental appropriation of the amounts for the Neighborhood Youth Corps summer program, and related transportation, is essential to meet the very difficult employment situation among poor youth. While the current national unemployment rate is at 5.9 percent, the most recently available statistics shows a jobless rate among teenagers in poverty neighborhoods of 25.7 percent, with the rate among black teenagers in such areas at 34.7 percent.

Experience indicates that even if the overall employment situation improves, as we hope it will, poor youth will still continue to have unemployment ranging from four to five times the norm. There are substantial signs that increases in the number of returning veterans, economic cut-backs, and other factors will aggravate further the youth unemployment situation in the coming summer.

Mr. Chairman, in my opinion there is no domestic problem more shocking than that of youth unemployment—except the drug problem to which it relates all too often.

We cannot afford to continue to dash the employment aspirations of so many at such a crucial age.

Unfortunately, we will not be able to look substantially to other public or private resources to deal with the problem. The Emergency Employment Act of 1971, which will provide approximately 130,000 public sector job opportunities in this fiscal year and a similar number in the coming year will not focus upon the needs of poor youth, according to a preliminary survey taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age. Moreover, despite efforts which we hope will be successful, it is likely that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance—which has a goal of 175,000 jobs for this summer—was able to provide only 150,000 in each of the last two summers, even during times when economic conditions were generally more favorable. I ask that a copy of a letter from the National Alliance of Businessmen be included also in the hearing record.

We do not consider it advisable to cut the program to nine weeks, as proposed by the Administration. It was reduced to a nine-week program for the first time last summer only as a temporary compromise made in the last hour to make very inadequate funds spread as far as possible. From the standpoint of the poor, the difference between ten and nine weeks is more than academic. Poor youth depend upon the wages derived from the program to contribute to the costs of returning to school and, in many cases to the support of their families.

I urge full and early consideration this year so that public and non-profit sponsors will be able to plan effectively and provide youth with meaningful alternatives to continued frustration and restlessness.

Mr. Chairman, while these sums will not meet the total need they are substantial and they will help enormously. I should point out that they will be returned to some extent in that they will permit many parents now on welfare to engage in employment or training since their children will be occupied during the day. Over the long term they should decrease the possibility that youth participants will fall into welfare dependency themselves or find a way of life

grounded in juvenile delinquency, drug addiction or crime, which is of such a high cost to society.

As members know, these programs have been of particular concern to me throughout the years, and I have felt it necessary each year—in the context of the supplemental appropriation bill—to seek more funds.

I am most grateful for the consideration that has been extended by the members of this Subcommittee in past years to this program. While we have disagreed on the amounts or what might be a reasonable figure to fight for in Conference with the House the members have been most solicitous and understanding.

U.S. SENATE,
Washington, D.C., April 17, 1972.

HON. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor and Health, Education, and Welfare and Related Agencies, Committee on Appropriations, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to request that the Subcommittee recommend a supplemental appropriation of \$291.4 million, under the Manpower Development and Training Act of 1962 for the Neighborhood Youth Corps summer job program, and for related transportation and recreational activities to meet the needs of poor youths in urban and rural areas during the coming summer. If added to the \$175.7 million now available, the supplemental would bring to \$467.1 million the aggregate amount available for the coming summer.

As you know, the Administration has requested an additional supplemental appropriation of \$95 million for a total of \$270.7 million, the same amount as last year, or \$196.4 million below the amount which we request.

The following is an itemization of our request in each of the major components of the program, which is administered by the Department of Labor:

\$268.3 million for the Neighborhood Youth Corps job program which provides work experience with public and non-profit private agencies, for poor youth between the ages of 14 to 21, giving them earnings enabling them to complete or to continue their education. This amount, together with the \$175.7 million available, would fund 947,928 ten-week job opportunities; the Administration would apply \$82.2 million of its requested supplemental for this purpose, to fund an additional 194,600 nine-week opportunities or an aggregate of 609,300 nine-week opportunities, the same funding and opportunity levels as last year.

\$1.2 million for related transportation necessary for poor youth to participate in the job program; the Administration would provide \$1.5 million out of existing manpower and transportation funds.

\$21.9 million for the recreational support program—providing opportunities to children eight through thirteen years of age; no funds are now available for this program. The Administration has requested a supplemental appropriation of \$12.8 million for this component, again the same amount as was made available last year.

Our requests are based in each case upon what the National League of Cities—U.S. Conference of Mayors, representing most of the Nation's cities, has documented as required for this summer.

Enclosed is a copy of a letter from the National League—U.S. Conference dated February 23, 1972, together with charts documenting these needs on a city-by-city basis: in the job program they show a need for 410,035 opportunities in the fifty largest cities and 537,893 in other areas.

It should be noted that the National League of Cities' figures represent in each case the number which may be effectively used; actually the number of youth who could bene-

fit if funds had been made available earlier is much greater; for example, there are 1.7 million youth who could benefit in the job program—almost twice the aggregate number to be covered if our request is granted.

We submit that the supplemental appropriation of the amounts for the Neighborhood Youth Corps summer program, and related transportation, is essential to meet the very difficult employment situation among poor youth: while the current national unemployment rate is at 5.9 percent, the most recently available statistics show a jobless rate among teenagers in poverty neighborhoods of 25.7 percent, with the rate among black teenagers in such areas at 34.7 percent.

Experience indicates that even if the overall employment situation improves, as we hope it will, poor youth will continue to have unemployment ranging from four to five times the norm; already there are substantial signs that increases in the number of returning veterans, economic cut-backs, and other factors will aggravate further the youth unemployment situation in the coming summer.

Unfortunately, we will not be able to look substantially to other public or private resources to deal with the problem. The Emergency Employment Act of 1971, which will provide approximately 130,000 public sector job opportunities in this fiscal year and a similar number in the coming year will not focus upon the needs of poor youth; according to a preliminary survey taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age. Moreover, despite efforts which we hope will be successful, it is likely that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance—which has a goal of 175,000 jobs for this summer—was able to provide only 150,000 in each of the last two summers, even during times when economic conditions were generally more favorable.

We do not consider it advisable to cut the program to nine weeks, as proposed by the Administration. It was reduced to a nine-week program for the first time last summer only as a temporary compromise made in the last hour to make very inadequate funds spread as far as possible. From the standpoint of the poor, the difference between ten and nine weeks is more than academic. Poor Youth depend upon the wages derived from the program to contribute to the costs of returning to school and, in many cases to the support of their families.

Of course, these programs will help to reduce welfare dependency by permitting many parents to engage in employment and training programs while their children participate in these programs.

We appreciate very much the consideration which the Committee has extended to the program in the past, and we urge favorable consideration of these requests so that public and non-profit sponsors will be able to plan effectively and provide youth with meaningful alternatives to continued frustration and restlessness.

Sincerely,

Jacob K. Javits, Lloyd Bentsen, Quentin N. Burdick, Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Alan Cranston, Thomas F. Eagleton, J. W. Fulbright, Fred R. Harris, Philip A. Hart.

Hubert Humphrey, Henry M. Jackson, Frank E. Moss, Edmund S. Muskie, Bob Packwood, Claiborne Pell, Abraham Ribicoff, Robert Taft, Jr., John Tower, John V. Tunney, Harrison A. Williams, Jr., Robert P. Griffin, George McGovern, Walter F. Mondale, William B. Saxbe, Richard S. Schweiker.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
February 23, 1972.

The Hon. JACOB K. JAVITS,
United States Senate,
320 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1972 needs for the summer Neighborhood Youth Corps slots. The information we have received from the

50 largest cities shows that the total number of slots these 50 large cities could effectively use this summer is 410,035.

On the basis of our contacts with a sample of smaller cities, we estimate that their needs and the number of slots these smaller cities could effectively utilize to total 537,893.

Combining these figures—the total for the 50 largest cities with estimated needs for the balance of the nation—the present real need for 1972 is 947,928 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

SUMMER NEIGHBORHOOD YOUTH CORPS

	Rank in size	Population	Slots			Dollars, 1972 need
			1971 need	1971 actual ¹	1972 need	
Region I: Boston.....	16	641,000	3,500	3,300	5,000	2,340,000
Region II:						
Buffalo.....	28	463,000	4,268	2,367	4,268	1,997,424
Newark.....	35	382,000	14,563	4,750	14,563	6,815,484
New York.....	1	7,868,000	77,500	40,541	77,500	36,270,000
Rochester.....	49	296,000	1,000	1,007	4,650	2,176,200
Region III:						
Baltimore.....	7	906,000	8,000	6,268	9,420	4,408,560
Norfolk.....	47	308,000	2,625	1,977	2,625	1,228,500
Philadelphia.....	4	1,949,000	12,500	6,189	12,500	5,850,000
Pittsburgh.....	24	520,000	2,500	6,164	9,265	4,336,000
Washington, D.C.....	9	757,000	36,000	11,689	36,000	16,848,000
Oklahoma City.....	37	366,000	1,000	1,175	1,530	716,040
San Antonio.....	15	654,000	5,514	3,608	5,514	2,580,500
Tulsa.....	43	332,000	850	540	1,011	473,148
Region IV:						
Atlanta.....	27	497,000	3,408	2,391	3,408	1,594,944
Birmingham.....	48	301,000	2,086	1,777	2,135	999,180
Dade County, Miami.....	42	335,000	8,226	4,532	8,226	3,849,800
Jacksonville.....	23	529,000	(*)	927	1,735	811,980
Louisville.....	38	361,000	3,500	2,062	3,500	1,638,000
Memphis.....	17	624,000	2,394	1,598	2,394	1,120,400
Nashville.....	30	448,000	(*)	1,330	2,000	936,000
Tampa.....	50	278,000	2,887	4,335	6,515	3,049,020
Region V:						
Chicago.....	2	3,367,000	40,000	25,695	40,000	18,720,000
Cincinnati.....	29	452,000	3,000	2,102	3,000	1,404,000
Cleveland.....	10	751,000	10,000	7,392	11,100	5,194,800
Columbus.....	21	540,000	2,000	1,184	2,000	936,000
Detroit.....	5	1,509,000	11,670	13,392	25,000	11,700,000
Indianapolis.....	11	745,000	2,500	1,217	2,500	1,170,000
Milwaukee.....	12	717,000	3,000	2,295	3,000	1,404,000
Region VI:						
Minneapolis.....	32	434,000	2,735	1,589	2,735	1,280,000
St. Paul.....	46	310,000	1,025	787	1,025	479,700
Toledo.....	34	384,000	990	758	990	463,320
Region VII:						
Dallas.....	8	944,000	2,280	1,728	2,280	1,067,000
El Paso.....	45	322,000	1,125	830	3,000	1,404,000
Fort Worth.....	33	393,000	1,178	805	1,507	705,276
Houston.....	6	1,233,000	3,000	2,732	3,560	1,666,080
New Orleans.....	19	593,000	5,000	1,914	5,000	2,340,000
Region VIII:						
Kansas City.....	26	507,000	4,000	2,345	4,000	1,872,000
Omaha.....	41	347,000	700	1,284	1,670	781,560
St. Louis.....	18	622,000	1,500	3,932	5,910	2,765,880
Region VIII: Denver.....	25	515,000	2,100	1,203	2,100	982,800
Region IX:						
Honolulu.....	44	325,000	2,191	513	2,800	1,310,400
Long Beach.....	40	358,000	20,000	17,983	25,000	11,700,000
Los Angeles.....	3	2,813,000	5,785	4,493	5,850	2,737,800
Oakland.....	39	362,000	17,000	2,824	17,000	7,956,000
Phoenix.....	20	582,000	2,500	3,136	4,510	2,110,680
San Diego.....	14	697,000	5,000	3,107	8,000	3,744,000
San Francisco.....	13	716,000	(*)	1,890	3,535	1,654,380
Region X:						
Portland.....	36	382,000	5,000	1,697	5,000	2,340,000
Seattle.....	22	531,000	5,000	2,682	5,000	2,340,000
50 largest total.....			354,490	220,066	410,035	192,268,856
Balance.....			287,149	328,304	537,893	251,733,924
Total.....			641,639	548,370	947,928	444,002,780

¹ All figures shown are for 10 week slots.

² Included in top 50 as a result of 1970 census.

SAMPLING OF CITIES OTHER THAN 50 LARGEST

	Slots			Dollars, 1972 need
	1971 need	1971 actual ¹	1972 need	
Akron.....	612	694	1,137	532,200
Albuquerque.....	600	745	1,000	468,000
Dayton.....	620	796	1,500	702,000
Gary.....	1,380	2,714	4,447	2,081,200
Jersey City.....	1,275	1,498	2,454	1,148,472
Paterson.....	1,200	900	1,500	702,000
Total.....	4,687	7,347	12,038	5,633,872

¹ All figures shown are for 10 week slots.

SUMMER YOUTH TRANSPORTATION PROGRAM

	Rank in size	Population	Dollars	
			1971 actuals	1972 needs
Region I: Boston.....	16	641,000	10,700	20,000
Region II:				
Buffalo.....	28	463,000	7,500	13,000
Newark.....	35	382,000	23,437	39,500
New York.....	1	7,868,000	149,130	251,400
Rochester.....	49	296,000	7,500	12,000
Region III:				
Baltimore.....	7	906,000	21,100	35,000
Norfolk.....	47	308,000	7,500	12,000
Philadelphia.....	4	1,949,000	34,360	42,000
Pittsburgh.....	24	520,000	12,650	22,000
Washington, D.C.....	9	757,000	22,960	38,700
Region IV:				
Atlanta.....	27	497,000	12,080	30,000
Birmingham.....	48	301,000	13,790	24,000
Dade County, Miami.....	42	335,000	12,000	23,000
Jacksonville.....	23	529,000	6,300	14,000
Louisville.....	38	361,000	7,500	12,500
Memphis.....	17	624,000	11,860	18,000
Nashville.....	30	448,000	7,000	12,000
Tampa.....	50	278,000	7,500	17,000
Region V:				
Chicago.....	2	3,367,000	42,240	70,000
Cincinnati.....	29	425,000	7,920	15,000
Cleveland.....	10	751,000	19,310	35,000
Columbus.....	21	540,000	8,640	17,000
Detroit.....	5	1,509,000	36,560	75,000
Indianapolis.....	11	745,000	8,480	15,000
Milwaukee.....	12	717,000	47,280	65,000
Minneapolis.....	32	434,000	12,380	20,000
St. Paul.....	46	310,000	7,500	12,500
Toledo.....	34	384,000	7,990	15,750
Region VI:				
Dallas.....	8	844,000	19,340	23,990
El Paso.....	45	322,000	38,900	58,900
Fort Worth.....	33	393,000	8,130	15,000
Houston.....	6	1,233,000	16,387	45,000
New Orleans.....	19	593,000	14,790	25,000
Oklahoma City.....	37	366,000	14,000	25,000
San Antonio.....	15	654,000	14,570	26,570
Tulsa.....	43	332,000	7,500	12,500
Region VII:				
Kansas City.....	26	507,000	13,970	50,000
Omaha.....	41	347,000	13,500	15,000
St. Louis.....	18	622,000	25,790	43,500
Region VIII: Denver.....	25	515,000	18,320	29,000
Region IX:				
Honolulu.....	44	325,000	7,500	15,000
Long Beach.....	40	358,000	7,500	16,000
Los Angeles.....	3	2,813,000	82,870	82,870
Oakland.....	39	362,000	15,000	28,000
Phoenix.....	20	582,000	11,740	23,000
San Diego.....	14	697,000	14,360	30,000
San Francisco.....	13	716,000	11,970	25,000
San Jose.....	31	446,000	7,500	8,160
Region X:				
Portland.....	36	382,000	8,580	13,000
Seattle.....	22	531,000	19,060	32,100
50 largest total.....			954,394	1,608,940
Balance of 1971 participants.....			464,996	783,967
New cities.....				357,093
Total.....			1,419,390	2,750,000

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	Rank in size	Population	Dollars			Rank in size	Population	Dollars	
			1971 actuals	1972 needs				1971 actuals	1972 needs
Region I: Boston.....	16	641,000	168,000	180,000	Fort Worth.....	33	393,000	108,000	173,000
Region II:					Houston.....	6	1,233,000	350,000	440,000
Buffalo.....	28	463,000	96,000	120,000	New Orleans.....	19	593,000	252,000	300,000
Newark.....	35	382,000	77,000	140,000	Oklahoma City.....	37	366,000	108,000	170,000
New York.....	1	7,868,000	1,836,000	2,934,000	San Antonio.....	15	654,000	324,000	400,000
Rochester.....	49	296,000	53,000	95,000	Tulsa.....	43	332,000	72,000	115,000
Region III:					Philadelphia.....	4	1,949,000	528,000	700,000
Baltimore.....	7	906,000	276,000	335,000	Pittsburgh.....	24	520,000	168,000	165,000
Norfolk.....	47	308,000	132,000	180,000	Washington, D.C.....	9	757,000	228,000	364,000
Memphis.....	17	624,000	264,000	305,000	Region VII:				
Nashville.....	30	448,000	72,000	150,000	Kansas City.....	26	507,000	108,000	130,000
Tampa.....	50	278,000	132,000	175,000	Omaha.....	41	347,000	48,000	96,000
Region IV:					St. Louis.....	18	622,000	240,000	384,000
Atlanta.....	27	497,000	143,000	180,000	Region VIII: Denver.....	25	515,000	120,000	170,000
Birmingham.....	48	301,000	120,000	170,000	Region IX:				
Dade County, Miami.....	42	335,000	126,000	192,000	Honolulu.....	44	325,000	60,000	99,000
Jacksonville.....	23	529,000	84,000	175,000	Long Beach.....	40	358,000	72,000	125,000
Louisville.....	38	361,000	96,000	130,000	Los Angeles.....	3	2,813,000	552,000	650,000
Region V:					Oakland.....	39	362,000	84,000	125,000
Chicago.....	2	3,367,000	649,000	2,100,000	Phoenix.....	20	582,000	144,000	200,000
Cincinnati.....	29	452,000	120,000	175,000	San Diego.....	14	697,000	144,000	200,000
Cleveland.....	10	751,000	163,000	205,000	San Francisco.....	13	716,000	180,000	250,000
Columbus.....	21	540,000	132,000	211,000	San Jose.....	31	446,000	85,000	100,000
Detroit.....	5	1,509,000	360,000	897,000	Region X:				
Indianapolis.....	11	745,000	130,000	195,000	Portland.....	36	382,000	84,000	135,000
Milwaukee.....	12	717,000	108,000	155,000	Seattle.....	22	531,000	84,000	129,000
Minneapolis.....	32	434,000	60,000	96,000	50 largest total.....			9,966,000	15,928,000
St. Paul.....	46	310,000	36,000	58,000	Balance.....			2,834,000	4,530,000
Toledo.....	34	384,000	84,000	120,000	New cities.....				1,500,000
Region VI:					Total.....			12,800,000	21,958,000
Dallas.....	8	844,000	228,000	285,000					
El Paso.....	45	322,000	144,000	200,000					

Mr. JAVITS. In this connection, I wish to call to the attention of my colleagues, an extremely urgent problem with a great potential for disaster. I refer to the emergence of the so-called "youth gangs." Although presently concentrated in New York, Philadelphia, Los Angeles, and Chicago, the youth gang phenomenon continues to grow. In my own city of New York it is estimated that 150 gangs exist in the South Bronx, Brooklyn, and the Upper West Side alone. The gangs profess an interest in fighting heroin addiction, yet tensions among gangs remain high and there have been periodic outbreaks of violence. Gang related deaths number 15 this year in the Bronx alone; many gang members are heavily armed. The ages of their members run between 10 to 25, thus many would be eligible for the Neighborhood Youth Corp job and recreational components. Many are unskilled dropouts.

Mr. President, this situation deserves attention. These young people should be channeled into constructive activities. There is an urgent need, as a general matter, to develop constructive, well-supervised programs to meet this problem, and I shall make every effort to that end. But I hope that for the present, the Secretary of Labor will use many of these Neighborhood Youth Corp positions with the alleviation of the youth gang problem in mind.

Many of the gang members have high goals, such as neighborhood improvement. In East Los Angeles, for example, nine gangs have united to combat drug abuse and inequities in education. In Chicago with the help of Federal funds, a youth gang now operates a chain of stores.

President Nixon stated in his 1970 speech at the University of Nebraska that:

Nothing matters more to the future of the Nation than ensuring that our young men and women learn to believe in themselves and believe in their dreams.

It is time that we begin to make that statement a reality for all of our young people.

Mr. President, I ask unanimous consent that an article in the April 3, 1972, edition of Time magazine as well as a news story in the April 16, 1972, edition of the New York Times be printed in the RECORD.

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

NEW YORK SOUTHEAST SIDE STORY

West Side Story, the 1957 Broadway musical about two warring teenage gangs, ends in a hopeful hymn to togetherness: "We'll find a new way of forgiving, somewhere." In the years following, that magical somewhere became in reality a sad nowhere of hard drugs and forgotten loyalties. Now, however, the gangs are back on the streets with a vengeance born of a decade of upheaval. The battleground is no longer Manhattan's West Side but the Southeast Bronx, a predominantly Puerto Rican ghetto where more than 70 "cliques" or "organizations" have formed in the past year. The members—mostly dropouts, reformed junkies, displaced Viet Nam veterans—are older, angrier, better armed and more socially aware. Their avowed enemy is not a rival gang but society. "In essence," says Benjamin Ward, deputy police commissioner for community affairs, "what the kids are saying is: 'Dammit, you've failed us. And if you're not responsible, who the hell is?'"

The conditions that produced the rumbles of the 1950s have, if anything, worsened. The population density of the Southeast Bronx—500,000 people crammed into 5 sq. mi.—is among the nation's highest. Housing, health care, employment and education are woefully substandard. Fifty percent of the children under six have never been immunized against polio. Forty percent of the area's families are on welfare. More than 10% of residents between 15 and 44 are heroin addicts. Says one of Mayor John Lindsay's minority specialists: "The Puerto Rican experience in New York has been a total disaster."

In the Southeast Bronx, the unrest has spawned gangs with such sinister-sounding names as the Savage Skulls, Young Sinners, Savage Nomads, Mongols and Reapers. Each clique has from 20 to 50 members ruled by

a president, vice president and warlord. Their "colors," elaborate coats-of-arms stitched to the backs of their denim jackets, depict bloody skeletons, and skulls, fire and lightning. Their arsenals include not only clubs, chains, knives and zip guns but also Molotov cocktails, rifles, shotguns and, say youth workers, hand grenades and machine guns.

Although centered in the Southeast Bronx, the gang subculture exists in Brooklyn, Queens and even Chinatown; pitched battles between immigrant Taiwanese and U.S.-born Chinese youths recently resulted in two homicides. In Castle Hill, a lower middle-class neighborhood in the East Bronx, teachers at Adlai Stevenson High School say that a gang of black girls called the Black Persuaders is one reason for a rash of student transfers. The Persuaders' initiation rite requires the new member to beat up a white girl.

ROOFTOP RIFLES

Frank Gracia, head of a drug-rehabilitation program in the Southeast Bronx, became aware of the gangs six months ago. He told Time Correspondent Leonard Levitt: "We had this street fair, selling sausages for a dime, sodas for a nickel. Well, these kids got in an argument with one of our people, broke his arm and all his fingers. Then they sent their girls over to tell us they wanted to fight us. Now, hell, I've been around. I was in gangs in the '50s. I was a junkie for 15 years before I kicked the habit. So we went over there with bats and clubs. But Jesus Christ, these kids were armed. They had 17 rifles staring down from the rooftops. They're organized. It's a whole new thing."

Gracia says that he eventually achieved an armistice with the gangs because he shared their abhorrence of drugs. "What you got to understand," he explains, "is that these kids now have like a holy war against the pushers. And the reason they hate cops is that the cops are always busting them, never the pushers." That frustration, he claims, caused the rape and murder of an alleged woman pusher three months ago. "The week before," says Gracia, "some of her junkies had stabbed some of the Immortals. The kids went to the 41st Precinct and told the cops: 'You've got 72 hours to get them junkies out of there or we will.' When no arrests were made, they did it themselves."

The police later charged nine gang members with the murder; it is one of nine homi-

cides for which gang members have been arrested in the past year. "The danger," says Ward, "is that there is a fundamental difference between the rhetoric of the leadership and the action of the periphery. The ten to 15 hard-core members in each group just can't control their own people."

That was tragically true of Black Benjie, 25, an ex-junkie respected as a peacemaker between black and Puerto Rican gangs. A member of the Ghetto Brothers, he tried to ward off a rumble four months ago, and was stabbed to death by members of the Immortals and Spades. The next day, through the intercession of the Javelins and Peacemakers, Ghetto Brother President Charlie Melendez met with the Immortals and Spades. After hearing their apology for the "misunderstanding," he decided against a war of revenge. In an extraordinary summit meeting of most of the gangs in the Southeast Bronx, the peace treaty was extended to include the entire "family."

Though a tenuous peace within the family still prevails, the gangs have become increasingly aggressive in their demands for change. Says Ted Gross, head of the city's youth services agency: "The thing is, you could b.s. the gangs of the '50s. Take 'em to a movie, give 'em a basketball, put 'em on a bus for the beach. But these kids today are not the 13- to 18-year-old punks of 15 years ago. They've been around. Now they're in their mid-20s and some even in their 30s. You tell me, how do you b.s. a guy who's been to Viet Nam? If nothing is done to help them, they will become more and more of a police problem. The tragedy is that they are out there virtually crying for help, pleading for someone to listen to them."

SELF-RESPECT

The most encouraging aspect of the gangs is that they are largely drug-free. City Council President Sanford Garelik, among others, feels that their all-out war on drugs may help diminish one of the ghetto's most insidious problems. The Ghetto Brothers, for instance, have developed a reputation as a drug rehabilitation group.

A gang member named Sly, 22, a tall black who lost a college basketball scholarship because of his habit, put it this way: "I was arrested three times for robbery and larceny. Drugs were ruining my life. But then the Brothers got hold of me and wouldn't let me out of their sight. You get a guy on the Jones (drug withdrawal) and that's what you have to do. They watched TV with me, drank wine with me, took me downtown with them, out to eat. They laugh with you, fight with you, but they won't leave you. I've been here six months now and I'd die for these guys. They gave me back my self-respect."

Such feeling among some gang members is genuine, but the conditions that have produced it make the gangs a new kind of menace. Says YSA Commissioner Gross: "The prospects for the coming summer are frightening."

VIOLENCE BY YOUTH GANGS IS FOUND RISING IN THREE CITIES

(By Donald Janson)

PHILADELPHIA, April 15.—A group of black teenagers asked a 15-year-old white boy for a dime on a street on the southwest side here, then stabbed him to death when they didn't get it.

When a 52-year-old white veteran of the Battle of Iwo Jima went to south central Los Angeles to take food to a destitute black friend, a street gang of 15 to 20 black youths waylaid him and beat him to death without provocation.

At New York's newest high school in the Bronx, half of the lavatories are kept locked so security guards can better cope with the rash of assaults and robberies aimed largely at white students by black and Puerto Rican gangs.

In an apparent resurgence of street gang activity, violence by young men from the pre-teens to the early thirties is once again a big problem in some major United States cities.

A nationwide check of 12 cities indicates that the violence is concentrated in the country's four largest cities—New York, Chicago, Los Angeles and Philadelphia. Why the activity is intense now, after a decade of comparative calm, is unclear.

For more than a decade after the rumbles of the nineteen-fifties, the drug scene replaced gang wars as a focal attraction for idle youths in the slums and racially tense neighborhoods of many cities.

Heroin has decreased gang activity in Chicago, the street-gang capital, though 700 gangs retain their identity there, and violent deaths, beating, robberies and shakedowns continue.

"More brothers gettin' killed," said a former "gang-banger," as warring gang members are known on Chicago's black West Side, "because there are more guns. But gang-bangin' itself is dying off. Now, too many brothers are too busy noddin' on the junk."

The slackening in Chicago is allowing the three other major cities to catch up. New York and Los Angeles are experiencing a strong resurgence in street violence. Philadelphia, with 160 killings attributed to street gangs in the last four years, never lost this virulent form of lawlessness in slum neighborhoods.

Differences in pattern from the early rumbles are marked. Gangs still war on each other, but more often now their victims are not members of gangs, often they are passersby chosen at random on the spur of the moment.

RACE SOMETIMES A FACTOR

Often race appears to be a factor in selecting victims. And fatalities are more numerous now because "Saturday night specials," the cheap small-caliber handguns that have become readily available to all, have largely replaced homemade zip guns.

The most aggressive gangs have brazenly widened their "turf" by invading school corridors and even neighborhood homes.

Edward Muir of the United Federation of Teachers in New York said:

"The tragic element that distinguishes this from earlier gang activity is the proliferation of handguns among teen-agers. The 'Saturday night special' has hit the high schools."

Not all of today's gangs are prone to violence. Many work for community betterment and seek to rid their neighborhoods of drug abuse.

Youth workers believe that teen-agers join gangs for self-protection and for a sense of belonging to something, a consequence of a lack of home life and jobs in the slums.

Some gang members condone and even participate in violence out of outrage at a "system" they feel has sentenced them to deprivation.

"Each and everyone of us here hates where we live," said a young member of a Bronx gang during a discussion of gang problems held recently by a community group in New York. "We want out."

"They feel we aren't people, you know," a member of the Black Spades said of the authorities.

"HELP A BROTHER"

In Chicago, a Black Disciple put it this way:

"Gangs give folks something to be proud of. My parents couldn't afford to put me in the Boy Scouts. So me and the rest of our guys started getting together. Our main function is to help a brother. It's a thing where guys care about each other."

So they wear the "colors" of the Flaming Skulls, the Golden Guineas and scores of other big and little gangs. Some form fed-

erations of gangs such as the Zulu Nation in Philadelphia. Others remain small, even block size. Most are racially segregated—all black, all Puerto Rican all of Mexican derivation, or all white.

The Crips, a gang growing, prescribes black gloves for the left hand and gold earrings for the left earlobe and favors a walking stick.

One explanation for the name and the canes is that founders at Washington High School were crippled at the time and used walking sticks.

The Crips and other packs of youths such as those who murdered the Iwo Jima marine veteran, N. J. Orr, have been sweeping through south central Los Angeles and Watts, beating, robbing, raping and occasionally killing, sometimes entering homes to do so.

The terror has instilled widespread fear. William F., a typical retired pensioner, will not leave his apartment after dusk. The mother of a 15-year-old girl who was raped by gang members decided that her daughter would not press charges after two weeks of late-night phone calls threatened fire-bombing and window smashing if she did.

350 STUDENTS STAY HOME

Attacks on children going to and from school have become a major problem in each of the gang-ridden cities. Parents have kept 350 students home from Stevenson High School in the Bronx since last September. Others have been transferred to private and parochial schools.

In some New York schools, pupils are afraid to go to the toilet for fear of assault or robbery. Some principals have advised teachers not to remain in their classrooms alone.

In Philadelphia, where street gangs contributed to a 34 per cent increase in major crimes last year, Superintendent of Schools Matthew W. Costanzo proposed a \$500,000 program to hire nonuniformed guards to line "safety corridors" to and from schools in gang-infested neighborhoods.

The proposal followed an experiment at Bartlett Junior High School on the south side in which the principal, vice principals and nonteaching staff members acted as guards at opening and closing hours after attendance had dropped to 70 per cent of enrollment.

The principal, Anthony Gian Petro, said that previous patrolling inside the building had been unsatisfactory because children got beaten up outside, and patrolling immediately outside helped only until the children got across the street.

SAFETY PLAN QUASHED

But the safety corridor plan was quashed when Mayor Frank L. Rizzo said that any patrolling should be a police function. He announced a police crackdown on street gangs, but it has yet to stem the violence.

In mid-February, the day after the son of the late actor Ed Begley was beaten, stomped and stabbed by a gang of 25 black youths in Los Angeles in the third such incident of the afternoon, the Los Angeles City Council also ordered a police crackdown.

Billy G. Mills, council president pro tem, said that the increase in murders, robberies and assaults had imposed a "crisis of intimidation and fear" on parts of Los Angeles "by roving groups of young people ranging in age from 10 to 30."

The age range is the same in the other cities. Gang member in each of the four cities ranges from 4,000 to 6,000.

After six months of research by a special force on gangs, Mayor Lindsay of New York announced allocation of \$1-million to the city's youth service agency for programs to deal with the resurgence in gangs and gang violence.

The programs will include job training and

placement, recreation and remedial education.

"Our goal is not only to break up those gangs already in existence," the Mayor said, "but also to prevent the formation of new ones."

The Chicago police department, which once pursued a hard line, now talks less about breaking up gangs and more about "working with youth organizations and gangs."

Its gang intelligence unit, which once used infiltration, massive raids on living quarters and hundreds of arrests on misdemeanor charges to harass the Black P. Stone Nation (formerly Blackstone Rangers) and other gangs, has been reduced to 60 policemen compared to 220 three years ago.

CHICAGO VIOLENCE REDUCED

The softer line, the incapacitating inroads made by heroin and community patrols formed by black adults have all had an effect in reducing gang violence in Chicago.

So have programs that give gangs something productive to do. Chicago's Conservative Vice Lords, for example, now operate a chain of shops with Federal funds and a gift from W. Clement Stone, an insurance executive and leading financial backer of President Nixon in his political campaigns.

In the draft of a report, soon to be completed, on hearings in Philadelphia last year, the United States Commission on Civil Rights criticized some police methods of dealing with street gangs, for example taking members singly to the "turf" of a rival gang and leaving them there to return home as best they can.

The commission attributed at least one death to this practice, which, it said, appeared to be "designed to exploit the danger of the situation at the expense of the young people rather than to expedite corrective measures."

Not all of the new and continuing gangs are prone to violence. Even most of those that are quick to fight bar hard drugs for members, although a few have become dealers in drugs.

Many gangs have neighborhood improvement goals, such as forceful eviction of pushers, cleanup of streets and back lots, registration of voters and even peace among gangs.

Umoja, a West Philadelphia organization, arranged peace talks in February among several gangs, stressing the senselessness of blacks killing blacks in gang warfare.

Nine East Los Angeles gangs formed the federation of Barrios Unidos to try to end rumbles and turn youthful energies instead toward combating drug abuse, police "harassment" and inequities in education.

UNITED YOUTH FEDERATION

To seek a truce in their sporadic warfare with whites and blacks, a Puerto Rican gang in Milwaukee had pins made saying "United Youth Federation." The pins showed three clenched fists, one black, one brown and one white.

But even the peacemakers walk a tight rope in attempts to bring communication into today's street gang subculture. Sometimes the difficulty is that gang presidents, vice presidents and war lords cannot always control hotheads or gun-loving marginal members.

Robert Benjamin Cornell, 25-year-old vice president of the Ghetto Brothers in the Bronx, was beaten and stabbed to death by members of the Seven Immortals and the Black Spades in December when he sought to negotiate peace among several warring gangs.

In January, Eduardo Vicenty of New York's youth services agency was shot in the head while trying to stop a gang fight. He had helped to get endorsements from scores of gangs for a Family Peace Treaty binding them to negotiate before settling disputes by force.

Last month Anthony Rannies, teen-age member of the Black Assassins in New York, was shot to death while seeking a truce with the Shades of Black.

But while rundown neighborhoods in the largest cities tremble before the depredations of street gangs, smaller cities have had little recurrence of the problem. Some authorities "credit" drugs for this.

"Guys are so busy hustling to get drugs for themselves, or to steal to buy them, that they don't have time to organize gangs," said Al Turner, project manager of the Miami Model Cities Development. "The drug problem has ruled out street gangs here."

In Detroit, where the biggest youth problem also is narcotics, the police department's gang unit changed its name and now handles other matters.

Mr. ELLENDER. I thank the Senator.

Now, Mr. President, when these funds are added to appropriations already available, 947,928 9-week job opportunities will be provided for economically disadvantaged youth, ages 14 to 21, in urban and rural areas, and recreational activities to children 6 through 12 years of age.

The committee has included \$40 million for the National Cancer Institute, which was submitted in a supplemental estimate to the Senate after the bill had been reported to the House. These funds are required to meet the critical and immediate need to train additional cancer scientists and to provide more and better facilities for cancer research.

For higher education, the committee recommends an appropriation of \$300,400,000 to provide additional financial assistance for students hoping to begin a college education this fall. The complete justification for this recommendation is contained on pages 37 and 38 of the committee report.

For the economic opportunity program under the Office of Economic Opportunity, the committee has provided \$30 million to carry out the emergency food and medical services program.

Mr. President, at this point I ask unanimous consent that a brief statement by Senator MAGNUSON, chairman of the Labor-HEW Subcommittee be printed in the RECORD at the conclusion of my remarks. The statement outlines in more detail the Senate action on chapter VII than is contained in my brief remarks.

THE PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ELLENDER. Mr. President, under the legislative chapter, the committee has provided an appropriation of \$650,000 for the Joint Committee on Inaugural Ceremonies of 1973. These funds are to be used for the construction of a platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President on January 20, 1973.

In chapter IX of the bill, the sum of \$500,000, including \$180,000 to be derived by transfer, has been recommended for the Southwestern Power Administration.

Chapter X contains recommendations for appropriations for the Departments of State and Justice and for certain related agencies.

The committee has provided a total

of \$94,244,279 under this chapter, which is an increase of \$3,908,169 over the House bill. This sum is to be used for contributions to international organizations.

The first item under chapter XI, Department of Transportation, relates to the Coast Guard. The committee recommends the sum of \$540,000 for operating expenses, including \$140,000 for initiation of the Federal Boat Safety Act and \$400,000 to recommission two vessels for augmenting the fishery patrols—one for the Atlantic and one for the Pacific fishing areas. These vessels are to be recommissioned as rapidly as possible by the Coast Guard to meet the urgent need which exists for these increased patrols, which will offer means to effectively reduce harassment and loss of income and livelihood for our fishermen.

For the Federal payment to the airport and airway trust fund under the Federal Aviation Administration, the committee recommendation is \$66,138,000, the amount of the budget estimate and the House allowance.

For the Federal Railroad Administration, the committee recommends an appropriation of \$270 million for Amtrak for the balance of fiscal year 1972 and all of fiscal year 1973. This is \$100 million more than the amount requested for this period. Several members of the committee felt very strongly that this additional \$100 million should be provided, and their view prevailed in the committee.

The last regular governmental chapter in the bill, chapter XII, relates to the Department of the Treasury, Postal Service, and General Government.

The committee has concurred with the House in recommending an appropriation of \$109,700,000 for the payment to the civil service retirement and disability fund. The committee recommendations provide an appropriation of \$1,400,000 for the Commission on Government Procurement; \$8,756,000 for construction, public buildings projects; and \$399,400 for salaries and expenses of the U.S. tax court.

In chapter XIII of the bill, the committee has provided \$5,508,032, the amount of the budget estimate contained in Senate Document No. 92-71, for claims and judgments rendered against the United States.

Mr. President, as I mentioned earlier, there is a 90-page report on the desk of each Member. I have attempted to highlight the major items in the bill, but I would be glad—together with the chairmen of the regular subcommittees—to answer any questions with respect to this bill.

EXHIBIT 1

STATEMENT OF SENATOR WARREN G. MAGNUSON ON H.R. 14582 SECOND SUPPLEMENTAL

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks. Chapter VII of the bill now before the Senate covers the supplemental requests for programs at the Departments of Labor, Health Education, and Welfare and related agencies. The sum recommended in Chapter VII as reported to the Senate is \$1,510,413,000. This is \$448,812,000 over the budget estimate and \$531,512,000 over the House allowance.

In my judgment, Chapter VII includes

adequate funds to meet necessary expenses of the several Departments and Agencies.

The largest single item in this chapter relates to "Grants to States for Public Assistance." The Committee recommended the full amount of \$803,441,000 for grants to States which was developed from data accumulated from the States in November, 1971. This is a mandatory spending item wherein the law provides that the Federal Government shall match State expenditures for public assistance.

The Committee is also concerned by the high rate of discrepancies in this program which was recently reported by the Department. The problem most likely stems from the fact that the Department currently has 1152 employees engaged in Federal management of the Public Assistance programs which involve an estimated \$13.4 billions of dollars for FY 1973 and the efforts of 195,000 State and local employees. Therefore, the Committee has included in this bill the \$2,850,000 and 427 positions requested by the Department to enable the Social and Rehabilitation Service to take fast and effective actions to correct these discrepancies. The Social and Rehabilitation Service claims that the positions and its management initiatives will save over \$400 million in Federal funds during fiscal year 1973. These savings will be accomplished we are told without the curtailment of benefits and useful services to those persons eligible for those benefits and services.

The Committee also provided \$30 million for the Office of Economic Opportunity to carry out the Emergency Food and Medical Services program. This amount, together with the enacted appropriation of \$3,500,000, will restore the program to nearly 70 percent of the 1971 program.

These funds will provide the necessary outreach, transportation, and related services that are essential to insure full participation of the poor in the food stamp and food commodity programs of the Department of Agriculture.

The Committee has also included \$247 million, an increase of \$152 million over the budget estimate and House allowance for a much expanded and much needed Neighborhood Youth Corps program.

The bill also includes \$9 million to restore the Follow Through program to the 1971 level. This will prevent the termination of 26 ongoing projects and restore services to over 8300 students.

The Committee has also included \$300.4 million for higher education student assistance, an increase of \$257.7 million over the budget request. The Senate bill will provide for college work-study grants to 173,000 additional students, educational opportunity grants to 217,000 additional students and NDEA loans to an additional 129,000 students. The Committee has included \$5.8 million in the bill for special educational programs for veterans. Only about one-fifth of over 5 million eligible veterans are currently enrolled under provisions of the GI bill; and only a small number of these are from low-income backgrounds. These funds are intended to reach out to returning veterans, especially those who lack a high school diploma, and help them get on the right track—and get the kind of education that will enable them to lead more productive lives.

Other significant items include the full budget request of \$5,610,000 to enable the Public Health Service hospitals to operate at the 1971 level and the full request of \$40,000,000 for construction of cancer research centers and training of cancer research scientists.

A number of other mandatory items were included in the bill including special language which will permit the expenditure of \$21 million of previously appropriated funds for "impacted areas."

Mr. President, the Committee believes these recommendations are sound and they are reasonable.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

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

The amendments agreed to en bloc are as follows:

On page 2, after line 12, insert:

CROPLAND CONSERVATION PROGRAM

For necessary expenses to carry into effect the land use adjustment program authorized in section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)), \$10,000,000 to remain available until expended.

At the top of page 3, insert:

ENVIRONMENTAL PROTECTION NATIONAL COMMISSION ON MATERIALS POLICY

For an additional amount of "Salaries and expenses", for the National Commission on Materials Policy, \$100,000.

On page 3, line 23, strike out "\$154,312,000" and insert "\$144,312,000".

On page 4, line 14, strike out "\$2,602,000" and insert "\$2,233,000".

On page 5, line 3, after the word "expended", strike out "\$69,955,000" and insert "\$68,000,000; and, in line 4, after the word "That", strike out "\$6,500,000" and insert "\$4,545,000".

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury toward the third replenishment of the resources of the International Development Association, \$320,000,000, to remain available until expended.

On page 6, line 21, after the word "purposes", insert "and shall remain available until June 30, 1973."

On page 7, line 5, after "\$1,924,000", strike out the comma and "to be derived by transfer from the appropriation for "Medical care", fiscal year 1972".

On page 7, after line 13, insert:

CONSTRUCTION AND MAINTENANCE

For an additional amount for "Construction and maintenance", \$200,000 to remain available until expended.

On page 7, line 20, strike out "\$4,000,000" and insert "\$4,308,000".

On page 8, line 17, after "\$12,500,000", insert a colon and "Provided, That there shall be advanced to each regional association the sum of \$1,000,000 in fiscal year 1972 which shall be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Act of December 18, 1971; that such advance shall be credited against the first moneys due to such corporations under this Act and shall first be used to repay any loans advanced to such corporations by any financial organization after December 14, 1971; and that no funds may be ad-

vanced by any regional association to any village corporation unless the village for which such corporation was organized is determined by the Bureau of the Census to have had twenty-five or more Native residents living within such village according to the 1970 census."

On page 9, after line 12, insert:

BUREAU OF MINES HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$45,300,000, in addition to amounts heretofore authorized to be borrowed. (50 U.S.C. 167; 74 Stat. 918)

On page 10, after line 15, insert:

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", \$170,000, to remain available until expended.

On page 11, line 7, after "(Public Law 92-203)", strike out "\$300,000" and insert "\$125,000".

On page 11, line 21, after the word "services", strike out "\$95,000,000" and insert "\$247,000, to remain available until September 30, 1972".

On page 12, after line 17, insert:

MATERIAL AND CHILD HEALTH

For an additional amount for "Maternal and Child Health", \$112,000.

On page 13, after line 2, insert:

NATIONAL INSTITUTES OF HEALTH NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute", \$40,000,000, to remain available through June 30, 1973.

On page 13, after line 7, insert:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and Secondary Education", \$9,000,000, to carry out section 222(a) (2) of the Economic Opportunity Act of 1964 as amended.

On page 13, after line 12, insert:

HIGHER EDUCATION

For an additional amount for "Higher Education", \$300,400,000, including \$130,200,000 for educational opportunity grants, \$75,400,000 for college work-study programs, and \$89,000,000 for student loans under the National Defense Education Act: *Provided*, That the funds appropriated herein shall remain available until June 30, 1973.

On page 14, after line 8, insert:

OFFICE OF ECONOMIC OPPORTUNITY ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for the "Economic Opportunity Program", \$30,000,000 to carry out a program of emergency food and medical services, as authorized by section 222(a) (2) of the Economic Opportunity Act of 1964, as amended: *Provided*, That funds appropriated herein shall remain available until September 30, 1972.

On page 14, after line 21, insert:

GENERAL PROVISION

The first proviso to the appropriation made by Public Law 92-48 under the heading "School Assistance in Federally Affected Areas" is amended by striking out "73 per centum" and inserting in lieu thereof "78 per centum."

On page 15, after line 10, insert:

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1973

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1973, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, \$650,000, to remain available through June 30, 1973.

At the top of page 16, insert a new chapter, as follows:

CHAPTER IX

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$500,000, of which \$180,000 shall be derived by transfer from the appropriation for "Construction," Southwestern Power Administration.

On page 16, line 10, change the chapter number from "IX" to "X".

On page 16, line 23, after the word "organizations", strike out "\$9,308,360" and insert "\$13,216,529".

On page 19, line 16, change the chapter number from "X" to "XI".

On page 19, line 21, strike out "\$140,000" and insert "\$540,000".

On page 20, line 4, after "(Public Law 92-75)", strike out "\$1,000,000" and insert "\$3,000,000".

On page 20, after line 16, insert:

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970, as amended, \$270,000,000 to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress.

On page 21, line 4, change the chapter number from "XI" to "XII".

On page 22, line 18, after the word "projects", strike out "\$45,958,000" and insert "\$8,756,000"; on page 23, line 1, after "\$7,151,000", strike out "Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania, in addition to the sum heretofore appropriated, \$14,360,000; Federal Bureau of Investigation building (superstructure), District of Columbia, in addition to the sum heretofore appropriated, \$22,842,000;"; and, in line 8, after "\$1,605,000:", insert "Provided further, That the appropriation for the Federal office building (superstructure), Chicago, Illinois, shall be available only upon the approval of the revised prospectus by the Committees on Public Works of the Congress:".

On page 23, line 18, after the word "projects", strike out "\$2,297,000" and insert "\$755,000".

At the top of page 24, insert a new chapter, as follows:

CHAPTER XIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 71, Ninety-second Congress, \$5,508,032, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

On page 25, after line 1, insert:

SENATE

"Salaries, officers and employees", \$1,207,865;

"Office of the Legislative Counsel of the Senate", \$6,465;

Contingent expenses of the Senate:

"Senate policy committees", \$15,170;

"Inquiries and investigations", \$268,950, including \$7,345 for the Committee on Appropriations;

"Folding documents", \$1,580;

"Miscellaneous items", \$1,250;

On page 27, after line 5, insert:

"Senate garage", \$2,600;

On page 34, line 5, after the word "Army", strike out "\$736,738,000" and insert "\$696,738,000".

On page 34, line 7, after the word "Navy", strike out "\$464,740,000" and insert "\$471,740,000".

On page 34, after the word "Army", strike out "\$23,792,000" and insert "\$17,792,000".

On page 34, line 15, after the word "Army", strike out "\$79,431,000" and insert "\$49,431,000".

On page 34, line 19, after the word "Army", strike out "\$41,276,000" and insert "\$61,776,000".

On page 34, after line 22, insert:

"Operation and maintenance, Marine Corps", \$4,549,000;

On page 35, line 5, strike out "\$2,106,000" and insert "\$10,106,000".

On page 48, line 15, after the word "expenses", strike out the colon and "Provided, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board by this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location".

Mr. ELLENDER. Mr. President, I ask unanimous consent that a technical correction be made, as follows:

On page 14, line 14, strike out the numeral "2" and insert in lieu thereof "5."

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

Mr. YOUNG. Mr. President, I com-

mend the distinguished Senator from Louisiana (Mr. ELLENDER), the chairman of the Appropriations Committee, for a very good explanation with reference to this supplemental appropriations bill.

The bill covers the salary increase costs of other programs. It is rather liberal with respect to welfare and related programs. However, we will probably work some of that out in conference with the House. I believe it is a bill that all the Members of the Senate can support. Most of the money in this bill is needed.

THIRD IDA REPLENISHMENT

Mr. JAVITS. Mr. President, I would like to commend the Appropriations Committee, and specifically the Foreign Operations Subcommittee under the leadership of Senators PROXMIRE and FONG, for its strong stand in support of the administration's request in this supplemental bill for the first year's contributions by the United States to the third replenishment of the resources of the International Development Association—IDA.

Mr. President, there is much more at stake here than an appropriation, much as this money is needed for the efforts of the World Bank group and its IDA affiliate in helping the poorest nations of this world. This appropriation is needed so that the United States can proceed to honor its commitments and ratify this IDA replenishment agreement among the 19 so-called rich nations of the world.

IDA is an idea conceived here in the Congress in a bipartisan effort during the Eisenhower administration and former Senator Monroney of Oklahoma was heavily responsible for this authorization.

It has received the support of every President since that time.

President Nixon has repeatedly urged the Congress to act on this item. When he signed the IDA authorization bill on the 10th of March, he noted:

The legislation which I sign today is evidence of the willingness of the United States to provide the funds required to carry out these programs. The amounts called for are within our capabilities. They are consistent with and have been taken into account in our budgetary planning. They are essential if the idea of multilateral assistance is to remain a viable concept. And they are necessary if we are to continue to participate constructively in an international effort which has, in large part because of our past leadership, played such a major role in fostering progress in the developing world.

The agreement to replenish IDA resources at a \$2.4 billion replenishment level was carefully negotiated by the major donor countries of the world under the leadership of the United States. This agreement was due to come into effect on July 1 of last year, when IDA ran out of commitment authority to make further loans. Since that time 15 nations—other than the United States—have come forward with a total of \$454 million to keep IDA's work going while the world awaits the long-delayed U.S. ratification which is contingent on the Congress appropriation process. The sole requirement to bring that agreement into effect is the vote of the U.S. Governors as authorized in legislation passed by the Senate in

October last year and the House earlier this year. A list of donor country advance contributions to the IDA reads:

Advanced contributions to IDA since June 1971

	Million
Canada	\$110.0
Denmark	8.0
Finland	4.1
Japan	48.0
U.K.	103.7
Yugoslavia	1.3
Australia	16.0
Germany	72.3
Kuwait	10.8
Sweden	34.0
Norway	6.0
Iceland	.2
Ireland	1.3
Netherlands	22.5
France	25.0
Total	454.0

Americans have become accustomed to thinking of themselves as the most generous people in the world. This pride is certainly genuine. But, today, while in percentage of GNP America's contribution to development assistance programs is continuing to fall, others are coming forward and raising their contributions.

IDA, which the United States helped to create in order to have burden-sharing in development, has become recently an example of this in the important business of helping the poor nations of the world. Fifteen other nations have been carrying the burden. In these months also, our increased contributions to various multilateral organizations—which have not yet been made—were used to justify dramatic and unfortunate slashes in our bilateral assistance programs. And in the trade field, the United States has not been able to proceed with legislation granting tariff preferences to developing nations—again despite the fact that the United States played a leadership role in pushing this policy which the other major industrialized nations have now adopted.

I must point to the effect of these policies on the U.S. expectation that countries of the developing world will cooperate with the United States in the upcoming reform of the international monetary system and the reshaping of the international trading order. The U.S. expectation of cooperation is signaled by Secretary Connally's proposal to increase the size of the negotiating table from a group of 10 rich countries to a group of 20 which will include representatives from the developing world.

I urge that first the Senate and the Congress meet this important obligation of the United States by providing for the full funding of the third IDA replenishment. I want to commend the Appropriations Committee and particularly the leadership of the Foreign Operations Subcommittee for its decisive statement in its report saying that there is "no justifiable reason for delaying action until fiscal year 1973."

In closing let me say that it is particularly important at this period in our history and when a major international conference is underway at UNCTAD III where other developed nations are making new developmental assistance com-

mitments—such as the "link"—that the United States carry its world responsibilities in this vital area. It is these burden-sharing development programs which make a positive contribution toward the type of world we all would like to see.

QUORUM CALL

Mr. ELLENDER. Mr. President, I understand that the Senator from Illinois (Mr. PERCY) desires to offer an amendment.

I suggest the absence of a quorum and ask unanimous consent that the time be charged against my time.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 10, line 22, insert the following:

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$1,500,000, to remain available until expended: *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 1736 by the Ninety-second Congress.

Mr. PERCY. Mr. President, the amendment which I now bring before the Senate will, if accepted, appropriate \$1,500,000 to carry out the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. It is a question on which the Senate has already expressed its strong support.

My colleagues will recall that last December when we considered a supplemental appropriations bill, I introduced a similar amendment to provide \$1.5 million for the nonperforming arts activities of the Center and it was accepted by an overwhelming majority of the Senate. Prior to introduction of the amendment, hearings were held by the Public Works Committee on authorizing legislation to support the Center's nonperforming arts functions and a letter was transmitted to Senator BIBLE of the Interior Appropriations Subcommittee by the distinguished chairman of the committee, Mr. RANDOLPH, in support of such an appropriation. When I first presented the matter to the Appropriations Committee during our early sessions on the supplemental bill, it was warmly received. Unfortunately, however, the House had not given prior consideration to such an appropriation, therefore, it was deleted in conference on an objection by the House conferees.

Today, I am offering the amendment again, because the House has expressed its intent with respect to funding for the Kennedy Center. Approximately 2 weeks ago the House approved legislation supporting a fiscal year 1972 appropriation

for the security, maintenance, and other expenses related to the memorial aspects of the Center. It also approved a proposal to transfer, at the beginning of fiscal year 1973, the nonperforming arts activities of the Center to the National Park Service.

I commend the House for this recent action, because I believe that the \$1.5 million is clearly needed as an emergency funding to keep the Center open for daily visitations by nonpaying guests. I also think that the move to turn these responsibilities over to the National Park Service is a good one.

Because the House has clearly stated its support for funding, on an emergency basis, the nonperforming arts functions of the Center, I see no reason why we should not approve the appropriation again. And I am confident that this time the House conferees will concur in the Senate's action.

Mr. President, as a result of Congress failure to approve emergency funding for the nonperforming arts operations, steps had to be taken last December to close the Center for daily visitations. Three months later, on April 1, tours began again for an indefinite time and officials estimate that 12,000 persons a day visit the Kennedy Center. It is the second highest visitation point at the current time of any monument in the city. The Capitol ranks first.

The spring and summer months see many students from all over the country arrive in Washington for what may be to many of them their first glimpse of this magnificent city. Even for those of us who have resided in Washington for several years, visiting the great national memorials, such as the Jefferson, the Lincoln, and the Washington Monuments, can still be an impressive experience. I cannot help but think that the memories of Washington, D.C., which our young people and families take back home with them are greatly enhanced by a visit to the newest memorial to a past President—the John F. Kennedy Center. Unless we move to appropriate funds necessary to keep the Center open, however, it may be forced to close its doors again.

The responsibility of making the Center available during the day to visitors, special workshops and student programs is not a simple one, and it is expensive. There are maintenance costs and guard services that have to be provided. Adequate security must be present to prevent any further vandalism or marring of the Center's beauty. The unfortunate experiences of last fall in which visitors literally ripped down chandelier crystals and cut pieces of carpet from the great hall cannot continue. I have every reason to believe that we can prevent such destruction by increased security and the sale of mementos.

I would like to underscore the point that the total \$1.5 million will be expended for those functions unrelated to the performing arts activities of the Center. None of the money will be spent on the building itself or the performing arts aspects of the Center.

In addition, we do not intend to make this an annual request. When the Park Service assumes responsibility for the

nonperforming arts aspects of the Kennedy Center, future expenditures for this function will be contained in the overall National Park Service budget.

The trustees and officials of the Kennedy Center are deeply appreciative of the strong support and interest of the Senate in the operations of the Center. Because of the Congress support, completion of the Kennedy Center represents a much needed investment in the performing arts in this country. It ranks among the greatest performing arts structures in capitals throughout the world and certainly is a showcase for the arts in this country. It is as much a monument to the arts as it is to the late President for whom it is named.

I urge that the Senate reaffirm its support for the Kennedy Center by approving this amendment.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, it will be recalled, as the Senator from Illinois stated, that the Senate went on record last year and even suspended the rule in order to put this amendment into the bill. When the bill went to conference the House objected to this appropriation and the item was deleted.

The Senator indicated the House has agreed to the authorization, and the Senator from Illinois has in his amendment a provision which states:

Provided, That those funds shall be available for obligation only upon enactment into law of S. 1736 by the Ninety-Second Congress.

As the chairman of the committee, I know other members of the committee feel that this money will not become available until authorized.

Mr. YOUNG. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. YOUNG. Mr. President, this amendment clearly is subject to a point of order. There is no authorization for this appropriation. It is a good cause but there are many other much more meritorious causes in the United States waiting to be funded because there is no authorization. This matter could well wait for authorization. I know the sentiment of the Senate. It undoubtedly will pass overwhelmingly so I will not raise a point of order, it would be useless.

Mr. ALLOTT. Mr. President, will someone yield to me for 5 minutes?

Mr. ELLENDER. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, last year when this measure came up I tried to get a vote on it before I had to leave for my home State and I could not, so I did not have a chance to express myself on the floor or to vote on this particular appropriation.

I do not believe we have yet received a full and accurate report on the Kennedy Center. If we are going to get into the business of financing the Kennedy Center I can see no other way than for Congress to take over full jurisdiction of

the financing. I know this will be very disappointing to the trustees but if we are going to know the amount for which we are going to have to subsidize this institution, an institution which was represented to us constantly as paying its own way, then Congress is going to have to get into the financing. I notice that some of the mistakes made last year are responsible for the necessity of having this \$1.5 million appropriated.

I am fully aware, as is everyone, that this is subject to a point of order. I will not exercise my right to raise that point of order since the House has already put this language in. But I do feel and I want to put the Senate on notice that as far as this Senator is concerned if we are going to subsidize the Kennedy Center, and that is what we are doing here, then, in fact, we should take a look at the entire operation and see how much of this so-called nonperforming type of activity should be financed with profits from the Center.

Shows are going on there constantly. I am not satisfied that the Center is getting the sums from the performing troupes that come in that should be received, but my personal belief is that the whole Center should be placed on a self-supporting basis. So when this comes up again I, for one, intend to scrutinize it very carefully. I must say that I have talked with Roger Stevens, who is chairman of the Board of Trustees or president, and I still have not satisfied myself in my own mind that the entire operations of the Center are sharing as much of the expense of the operations of the Center as they might.

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

Mr. ELLENDER. I yield.

Mr. COOPER. Mr. President, I think I may be able to provide some information about this situation as it relates to the Committee on Public Works. As has been said, the Senate approved last year an appropriation of \$1.5 million to the Center on an emergency basis. It was not approved by the House. But, this year the House has provided in its public buildings authorization bill an authorization of \$1.5 million for the Kennedy Center.

As I recall, it provides also that the operation and maintenance of the Center shall be turned over to the Park Service. The Senate has passed its public buildings bill, and in talking to the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Delaware (Mr. BOGGS) we have considered that our committee will agree to the House \$1.5 million authorization in conference.

That will assume the authorization of \$1,500,000.

I do not want to speak for other Members of the Senate, but it is my belief that we would not accept at this time the House provision which would immediately turn the Kennedy Center over for operation and maintenance to the Park Service. We expect to hold hearings and secure the information available about the operation of the Kennedy Center to determine its needs, its liabilities, its sources of income, to hear the

views of the General Accounting Office, and Park Service. Last year the Senate did express its approval of the \$1,500,000. Now the House has approved the \$1,500,000 as far as authorization is concerned. The Senate should approve today the \$1,500,000 on an emergency basis. I urge that it do so.

Mr. ALLOTT. Mr. President, may I have 3 minutes?

Mr. ELLENDER. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, an interesting facet of this matter is that there is no member of the Committee on Interior and Insular Affairs on the floor at the moment except myself, and all three of the senior members of that committee are temporarily absent. We have a rather peculiar situation here, where the Public Works Committee is considering legislation to turn the operation of the Center over to the Department of the Interior, which would come under the jurisdiction, I believe, of the Subcommittee on Parks and Recreation, which is headed by the distinguished senior Senator from Nevada (Mr. BIBLE). I am not sure, but I believe that is correct. So we have the peculiar situation here of the Public Works Committee considering turning over this particular facility to the Park Service as a part of the Department of the Interior when the Committee on Interior and Insular Affairs has not been consulted.

I make these few remarks for this reason. I believe if this action is taken, the senior Senator from Nevada, and chairman of the committee, and perhaps the ranking minority member, should be consulted to determine whether or not hearings should be had. I do believe it is very important to ascertain what kind of obligation we are assuming if we turn this facility over to the Department of the Interior, and certainly, from here on out, to put up a warning that there is only one committee of the Senate that can properly deal with this matter, and that is the Committee on Interior and Insular Affairs. I state that only as a personal opinion.

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

First, I should like to thank very much indeed the distinguished chairman of the Appropriations Committee and the members of the Appropriations Committee—the Senator from Colorado (Mr. ALLOTT) among them—for not raising a point of order. Any Senator can do so, and certainly it would be proper for him to do so if he felt strongly about it. But this matter has been so thoroughly aired, and the procedure has been established for making certain that there will be committee oversight with respect to this operation, that I can say as one trustee, that, as a member of the minority, and as vice chairman of the board, we welcome such scrutiny and oversight. The trustees have spent much time in fundraising to make sure that the Kennedy Center is a viable and going operation.

I believe there is not a single art center in the world that is not supported, somehow, by public funds. Certainly the studies I have made in Europe indicate that the per capita expenditure which is

made here, from the standpoint of the Government, on the arts is among the lowest in the world. The capital expenditure of the German Government, a capitalist country, is 10 to 20 times what ours is.

We have developed the concept that the Center, as much as possible, should be supported by private capital. Certainly the oversight responsibility of the Committee on Public Works is welcomed, just as I have talked a number of times with our own Comptroller General, Mr. Staats, to make sure, as one of the trustees, that we had as careful a study and analysis of the financial operations of the Center as we possibly could get. As I previously reported, I did introduce a resolution to the board asking for the creation of the position of comptroller of the Kennedy Center, a position which would report jointly to the chairman of the board and the board itself.

The Board of Directors and the trustees agreed to the proposal. We are looking for the most competent and capable man we can get.

The memorial aspects of the Center, of course, do cost money. We have not, as the newspapers would indicate this morning, completely solved the problems of vandalism. We have considerably expanded security in the Center, but still we have heavy costs involved in that area.

If we do not have the approval of this measure, the Center may have to be closed. Creditors cannot be asked to extend credit any longer. The Park Service is now owed \$250,000 for services rendered. Cleaning bills have not been paid for about 6 months, and that cost is approximately \$200,000. The lighting bills have not been paid for 6 months, and that runs to about \$300,000.

My amendment is a 1-year request, taking into account the fact that if we do go along with what the House has requested, the National Park Service will take over the operation in fiscal year 1973.

As far as the Kennedy Center is concerned, it has been outstanding in what it has accomplished. Its attendance record has exceeded any expectations. As a visitors center, as I indicated in my earlier comments, it is second only to the Capitol itself, with 12,000 people a day going through it.

I do appreciate, as a trustee of the Center, the words of confidence and counsel, and the understanding to do what has been expressed, and I certainly appreciate the fact that no Senator has raised a point of order.

Mrs. SMITH. Mr. President, will the Senator yield me half a minute?

Mr. YOUNG. Mr. President, I yield 5 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I want to associate myself with the expressions offered by the Senator from Colorado with respect to the Kennedy Center.

The PRESIDING OFFICER. Who yields time?

Do Senators yield back their time?

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

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

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I wish to call the attention of the Senate—

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Can the Senator from Alabama yield me time?

Mr. ALLEN. All time has been yielded back.

Mr. JAVITS. Mr. President, I ask unanimous consent to speak for 2 minutes.

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

Mr. JAVITS. Mr. President, I wish to call the Senate's attention to a fine provision in this bill relating to the International Labor Organization. We face a considerable problem, Mr. President, in that we are behind in our dues for 2 years. We could lose all our rights in this very important tripartite organization—workers, employers, and Government—to which I have had the honor to be an observer on the part of the United States on a number of occasions.

The other body provided just about enough money to keep us from losing our voting rights. The Senate committee has provided the full amount of the arrearages, leaving the current dues to be taken up in the current appropriation bill.

All of the equities, Mr. President, including the balance of benefit to the United States, in respect to this very important organization, which has an effect on trade as well as the development of the developing countries and the system of freedom in which we believe, and of the free worker—I believe our committee is eminently correct in its position, and I hope very much that the Senate conferees will strongly maintain that position in the conference. I commend the committee very highly upon this provision.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN. Mr. President, I raise the point of order that the pending amendment is out of order since it is an appropriation unsupported by an authorization.

Mr. PERCY. Mr. President, I ask unanimous consent that the notice requirement under rule XL be waived and

that I may be allowed to move to suspend without the 1 day's notice.

The PRESIDING OFFICER (Mr. STEVENS). Will the Senator let the Chair rule first?

The Chair is advised that the sum provided in the amendment is not authorized by law, and therefore, under rule XVI, is subject to a point of order. The Chair sustains the point of order.

Does the Senator from Illinois wish to make his unanimous-consent request?

Mr. PERCY. Mr. President, pursuant to the unanimous consent, I now move suspension of paragraph 4 of rule XVI—

Mr. ALLEN. Mr. President, unanimous consent has not yet been granted to the Senator's request.

The PRESIDING OFFICER. Will the Senator from Illinois renew his request for unanimous consent?

Mr. PERCY. Has there been objection raised?

Mr. ROBERT C. BYRD. No. Repeat the request.

Mr. PERCY. Mr. President, I ask unanimous consent that the notice requirement under rule XL be waived and that I may be allowed to move to suspend without the 1 day's notice.

Mr. ALLEN. Mr. President, reserving the right to object—and I do not plan to object—as I understand the Senator's request, objection having been made to the amendment as being an appropriation not supported by an authorization, the Senator now moves to suspend the rule or to ask unanimous consent that he be allowed to move to suspend the rule in order that his amendment can be voted on. Such a motion to suspend the rule, if unanimous consent is given, requires a two-thirds vote rather than a simple majority that would have been required some moments ago when the junior Senator from Alabama sought the yeas and nays on the amendment.

The junior Senator from Alabama feels that on an appropriation of \$1½ million to the Kennedy Center, such appropriation requiring a suspension of the rule in order that that amendment can be voted on, a yea and nay vote should take place on the suspension of the rule. All of the important questions to come before the Senate—

The PRESIDING OFFICER. Will the Senator from Alaska permit the Chair to inquire, who is yielding time on this matter? There is no—

Mr. ALLEN. This Senator is reserving the right to object and is stating the reason for his reservations.

The PRESIDING OFFICER. There is a unanimous-consent agreement. The Chair is advised that there is no agreement on time—

Mr. ELLENDER. Mr. President, I yield such time as may be required to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Unanimous consent has not been given, so the junior Senator from Alabama reserved his right to object.

The PRESIDING OFFICER. The Senator from Louisiana just yielded some time to the distinguished Senator from Alabama.

Mr. ALLEN. The junior Senator from

Alabama does not need any time, because he has yielded none, because he has merely reserved his right to object to the Senator's request.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALLEN. I thank the Chair.

So the effect of the point of order having been made is that, instead of requiring a simple majority vote to pass the amendment as we should have had just a few moments ago, had there been a sufficient second to the request of the junior Senator from Alabama, it will now take a two-thirds vote, not just on the merits of the amendment up or down, but on the question of whether the rules of the U.S. Senate shall be suspended in order that this appropriation of \$1.5 million shall be considered irrespective of the rules.

Mr. President, we now have an entirely different question presented, not just as to the merits of the appropriation, but before we get to that point we have to decide whether the rules of the Senate should be suspended in order that an appropriation item can be passed without an authorization. Mr. President, I would request at the proper time the yeas and nays on the motion. I understand that has not yet been made. However, I do not reserve an objection to his request that a motion to suspend the rules be in order.

Mr. YOUNG. Mr. President, reserving the right to object, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 2 minutes.

Mr. YOUNG. Mr. President, this is a very unusual procedure. It is a request for \$1.5 million that was not presented at all to the Senate Appropriations Committee. No hearings were held on the matter. It is legislation on an appropriations bill.

The author of the amendment knows very well it was subject to a point of order. We had no notice that the Senator was going to offer a motion to override the decision of the Chair. This is a most unusual procedure. I hope that it will not become a practice in the Senate.

I would think that committees that have jurisdiction would be given a little more consideration. I understand that the Committee on Interior and Insular Affairs, if this obligation of maintaining the Kennedy Center is taken over by the Interior Department, would have jurisdiction.

It is being considered by the Public Works Committee. However, another committee has jurisdiction. We will have three committees bypassed, the Committee on Interior and Insular Affairs, the Public Works Committee, and the Appropriations Committee. They are now going to bypass the rules of the Senate by unanimous consent.

I should object, Mr. President, but I will not object in order to save time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, the question then occurs, does the Senator from

Illinois wish to make the motion to suspend the rule?

Mr. PERCY. Mr. President, pursuant to unanimous consent, I move the suspension of paragraph 4 of Rule XVI.

Mr. ALLEN. Mr. President, I ask for the yeas and nays and I would like to discuss it further.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair is advised that each side has 15 minutes on the motion.

Do the Senators yield back their time?

Mr. PERCY. Mr. President, I think a few comments are in order. I will be very brief.

Indeed, this is not the first time that the Kennedy Center has been discussed in the Senate. It has been discussed every step of the way, all the way through, for some years. Every single procedure that has been followed in accordance with the dictates and the mandates of the Congress of the United States.

The Kennedy Center was established as a memorial. It was done long enough ago that it preceded the time that I came to the Senate, 5½ years ago. When I went on the Kennedy Center Board at the request of the then minority leader, the late Senator Dirksen of Illinois, I mentioned to him at the time that I felt I should take the time as a freshman Senator to get familiar with the Senate procedures. However, the late Senator Dirksen convinced me that taking the place of former Senator Saltonstall as a representative of the Senator was an honor that I could not turn down and that they would like to have someone on the board who could give some advice with respect to business procedures and approaches to the financial problems of the Kennedy Center. There has been no objection raised as to the quality of the performance.

The Kennedy Center has certainly justified the decision of the Congress in making it a memorial by virtue of the fact that it has become the second most visited memorial in the entire Washington area, second only to the Capitol Building itself.

Ordinarily, I do not like to use this procedure. There is not any question about that. I would have much preferred that it go through normal channels, as it has in the House. The House has now sent over an authorization bill on the matter. It is being considered by the Senate committee. That is why this amendment has been offered to the Supplemental Appropriations bill. It is subject entirely to a subsequent authorization bill and is not being done over the head of the authorizing committee. Rather, it is being done subject to their subsequent action.

As I understand it, the Appropriations Committee does desire to put through this measure.

This is the last supplemental appropriation we will have. The amendment would provide that the Kennedy Center be reimbursed for the expenses they have been obligated to undertake to fulfill their obligation to have the center operate as a memorial to a deceased President of the United States.

Millions of visitors have come to Washington and have visited the Kennedy Center. The Center must take care of 12,000 visitors a day. That is not a cost which should be attributed to the Center itself. A nonperforming arts center is not really self-sustaining.

Congressional support of the Kennedy Center is in the national interest. Anyone who would imply that such a contribution is not justifiable in the last mile as we go down the road would be shutting his eyes to the tremendous success that the Kennedy Center has been.

I hope that the Senate will support this as it did last year when the same question was presented.

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

Mr. PERCY. Mr. President, I am delighted to yield to the distinguished Senator from North Dakota, the ranking minority member of the committee.

Mr. YOUNG. Mr. President, I would like to ask the Senator if he has any idea how this money will be spent. We had no testimony before the committee. What would the \$1.5 million be spent for? Does the Senator have an itemized statement?

Mr. PERCY. Mr. President, statements have been presented to the Senate in the testimony taken before the Public Works Committee some 6 months ago. The expenditures are essential for the nonperforming parts of the Center which must be incurred in order to keep it as a place of visitation by nonpaying guests.

The expenses consist of the house-keeping functions, the guard and security functions, the lighting that is necessary, and the air conditioning that is necessary.

I reiterate, as I stated before the Senate committee and have stated on the floor before, that the House turned this down last year. However, the Senate did approve the \$1.5 million 4 months ago. Because the funding was not previously approved by the House, a point of order was raised by the House conferees and the funds could not be made available.

The House has now approved an authorization bill. We have been assured that if this is included in the second supplemental, they will accept it in the House. We have tried to follow every procedure we could, taking into account the emergency conditions which we were faced with.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield such time as the Senator may require to the Senator from Alabama.

Mr. ALLEN. Mr. President, I oppose the amendment seeking to appropriate \$1.5 million for the operation of the Kennedy Center. More than that, however, Mr. President, I oppose the pending question which is not now up and down on the amendment but is an effort to suspend, to set aside, to waive the rules of the Senate in order that a special procedure may be used with respect to this amendment, that procedure being to permit an appropriation without an authorization.

The appropriations measures that we are all concerned with go the usual route;

they receive an authorization, followed by the appropriation measure. Not so with this amendment, though. They come in and they say:

We need a special procedure here. Yes, we have conflicting opinions, conflicting views, and conflicting interests as between committees of the Senate. There is not yet an authorization for the authorization but let us have the appropriation now and follow it with the authorization, which is just the reverse of what the Senate rules provide.

We all recall the origin of the Kennedy Center. We all recall that it was set up to be a self-supporting organization; that the construction costs were to be paid by private contributions. It was not long, though, before they came in and obtained appropriation after appropriation from Congress until tens of millions of dollars were appropriated for the construction of Kennedy Center.

Then it was said:

Let us finish the building and the operating costs will take care of themselves. It will be self-supporting. We will not make an effort to get operating expenses out of Congress.

But now we have a request for \$1.5 million this year. What will it be for succeeding years? I hope the Senate will not set this appropriation up as a special amendment that requires that the time-honored rules of the Senate be waived and set aside in order that the Senate might vote on this amendment without an authorization.

Let the appropriate committees of the Senate authorize the expenditure of this money before the Committee on Appropriations or before the Senate is called upon to impose its will with respect to this amendment.

Mr. President, I hope that the two-thirds vote for the passage of this amendment will be denied and that the amendment thereby will be rejected.

But let me point out to those Senators who feel some sort of obligation to vote for any appropriation might come before the Senate for the Kennedy Center, and I dare say some in the Senate would support any appropriation no matter how large, by this vote they are not voting against this appropriation. That may be the effect of it but actually what the Senate would be voting on is whether we are going to set aside the rules of the Senate in order that such a dispensation of this amendment may be considered by the Senate.

I do not believe this amendment requires, needs, or deserves the special consideration that would be required to amend or to set aside or to waive the rule of the Senate for this one measure and this one measure alone.

It is not that important. I would be interested in seeing how many Members of the Senate—and maybe there will be two-thirds—want to suspend the rule of the Senate in order that the amendment may be considered out of order. I hope there will not be two-thirds of Senators who vote for the motion.

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

The PRESIDING OFFICER. Who yields time?

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

Mr. ALLEN. I yield such time as the Senator may require.

Mr. RANDOLPH. Mr. President, I appreciate the kindness of my colleague from Alabama. I rise only in order that certain information can be provided to Members of the Senate.

Following a hearing at the request of officials of the Kennedy Center in December 1971, for an authorization of \$1.5 million to aid in defraying maintenance and operating expenses, as chairman of the Committee on Public Works and after conferring with the Senator from Kentucky (Mr. COOPER), the ranking minority member of the committee, I requested the General Accounting Office to look into the problem.

I shall ask unanimous consent that I be permitted to insert in the RECORD my letter dated December 30, 1971 to the Honorable Elmer B. Staats, Comptroller General of the United States. I understand the letter was received on January 3 this year by the General Accounting Office.

In following through on the request made in that letter, it is my understanding that the General Accounting Office has for several weeks been involved in checking into this matter. In that letter, I stated:

The Committee on Public Works proposed to hold hearings on the construction and operation of the Kennedy Center about the middle of 1972. However, I believe the Committee needs additional information on the finances and operations of the Kennedy Center prior to these hearings and, therefore, request your Office to make a study of the financial condition and operations of the Kennedy Center.

I further stated:

In the area of construction, it would be helpful to know the percentage of construction completed as of January 1, 1972; the cost of such construction; the amount of construction obligations remaining to be paid; and the amount of construction money available for payment when claims are settled.

Then I directed the attention of Mr. Staats to current operations by saying that we need a detailed financial statement either monthly or quarterly from the time the center opened through June 30, 1972. I further stated:

The expense information supplied should show the cost of administration, electricity, fuel, repairs, cleaning, protection, supplies, and so forth. Income should be broken down to show the revenues from each concession, revenues from the three performance areas, net receipts or losses from shows produced by the Center itself, and revenues from other sources. It will also be helpful to have an organizational chart showing all salaried personnel and the remuneration of each.

The letter stated that it would be appreciated if the report could be submitted to our committee by July 15, 1972. We had hoped that as this study proceeded—we could have the advantage of this information. I am sure that the Senator from Kentucky (Mr. COOPER) and I and other members of the Public Works Committee would want to at least hold a hearing reasonably soon in connection with the authorization of funds on an annual basis to defray the cost of operations.

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

Mr. RANDOLPH. I yield.

Mr. ALLEN. Has any of this information come in, justifying this appropriation?

Mr. RANDOLPH. There has been no information received from the General Accounting Office or the Comptroller General of the United States.

Mr. ALLEN. I thank the Senator.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

DECEMBER 30, 1971.

HON. ELMER B. STAATS,
Comptroller General of the U.S. General Accounting Office, Washington, D.C.

DEAR MR. STAATS: The Congress has been requested to provide funds on an annual basis to help defray operating costs of the Kennedy Center. The Board of Trustees, through Chairman Roger L. Stevens, has stated that public funds are needed because of additional expenses involved in allowing tourists and sightseers to visit the Center.

The Committee on Public Works proposes to hold hearings on the construction and operation of the Kennedy Center about the middle of 1972. However, I believe the Committee needs additional information on the finances and operations of the Kennedy Center prior to these hearings and, therefore, request your Office to make a study of the financial condition and operations of the Kennedy Center.

In the area of construction, it would be helpful to know the percentage of construction completed as of January 1, 1972; the cost of such construction; the amount of construction obligations remaining to be paid; and the amount of construction money available for payment when claims are settled.

In the area of current operations, it would be useful to have a detailed financial statement, either monthly or quarterly, from the time the Center opened through June 30, 1972. The expense information supplied should show the cost of administration, electricity, fuel, repairs, cleaning, protection, supplies, and so forth. Income should be broken down to show the revenues from each concession, revenues from the three performance areas, net receipts or losses from shows produced by the Center itself, and revenues from other sources. It will also be helpful to have an organizational chart showing all salaried personnel and the remuneration of each.

The Committee anticipates that the Center's request for immediate authorization and appropriation of \$1.5 million for fiscal 1972, presented by Mr. Stevens' letter to me of November 22, 1971, and at the hearing held by the Buildings and Grounds Subcommittee on December 2, 1971, will be renewed when the Congress reconvenes. It would be helpful, therefore, to have by mid-February (1) a description of the present financial difficulty being experienced by the Center, with comment on the elements contributing to this situation; (2) a preliminary appraisal of the status of construction and funds available to meet the remaining construction costs as they become due; and (3) a preliminary appraisal of current operating costs and revenues, or other funds, which may be available to meet ordinary and necessary operating expenses, exclusive of costs attributable solely to productions sponsored by the Center itself.

In its final report, your Office may also wish to comment on or make suggestions with respect to (1) the adequacy of the annual reports to Congress required by the John F. Kennedy Center Act (P.L. 85-874, as amended); (2) whether a division of accounts and responsibility for (a) construction, (b) operations and maintenance, and (c) performing arts functions is desirable

and appropriate; (3) improved or alternative accounting, operations or management procedures; (4) alternative means and formulas for public, private, and Federal support of the Center; and (5) improved or alternative organizational structure, especially if an amendment to the Act providing for annual Federal financial support should make a change in organizational structure desirable or appropriate.

It would be appreciated if your report could be submitted to the Committee by July 15, 1972.

Truly,

JENNINGS RANDOLPH, *Chairman.*

Mr. RANDOLPH. I also wish to call the attention of Members of the Senate to the hearing that was conducted on the measure amending the John F. Kennedy Center Act by our Subcommittee on Public Buildings and Grounds. It was held on December 2, 1971. Senators may find it helpful to study the record of that hearing and certain material which supplements the actual testimony.

I realize that this brings me to the point of how I feel about the \$1,500,000 at the present time. Ordinarily I would indicate to my colleagues that I would be reluctant, frankly, to move in a matter of this type. But I do feel that perhaps there are circumstances which could cause me, as I did a few weeks ago, to support the amendment which was offered by, I believe, the Senator from Illinois (Mr. PERCY) at that time.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. RANDOLPH. That is all I have to say.

The PRESIDING OFFICER. The Senator from Illinois has 9 minutes remaining.

Mr. PERCY. Mr. President, I yield myself 3 minutes.

I would like to point out that, on a measure we considered a short time ago, there is a provision in the bill now under consideration relating to Amtrak, which is also subject to a point of order. That is a matter of \$207 million and a matter that is of great consequence. This is a matter of \$1.5 million. It has not been dealt with lightly. Many hours have been put into its study.

I should like to point out that in the CONGRESSIONAL RECORD for December 3, 1971, a letter was inserted by the distinguished Senator from West Virginia (Mr. RANDOLPH), addressed to the distinguished chairman of the Subcommittee on the Interior, Committee on Appropriations, the Honorable ALAN BIBLE, stating that hearings had been held by the Subcommittee on Buildings and Grounds of the Committee on Public Works on S. 2900, a bill to authorize the appropriation of \$1.5 million to defray certain operating and maintenance costs of the John F. Kennedy Center for the Performing Arts.

The letter, in conclusion reads:

In light of this situation, the Committee on Public Works would support the inclusion of 1.250 million dollars for this purpose in the Supplemental appropriations bill for fiscal year 1972 only. We are using this method in the knowledge that your Subcommittee is in mark-up this afternoon. It is our intention to hold further hearings during the next session to determine whether a permanent authorization is justified and to review the relationship of the Kennedy Center to the Congress. However, to avoid the closing

of the Kennedy Center to public visitors, the Committee believes that an interim appropriation is proper.

I am pleased to learn that there has been no change of mind with the committee since last December. The financial conditions at the center have not changed; they have only worsened financially. The need for these funds has been clearly demonstrated. Although the Kennedy Center was closed to visitation for several months, by sheer pressure of popular demand, it has been reopened. Visitation has been extremely heavy since it has been reopened. The trustees felt the Senate had approved this matter in principle heretofore. The House has approved it, reasonably anticipating that the Congress would stand behind this one request.

It is for these reasons that I suggest to my distinguished colleagues that the Senate suspend the rule in this instance.

The PRESIDING OFFICER. Who yields time? Do Senators yield back their time?

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

Mr. ELLENDER. Mr. President, I think my time has been used.

The PRESIDING OFFICER. The question is on agreeing to the motion to suspend the rule. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER),

the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

Also the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "nay."

The yeas and nays resulted—yeas 36, nays 31, as follows:

[No. 167 Leg.]

YEAS—36

Beall	Fong	Percy
Bennett	Fulbright	Randolph
Bible	Gravel	Ribicoff
Boggs	Hollings	Schweiker
Brooke	Hughes	Spong
Burdick	Inouye	Stafford
Byrd, Robert C.	Jackson	Stevens
Case	Javits	Stevenson
Chiles	Kennedy	Symington
Church	McGee	Taft
Cooper	Nelson	Tower
Cranston	Pearson	Weicker

NAYS—31

Aiken	Curtis	Metcalf
Allen	Dole	Miller
Allott	Ellender	Montoya
Anderson	Goldwater	Proxmire
Bellmon	Gurney	Roth
Brock	Hansen	Saxbe
Buckley	Hart	Smith
Byrd,	Hatfield	Stennis
Harry F., Jr.	Hruska	Talmadge
Cook	Jordan, Idaho	Young
Cotton	Long	

NOT VOTING—33

Baker	Harris	Moss
Bayh	Hartke	Mundt
Bentsen	Humphrey	Muskie
Cannon	Jordan, N.C.	Packwood
Dominick	Magnuson	Pastore
Eagleton	Mansfield	Pell
Eastland	Mathias	Scott
Ervin	McClellan	Sparkman
Fannin	McGovern	Thurmond
Gambrell	McIntyre	Tunney
Griffin	Mondale	Williams

The PRESIDING OFFICER (Mr. STEVENS). On this vote the yeas are 36 and the nays are 31. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion of the Senator from Illinois to suspend the rule is rejected.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President—

The PRESIDING OFFICER. The motion is not debatable. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. COOPER. Mr. President—

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. I asked for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to table, and the Chair advises the Senator from Kentucky that that motion is not debatable. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Missouri (Mr. EAGLETON), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. HUMPHREY), would each vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

Also the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. BUCKLEY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 32, nays 33, as follows:

[No. 168 Leg.]

YEAS—32

Aiken	Curtis	Miller
Allen	Dole	Montoya
Allott	Ellender	Proxmire
Anderson	Goldwater	Roth
Bellmon	Gurney	Saxbe
Bennett	Hansen	Smith
Brock	Hart	Stafford
Byrd,	Hatfield	Stennis
Harry F., Jr.	Hruska	Taft
Cook	Jordan, Idaho	Talmadge
Cotton	Long	Young

NAYS—33

Beall	Brooke	Case
Bible	Burdick	Chiles
Boggs	Byrd, Robert C.	Church

Cooper
Cranston
Fong
Fulbright
Gravel
Hollings
Hughes
Inouye

Jackson
Javits
Kennedy
Metcalfe
Nelson
Pearson
Percy
Randolph

Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Tower
Weicker

NOT VOTING—35

Baker
Bayh
Bentsen
Buckley
Cannon
Dominick
Eagleton
Eastland
Ervin
Fannin
Gambrell
Griffin

Harris
Hartke
Humphrey
Jordan, N.C.
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale

Moss
Mundt
Muskie
Packwood
Pastore
Pell
Scott
Sparkman
Thurmond
Tunney
Williams

So the motion to table the motion to reconsider was rejected.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER (Mr. GRAVEL). The question recurs on the motion to reconsider—

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, if the Senate will permit me, I shall be quite brief. I know that many Senators were not here when we were discussing this matter, so I shall take the liberty to review the procedural situation as well as the substantive situation which is now before the Senate.

The Committee on Public Works, to which committee this matter was referred last year, brought to the Senate by a procedure similar to the one today, an amendment to appropriate \$1.5 million for the Kennedy Center for emergency reasons. The Senate passed the appropriation. The House refused to appropriate any money because there was no authorization. The House this year has passed its public buildings and grounds authorization bill and has authorized \$1.5 million to the Kennedy Center. The Senate has previously passed its buildings and grounds bill without any authorization. Now we go to conference.

While I cannot speak for all Members, Senators RANDOLPH and BOGGS and others on the committee have taken the position that we would accept the \$1.5 million in conference for this authorization.

If that occurs—and I believe it will within the next week or 10 days—the authorization will be completed.

The Senate's having, last year, approved the \$1.5 million for this same purpose we felt that it would be appropriate to present it again to the Senate. The Senator from Illinois did that. A point of order was raised by the junior Senator from Alabama. The vote was taken on suspending the rule. That vote failed. We are now back to a reconsideration of that motion.

I would like to give, if I can, the facts which led up to the request for an emergency appropriation. I am not a member of the Board of Trustees. The only thing I know is that the matter came before us in the Public Works Committee. We asked the General Accounting Office to make an investigation of the Kennedy Center operations and to report to us fully on those operations, the debt, the

income, and such recommendations as it might make about the Center's future operations. No final report has been made. However, I think it would be fair to say that the financial condition is not good. The Center owes a large amount in unpaid bills.

A few minutes ago the Senator from Illinois said that the Center owes bills for lighting, for cleaning, and for other purposes which amount to several hundreds of thousands of dollars. These bills that are unpaid will mount.

We are back in the situation we were in last year. Unless some money is appropriated, we are told that it will be necessary again to close the doors of the Center to the public.

My own judgment is that after the hearings are held by our committee or by the Committee on Interior and Insular Affairs, it will be necessary for the Senate and for the House of Representatives to decide the future status of the Kennedy Center, which obviously has not been able to meet its obligations. They will not be able to, I believe, unless some stronger provision for organization is made for the future.

I took the position, myself, that, because the Senate agreed to appropriate \$1.5 million for emergency costs a few months ago and because the House has passed a \$1.5 million authorization to which the Public Works Committee of the Senate expects to agree, we ought to approve this is an emergency measure.

I have no idea what this investigation will show. My judgment is that it will show that the Center owes a great deal of money. It may show that there should be revisions in accounting procedures and management. The Senator from Illinois said that if necessary he would move that changes be made. However, under all these circumstances, I hope that the Senate will take the same action it took last year, suspend the rules, and vote to appropriate the \$1.5 million. I feel we should continue to support the Center for the Performing Arts, established as a memorial to President John F. Kennedy.

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

Mr. COOPER. Mr. President, I yielded to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator does not have any time to yield. Who yields time to the Senator from West Virginia?

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Mr. President, is there a time limitation on this?

The PRESIDING OFFICER. There is a time limitation of 15 minutes to the side.

Mr. YOUNG. Mr. President, I yield 5 minutes on the bill to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 5 minutes.

Mr. RANDOLPH. Mr. President, I had not intended to speak again on this subject. However, the reasoning of my friend the Senator from Kentucky is

correct in this situation. I want to assure the Members of the Senate that hearings will be held in the Public Works Committee based in part upon the information given to us by the Comptroller General of the United States as requested in a letter which I addressed to him late last year.

I subscribe to what the Senator from Kentucky has said. We do believe that there are many procedures in connection with the operation of the Kennedy Center that are less than acceptable.

I feel that way personally after having gone into these matters. However, I believe that is something that we can adjust to in future months following the report of the General Accounting Office to the committee not later than July 15 of this year.

I do not plead with my colleagues. I only ask them to think carefully about the responsibility which I think we all share at this particular time to see to it that the Center does not close. The Center is an important institution within the fabric of the Nation's Capital. I do believe that we should agree to appropriate the money to meet these unusual services with which I am not fully familiar. I ask the Senate to agree to what we have already done and to what the House has now done and to what we will do in our committee a little later in a formal way.

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

Mr. RANDOLPH. I yield.

Mr. YOUNG. Mr. President, I have been trying vainly this afternoon to find out how this \$1.5 million will be spent. Will it all be spent for janitor service or police? What will it be spent for? It is not for operations. The theater is supposed to be profitable. When we appropriate money, we should ask the agency what it will be used for. Did the Senator's committee get any information as to what this money would be used for?

Mr. RANDOLPH. Mr. President, we have no information at this time, I am very frank to admit to the Senator. I do feel that the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Illinois (Mr. PERCY) are part of this organizational picture.

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

Mr. RANDOLPH. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, this money would be administered through the Park Service for permanent police and for guides for people to go through the Center. There has been an unusual amount of vandalism by visitors to the Center who seek mementos. They have taken handles off the wash basins in the rest rooms and have pulled crystals off the chandeliers and engaged in other sorts of vandalism. It is not vandalism in the usual sense. However, they seek to take a memento away from the Center. Money is also needed to pay for the expenses of keeping it open to visitors. It is not for the production of plays, it is for air conditioning and heating and maintenance.

The Center is a monument. It is very popular with tourists, about 12,000 tourists a day have been visiting the Center. More people go through it every day now than any other place in Washington except the Capitol.

We appropriate money to keep up the National Gallery, to keep up the Washington Monument, the Jefferson Monument, and the Lincoln Monument. All of this money would go to maintain the Center as a monument.

This money is not for use in the production of plays or music or other entertainment. It is to keep the building open as a monument for tourists.

I think the chairman of the committee referred to closing the building. I think that what the chairman meant to refer to was closing the Center to tourists. He does not mean that it would be closed as a theater.

I do not know who has the idea that this building is in such deplorable condition. Actually its productions, in the form of concerts, plays, and other performances, have been very successful. It should also be remembered that the investment was not all public money. About one-half was private money.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes remaining and the Senator from Alabama has 15 minutes remaining.

Mr. PERCY. Mr. President, may we answer this important question because here it is now, the first of May. The trustees of the Kennedy Center would feel they were not fulfilling the intent of Congress if they closed the Center and were to merely run it as a theater, like National Theater downtown. This was not the intent and purpose and it is not why Congress put so much money in the building. That basic decision was made years ago.

The trustees now have the responsibility to operate the Center as a memorial and that means not just when a person buys a ticket can he go into the theater. Millions of citizens have come here expecting to be able to go through the Center. It takes some degree of inconvenience to get there. It is not too centrally located, and yet 12,000 people a day find their way there.

Now, for months the trustees have operated in accordance with the intent of Congress. The Senate passed this bill last December. The House has now passed an authorization bill. We have been told an authorization bill will be approved by the Committee on Public Works. So the trustees in expending this money and incurring hundreds of thousands of dollars of debt acted in good faith. I have enumerated \$700,000 or \$800,000 in debts for security, guard service, and cleaning services, to take care of housekeeping and security. We have tried to close the Center and the protest of the public was so great we had to reopen it.

When it was closed, there was a great deal of bitterness by people going all the way over to the Center and finding all they could do was walk around it and go inside if they wanted to buy a ticket to a performance in the evening.

It was only for that purpose, the non-performing arts functions, that these funds are being requested. The record was very detailed last December on this particular point. If we fail to approve this amount, I do not know what the center will do because it has already expended the money it anticipated.

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

Mr. PERCY. I yield.

Mr. AIKEN. Is there any way we can find out how much is owed, to whom it is owed, and what it is owed for? I think we are entitled to that information before being expected to vote on this matter.

Mr. PERCY. I can certainly detail \$250,000 as being due and payable to the National Park Service for security, that they have provided in good faith that Congress would reimburse them for services rendered. There is \$200,000 due and payable to the public service company which provides electricity for heating, lighting, and air-conditioning. I do not know the name of the companies that perform cleaning services but they are private contractors on a competitive bid that provide cleaning services for the Kennedy Center.

Mr. AIKEN. I have heard a suggestion that this matter go over until tomorrow or some other time to get this information to which we are entitled. Congress demands information from the White House at times and does not always get it. This is not the White House, but it seems to me that it would be a simple matter to obtain the amount owed, to whom it is owed, and for what purpose it is owed.

If we get that information it might change some votes, although I am not sure in which direction it would change them. Probably it would be helpful to the purposes of the Senator from Illinois, but I do not know.

Mr. PERCY. The request of the Senator is a very reasonable request. This information was provided to the Committee on Public Works. I am certain it can be dug out in a few hours and provided to the Senate, but I do not have all the material for each of the bills due and payable at this moment.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Is there any time left at all?

Mr. ALLEN. Mr. President, I yield to the Senator. How much time does the Senator desire?

Mr. COTTON. Two minutes.

Mr. ALLEN. Mr. President, I yield 2 minutes to the Senator from New Hampshire. Then I yield such time to the Senator from Wyoming as he may desire.

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

Mr. COTTON. Mr. President, in voting against this proposal, as far as this Sen-

ator is concerned, my vote does not denote the slightest hostility toward the proposal or any desire to impede the work of the Senate. However, there are several procedural matters involved, and once we start breaking the rules we set a precedent that is rather undesirable.

No one came before the Committee on Appropriations and set forth even the information that has been set forth today by the Senator from Arkansas and the Senator from Illinois. There is no authorization yet. With respect to the Park Service, I expect they will get the money. I also expect, as a member of the Committee on Appropriations, that before very long there will be another supplemental appropriation bill. It would seem to me that it would be up to the committee, of which the Senator from West Virginia is chairman and the Senator from Kentucky is the ranking minority member, to get the authorization through. Somebody should at least come before the Committee on Appropriations and tell us the facts. If we are told of the need, and how the money is to be spent, I think there would be little doubt but what the Committee on Appropriations would respond.

But in my humble opinion, without the slightest desire to hurt the Senators, this is not the way to do it and it is not the proper way to legislate. In fact, I would be the one who would wish to promote the center, but I would feel compelled to vote against it today.

Mr. ALLEN. Mr. President, I yield to the Senator from Wyoming such time as he may desire.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Alabama.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I rise to point out what I think are two rather good reasons for my vote against suspension of the rules: One, it is an unusual procedure and one I think that should be engaged in only sparingly; and, two, I see nothing wrong at all with the imposition of a small fee for going through the Kennedy Center.

We have before the Committee on Interior and Insular Affairs now, and before a conference between the House and the Senate, a conference in which I am a conferee, a proposal to try to work out some agreement on the extension of the golden eagle transport plan, which provides among other things for entrance into national parks, monuments, forests, and other recreational areas.

It is a well-known fact that this sort of building, with the furniture, furnishings, restroom facilities, and so on, is an expensive building to maintain. I do not see anything wrong at all with letting the people who are fortunate enough to go through to pay a small fee for its upkeep.

Mr. President, as a consequence I shall vote no yet another time. I thank my colleague.

Mr. PERCY. Mr. President, if the Senator will yield for a question, if it is a matter of principle, would the Senator also oppose the Amtrak appropriation in the same bill, because it is also subject to a point of order?

That is \$270 million—not \$1.5 million. Mr. HANSEN. I will vote on that when and if it comes before this body.

Mr. PERCY. It is going to be here.

Mr. HANSEN. I will be here to vote.

Mr. PERCY. On the principle of charging the public, I would agree that that can be faced when we establish a policy that all memorials shall bear a service fee, so that all who visit memorials shall pay; but I do not think it is fair to discern between one and another. If we are going to charge a fee for the Kennedy Center, then we should charge a fee for visitors to the Jefferson Memorial, the Lincoln Memorial, and the Washington Monument.

I simply accepted the fact, before I came to the Senate, that this was accepted as a memorial by the Congress of the United States; that what we are trying to carry out on the part of the trustees is an intent to treat it as any other memorial, and it was so intended by the Congress of the United States.

We in the Congress just waived the fee that used to be charged visitors going through the Capitol, with the objection that it was unbecoming to charge a quarter to go through the Capitol of the United States. I believe there is no charge for that service now. Are we going to reverse that policy and start charging again a fee of 25 cents for the privilege of going through the Capitol?

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Is the distinguished Senator from Illinois speaking on my time?

The PRESIDING OFFICER. It was on the time of the Senator from Alabama.

Mr. HANSEN. I had sat down and I had thanked my colleague. I do not want to impose on the time of the Senator from Alabama.

Mr. ALLEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 4 minutes remaining. The Senator from Louisiana (Mr. ELLENDER) has 4 minutes remaining.

Mr. YOUNG. Mr. President, I yield myself 2 minutes.

My friend from Illinois said a fee had been charged for visitors going through the Capitol. There was a charge for a guided tour to take visitors who wished such a tour through the Capitol. That is an entirely different situation.

The PRESIDING OFFICER. Who yields time?

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

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

The PRESIDING OFFICER. All time has been yielded back.

The question is on the motion to reconsider the vote on the motion to suspend. The yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr.

CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Missouri (Mr. EAGLETON), and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

Also the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senators from New York (Mr. JAVITS and Mr. BUCKLEY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay".

The result was announced—yeas 31, nays 33, as follows:

[No. 169 Leg.]

YEAS—31

Beall	Fong	Randolph
Bible	Fulbright	Ribicoff
Boggs	Gravel	Schweiker
Brooke	Hollings	Spong
Burdick	Hughes	Stevens
Byrd, Robert C.	Inouye	Stevenson
Case	Jackson	Symington
Chiles	Kennedy	Tower
Church	Nelson	Weicker
Cooper	Pearson	
Cranston	Percy	

NAYS—33

Aiken	Dole	Montoya
Allen	Ellender	Proxmire
Allott	Goldwater	Roth
Anderson	Gurney	Saxbe
Bellmon	Hansen	Smith
Bennett	Hart	Stafford
Brock	Hatfield	Stennis
Byrd,	Hruska	Taft
Harry F., Jr.	Jordan, Idaho	Talmadge
Cook	Long	Young
Cotton	Metcalf	
Curtis	Miller	

NOT VOTING—36

Baker	Harris	Mondale
Bayh	Hartke	Moss
Bentsen	Humphrey	Mundt
Buckley	Javits	Muskie
Cannon	Jordan, N.C.	Packwood
Dominick	Magnuson	Pastore
Eagleton	Mansfield	Pell
Eastland	Mathias	Scott
Ervin	McClellan	Sparkman
Fannin	McGee	Thurmond
Gambrell	McGovern	Tunney
Griffin	McIntyre	Williams

So the motion to reconsider the vote by which the Senate rejected the motion to suspend the rule was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HOLLINGS. Mr. President, I call up my amendments on parking spaces, first the amendment dealing with square 721 north and square 721 south.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 15, after line 23, insert the following:

CAPITOL GROUNDS

For an additional amount for "Capitol Grounds" to enable the Architect of the Capitol to convert Square 721 North and Square 721 South and the roadway between such squares, now a part of the United States Capitol Grounds, for use for temporary parking facilities for the United States Senate, \$130,000, to remain available until June 30, 1973.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, let me just say one word of explanation.

This was the amendment brought to the attention of the Senate last year by the present distinguished Presiding Officer, the Senator from Alaska (Mr. GRAVEL). I have consulted with members of the Committee on Public Works, and have only offered it in order to facilitate a critical need. We have these various blocks down by the Union Station, but this amendment is confined to block 721. We already own it; all we need to do is surface it to prepare it for parking, to relieve a critical situation. There is no intention to ask for the yeas and nays.

Mr. President, the need for additional parking space comes into sharp focus in the present conference we are having on our legislative appropriations bill. We are trying. I have another amendment with respect to the Capitol and parking facilities here.

The Senate side has been extremely shy in comparison to the House side. We have only 2,090 spaces, compared with 4,125 on the House side. The \$130,000 would provide an additional 325 parking spaces. The breakdown would be \$105,000 for the surfacing; the curb, the chain link fence, and the control stations would be some \$10,000; and for adequate lighting there would be an additional \$15,000, for a total of \$130,000.

I hope the Senate will adopt the amendment.

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

Mr. HOLLINGS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the Senator from South Carolina has discussed this matter with many members of the Committee on Public Works, and

I am sure that the chairman of our Subcommittee on Buildings and Grounds is familiar with the subject matter, as I am.

I feel that it is just an act of equity at this time, and I support the amendment.

Mr. HOLLINGS. I thank the Senator.

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

Mr. HOLLINGS. I yield.

Mr. ELLENDER. Mr. President, I have consulted the ranking minority member of the Appropriations Committee, and we have no objection to this amendment.

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

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I call up the other amendment relative to parking on the Capitol Grounds.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 15, after line 23, insert the following:

Capitol Grounds

Acquisition of site: To enable the Architect of the Capitol to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, condemnation, transfer, or otherwise, all publicly or privately owned property contained in square 764 in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368): *Provided, further*, That for the purposes of this Act, square 764 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided, further*, That, notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to Part III of Reorganization Plan numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol: *Provided, further*, That, upon acquisition of such real property pursuant to this Act, the Architect of the Capitol is authorized to permit the temporary use of any or all of such property for temporary parking facilities for the

United States Senate and House of Representatives, pending its development for permanent use as a park area or a site for additional facilities for the United States Senate and/or House of Representatives, and to incur any necessary expenses in connection therewith: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds and be subject to the provisions of 40 U.S.C., secs. 193a-193m, 212a, and 212b; and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personnel and other services, as may be necessary to carry out the provisions of this paragraph; \$1,450,000 to remain available until expended.

Mr. HOLLINGS. Mr. President, this has to do with the search by the staff of our committee to find additional parking space. In the next few months we are going to start construction for the inaugural proceedings at the East Front of the Capitol. We have only 321 parking spaces there at the present time. Construction for the inaugural proceedings will eliminate more than half of those parking spaces.

We talk about serving the public, so the public can visit the Nation's Capitol. One thing is crystal clear: You practically have to be a convict in order to get into the Capitol, because you have to violate parking laws unless you park 10, 15, or 18 blocks away. You cannot get near the place.

In the search for additional space, one particular tract of land has been in dispute. It is the old Providence Hospital site. I have not been in contact with the owners. I understand there have been some political implications. It is a tract two blocks from the Cannon House Office Building, at the corner of D Street and Second Street Southeast, known as the old Providence Hospital site. It was bought for development. After the purchase and an attempt by the owners to develop it, the House Office Buildings Commission objected, and it has been stymied for several years. There have been other attempts to use the land. There is no doubt that ultimately, in the next 2 or 3 years, the Congress will come into ownership of this site, and I think now is the time to move forward and obtain it for temporary parking. There is nothing at all on the tract. All that needs to be done is to acquire it in accordance with the appropriate proceedings by the Justice Department and to turn it over to the Capitol Architect. The jurisdiction of the Capitol Police, of course, would be extended to this particular tract.

The total cost for acquisition and preparation for parking, which can be done within 60 to 90 days and provide some 360 additional parking spaces, is \$1,450,000.

I urge favorable consideration of the amendment by the Senate.

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

Mr. HOLLINGS. I yield.

Mr. COOPER. I was not aware that this amendment would be offered. I am speaking as the ranking minority member of the Committee on Public Works.

This kind of proceeding, of course, is within the jurisdiction of the Public Works Committee. We have discussed the matter of a Senate garage and additional parking at times, but have not yet taken action.

I ask the Senator from South Carolina whether he has any idea how much this property would cost.

Mr. HOLLINGS. Yes. I asked those who studied the matter. Various proposals have been made to actually sell the property to the U.S. Government. A figure of \$1,450,000 was obtained by the staff, which would cover the entire amount, not only the acquisition but also the development of the land.

Mr. COOPER. I know the need for parking. However, there has been no opportunity to get the vote on this proposal. I have not seen the maps or plats or the site—the amendment was just now presented. How many Members of this body know exactly where this property is, whether or not it may be needed for other purposes, or what the disposition of the Public Works Committee would be after hearings on it?

Just a few minutes ago, the Senate voted down the amendment which was offered dealing with an existing building, and it had a perfect right to do that upon procedural grounds and also because representatives of the Kennedy Center had not appeared before the Committee on Appropriations to make their case. Here we have a situation in which there has been no authorization, and the Committee on Public Works has not considered this proposal.

We all know about the sprawl of buildings around the Capitol. We would like to see the construction of buildings in the Capitol area and the use of this space follow some coordinated system and attractive plan.

With all due regard for my colleague, I believe this is not the proper way to proceed. The Senate would be asserting jurisdiction, without giving the Committee on Public Works a chance to pass upon the merits and make a decision upon the proposal of the Senator from South Carolina. He is a man of good judgment, but that is not the issue. I hope the Senate will not adopt this amendment.

Mr. HOLLINGS. Mr. President, the concern of the distinguished Senator from Kentucky is what we had in mind, and we worded the amendment accordingly:

Provided, further, That, upon acquisition of such real property pursuant to this Act, the Architect of the Capitol is authorized to permit the temporary use of any or all of such property for temporary parking facilities . . .

We should not dillydally. There is no intent to take—and we could not take—jurisdiction away from the Public Works Committee.

People can be put in jail in connection with parking tickets. My friends and family come here and have difficulty parking, while a vacant lot sits out there, and the Public Works Committee maintains and retains jurisdiction. We would pave it and use it temporarily for parking. If the Public Works Committee says

we ought to put a building there or have underground parking, fine.

The language of the amendment is clear. The land could be used temporarily for parking which is very much needed.

Mr. YOUNG. Mr. President, I think that the Senator from South Carolina makes an excellent case. My staff members also get fines. But, in order to be consistent, I will have to oppose the Senator. It is not authorized. It falls in the same category as the one offered earlier by the Senator from Illinois (Mr. PERCY). This amendment of the Senator from South Carolina has much more merit, but it falls in the same category.

Mr. HOLLINGS. Like Amtrak, and many other provisions of the bill, when we get right down to it, it is what Senators want or what they do not want. I know the rules. This is a different approach. We have been discussing legislation brought up on the last particular appropriations bill. The Senator from Alaska raised a point on it. We continue to discuss it and then we get into the ramifications and nothing is done. This is only a temporary measure, to acquire property which rightfully will belong to the U.S. Government. The best way to use it at this particular time is as a parking facility. If the Public Works Committee or Congress decides otherwise at a later time, then a decision can be made on it. I would hope that the Senate would join me on this amendment. The actual figure will not exceed \$1,450,000 for acquisition including not to exceed \$200,000 for the preparation for use as a parking lot.

Mr. COOPER. Mr. President, I believe what the Senator has stated. The matter of parking is a serious problem. This property, as I recall, is a part of the Capitol Grounds. I remember that last fall we discussed parking on the Capitol Grounds on the east side of Union Station, north of Massachusetts Avenue, including a lot fronting on the semicircle around the Lorado Taft sculpture of Christopher Columbus. We did not act on the proposal, and I understood it was to come before the committee again, perhaps later this week. We will have, if this is what we do, a parking lot abutting the Union Station and a sea of cars between what is to be the National Visitors' Center and the view of the Capitol and Senate Office Buildings. Immediately behind the parking lot will be slums.

I think we should give the Architect of the Capitol and the National Capital Planning Commission some opportunity to determine the best use and development of this property. These kinds of proposals, such as changing the front of the Capitol, and taking this big cut through the mall going no place and with no use of it yet, and the other piecemeal developments in the Capitol area—I do not think we should do it in this way. Rather, we should encourage an orderly plan designed to relate the Capitol and other Federal buildings to the structure and function of surrounding neighborhoods, perhaps considering some joint utilization and transitional architecture which could enhance orderly and attractive growth, whether commercial or residential, instead of biting off chunks of

isolated property. We could give an example for other places, in fitting groups of Government office buildings into the life of the community.

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

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Kentucky will state it.

Mr. COOPER. Is this amendment subject to a point of order?

The PRESIDING OFFICER (Mr. HUGHES). The Chair would advise the Senator from Kentucky that the amendment appears to be legislation on an appropriation bill and, under rule XVI, it is subject to a point of order.

Mr. COOPER. I raise the point of order—

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. COOPER (continuing). That this is legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair sustains the point of order.

The bill is open to further amendment.

Mr. HARRY F. BYRD, JR. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 5, strike lines 15 through 21.

Mr. HARRY F. BYRD, JR. Mr. President, this amendment would eliminate the \$320 million proposed to be appropriated for the International Development Association. The United States, as of June 30, 1971, has already contributed \$1,112,000,000 to the International Development Association. The committee report states that the proposal is to appropriate an additional \$320 million, which is the one under discussion, and then the committee report says the second installment is expected to be appropriated on or before November 8, 1972. That, of course, would add the two together for an additional \$640 million for the International Development Association.

I think it is worth bringing into the record that this so-called loan would be repaid over a 50-year period. There would be no repayment for the first 10 years, and then 1 percent repayment during the second 10 years, and 3 percent repayment for the last 30 years.

The distinguished Senator from Missouri (Mr. SYMINGTON), on October 19, 1971, brought out the fact that during the fiscal year just concluded, exactly 50 percent of the total new credits on IDA went to only two countries; namely, India and Pakistan. He pointed out that, actually, over the entire life of IDA, 60 percent of all of IDA's loans have gone to India and Pakistan.

The Senator from Virginia has no quarrel with either India or Pakistan. I have a high regard for both countries, but it seems to me that the present budgetary situation facing the United States, with a deficit of \$45 billion for the current fiscal year, with a deficit last year of \$30 billion, and with a projected deficit

for the upcoming fiscal year of \$36 billion, at some time along the way we must give some consideration to the taxpayers of the United States and to the solvency of the United States.

The supplemental appropriation bill as brought in by the committee is substantially higher than the administration's request. It seems to me that this is one area where Congress and the Senate in particular should bring about a reduction. We cannot continue to go on shoveling out money all over the world.

Last fall, the Senate reacted adversely to the foreign aid bill but it reversed itself. Here is a significant part of foreign aid. Just because it does not go directly to a particular country but through an international financial institution, such as the World Bank, does not help the taxpayers any.

The sum of \$320 million is a major item. If the proposal is to be followed by another \$320 million prior to November 8 of this year, here is one item that the Senate could well eliminate.

I urge adoption of my amendment.

Mr. HANSEN. Mr. President, will the Senator from Virginia yield for a question?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from Wyoming.

Mr. HANSEN. I should like to ask the Senator: Is it not true that the United States has all around the world quite an enormous number of dollars being held by foreign countries and individuals, which has posed some problems already for our Treasury Department and our balance of payments position?

Mr. HARRY F. BYRD, JR. I say to the distinguished Senator from Wyoming that liquid liabilities to foreigners at the present time now total \$65 billion. That is up some \$17 billion during the past 18 months. So, as the Senator from Wyoming indicates, that is another reason, it seems to me, why the Senate should go on record as eliminating this huge sum of \$320 million from the International Development Association.

Mr. HANSEN. Mr. President, I thank the Senator from Virginia.

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

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

Mr. ELLENDER. Mr. President, as chairman of the committee, I must oppose the pending amendment. The subcommittee held hearings on this proposal, and we decided that we should meet our obligations and square with the authorization bill. Committee report contains the following language:

The committee recommends appropriation of \$320,000,000 as the fiscal year 1972 portion of the total authorized U.S. share of \$960 million (40%) of the International Development Association's current three-year capital replenishment aggregating \$2.4 billion.

The appropriation of these funds now—in this bill—is critical if the International Development Association is to be expected to fulfill its roll of providing "bootstrap" development funds for the poorest nations of the world which have a very low threshold of foreign debt capacity. The International Development Association ran out of its regular funds in July of last year and since then

has only been able to continue making credit commitments by using advance contributions of other nations against their pledged subscriptions. As of the date this bill is reported—April 27—the International Development Association has 33 loan applications from 23 of the poorest nations of the world with a total value of \$473,000,000 which will be ready for final Board action within the next 60 days. To fund these loans, the Association has available only \$64,000,000.

Although it was originally anticipated that the Third Replenishment of IDA's capital would become effective as of June 30, 1971, authorization of the U.S. subscription (Public Law 92-247) was not approved until March 10, 1972. The first installment is due within thirty days after the replenishment becomes effective. The second installment, requiring a fiscal year 1973 appropriation, is due on or before November 8, 1972. The committee regards the item as appropriate for fiscal year 1972 supplemental action and sees no justifiable reason for delaying action until fiscal year 1973 when the second payment would also normally be due.

Senators know how I feel on foreign aid. In fact, I voted against the authorization. Nevertheless, we have seemingly committed ourselves to this amount the association's representatives have taken in all of these applications for loans.

Mr. President, as chairman of the committee I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Hawaii.

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

Mr. FONG. Mr. President, the International Development Association—known as the IDA—is the very foundation of our peaceful cooperation with other nations to help the poorest countries of the world. I wish to urge my colleagues to vote today in favor of this supplemental budget request so urgently needed for the replenishment of the IDA's resources. I ask my colleagues to reject the amendment of the Senator from Virginia.

It was the Congress of the United States that saw the need for creating the IDA 12 years ago. The Congress realized that the poorest nations of the world have a very low foreign debt servicing capacity. Their needs for economic development financing were—and still are—much greater than their ability to pay commercial interest rates.

Over the past 12 years, the IDA has provided more than \$3.4 billion in concessionary development financing credits, that is, of a long term and at a very low rate of interest.

In July of last year, the IDA exhausted its regular funds and, since that time, has only been able to continue making credit commitments by relying upon advanced contributions by the other 18 industrialized contributors. A month ago the IDA exhausted these advanced contributions. All IDA funds were fully committed or definitely earmarked. Consequently, IDA can no longer make new credit commitments.

The status of IDA now is that the funds which have been contributed by the other 18 nations have already been exhausted and these funds have been made available by those countries in the

form of advance contributions. If the United States makes this contribution of \$320 million, that will replenish IDA funds.

Now that the other nations have met their commitments and have provided funds for IDA and now that those funds have already been spent, for us to say at this time that we should not pay our contribution of \$320 million when other nations have provided their contributions, I would say, would be most unfair.

As of April 27, the IDA had 33 loan applications from 23 of the poorest nations of the world with a total value of \$473 million, which will be ready to be committed within the next 2 months. If IDA were to suspend the operations, it would severely impair the development efforts of the poorest countries in the world. Mr. President, our failure to act now would have important foreign policy implications, far out of line with the cost to us.

The other industrialized countries have demonstrated their confidence in the United States and in the principle of burden-sharing—which we have urged so strongly—by making advanced contributions on the good faith that we will participate. Until we do, the full replenishment cannot come into effect.

Before IDA is able to get money from any of these countries, these countries have to sit down together and discuss the amount that is needed. We have sat down with the other countries of the world and have discussed the problem. We have said that we would make our contribution. This is a contribution of \$320 million. These other countries have already committed themselves. We have committed ourselves. IDA has been using the money that has been committed. That money has now been exhausted. And for us to renege on our promises would be very bad faith on our part.

It would indeed be tragic if the Congress of the United States—which initiated the IDA in a spirit of international cooperation for the works of peace—should withdraw its support. Let us not be so shortsighted as to refuse to bear our fair share in this major effort to help the poorest nations of the world. Accordingly, I strongly urge my colleagues to join me in supporting the appropriation of \$320 million requested by the President and authorized by Congress so that the United States can meet its fiscal year 1972 contribution to the IDA now.

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

Mr. FONG. I yield.

Mr. COTTON. Mr. President, I was unable to receive some information during the short time the matter was before the committee. With respect to the amendment to the bill, I would like to know, first, as to the portion we are paying into this IDA fund, and, second, as to what will the other 18 nations have already paid with respect to this corresponding installment.

Mr. FONG. Mr. President, according to my figure, the total authorized U.S. share is \$960 million—40 percent—of the current 3-year capital replenishment aggregating \$2.4 billion. Other countries are contributing slightly under \$1.5 bil-

lion. And our contribution, as I say, is 40 percent of the total annual contributions.

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

Mr. COTTON. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. ELLENDER. I yield.

Mr. COTTON. I expressed some reluctance in committee on this item. I felt the 40 percent we are paying was a disproportionate share. I did not, however, strenuously oppose it because it represented a commitment, but an authorization is not necessarily a commitment. I merely wish to observe that I love the phrase in the report with reference to "bootstrap nations." I wonder how far below the bootstrap level the United States is at the present time. These bootstrap nations are said to be unable to borrow anything, but they do not owe anything. I think that term "bootstrap" should be left out of future reports because, heavens knows, we have sunk so far below the bootstrap stage financially that for every cent we pay out we are digging down and going further and further in debt for.

I have sympathy for the amendment of the Senator from Virginia.

Mr. FONG. The Senate debated this matter a couple of months ago, and it was only on March 10 that the authorization was signed into law. This appropriation of \$320 million is in furtherance of the authorization Congress enacted about 2 months ago.

Mr. ELLENDER. The authorizing legislation also was before the Senate.

Mr. FONG. Yes; since the U.S. share has been negotiated at 40 percent, there is no way we in Congress can now cut down the percentage. But the Treasury Department promised to renegotiate the next time this comes up. We asked them to renegotiate downward, 30 percent or 35 percent. But in this item before us today, we cannot go below 40 percent because we have agreed to pay 40 percent, and it was only a couple of months ago that the Senate passed the authorization.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. FONG. I yield.

Mr. COTTON. What has been the experience in the past of the distinguished Senator from Hawaii with the departments and agencies charged with the funds of this nature?

Mr. FONG. As a member of the Foreign Operations Appropriations Subcommittee, certainly I would watch members of the Treasury Department next time they come before us for an appropriation. As the ranking minority member on that subcommittee, I promise the Senator I will pursue that matter.

Mr. COTTON. I have every confidence in the Senator but over the years I have heard the State Department tell us that the end of foreign aid was in sight. The next time they said if we would extend foreign aid once more it would only be for 2 more years. Then they said if we would keep it going it would be reduced next year. So I have grown a little cynical through the years.

Mr. FONG. We have told the Treasury Department to work on this problem and they have said they would.

Mr. HARRY F. BYRD, JR. Mr. President, I do not understand why the Senator from Hawaii says that Congress would be reneging on a promise if it fails to appropriate the \$320 million. As the Senator from New Hampshire just said, an authorization is not necessarily a commitment.

We know and we have been told many times that the authorization for appropriations to HEW and Education have fallen tens and tens of billions of dollars below the authorization. Almost every authorization bill which comes before the Senate is not matched by appropriations. As I see it, Congress cannot make a commitment and does not make a commitment until the appropriation is made on matters of this type. If you are going to assume that, Mr. President, I see no particular reason to have a Committee on Appropriations. We could let the authorizing committee act if we are going to match dollar for dollar every amount that is to be authorized.

Of course, we know an authorization is not a commitment and we all know that in virtually all cases, except in some of these international appropriations to international financial institutions nine times out of 10 the appropriations are less than the authorization.

I am curious about the paragraph in the report that says as of the date this bill is reported, April 27, the International Development Association has 33 loan applications for a total value of \$473 million, or approximately a half billion dollars. I am wondering if the Senator from Virginia could be informed as to just what type loans these are. What are they being used for? We know that over the life of this organization 60 percent of all the funds have gone to India and Pakistan, and we know that India and Pakistan have gotten into war with one another. How much of these funds were used to finance the war on India's part against Pakistan, and how much of these funds were used to finance the war on Pakistan's part against India? So I think before we vote these huge sums we better know what this money is being used for. Is it being used for armaments and military hardware? Can anyone say it is not being used for that purpose?

Mr. President, I yield to the Senator from Hawaii if he will tell us what these 33 loan applications are for, which total \$473 million.

Mr. FONG. Mr. President, these applications embrace many projects. For example, in Pakistan, highway engineering project, irrigation engineering project, port engineering project, and irrigation project; in New Guinea, education projects, highway projects, and irrigation project; in other countries, agricultural development projects, power projects, livestock development projects, coffee importation projects.

These are projects for which the World Bank makes loans and these are the loans we are talking about.

Mr. HARRY F. BYRD, JR. Do these loans go directly to the country involved or to the businesses in those countries?

Mr. FONG. I understand they go directly to the country involved.

Mr. HARRY F. BYRD, JR. They go to the country involved and the country then lets the contract?

Mr. FONG. That is what I understand.

Mr. HARRY F. BYRD, JR. What machinery is there for having some assurance that the tax funds are not being siphoned off by government officials in some of these countries where their standards of observation are less rigid?

Mr. FONG. I think the history of the World Bank in this regard has been very good. I understand their losses are very minimal.

Mr. HARRY F. BYRD, JR. Can the Senator assure the Senate that these funds have not been used in the past for military hardware?

Mr. FONG. That I cannot assure the Senator.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. President, I will conclude by saying I think the time has come for the Senate and the Congress to take a much harder look at what we are doing with the tax funds of the American taxpayers. We have already given more than \$1 billion for this soft loan window of the World Bank and the World Bank has in turn turned over 60 percent of those funds to two nations, India and Pakistan, two fine nations. I have a high regard for both of them, but I submit that neither of them is in any worse financial condition than the United States. As a matter of fact, I do not think there is any country in the world in worse financial condition than the United States.

At the end of the next fiscal year, according to the statement submitted by the Director of the Office of Management and Budget, the national debt of the United States will be \$493 billion, and 25 percent of that will have been accumulated during the 4-year period ending June 30, 1973. A great deal of that debt is because of these foreign giveaway programs. We mean well. We want to help other countries. To some extent we have an obligation to help other countries. But we also have an obligation to ourselves. We have an obligation to this country. I submit this country is on a very unsound basis financially. It could not be more unsound, in my judgment—to think that by June 30 next year we will have a national debt of \$493 billion, and 25 percent of that will have been accumulated during the 4-year period ending June 30, 1973.

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

The Senator from Louisiana has two minutes remaining.

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

The PRESIDING OFFICER. All remaining time is yielded back.

The question is on the amendment offered by the Senator from Virginia.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce

that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

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

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

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

Also, the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senators from New York (Mr. JAVITS and Mr. BUCKLEY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 28, nays 31, as follows:

[No. 170 Leg.]

YEAS—28

Allen	Cotton	Long
Bellmon	Cranston	Miller
Bennett	Curtis	Montoya
Bible	Ellender	Randolph
Brock	Gravel	Spong
Burdick	Gurney	Stennis
Byrd	Hansen	Symington
Harry F., Jr.	Hruska	Talmadge
Byrd, Robert C.	Hughes	Tower
Cook	Jordan, Idaho	

NAYS—31

Alken	Boggs	Chiles
Allott	Brooke	Church
Beall	Case	Cooper

Dole
Fong
Hart
Hatfield
Inouye
Jackson
Kennedy
Nelson

Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Smith

Stafford
Stevens
Stevenson
Taft
Weicker
Young

NOT VOTING—41

Anderson
Baker
Bayh
Bentsen
Buckley
Cannon
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Gambrell
Goldwater

Griffin
Harris
Hartke
Hollings
Humphrey
Javits
Jordan, N.C.
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre

Metcalf
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Pell
Scott
Sparkman
Thurmond
Tunney
Williams

So Mr. HARRY F. BYRD, Jr.'s amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading, and the bill to be read the third time.

The PRESIDING OFFICER. The bill (H.R. 14582) was read the third time.

ADDITIONAL FUNDS NEEDED FOR EMERGENCY FOOD AND MEDICAL SERVICES PROGRAM

Mr. SYMINGTON. Mr. President, once again the Committee on Appropriations seeks to assure the continuance of the emergency food and medical services program.

Despite express congressional intent to maintain this program at a spending level of \$52,700,000 during 1972, the administration continues to withhold all but \$3.5 million for emergency food and medical services. Therefore, in this second supplemental appropriations bill, the committee has provided an explicit appropriation of \$30 million to carry out this program for poor families in need of nutrition. I support this provision.

Curtailment of this program would mean hardship for many Missourians. Without the assistance it provides, needy infants and pregnant women in St. Louis and Kansas City would no longer benefit from the supplemental food program. Elderly and other homebound poor in the bootheel and rural poverty areas would no longer be able to have essential foods delivered to them at home. Educational programs about good nutrition and preparation of food, particularly surplus commodities, would also be discontinued.

These benefits should not be terminated. I therefore support the committee's action in approving an additional appropriation for the emergency food and medical services program.

Mr. HOLLINGS. Mr. President, I am pleased today to join a bipartisan group of my Senate colleagues in support of the emergency food and medical services program of the Office of Economic Op-

portunity. I hope our efforts will not be in vain. I, perhaps more than any other Member of this body, know how valuable this program can be to meet the critical health and nutritional needs of poor mothers and children.

What we seek today is approval of an amendment which would provide \$30 million extra in the fiscal 1972 budget for the emergency food and medical services. This budget presently contains only \$3.5 million following a drastic cut by the Office of Management and Budget. How ironic it is that our Nation was about to see this program really reach its potential, when the budget cutters got hold of it. The program spent more than \$42 million in fiscal 1971, reaching thousands and thousands of mothers and children all over the Nation.

Last year, the Congress appropriated an additional \$20 million for the program, but OMB refused to release the funds. Then, following an appeal by 42 Members of the Senate, President Nixon once again turned down the program funding.

Mr. President, this kind of performance on the part of the Chief Executive is nothing new in the field of feeding hungry Americans. This cutback is just another example of shortsighted leadership. We have seen the same thing in food stamps, commodity foods, school lunches, school breakfasts, and all of the other feeding programs launched by Congress.

I feel particularly distressed about the emergency food program because it has been such a success in South Carolina.

In fact, this program—more than any other—has been responsible for changing many opinions in my State about so-called Federal giveaway plans. Using this program, our county health officers were able to bring in families for medical checkups, often for the first time. They were able to look at the children and the pregnant or nursing mothers, and could prescribe good food as well as medicines and vitamins.

For the first time, our medical leaders in South Carolina really began to look face to face at the effects of hunger and malnutrition. Findings from these contacts led to our State leaders to expand the food stamp program to every county, and to speed up the rate of participation. But the food stamp program is not enough, because it does not reach those specialized needs of the pregnant woman, the nursing mother, or the child under 1 year of age whose brain is so easily susceptible to damage from lack of nutrition.

In South Carolina, 30 counties are aided by funds from emergency food and medical services: Beaufort, Jasper, Fairfield, Oconee, Pickens, Darlington, Greenville, Lee, Williamsburg, Charleston, Lexington, Richland, Florence, Calhoun, Orangeburg, Berkeley, Colleton, Dorchester, Dillon, Marion, Abbeville, Greenwood, Kershaw, Sumter, Horry, Georgetown, Chesterfield, Marlboro, and Hampton. More than \$1.4 million went to this program in my State last year, but under the new budget, they will all virtually be eliminated.

Seven counties participate specifically in what we call the "prescription feed-

ing" program sponsored by OEO. Because of the tremendous success, our outstanding State board of health, under Dr. Kenneth Aycock, tried to expand this program to many other counties. But the OEO and the Department of Agriculture said no—there would be no expansion. In fact, I have learned that more than 500 counties around the Nation have been refused permission to take part in the prescription feeding program because the administration had long ago been planning to eliminate it.

Additionally, the University of South Carolina has been funded at about \$270,000 annually. The project has involved the testing and treatment of children in Beaufort and Jasper Counties for intestinal parasites, as well as the creation of films and easy-to-understand pamphlets and training aids on parasite control. These programs have been very successful in my State. There is a statewide awareness now of the need for good nutrition and sanitation practices. Employers are beginning to understand that well-fed employees are better workers. Teachers are understanding that well-fed children are good learners and can participate in classroom activities. Doctors are understanding that families from poor neighborhoods are afflicted by a host of nutrition related health problems which can be corrected by food. We are making these breakthroughs in South Carolina, but it is in spite of the administration, not because of it. We have had to fight for every program we have received. This is why we hold them so dearly, and hate to see an agency so insensitive as OMB just wipe out a major program. I hope the record we make on this issue today will compel the White House to take action on this critical need in America.

Mr. COOK. Mr. President, I wish to register my strong support for the amendment to the Second Supplemental Appropriations Act fiscal year 1972 (H.R. 14582) which provides \$30 million to be added to the fiscal year 1972 budget for the emergency food and medical services.

I highly commend the Senate Appropriations Committee for approving this amendment and including it in H.R. 14582.

Congressional approval of this amendment will mean that many EFMS programs will be able to continue food and medical services to many needy Americans.

Some of these Americans are in my own State of Kentucky. For example, the Boone Fork Community Kitchen in Fleming, Ky., is funded solely by EFMS money. This community kitchen serves an average of one hot meal a day to 120 of the needy elderly in that county. At one time, the kitchen served 240 elderly persons, but had to cut back due to limitation of EFMS funds. The Boone Fork Community Kitchen not only serves those persons who are able to come in but also the elderly who are not able to leave their homes. In such cases, the meals are delivered from the kitchen. In addition to providing food to needy elderly who may otherwise go hungry, the community kitchen employs 11 persons who had been jobless.

Mr. President, it is unfortunate that our present feeding programs are falling short of meeting the nutritional needs of the poor. But it is fortunate that we have such programs as EFMS which attempts to fill the hunger gap until our present feeding programs are expanded to meet this problem.

Without an additional \$30 million for EFMS in the budget for fiscal year 1972, hundreds of programs across the country will be forced to close down, including the Boone Fork Community Kitchen.

I strongly urge that this amendment receive full congressional approval.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. MAGNUSON).

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

STATEMENT BY SENATOR MAGNUSON

I am extremely gratified that the Senate Appropriations Committee has concurred with my amendment adding \$30 million to H.R. 14582 (the Second Supplemental Appropriations Act) for the Emergency Food and Medical Services (E.F.M.S.) program administered by the Office of Economic Opportunity.

As Chairman of the Labor, Health, Education, Welfare and Related Agencies (O.E.O.) Appropriations Subcommittee, I am keenly aware of the Nixon Administration's drastic and unjustified cutback of E.F.M.S. from \$42.2 million in F.Y. 71 to \$3.5 million in F.Y. 72. As the senior Senator from the State of Washington, I am also painfully aware that nearly 80,000 individuals in my State are being fed each month by church-sponsored food programs. Several hundred thousand individuals, each month, rely upon food stamps or surplus commodities to meet their basic nutritional needs. E.F.M.S. has less stringent qualifications for participation and could be a great means of assistance to the church-sponsored food programs which rely totally for support on voluntary contributions of food and money. Without some governmental assistance, these church-sponsored programs in Washington State can not possibly continue.

Earlier this year, 42 Senators urged President Nixon to continue funding E.F.M.S., but that request was denied on the basis that existing Department of Agriculture programs were adequately meeting the needs of poor and needy citizens.

Mr. President, the figures I have quoted clearly indicate that existing programs are not meeting the needs of the people in Washington State and I am certain that other States, which are also experiencing high rates of unemployment, are also finding existing programs inadequate.

The E.F.M.S. program grew out of the concern sparked by the 1967 hearings which revealed the existence of serious hunger and malnutrition in America. It was intended then, as now, not as a substitute for other direct food assistance programs, but as a flexible tool that might enable all other existing efforts to better alleviate the most serious problems of hunger and malnutrition. Then, as now, its direct assistance efforts are concentrated in the poorest counties where as many as half or more of the poor cannot or do not use food stamp and donated foods programs. Elsewhere, E.F.M.S. money is used to demonstrate more effective methods of dealing with the groups falling outside the normal welfare system (e.g. the "new poor" in Seattle), or problems not the focus of other agencies (e.g. the South Carolina re-

search into internal parasites among the poor). E.F.M.S. grants have established successful models for the feeding of indigent elderly (e.g. the Boone Fork Community Kitchen), and for the monitoring of the School Lunch Program (North Carolina State University). E.F.M.S. has been a key element in local efforts to reach out and identify more of those who might be eligible for the family feeding programs, and has been the principal supporter of the Supplemental Food Program which serves 186,000 pregnant women, new mothers and young infants.

For a relatively small amount of money, the E.F.M.S. has produced a large and valuable dividend in our national effort to alleviate hunger and malnutrition among the poor.

Because the program has no new funding authority, existing programs are being allowed to expire. At the start of this current fiscal year, there were 700 projects in place, worth about \$37 million. By April 1, 1972, there were only 400 projects remaining, worth only about \$20 million. By the start of F.Y. 73, there may be as few as 150 projects still in place, worth only \$10 million. Action in the Second Supplemental is necessary because, without it, additional programs may simply close before the regular authorization/appropriation process can be completed.

The immediate effect of not providing funds through the second supplemental, would be the expiration of remaining programs, releasing staff and facilities that will be difficult to reclaim if the funds are only made available later. In addition, the successful implementation of 1971 food stamp amendments requiring that each state provide outreach for needy persons not yet participating in the program depends in part on the continued existence of the E.F.M.S. In the case of the Supplemental Food Program for pregnant women and young infants, the situation is even more stark; without E.F.M.S. there will not be a Supplemental Food Program.

Mr. President, I ask the Senate Conferees on H.R. 14582 to urge the House Conferees to accede to the Senate Amendment. I know the Conferees will do their best.

Mr. PERCY. Mr. President, I am pleased that the Appropriations Committee has included \$30 million for the emergency food and medical services program—EFMS—in the second supplemental appropriations bill.

I wish particularly to commend the chairman of the Labor-HEW Subcommittee, the Senior Senator from the State of Washington (Mr. MAGNUSON), for his leadership in the effort to provide adequate funds to keep this valuable program alive, funds vital to his own State of Washington as well as many other States.

We cannot allow hundreds of projects which provide desperately needed services to pregnant women and infants, which serve oppressed minorities such as Indians and migrant workers, to be closed down. By acting to prevent these closings by making these funds available, the Senate is once again demonstrating its determination to win the war against hunger and malnutrition in the United States.

The Senate has gone on record again and again over the past 2 years or so to indicate its strong support for EFMS and its desire to see the program effectively implemented. Most recently, 42 Members of this body joined in signing a letter to the President urging that funds not be withheld from these projects. Our efforts have been thwarted by those

whose first concern is economy in Government.

To cut this program, however, is false economy. Projects which assure proper nutrition to mothers and their young offspring are a prudent investment, for they reduce the potential for later institutionalization and the public expense associated with that.

In Illinois, 13 projects which serve many thousands of persons throughout the State might be forced to shut down over the next several months if these funds are not provided. Most of the projects provide direct services—food stamps,

food purchase vouchers, or certification for food stamps—to needy individuals and families.

The Springfield-Sangamon County project, for example, offers a wide variety of services. In a period of 9 months, 1,620 individuals have been helped with direct food purchases; 444 families have been provided with food stamps; 211 families have received food pantry service; 423 people were given transportation to and from medical facilities; 268 people were given direct medical assistance; 4 teenage pregnancies were aided; 4,500 schoolchildren and 100 elderly citizens were

served breakfasts; and 17 cases of malnutrition were identified and treated. That is a marvelous record of accomplishment and the total Federal commitment for the term of the project—which has over a year to run—is only \$28,000.

I ask unanimous consent that a table listing the EFMS programs in Illinois be incorporated in the RECORD at the conclusion of my remarks.

Providing food and medical services to the needy must remain a No. 1 priority for the Nation. We must provide these additional funds at this time to indicate our commitment is as strong as ever.

ILLINOIS EMERGENCY FOOD AND MEDICAL SERVICES PROJECTS

Project	Funding level	Term of funding	Termination date	Numbers served	Project	Funding level	Term of funding	Termination date	Numbers served
Decatur, Makin County.....	\$33,996	18 months.....	Feb. 28, 1973.....	3,009.	Madison County.....	\$20,956	.....do.....	Unavailable.....	Unavailable.
Peoria.....	25,000	1 year.....	Dec. 31, 1972.....	300.	Cook County OEO.....	353,000	Undefined.....	July 1972.....	16,300 per month.
Vermilion County.....	50,000	2 years.....	June 30, 1973.....	3,000.				(estimated).	
Springfield, Sangamon County.....	28,000	.....do.....	July 31, 1973.....	6,932 individuals, 655 families.	Kankakee Land CAP.....	20,000	1 year.....	Feb. 28, 1973.....	3,000.
Embarrass River Basin CAA.....	15,000	1 year.....	Jan. 31, 1973.....	5,630.	Project NOW, G.I. Forum, Rock Island.....	10,000	.....do.....	July 1972.....	3,000.
Wabash County.....	19,122	.....do.....	Nov. 30, 1972.....	996 families.	Cook County Urban Organization.....	472,000	Unavailable.....	Unavailable.....	Unavailable.
Shawnee County.....	15,000	.....do.....	Aug. 31, 1972.....	1,941.					
St. Clair County.....	50,000	.....do.....	Dec. 31, 1972.....	3,500 families.					

EDUCATION PROGRAMS

Mr. KENNEDY. Mr. President, I am pleased to take this opportunity to request that the Senate approve the appropriations provided in H.R. 14582, the second supplemental appropriations bill. I am particularly pleased that under the considered concern of the chairman of the Subcommittee on Appropriations for HEW and Labor, this bill includes appropriations for two education programs that I strongly support.

First, the bill includes \$9 million that I, along with 17 other Senators requested to continue 26 Follow Through programs. Second, this bill includes the \$5.8 million I requested to enable over 10,000 veterans to receive education benefits through the Upward Bound and Talent Search programs.

In addition, I am concerned about the need to provide adequate funding for educational work-study programs. Therefore, I urge the approval of \$75.4 million for work study grants to provide academic training for 173,000 students.

Included in the total package of H.R. 14582 are appropriations to supplement funding operations for many worthwhile programs that fully deserve the support of this Senate. However, I am particularly concerned about Follow Through, veterans in Upward Bound and Talent Search, and the work study program. I am concerned because each of these are proven educational programs that deserve to continue offering assistance for needy students.

Only with substantial funding will benefits be available to those who seek their help. For that reason I strongly urge the Senate to approve the following appropriations requests:

FOLLOW THROUGH

First the appropriation of \$9 million for a continuation of the Follow Through program in 26 communities is important to the parents and to the 8,350 students enrolled in these projects. The Office of Education announced plans to close the Follow Through programs in Pittsfield,

Mass. and in 25 other communities around the country in March 1972. That announcement raised serious questions about the administration's credibility regarding education programs because the administration had assured the Congress that such cuts would not occur. Last year the administration insisted there was no intent to cut back any programs at the time the OE requested a reduction of \$9 million in the Follow Through budget.

Nevertheless, it is now necessary for the Congress to restore the funds because the administration seeks to eliminate the programs. I am pleased that the committee agrees with the need to continue with these projects. Nationwide, 91,000 youngsters, enrolled in Follow Through programs, are gaining comprehensive education benefits in kindergarten through grades 3. In reading and in other basic skills, Follow Through students show substantial improvements over those who are not enrolled.

In Pittsfield, Mass. parents overwhelmingly support this program because they approve of the intensive and careful concern shown to their children by the teachers and staff assistants in Follow Through.

I have supported these projects because Follow Through is properly designed to preserve and build on the gains made in Headstart and in other preschool compensatory programs.

Along with Senator STEVENSON and the other Senators who requested the committee to include funds for these projects, I was gratified that the bill reported by the committee includes the funds requested.

VETERANS IN UPWARD BOUND AND TALENT SEARCH

With current public attention focused on the swelling number of veterans returning from Vietnam, I feel it is appropriate that the bill before the Senate today includes funds to assist veterans to seek help in completing their education.

Both Upward Bound and the Talent

Search program are intensive projects designed to attract to college campuses those young people who have avoided the quest for college training because they have been denied the proper motivation. Upward Bound has clearly proven its value in assisting over 32,000 students since 1965, who otherwise may have been denied access to college training. Therefore, I am particularly pleased that the subcommittee accepted my request to provide \$5.8 million to enable veterans to take advantage of these programs. Accordingly, \$4 million will provide slots for 10,000 veterans in Upward Bound; \$1 million will be used to seek out some 12,000 veterans through the facilities of Talent Search; while the balance of \$800,000 will provide for program administration and staff training. These worthwhile projects are fully deserving of approval by this Senate.

EDUCATIONAL WORK STUDY

Finally, I wish to commend the Appropriations Committee for its expression of concern about the need to continue support for educational work-study programs. These projects, operating in 2,900 institutions offer opportunities to 545,000 needy students to earn funds to support their educational training.

Again, this is a program with a substantial achievement record that fully deserves Senate approval.

In summary, the need for educational assistance through Federal programs is vital across the board. The appropriations included in this bill for education are needed in some instances to maintain on-going projects, and in other cases to slightly extend coverage to new students.

Yet, despite the concerns expressed by the appropriation of these moneys there is a need for even more help in many areas.

The Senate's approval of the funds designated in this bill will at least insure benefits for those who have already ac-

cepted the fulfillment of Federal promises.

It is my hope that in approving these appropriations today, we shall show that we continue to believe in those education projects that are designed to raise the academic achievement levels of many of our Nation's needy students.

FUNDS FOR THE KANSAS CENTER FOR THE DEVELOPMENTALLY DISABLED

Mr. DOLE. Mr. President, I wish to express my support for H.R. 14582, the second 1972 supplemental appropriation bill, and urge Senators to approve these needed appropriations. I have a special interest in the passage of this bill because it contains appropriations to provide initial funds for the manpower training program of the university-affiliated mental retardation center in Kansas City, Kans.

The University of Kansas Mental Retardation Center, once operational, will supply health manpower to work with the developmentally disabled in Kansas. It will also provide diagnostic and advisory services along with an organized program for improving delivery of these services. The benefits of this program to the developmentally disabled of Kansas and their families are significant and with the university affiliated programs progressively assuming more of a regional responsibility, the same benefits could eventually become available to the disabled in surrounding States thus, the Kansas can be seen as an important link in the national program to better the lives of the developmentally disabled.

The Kansas University affiliated mental retardation center has faced many problems in its struggle for existence. An application for construction funds for the new building in Kansas City was submitted in 1966. After a 2-year delay, construction funds were finally awarded in 1968, and the facility is now nearly completed. Dr. Richard Schiefelbusch, director of the Kansas UAF, has for several years attempted to obtain maternal and child health program funds for the medical center facility, although applications to MCH services in the Department of Health, Education, and Welfare for this purpose have not been approved because of low MCH appropriations. In 1971, a commitment was made by MCH to fund Kansas if additional funds were made available to MCH by the Congress in 1972. However, even though a higher MCH appropriations request for 1972 did receive congressional approval, inflated operational costs in existing UAF programs exhausted the extra appropriation and made funding of the Kansas UAF an impossibility once again. For much the same reasons, funds for the Kansas UAF were not included in the 1973 MCH budget.

I would emphasize that UAF is at a critical stage in its development. Immediate funding through H.R. 14582 will permit the program to begin operating immediately, and will allow the program to take advantage of the excellent organizational structure which has been established by Dr. Schiefelbusch and his assistants.

A delay in funding would make the program's future very uncertain, because professionals who are tentatively com-

mitted to participating in the program will be forced to seek employment with a more certain future. MCH program funds for the University of Kansas Medical Center UAF must be made available now to take advantage of the full potential offered by the work done by Dr. Schiefelbusch to date. For these reasons, passage of this bill is of special concern to the well-being of the disabled in Kansas.

The \$112,000 included in this supplemental appropriation for the Kansas UAF will enable the immediate development of a most worthwhile program. The university-affiliated mental retardation center in Kansas City will provide:

First. Urgently need, well-trained health manpower to work with the developmentally disabled.

Second. Referral services for amplex diagnostic and treatment problems.

Third. Advisory and technical services to existing statewide programs.

Fourth. Programs for improving delivery of these services to the handicapped.

Each of these points deserves a brief elaboration.

MANPOWER TRAINING

The State and the area have long needed a full-blown interdisciplinary training program to provide health manpower to work with the developmentally disabled. Planning committees agree upon the need for interdisciplinary training for nurses, nutritionists, occupational therapists, special educators, and pediatricians. The UAF has planned an optimal arrangement for training in these critical areas of State manpower needs.

DIAGNOSIS AND PLANNING

The University of Kansas Medical Center serves Kansas and neighboring areas as a referral center for complex diagnostic and treatment problems. Included are the mentally retarded and those with cerebral dysfunctions, learning disabilities, and emotional disturbances. Presently, we are talking about several hundred children and their families who would be accorded improved and coordinated services in the new UAF facility. In addition to diagnostic services, the families can count on improved resources for planning and implementing appropriate placement and followup services. The UAF program would provide a staff to work with communities and other service agencies to assure that critical services are provided and maintained.

ADVISORY AND TECHNICAL SERVICES

Through the State interagency council on developmental disabilities and such agencies as the Kansas Association for Retarded Children, it has become increasingly clear that important educational services, advisory services, short-term training courses, and paraprofessional services are greatly needed by personnel already serving the handicapped in the State. The design is essentially for the UAF through the medical center's newly organized resources to provide technical and professional services to the State in the manner prescribed by the State and arranged through existing channels. The UAF's staff of organized

personnel would then be a major resource in the State.

IMPROVEMENT OF SERVICE PROGRAMS

The UAF unit at KUMC will provide for an organized program for improving delivery of services to the handicapped. A critical team of specialists will be composed both of medical and behavioral specialists who will undertake to develop better programs for the preschooled handicapped, for institutionalized handicapped who seek a return to community living arrangements, for culturally impaired handicapped individuals who seek improved education resources, and for parents of handicapped children who seek to improve their own capabilities for training in the homes. Included in the last are minority groups—Indians, Chicanos, urban blacks, and rural poverty groups—who seek critical service improvements for their handicapped children. Many of these programs have already been undertaken, but there is currently a lack of critical manpower for completing the program.

The funds needed to initiate this excellent program are included in H.R. 14582, and I urge Senators to support this legislation and thereby assist Kansas in its effort to better the lives of the developmentally disabled.

THE ALASKA NATIVE FUND

Mr. STEVENS. Mr. President, in this bill, making a supplemental appropriation for the present fiscal year, on page 8, line 17 to page 9, line 5, appears a new proviso concerning the Alaska Native fund. This proviso was added by the Appropriations Committee at my request. It authorizes the advancement to each regional association the sum of \$1,000,000 in fiscal year 1972. This sum must be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Alaska Claims Settlement Act. This advance must be credited against the first moneys due to such corporations under the Alaska Native Claims Settlement Act. It must first be used to repay any loans advanced to such corporations by any financial organization after the date of the Native Claims Settlement Act. It limits the village corporations eligible to receive such advancements to those determined by the Bureau of the Census in the 1970 census to have had 25 or more Native residents living within them.

Mr. President, the reason it has been necessary to introduce this legislation is because of an apparent anomaly resulting from two potentially conflicting sections of the Native Claims Settlement Act. Section 6(a)(1)(A) authorizes the appropriation of \$12,500,000 during the fiscal year 1972. Section 6(c), however, requires the Alaska Native roll to be completed prior to the distribution among the regional corporations. The latter section also provides that shares of regional corporations not yet organized must be retained in the Alaska Native fund until the corporations are all organized.

The advancement contained in the supplemental appropriation will permit the regional associations to form regional

corporations. They will be permitted to form up to 12 such regional corporations. Each such regional association is appropriated the sum of \$1 million in the current fiscal year.

The amendment further provides that the moneys advanced to the regional associations are to be used solely for organization of the regional and village corporations within each region and to identify land for such corporations under the Alaska Native Claims Settlement Act. The moneys are to be used by the associations and credited to the moneys granted to the regional corporations.

The legislation further provides that the advancements must be used to repay bank loans advanced to the regional and village corporations by financial organizations after December 14, 1971. This has been necessary because a number of lending institutions have advanced money with the specific understanding that there was to be repayment as soon as possible.

Finally, there is a requirement that eligible villages must contain at least 25 persons. This is the figure used in the Alaska Native Claims Settlement Act to determine eligibility. While some villages may be at a disadvantage and ineligible to receive advanced funds, the provision will permit the expeditious advancement of funds to those villages eligible according to the act on a prima facie basis without unduly delaying the process.

Mr. President, the importance of the Native Claims Settlement Act for our State of Alaska cannot be overemphasized. This is a landmark settlement of many aboriginal Native claims throughout the State of Alaska. The rapid implementation of this act is both necessary and fair. Many Native groups have long awaited the settlement of their claims. Many others are in dire straits financially and desperately need the money forthcoming under the act in order to continue even a minimal existence. Considerable time, up to 2 years, will be necessary to complete the enrollment procedures under section 5 of the act. It will also take considerable time and money to organize the regional corporations under section 7. Until that time under the act, if no amendment is added, funds will be effectively frozen. It is the intent of the Appropriations Committee to alleviate this severe hardship.

At my request, the conference committee on the Alaska Native Claims Settlement Act authorized \$12.5 million for the current fiscal year. However, even if this money is appropriated, unless my amendment is adopted it will not be forthcoming immediately, as I have just indicated. One of the agreements made in conference and approved by Congress was the authorization for the \$12.5 million in the first fiscal year and \$50,000,000 in the second fiscal year. To place these moneys in a fund in the Treasury will be of no use to these regional and village corporations which so vitally need the funds to initiate the work for the Alaska Native people in each area.

Mr. President, I would just like to add one final word. The distinguished Senator from Nevada (Mr. BIBLE) has provided great leadership in this matter. He

was a member of the conference committee on the Native Claims Settlement Act itself and has also provided distinguished guidance as chairman of the Interior Subcommittee of the Appropriations Committee. He knows the bill well and the problems the people of my State face. His kindness and thoughtfulness will be long remembered throughout the State of Alaska.

I would also like to thank the distinguished Senator from Louisiana (Mr. ELLENDER) and the distinguished Senator from North Dakota (Mr. YOUNG) who, as the chairman and ranking Republican member of the Appropriations Committee, have also provided a great deal of encouragement and guidance to me. I am also grateful to all the other members of the Senate Appropriations Committee for their encouragement and assistance in this vital matter.

IN SUPPORT OF SEVERAL PROVISIONS

Mr. ROBERT C. BYRD. Mr. President, I wish to express my support for several items contained in H.R. 14582, the second supplemental appropriations bill for 1972, which was reported by the Senate Appropriations Committee on April 27, 1972.

The bill, as reported by the Senate Appropriations Committee, recommends appropriations of \$5,063,387,439, which is an increase of \$197,444,050 over the budget request and \$1,108,934,081 over the amount included in the House bill. It should be pointed out, however, that a large portion of the Senate increase over the House amount is due to the fact that many of the supplemental items were submitted directly to the Senate.

I have long been a strong supporter of increased assistance for education, and I want to go on record as supporting the items contained in this bill for educational activities. The Senate bill contains \$300,400,000 for Federal aid to higher education. Included within this total are \$130,200,000 for educational opportunity grants; \$75,400,000 for college work study grants; and \$89,000,000 for national defense student loans.

The Office of Education informs me that within the amounts included in the Senate bill for the Office of Education, West Virginia will receive a total of \$3,118,703 for the following educational purposes:

Seven hundred and fifty-three thousand six hundred and forty-nine dollars for national defense education loans; \$1,058,246 for work study grants; and \$1,306,808 for educational opportunity grants.

There is another educationally oriented program which I have supported and which I commend the committee for funding in this bill, and that is the inclusion of \$5,800,000 for Projects Upward Bound and Talent Search. While the amount involved is not large, I believe this program will have a very significant impact on many of our returning veterans who have not previously availed themselves of the opportunity of continuing their educations. This program will be targeted toward veterans and it is specifically designed to place a substantial number of veterans in postsecondary and higher educational

institutions, with special emphasis placed on the veteran who does not have a high school equivalency certificate. The primary selection of grantees will be from States with large concentrations of unemployed veterans.

The immediate need for this program is demonstrated by the fact that only one-fifth of an estimated 5,625,000 eligible veterans are currently enrolled under provisions of the GI bill in some form of education or training programs, and, of those who are enrolled, only a small percentage are from low-income, disadvantaged, and/or minority backgrounds.

It is unfortunate that West Virginia has one of the lowest records for utilizing veterans educational benefits. I have been assured that there will be a concentration of these efforts in West Virginia, and I am hopeful that these efforts will result in more West Virginia veterans utilizing their benefits, and thus improving their opportunities to earn a better living for themselves and their families.

I also wish to reiterate my support for the \$247 million included in the Senate bill for the Neighborhood Youth Corps summer programs. I was a cosponsor of the amendment offered in the Appropriations Committee, increasing this amount from \$95 million to \$247 million. This amendment will provide 9-week job opportunities for 947,828 economically disadvantaged youths, ages 14 to 21 in urban and rural areas. I believe that this program is an appropriate mechanism with which to provide work experience for disadvantaged youths in the summer months and that this will do much to alleviate the idleness which too often provides an excuse for social unrest and a tendency toward criminal activities.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ELLENDER. I yield back my time.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER (Mr. STEVENSON). All time having been yielded back, and the bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14582) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. MAGNUSON, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. MCGEE, Mr. PROXMIER, Mr. MONTOYA, Mr. INOUE, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, Mr. COTTON, Mr. CASE, and Mr. FONG conferees on the part of the Senate.

Mrs. SMITH. Mr. President, I am most gratified that the Senate has acted favorably on my proposal incorporated in my bill S. 2966 by including it as an amendment to H.R. 14582 in title I, chapter I on the appropriations for the Department of Agriculture.

I am disturbed with a misrepresentation being sent to Aroostook County not

only that no action had been taken on S. 2966 but that such misrepresentation went even further to charge that "none is planned."

It is most difficult to understand why such a misrepresentation should be made in the face of the actual facts. The most charitable conclusion that I can reach is that the misrepresentation resulted from a failure of someone to make inquiry as to the factual situation before making the misrepresentation.

I sought action on S. 2966 at the first possible time after I introduced it. That first opportunity came when the Senate Appropriations Committee was considering the urgency supplemental appropriations bill on March 14, 1972. I offered S. 2966 as an amendment to that bill. The committee rejected it because it was claimed that the House would not accept any amendments to that bill.

I then notified the committee that I would again offer S. 2966 as an amendment to the second supplemental bill, this bill, H.R. 14582, when it came before the committee. When I did, members of the committee indicated that they would be favorably disposed to accept it.

On April 24, 1972, a week ago, the Appropriations Subcommittee on Agriculture accepted my S. 2966 in the form of an amendment to H.R. 14582 and the full committee approved it on April 27, 1972. Now today the full Senate has approved it.

Surely that is not a record of "no action has been taken and none is planned" as has been represented to at least one Aroostook County farmer.

I am grateful to the Senate for it now has done all that it could in support of S. 2966, which will become law unless the House conferees on H.R. 14582 oppose S. 2966 and refuse to accept it in H.R. 14582.

However, I am most hopeful that this action against the farmers will not be taken by the House conferees. I am hopeful because Representative HATHAWAY has expressed his support for this proposal—and as a member of the House Appropriations Committee, I am sure that Representative HATHAWAY can convince his colleagues on the House Appropriations Committee, who are chosen as House conferees on H.R. 14582 to agree to the Senate's action in putting my S. 2966 proposal in the bill and keeping it in the bill.

The language of the provision in the bill is:

Cropland Conversion Program

For necessary expenses to carry into effect the land use Adjustment program authorized in section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)), \$10,000,000 to remain available until expended.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending order of business at this time?

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 1175

Mr. STENNIS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The assistant legislative clerk read as follows:

Strike out lines 1 through 12, inclusive, on page 38 of the bill.

Mr. STENNIS. Mr. President, this amendment proposes to strike out title VII, which is all of section 701 on page 38.

I call up that amendment at this time so that it may be made the pending business.

The PRESIDING OFFICER. It is the pending business.

Mr. STENNIS. Mr. President, I do not have any desire to discuss the amendment, particularly, now, and I note that the manager of the bill is not in the Chamber, so there could not be any agreement now about the time limitation or anything like that. I do not think it would be in order now, anyway. But I will address the Senate on this amendment when we reconvene.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I apologize for keeping the Senate in session a wee bit late, especially in view of the fact that many Senators have committed themselves to an engagement tonight. However, had action on the supplemental appropriations bill not been completed today, it would have been necessary to come in early tomorrow, but more importantly, there is a likelihood that fresh amendments would have been prepared overnight, with the result being that the Senate, on tomorrow, would have had to travel over some of the same ground that was plowed today, to say nothing of possible new amendments being offered and additional points of order being made tomorrow.

In view of the fact, therefore, that the Senate has completed its action on the supplemental appropriations bill, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

AUTHORIZATION FOR THE RECORD TO REMAIN OPEN UNTIL MAY 19 FOR EULOGIES CONCERNING THE LATE JAMES F. BYRNES AND FOR PRINTING OF THE EULOGIES AS A SENATE DOCUMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the

eulogies concerning the late James F. Byrnes, former Representative, United States Senator, Governor of the State of South Carolina, Member of the U.S. Supreme Court, and Secretary of State of the United States, be bound and printed as a Senate document.

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

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent that the RECORD remain open until May 19 so as to permit Senators additional time in which to include eulogies regarding Mr. Byrnes.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This may very well be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR WAIVER OF THE RULE OF GERMANENESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived during the session tomorrow.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon tomorrow.

After the assistant leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with the usual 3-minute limitation on statements therein.

Following the transaction of routine morning business, the unfinished business will be laid aside temporarily, under the order previously entered, and the Senate will then take up H.R. 11589, authorizing the foreign sale of certain passenger vessels. There is a time agreement of 2 hours on the bill, 1 hour on any amendment in the first degree, 30 minutes on any amendment to an amend amendment, any debatable motion, or appeal. At least one rollcall vote is expected in connection with that bill.

Following the disposition of the bill, at some time during the afternoon—I do not expect it to be before 2 o'clock—the Senator from Alaska (Mr. GRAVEL) will move that the Senate go into a closed session, under rules XXV and XXXI.

If there is a second to that motion, the Senate will proceed to conduct a closed session. Rollcall votes could occur therein.

Following the closed session, the Senate will return to the consideration of the unfinished business, S. 3526. The pending question at that time will be on the adoption of the amendment by Mr. STENNIS' amendment No. 1175. Depending upon the hour at which the Senate returns to legislative session, at the conclusion of the closed session, the Senate

may proceed with further debate on the Stennis amendment tomorrow afternoon.

ADJOURNMENT

Mr. ROBERT C. BYRD. 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 12 noon tomorrow.

The motion was agreed to; and at 6:59 p.m., the Senate adjourned until tomorrow, Tuesday, May 2, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 1, 1972:

DEPARTMENT OF THE TREASURY

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury, vice John R. Petty, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

EXTENSIONS OF REMARKS

PROJECT SANGUINE

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, May 1, 1972

Mr. NELSON. Mr. President, it is only 10 days or so since I called to the attention of the Senate a very important and critical report on the Navy's proposed Project Sanguine communications system. At that time I said that it seems that the more the scientific community studies Project Sanguine, the more serious is the doubt expressed that the system can work.

Now just a few days later there is further evidence of this growing doubt with the issuance of an equally critical study of Project Sanguine by Drs. Michael McClintock and Alwyn Scott, both of the University of Wisconsin.

To clarify the record I would like to point out that Drs. McClintock and Scott issued a previous study on Sanguine and that the study I reviewed just recently was by Dr. Charles W. Harrison, Jr., of the Sandia Laboratories of Albuquerque, N. Mex., and a member of the review panel selected by the National Academy of Sciences and the National Academy of Engineering to study the feasibility of Project Sanguine.

In this latest study, Drs. Scott and McClintock not only agree with major premises of Dr. Harrison but point to scientific data that substantiates their earlier position that Sanguine would need an unrealistic amount of power or be an extremely slow method of communication. They also described as "highly doubtful" the Navy's proposal that the project can be powered from existing commercial electric power sources.

As I pointed out when discussing Dr. Harrison's report, the Navy apparently is satisfied that the necessary research and development work on Sanguine is very nearly finished and is proposing to advance the project to the so-called validation phase.

Obviously, much more careful analysis of the problems these studies point to must be made before the Congress agrees to this step.

Mr. President, I ask unanimous consent that the report by Dr. Scott and Dr. McClintock, entitled "A Further Technical Appraisal of Sanguine Type Signalling Systems," be printed at this point in the RECORD, to be followed by

biographical sketches of Drs. McClintock and Scott.

There being no objection, the report and biographical sketches were ordered to be printed in the RECORD, as follows:

A FURTHER TECHNICAL APPRAISAL OF SANGUINE TYPE SIGNALING SYSTEMS

(By Alwyn Scott, professor of Electrical Engineering; Michael McClintock, senior scientists, Space Science and Engineering Center; and Paul Rissman, graduate student in electrical engineering)

I. INTRODUCTION

On May 3, 1971 the Wisconsin Committee for Environmental Information published a "Report on the Technical Feasibility of Project Sanguine" which concluded that Project Sanguine could not work at the power levels suggested by the Navy.* The reason for this conclusion was that a buried transmitting antenna is extremely inefficient. Thus it must transmit data very slowly and can easily be jammed. Reports coming to a similar conclusion have been made public by Professor A. W. Biggs of the University of Kansas. [1, 2]

Since that time additional information has been made available by the Navy and by others which further weakens the case for Project Sanguine. The purpose of this paper is to review and summarize this additional information.

II. CHARACTER OF THE "LAURENTIAN SHIELD"

The calculations in the WCEI Report were made using the very low value of ground conductivity (5×10^{-4} mho/meter) which was suggested by the Navy. [3] Such a low value of ground conductivity assumes that the geological structure of Northern Wisconsin is dominated by the "Laurentian Shield" a large piece of dry granite said to lie just below the surface. Discussions with geologists indicate that this simply is not true. The Wisconsin State Geologist says that the bedrock structure in Northern Wisconsin is very complex [4] (also see Appendix B). F. C. Frischknecht of the U.S. Geological Survey states in a recent report [5]:

"However there is a good possibility that locally the bedrock contains a sufficient concentration of electronically conducting materials [ref. in original text] to render it highly conductive. Previous ground measurements by the U.S. Geological Survey have shown that locally Ironwood Iron Formation and Tyler Slate of the Gogebic Range are highly conductive. Black carbonaceous or graphitic slates have been encountered in drill holes in the areas surveyed [refs.]; these slates [refs.] are likely to be conductive . . . There is also a possibility that water filled shear zones, which are relatively

good conductors at VLF frequencies, exist in the area."

and later:

"If a detailed VLF survey were carried out the magnetic field data should be evaluated carefully in an effort to trace bedrock conductors. Such bedrock conductors could have resistivities on the order of 1 ohm-meter or less [1 mho/meter or more], occur in bands hundreds of feet wide, and extend for several miles."

It is well known that as the ground conductivity goes up the efficiency of a buried antenna decreases and the system performance deteriorates. Until there is more detailed knowledge of the ground structure, therefore, the ground conductivity of 5×10^{-4} mhos/meter suggested by the Navy and assumed in the WCEI Report must be regarded as optimistic.

It is disturbing to note that although the Frischknecht Report was commissioned by the Navy in support of Sanguine it is not mentioned in a recent Navy discussion of the project [6].

III. SURFACE CONDUCTIVITY

It is assumed by the Navy that the antenna currents will loop several miles down into the low conductivity "Laurentian Shield". This effect is absolutely necessary in order to provide even the marginal system performance anticipated by the Navy. But the bedrock in Northern Wisconsin is covered with a surface layer of ordinary soil which may be up to several hundred feet thick, and, according to the Wisconsin State Geologist, the depth profile of this surface layer has not been surveyed [4]. In the springtime the surface layer will become wet and the conductivity may be as large as 5×10^{-2} mho/meter or a factor of 100 larger than the value assumed by the Navy for the ground conductivity. Thus the antenna current may be almost entirely shunted through this surface layer during the springtime rendering the system totally useless. The Navy asserts that "only 3 to 5%" of the antenna current will flow through the surface layer but it has been unable to provide either theoretical or experimental arguments to substantiate this claim [7].

IV. PERFORMANCE OF A BURIED ANTENNA

The Navy continues to assert that effects introduced by burying a Sanguine antenna can be neglected [ref. 6, page 14]. They even state incorrectly that this is the position of Professor Biggs and of the authors of the WCEI Report. Beyond the observation that "no contrary theory has been proposed in the literature" they support their assertions only by some recent comparisons between the receiving properties of loop antennas (of five foot diameter) above and below ground. These experiments were carried out at Wendover Air Force Base in Utah and at Plum Island near Ipswich, Massachusetts [9]. These experiments tell absolutely nothing about the effects of burial upon a large Sanguine type antenna; the results are only valid for

* The WCEI report was subsequently published in the CONGRESSIONAL RECORD of May 17, 1971, pp. 15378-15386 and in "Environment" September 13, 1971 pages 17-19 and 42-45. It is included as Appendix A to this report.